



THE CRUELEST CUTS

OBSERVER SPECIAL REPORT: *First of Six Parts*

The human cost of bringing poultry to your table



PHOTOS BY JOHN D. SIMMONS - jsimmons@charlotteobserver.com

Chickens move down the line at House of Raeford's West Columbia, S.C., plant, where about 90 percent of workers are Latino. Thousands of cutting motions per shift can leave workers' hands in pain.

House of Raeford Farms masks injuries inside Carolinas plants

BY KERRY HALL, AMES ALEXANDER AND FRANCO ORDOÑEZ
Staff Writers

In an industry rife with danger, House of Raeford Farms depicts itself as a safe place to work. Company records suggest relatively few workers are injured each year as they kill, cut and package millions of chickens and turkeys.

But an Observer investigation shows the N.C. poultry giant has masked the extent of injuries behind its plant walls.

The company has compiled misleading injury reports and has defied regulators as it satisfies a growing appetite for America's most popular meat. And employees say the company has ignored, intimidated or fired workers who were hurt on the job.

House of Raeford officials say they fol-

low the law and strive to protect workers.

But company and government records and interviews with more than 120 current and former employees show:

- House of Raeford's 800-worker plant in West Columbia, S.C., reported no musculoskeletal disorders over four years. Experts say that's inconceivable. MSDs, including carpal tunnel syndrome, are the most common work-related injuries afflicting poultry workers.

- Its Greenville, S.C., plant has boasted of a five-year safety streak with no lost-time accidents. But the plant kept that streak alive by bringing injured employees back to the factory hours after surgery.

- The company has broken the law by failing to record injuries on government safe-

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ONLINE VIDEO

Scenes from inside a poultry plant; hear workers talk about their pain.

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POULTRY'S MARK: RUINED HANDS

A quarter-century ago, poultry processing changed forever with the introduction of a revolutionary product: the Chicken McNugget.

The bite-sized pieces ignited demand for new poultry offerings. Now, dozens of specialty cuts – and hundreds of chicken and turkey products – are available to consumers. The revolution has come with consequences.

In America's poultry plants, which rely increasingly on vulnerable Latino immigrants, workers' hands are more threatened than ever.

Karina Zorita knew little of this when she considered a poultry job four years ago. **IN THE BIG PICTURE, 15A**



Karina Zorita

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE



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The House of Raeford plant in West Columbia, S.C., processes 750,000 chickens a week. Chickens are de-feathered, gutted and conveyed to processing lines. The company says it has "programs in place to provide a safe and respectful work environment for all business associates. These programs adhere to government regulations and guidelines ..."

Pain of poultry work is found near plants

Poultry from 1A

ty logs, a top OSHA official says.

At four of the company's largest Carolinas plants, company first-aid attendants and supervisors have dismissed some workers' requests to see a doctor - even when they complained of debilitating pain.

Companies have a financial incentive to hide injuries. Ignoring them lowers costs associated with compensating injured workers for medical care and lost wages.

Also, the government rewards companies that report low injury rates by inspecting them less often. And regulators rarely check whether companies are reporting accurately.

Government statistics show a decade-long decline in injuries among poultry workers. Critics say the numbers are misleading. They point to one government measure showing that employees in toy stores are more likely than poultry workers to develop musculoskeletal disorders.

Experts say that's implausible; poultry workers routinely make more than 20,000 cutting motions a shift, and the work often leaves them with nerve and muscle damage.

House of Raeford and other poultry companies depend heavily on workers' hands to turn thousands of birds each day into convenient cuts for restaurants, stores and cafeterias. Companies increasingly rely on Latino immigrants, who are often reluctant to complain for fear of being fired or deported.

House of Raeford says it looks out for the safety of workers and treats them with respect.

"We come to work with five fingers and toes," said company safety director Bill Lewis. "And we go home with the same thing we came in with."

The newspaper asked one of the federal government's top record-keeping experts to review House of Raeford's safety logs and what injured workers told the Observer. Bob Whitmore, who has directed the national injury and illness record-keeping system for the U.S. Labor Department since 1988, said he believes his agency has failed to protect poultry workers.

Whitmore was not authorized to comment for the government but said he felt compelled to speak on behalf of workers.

After reviewing the Observer's findings, he said, "This is violating the laws of human decency."

Growth comes with cost

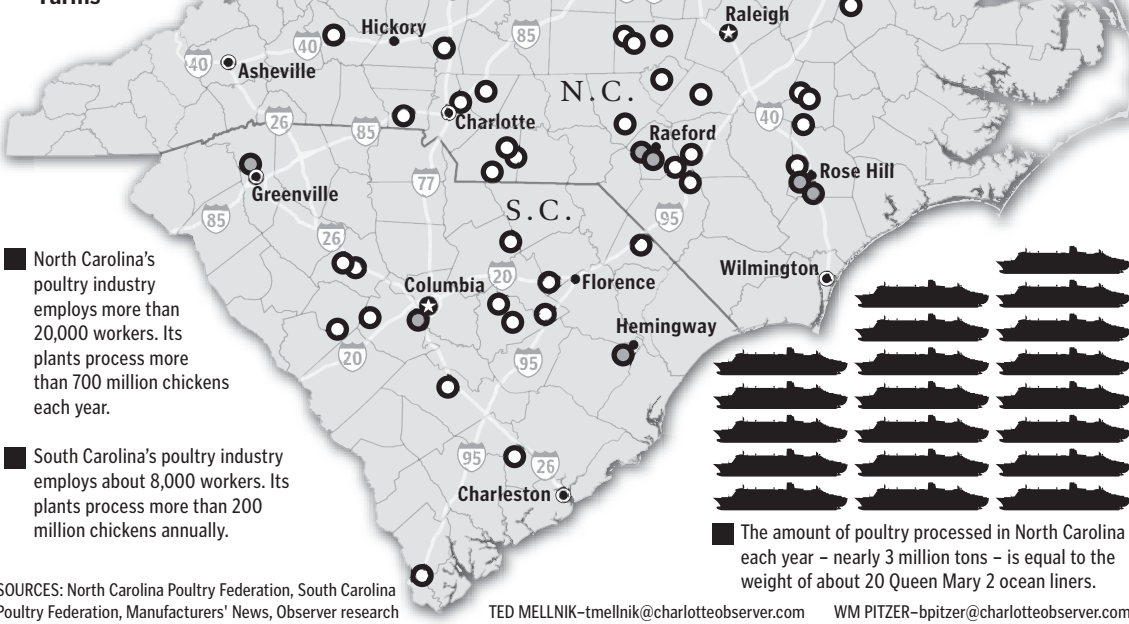
House of Raeford isn't a household name.

A poultry leader

More than 80 percent of the nation's poultry is processed in the South. North Carolina ranks second in turkey processing, behind Minnesota, and fourth in chicken processing. About 50 processing plants are spread across the Carolinas, including seven House of Raeford plants.

● Poultry plant locations

● House of Raeford Farms

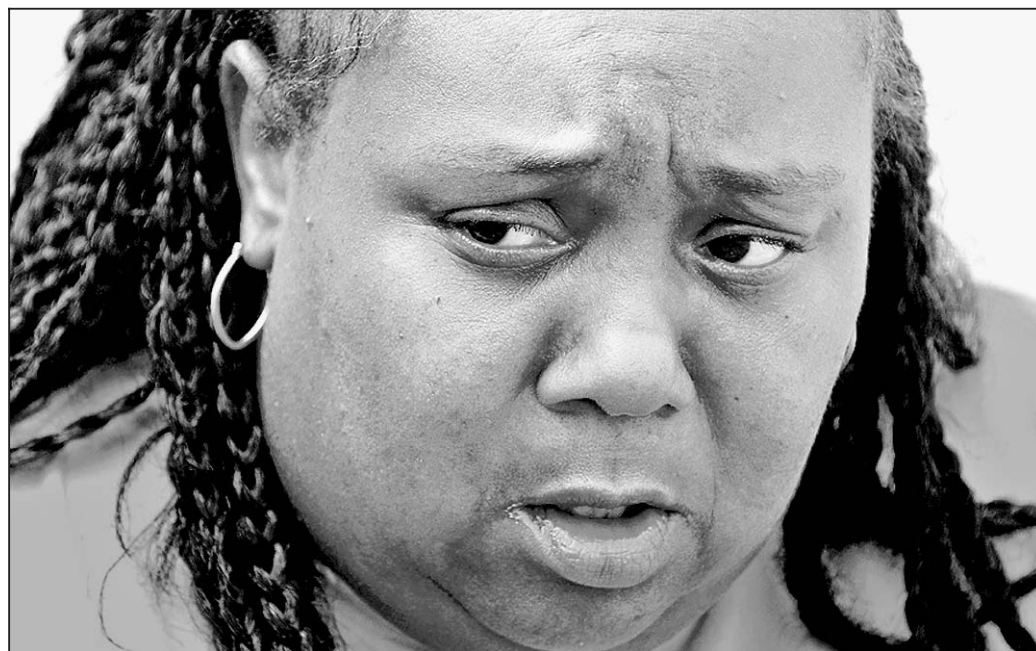


SOURCES: North Carolina Poultry Federation, South Carolina Poultry Federation, Manufacturers' News, Observer research

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Claudette Outerbridge says her hands were injured at a House of Raeford plant in Raeford, where her job included cutting turkey gizzards. "I would go to work sick or I would go to work in pain, and they didn't care," she says.



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It has climbed from a backyard bird operation to one of the nation's top 10 poultry processors, helping make North Carolina the second-largest turkey producer. The company expanded turkey consumption beyond holiday dinner tables by creating new products, including deli-style breast meat and turkey "dinosaur" wings. It has grown by acquiring competitors and selling chicken parts overseas.

Its rise has come with a human cost. Workers have been maimed by machines and poisoned by toxic chemicals. Two were killed in accidents managers might have prevented. Even more suffer from grueling, repetitive work that can leave their hands wracked with pain or missing fingers.

The company, based in Raeford in Eastern North Carolina, has been cited for 130 serious workplace safety vio-

lations since 2000 - among the most of any U.S. poultry company.

In communities surrounding House of Raeford plants, the pain of poultry work can be found in aging trailer parks and clusters of weathered rental houses where sheets cover windows for privacy. Knee-high rubber boots spattered with chicken fat rest on stoops.

In Raeford, about 100 miles east of Charlotte, former line worker Claudette Outerbridge lay awake nights because of pain pulsating in her right hand. The ache, she said, stemmed from her work, which included cutting thousands of turkey gizzards each day.

During her more than five years at the plant, Outerbridge held a variety of jobs, including pulling out turkey guts and trimming parts. She said she moved from New York, where she worked as a police department clerk,

and took a job at the plant in 1998.

She began visiting the first-aid station almost daily around 2002 to cope with the pain, she said. A first-aid attendant, she said, gave her a cream but performed no tests and refused her request to see a doctor.

She recalled times on the production line when her hand hurt so badly she dropped her scissors and cried.

"They'd say, 'Oh, you're not hurting,'" Outerbridge said. "They made me feel that I was bothering them to go to the nurse, that I was supposed to take the pain."

When she told a plant manager she needed medical help, "He sat me down and he said, 'I'm sorry, there's nothing I can do about it,'" recalled Outerbridge, now 48. "That day, I got a lawyer."

In 2003, she went on her own to a doctor, who diagnosed her with severe

House of Raeford

Headquarters: The privately held company is based in Raeford in Eastern North Carolina.

Processing plants: Four in North Carolina, three in South Carolina and one in Louisiana.

Employees: About 6,000.

Annual sales: Nearly \$900 million, including some to China, Afghanistan and other countries.

Ranking: It's among the nation's top 10 chicken and turkey producers.

Production: Slaughters and processes about 29 million pounds of chicken and turkey each week.

Customers:

Restaurants including Blimpie, Golden Corral and Ryan's.

Schools around the U.S., including Charlotte-Mecklenburg Schools.

Stores including Harris Teeter, Food Lion and Lowes Foods. The company's deli meat is marketed under the name "Lakewood Plantation."

Distribution companies that supply food to restaurants and institutional kitchens.

SOURCES: Observer research, House of Raeford, Dun & Bradstreet, Watt Publishing, National Poultry and Food Distributors Association

carpal tunnel syndrome and later performed surgery, she said. She settled a workers' compensation case with the company the following year for an undisclosed sum.

"I just wanted justice," she said. "I just wanted someone to take care of my hand."

House of Raeford said it can't discuss Outerbridge's case because the settlement is confidential.

Human resources director Gene Shelnett said the privately held company considers its workers family. The company, he said, "would never allow anyone to mistreat anyone in the family. ... I believe we have provided the care for our employees that is expected."

Current and former human resources employees at two House of Raeford plants said the company finds reasons to fire injured workers.

Belem Villegas, a former employment supervisor at the Greenville plant, said her boss didn't like "repeat complainers."

For five years until spring 2005, Villegas hired workers and translated for Spanish-speaking employees. She

SEE POULTRY | NEXT PAGE



Villegas

"I just wanted justice. I just wanted someone to take care of my hand."

CLAUDETTE OUTERBRIDGE, FORMER HOUSE OF RAEFORD EMPLOYEE

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE



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Seferino Francisco Guadalupe holds an X-ray showing the screws that surgeons inserted to repair his shattered ankle. The injury happened in an accident at a House of Raeford plant in 2006. House of Raeford failed to record Guadalupe's fracture on its injury logs, as required by law. The company said it was an isolated incident.

Company says it strives for a safe workplace

Poultry from IIA

shared an office with the plant medical director and said as many as 20 workers a day came in saying their hands, wrists and arms hurt.

She said she urged plant managers to send injured employees to a doctor, but they often refused. "They'd say, 'Belem, if they keep coming to the office, they're going to have to be let go.'"

Workers got the message. "You complain and you become unemployed," Villegas said.

House of Raeford didn't respond to questions about Villegas' allegations. The company said it fired her because she was "accepting money to provide employment favors to potential employees." Villegas denied the claim and said she believes she was fired, in part, because she started speaking up for workers.

The Observer interviewed more than 50 workers no longer employed at House of Raeford. Ten said they were fired after reporting injuries.

Company officials said workers are required to tell supervisors if they are hurt and that they will be sent to plant first-aid stations, or outside doctors if need be. They also noted that plants are represented by the United Food and Commercial Workers union and that its representatives have "full grievance procedures at their disposal." Local union officials said membership is less than 30 percent at some plants because immigrants are often reluctant to join, making it difficult to enact change.

"Certainly, we work hard to run a safe and healthy workplace, and to comply with all state and federal laws," Barry Cronin, complex manager of the Greenville plant, said in a written response. "...If any supervisor is discouraging employees from reporting injuries, that supervisor is in violation of company policy."

Carolina Cruz said her pleas for help were repeatedly ignored. A young mother, Cruz took a job at the Greenville plant in 2003 cutting chicken wings. After her hands started to throb, she said, she went to a company nurse who several times gave her ointment and sent her back to the line. "They don't help us at all," she said.

By the summer of 2006, she said, "My bones hurt If I continue like this, my hands are going to get to the point where I won't be able to do anything."

Cruz later left the plant.

House of Raeford declined to comment on many of the workers' specific allegations, saying that, without signed releases, it was unable to discuss details of their health or employment. In general, the company said it found "many inaccuracies" in the information workers provided to the Observer but declined to elaborate.

"The allegations made by these for-

Concealing dangerous conditions

During the past decade, regulators have cited more than 50 poultry plants for failing to properly record workplace injuries. Some examples:

- 1 Gold'n Plump Poultry, Arcadia, Wis.** Inspectors in 2004 cited the company for failing to record several cases in which employees suffered hearing loss.
- 2 Trinity Valley Foods, Irving, Tex.** Firefighters in 2005 had to administer oxygen to at least two employees after a liquid nitrogen leak. Those injuries weren't recorded on the logs, OSHA found.
- 3 Marshall Durbin, Hattiesburg, Miss.** OSHA concluded in 2003 the company had created an environment where employees felt dissuaded from reporting injuries. Most went to their own doctor or to the emergency room at their own cost. The company also failed to record some injuries and keep records of all visits to the safety coordinator.
- 4 House of Raeford Farms, Raeford, N.C.** N.C. regulators concluded in 1998 that the plant had crossed at least 35 names off injury logs.

*OSHA cited the company for a record-keeping violation but deleted the citation as part of a settlement. The company disagreed with OSHA's characterizations and said there was no practice or pattern of discouraging employees from reporting injuries.

OSHA AND WORKPLACE INJURIES

What should be recorded on OSHA injury and illness logs?	How often do regulators cite companies for underreporting?	How does OSHA monitor whether companies are telling the truth?
Companies should record significant work-related injuries and illnesses, including those that result in death, days away from work, restricted work or job transfers, and medical treatment beyond first aid.	Citations for underreporting have dropped sharply since 1990, when state and federal OSHA agencies cited employers for record-keeping violations more than 10,000 times. More than 100 of those citations were for poultry processors.	OSHA conducts occasional audits of injury logs. But Bob Whitmore, an OSHA expert on injury records, said the agency's once-aggressive focus on enforcing record-keeping regulations "fell off the radar screen in 1990 and never returned."
Which companies does OSHA target for inspection?	In 2006, the total number of citations was less than 4,000 and fewer than 10 were for poultry processors. OSHA says the drop is partly due to a policy change in the 1990s that allowed companies to	One example: An Observer review of nine years of OSHA audits showed most lasted one day. Whitmore said they should take a week or more to catch "significant and fraudulent problems."
only a small percentage of injury logs, which are kept at plants.	fix minor paperwork violations to avoid a citation.	

SOURCES: OSHA, Observer research

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mer employees do not fairly or accurately represent the policies or management practices of House of Raeford Farms," the company wrote.

Injuries not reported

If House of Raeford's records are accurate, the company in recent years has operated some of the nation's safest chicken and turkey plants.

Businesses are required to record most serious injuries and illnesses on U.S. Occupational Safety and Health Administration logs. But it's an honor system, and companies must give logs to regulators and employees only if asked. Regulators use the logs to spot troubling workplace safety trends.

The newspaper obtained four years of logs for company plants in Greenville, West Columbia and Raeford.

In a sampling of workers in neighborhoods surrounding the plants, the Observer confirmed 31 injuries serious enough to be recorded for regulators. In 12 of those cases, the injuries didn't show up on logs.

Seferino Guadalupe was driving a machine moving pallets of turkey breasts at one of the company's two Raeford plants in November 2006 when, he said, the brakes failed and he crashed into a wall. Surgeons inserted screws to repair his shattered ankle.

Bernestine Wright said her hands went numb after months of cutting chickens into bite-sized pieces at the Greenville plant. She said a company nurse refused to send her to a doctor when she complained about pains.

The pain grew so intense, she said, she visited a doctor and received painkillers. She was diagnosed with carpal tunnel syndrome in 2005, according to the law firm that represented her in a workers' compensation case.

Lucas Hernandez cut his arm with a knife in summer 2005 while on the production line at the West Columbia plant. He missed work the next two days because of pain, he said.

None of those injuries showed up on House of Raeford injury logs.

In addition to the 31 injuries the Observer confirmed, 10 more workers described serious injuries that weren't recorded, but the newspaper could not confirm their medical treatment.

Whitmore, the OSHA record-keeping expert, examined House of Raeford logs and details of the 41 injuries the Observer found. He concluded the company violated workplace safety law by failing to record more than half of those injuries.

"These are severe, serious, debilitating cases," Whitmore said.

Company officials said they follow OSHA rules for recording injuries, and are unaware of any work-related injuries being excluded from the logs. Lewis, the company's safety director, said he couldn't explain why Guadalupe's accident wasn't included and called it "an isolated case." He said the company has corrected its logs.

Company officials said Wright's allegations are inaccurate but wouldn't elaborate.

At the West Columbia plant, safety



Flowers

manager Mike Flowers said that because Hernandez stayed home on his own and did not call his supervisor, managers didn't know the extent of his injury. "There's a lot of gray area," Flowers said.

Nonsense, said Whitmore. "The supervisor knew there was an injury. The person missed work and it was because of pain related to an injury," he said. "It was clearly recordable. Period."

Record-keeping questioned

Poultry plants are filled with hazards. On one side of the factory, employees grab live birds before hanging them upside down on moving hooks that whisk them off for slaughter. On the other side - after the birds are scalded, plucked and chilled - they're hurried along production lines where workers stand shoulder-to-shoulder wielding blades for hours with few breaks.

Temperatures hover near freezing to prevent the spread of bacteria. Water drips off machinery, falling onto floors slick with chicken fat. The din of clanking conveyor belts makes conversation nearly impossible.

The conditions are ripe for musculoskeletal disorders, which afflict the muscles and nerves in wrists, arms, necks and backs. MSDs also include repetitive motion injuries, such as carpal tunnel syndrome and tendonitis.

Federal safety data misleading, experts say

Federal statistics suggest poultry plants are safer than ever. But experts question those numbers.

In October, the U.S. Labor Department reported fewer poultry workers were hurt in 2006 than in any previous year. The government cited an injury and illness rate of **6.6 per 100** workers, compared with **17.8 in 1996**.

The National Chicken Council praised poultry processors for adopting an "emphasis on safety, new and redesigned equipment and processes, early intervention, and other measures...."

But Bob Whitmore, a longtime Labor Department record-keeping expert, said the poultry industry's injury and illness rate is likely two to three times higher because of underreporting. He's particularly suspicious of OSHA records showing no injuries at some poultry plants. He said the government has done little to crack down on companies that undercount injuries.

Rich Fairfax, OSHA's enforcement director, said inspectors look for underreporting but rarely find it. "When we try to track it down, it goes nowhere."

Here are the 2006 rates of injuries and illnesses per 100 workers:

7.7	Motor vehicle parts manufacturing
7.5	Furniture manufacturing
6.6	Poultry processing
6.0	All manufacturing
4.4	All private industry
4.4	Textile mills
2.4	Pharmaceutical and medicine manufacturing
2.0	Computer and electronic product manufacturing

Source: U.S. Bureau of Labor Statistics

Safer than a toy store?

Workplace safety experts also question a reported drop in musculoskeletal disorders. In 2006, **20.8 of every 10,000** poultry workers missed work because of MSDs, down from **88.3 in 1996**, according to the Labor Department.

That 2006 rate would make poultry plants safer than toy stores. "It's intuitively implausible," said Dr. Michael Silverstein, a former OSHA policy chief. "Something is clearly wrong."

Here are the rates of MSDs resulting in lost time, per 10,000 workers:

47.4	Hobby, toy and game stores
38.6	Average for all industries
27.5	New car dealers
25.9	Pharmacies
20.8	Poultry processing

Source: U.S. Bureau of Labor Statistics

— AMES ALEXANDER AND KERRY HALL



Mabe

Twelve employees who worked at the plant during that time said in interviews they suffered pains commonly brought on by MSDs. Two said they had surgery for carpal tunnel at company expense. Most of the others said they complained to company officials about their injuries but weren't sent to doctors or given time off from work - steps that likely would have made their injuries recordable.

James Mabe, the complex manager, said he was unsure why his logs showed no musculoskeletal disorders.

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"...If any supervisor is discouraging employees from reporting injuries, that supervisor is in violation of company policy."

BARRY CRONIN, COMPLEX MANAGER OF THE GREENVILLE, S.C., PLANT MORE COMPANY RESPONSE ON CHARLOTTE.COM/POULTRY

Company has history of fights with regulators

Poultry from LA

work stations and other safety measures contribute to low injury and illness rates, they said.

Mabe also said the plant recently spent \$3.5 million for equipment that included a machine to remove guts from chickens, eliminating a highly repetitive job.

He offered another explanation: "Hispanics are very good with their hands and working with a knife. We've gotten less complaints."

Asked to elaborate, Mabe said, "It's more like a natural movement for them."

Tom Armstrong, a University of Michigan professor who has studied the prevalence of MSDs in poultry processing, questioned how Mabe arrived at his conclusion about Hispanics. "I know of absolutely no data to support that," he said.

Armstrong said it's highly unlikely a large poultry plant could go consecutive years without a case of carpal tunnel or tendinitis.

"I'd be skeptical of the record-keeping in a situation like that," he said.

Company fights in court

House of Raeford has a history of underreporting injuries.

In 1997, union leaders at a plant in Raeford received calls from workers complaining about injuries. Yet the plant was reporting one of the industry's lowest injury and illness rates - 3.5 per 100 workers - well below the industry average of 16.6.

The union looked closer and found the plant had crossed 159 names off its 1996 and 1997 injury logs.

State regulators investigated and found that 35 of those names had been crossed off with "plain indifference to the law." They could not confirm others because some of the workers had left the plant and could not be found.

Regulators designated the violation as "willful" - the toughest category under OSHA rules - and recommended a \$9,000 fine. House of Raeford fought back. The state threw out the willful designation and reduced the fine to \$800. House of Raeford says it has since established procedures "to prevent any further occurrences of the same nature."



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Guillermo Santiago of Vera Cruz, Mexico, had the tips of three fingers sliced off while washing a grinding machine at a House of Raeford plant in Raeford.

Because House of Raeford reports some of the industry's lowest injury and illness rates, workplace safety officials rarely conduct random inspections at its plants.

Several times when inspectors did show up at one of the Raeford plants, managers refused to let them in.

Acting on a tip that workers were suffering injuries, regulators in 1999 began investigating. They spoke with 40 workers, many of whom complained of throbbing pain in their hands, arms and shoulders. More than a third had been diagnosed with repetitive motion problems.

One of the inspectors, J. D. Lewis, recalls seeing young workers who could no longer use their arms or hands properly. One couldn't lift his arms above his head, he recalled.

Inspectors wanted to talk with more workers, but House of Raeford officials repeatedly blocked them - even when they arrived with a warrant. Company officials said the interviews would disrupt operations.

The case went to N.C. Superior Court, where Judge Jack Hooks ruled in late 2000 that the state had no authority to investigate further. His reason: Compliance deadlines for a new federal ergonomics standard had not yet kicked in.

Still suffering

A visit to the largely Latino communities surrounding the Raeford plants reveals the hidden cost of poultry work.

A year after the accident that shattered his ankle, Guadalupe struggles to walk with crutches and said he is unable to work because of lingering pain.

Four houses down, Ernesto Ramirez, a House of Raeford sanitation worker, said he had blurred vision for three days in 2006 after chlorine splashed into his eyes from a loose hose at work.

Down the road, Guillermo Santiago had the top half of three fingers sheared off last February when he tried to jimmy loose a hose from a grinding machine. Doctors were able to reattach just one finger.

A native of Vera Cruz, Mexico, Santiago said he's reminded of his accident each time he looks at his hands.

"I'm never going to be the same."

— STAFF DATABASE EDITOR TED MELLNIK AND STAFF RESEARCHERS MARIA WYGAND, SARA KLEMMER AND MARION PAYNTER CONTRIBUTED.

Spanish version

To read some of the Observer's poultry stories in Spanish, pick up Wednesday's edition of La Noticia.



AN EPIDEMIC OF PAIN

Growing demand for specialty cuts threatens workers' hands more than ever

BY PETER ST. ONGE, FRANCO ORDOÑEZ, KERRY HALL AND AMES ALEXANDER
Staff Writers

The pain would come, she knew. As sure as the turkeys coming down the line, about 30 each minute, ready to be gutted and clipped and deboned and sliced.

Karina Zorita knew this, almost four years ago, as she considered a job at House of Raeford Farms, the poultry plant along the highway near her home in rural Eastern North Carolina.

It's dangerous, her friends warned. Too painful. *Tus Manos*.

Your hands.

She knew this. But she didn't know.

She couldn't know that in poultry plants across America, workers are imperiling their hands and wrists simply by coming to work each day. She couldn't know that injuries often come from doing the job as instructed, that doctors say the thousands of pulling and cutting and digging motions required daily at poultry plants can cause irreversible damage.

Like black lung in the coal industry and brown lung in textiles, the hands of the poultry industry suffer a long-neglected threat. Two decades ago, musculoskeletal disorders at poultry and meatpacking plants prompted a public outcry. Legislators and government officials vowed change.

Now, an Observer investigation shows, the hands of poultry workers are more threatened than ever.

America's growing demand for specialty cuts presents an ergonomic nightmare for workers. At the plants, regulatory inspections have decreased. On the line, the work force has become predominantly Latino, often illegal, more exploitable.

Observer reporters spoke to more than 130 workers who say they were injured on the job at 13 plants in the Carolinas and Georgia. About three-fourths complained of hand and wrist injuries.

"An epidemic," says Lance Compa, a Cornell instructor and Human Rights Watch author who in 2004 interviewed dozens of employees at U.S. poultry plants and remembers none who didn't suffer a work-related affliction. Most, he says, were in the hands and wrists.

"Inhumane," says Steve Striffler, a University of Arkansas anthropologist and author who spent two three-month stretches working in Tyson chicken plants this decade and remembers: "Anyone that I saw that worked anywhere on the line for six months definitely had a hand or wrist injury." Most of his co-workers, he says, were Latino.



Striffler

"Once I shake their hands, I know what they do," says Pablo Forestier, a doctor at the Latin American Family Medical Clinic in Monroe, where he often sees workers from the nearby Tyson plant. Most, he says, begin to suffer after only two months of grabbing and cutting and squeezing. Few, however, complain about it at work, for fear they will lose their job.

Tyson spokesperson Gary Mickelson said the company requires all employees to report every work-related injury or illness, no matter how small, allowing the company to "dramatically reduce any potential severity." Industry officials say that poultry work is now a safer occupation, with more ergonomically designed workstations and tools — and more machines replacing humans for tasks such as gutting birds.

"Workplace safety is a key objective and core value for all poultry processing companies..." said National Chicken Council spokesperson Richard Lobb, pointing to U.S. Labor Department surveys that show a steady decline since 2000 in reported poultry work injuries.

Critics say those numbers are misleading, that companies often ignore and underreport the injuries workers do complain about. Karina Zorita knew none of these statistics. She was an illegal immigrant, 28 years old and single, a mother whose two young sons remained in Chilpancingo, Mexico.

She took the House of Raeford job, working as "Epenisa," the name on the fake ID card she purchased after she came to Raeford. She said she made about \$6.50 an hour, weighing turkey breasts.

More than a year later, she was moved to a different part of the line, where she pulled bones from cooked turkey with her fingers.

The pain came. She knew it would.

She just didn't know how devastating it would be.

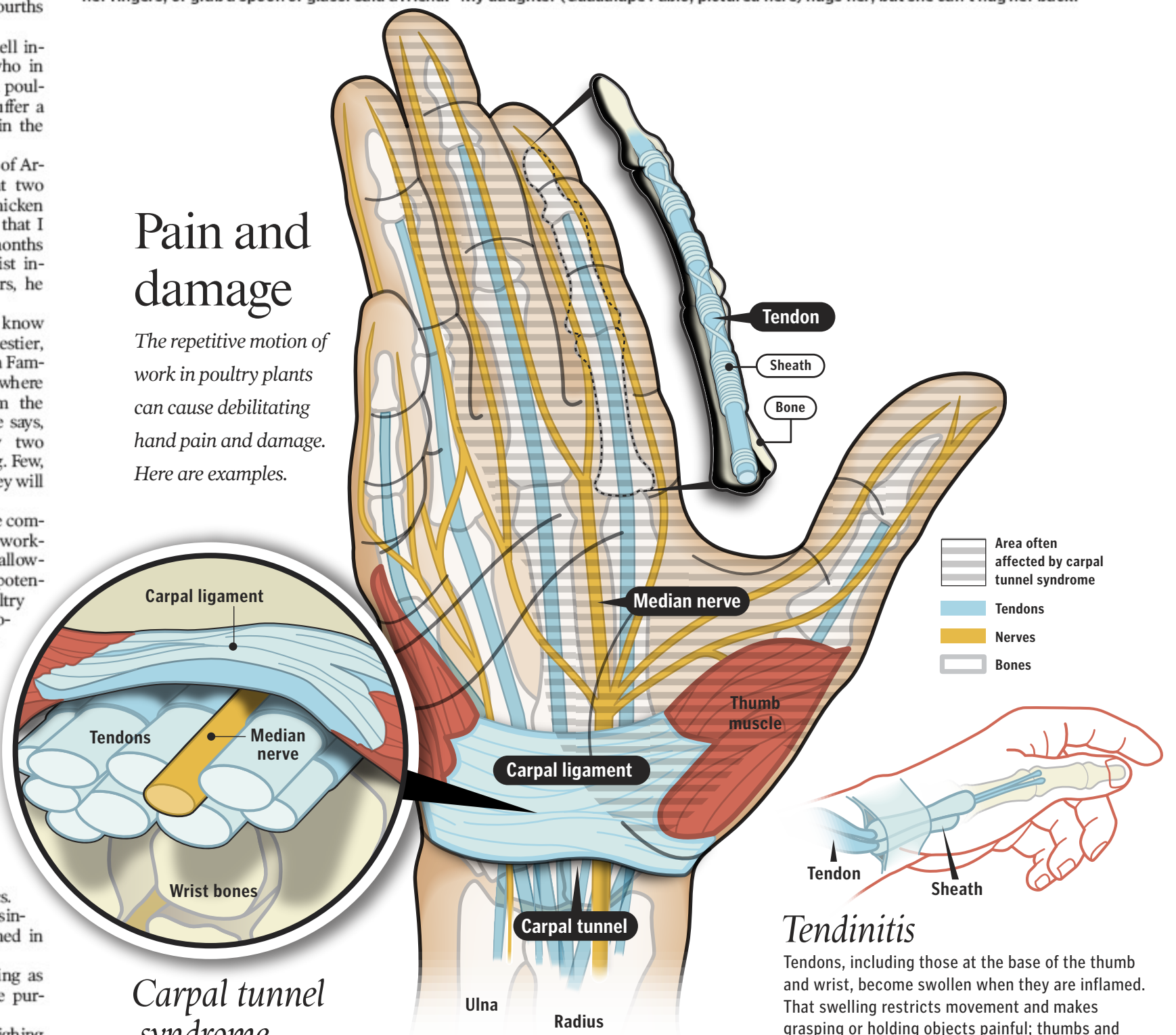


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After less than a year of pulling bones out of cooked turkey breasts and thighs at House of Raeford, Karina Zorita says she is unable to straighten her fingers, or grab a spoon or glass. Said a friend: "My daughter (Guadalupe Pablo, pictured here) hugs her, but she can't hug her back."

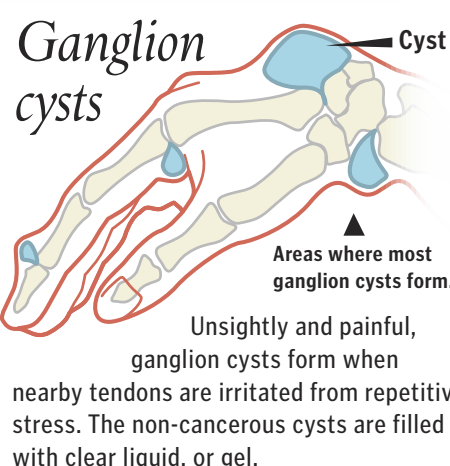
Pain and damage

The repetitive motion of work in poultry plants can cause debilitating hand pain and damage. Here are examples.



Carpal tunnel syndrome

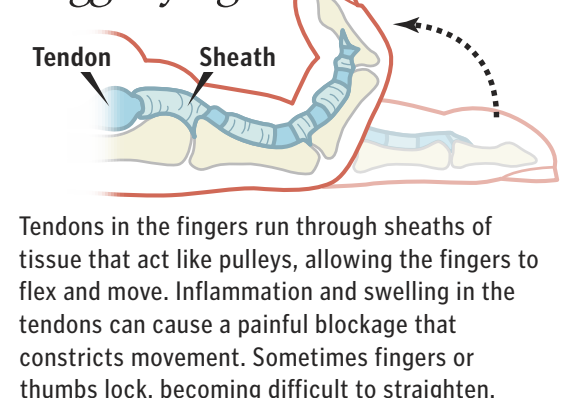
The median nerve and nine tendons pass through the carpal tunnel — the space between the carpal ligament and the small bones of the wrist. Those tendons swell when they become inflamed, increasing the pressure on the median nerve. Carpal tunnel syndrome occurs when untreated swelling causes permanent damage to the nerve, resulting in tingling, pain, or numbness in the hand. In severe cases, when surgery is required, the carpal ligament is cut to relieve pressure on the nerve.



Tendinitis

Tendons, including those at the base of the thumb and wrist, become swollen when they are inflamed. That swelling restricts movement and makes grasping or holding objects painful; thumbs and fingers may suffer numbness.

Trigger finger



SEE HANDS | 16A

ON PAGE 1A

N.C. company masks the extent of injuries inside Carolinas plants.

ONLINE VIDEO

Scenes from inside a poultry plant; hear workers talk about their pain.
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THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

For workers: An epidemic of pain

Hands from 15A

A revolutionary product

America's best-selling meat comes in dozens of cuts and hundreds of further-processed forms, such as turkey hot dogs and chicken patties. It's a variety born of necessity, as historically thin profit margins have forced poultry producers to develop new products in their search for revenues.

That strategy was accelerated a quarter century ago with the debut of chicken's most revolutionary product.

The McNugget.

In 1983, McDonald's introduced nationwide the bite-sized chicken pieces that were kid friendly, car friendly and presumably a healthy alternative to burgers (consumers didn't know they were fried in beef fat). Within two years, McDonald's was the second-largest chicken seller in the country, behind Kentucky Fried Chicken.

The launch ignited consumer demand for a diversity of poultry products, a trend that continues today.

It has not been good news for poultry workers' hands.

Forty miles west of Columbia, in the off-the-interstate town of Newberry, a plain brick building houses the Emmanuel Family Clinic, where a sign above the front desk flashes: "Dios Le Ama!" God Loves You!

Inside, two doctors are asked how many poultry workers they've seen.

About 1,000 in the past seven years, says Dr. Jorge Garcia. About 100 in 18 months, says Dr. Franco Godoy. That works out to more than a dozen a month coming through the clinic, with shoulder injuries and burns and fractures and, all of them, with one ailment in common.

"I don't know a single worker who doesn't have some sort of pain in their hand," Garcia says.

The patients, most of whom are from Mexico and Guatemala, come to Emmanuel from the Louis Rich and Amick Farms plants nearby, but also all the way from House of Raeford in West Columbia. Why drive 40 miles to see a doctor? "Because we speak Spanish," Godoy says.

Officials at House of Raeford and Kraft Foods, parent of Louis Rich, said their poultry plants' injury rates are among the lowest in the industry. Amick Farm officials did not respond to questions from the Observer.

Says Garcia of his patients: "I get people who say, 'Please don't tell them I went to my private doctor. If they find out, they will fire me.'"

It is this contradiction - workers fretting about losing a harmful job - that troubles the doctors on the fringe of the poultry business. For workers, the issue is often a simple equation: how much they can make versus how much they can bear.

That decision, doctors say, is usually made without important knowledge about a basic piece of equipment - the hand.

Resilient and delicate

Given the workload it endures each day, the hand is among the most resilient parts of the body. It also is among the most intricate. "It's like a little Swiss watch," says Dr. James Boatright, an orthopedic specialist and surgeon in Charlotte. "It doesn't take much for it to break down."

That watch is powered primarily by nine muscles - the extrinsics - which at the wrist become nine slender but strong cords called tendons. These cords run along the palm area and through sheaths of tissue along the fingers, creating a pulley system that allows fingers to smoothly curl and straighten.

The largest of those sheaths is in the



PHOTOS BY JOHN D. SIMMONS - jsimmons@charlotteobserver.com

At a friend's home near Raeford, Karina Zorita explains how injuries from poultry work have left her struggling to perform simple tasks such as turning on a faucet. Zorita says that when she told a supervisor a doctor had recommended lighter duty at House of Raeford, the supervisor refused to move her and warned her not to say the injury had happened at work.



Dr. Jorge Garcia, who practices in Newberry, S.C., says he treats many poultry workers with injured hands - and many who are afraid to let company managers know about their injuries. "They're afraid they're going to be fired," he said.

wrist, where all nine tendons are gathered around a nerve the size of a No. 2 pencil. The whole package, snug inside that sheath, is the carpal tunnel.

"The carpal tunnel is like a biscuit can," says Boatright. "If anything kinks it, or anything increases in volume, it puts pressure on the nerve. That's where the pain comes."

That pain can come from several sources, doctors say.

Arthritis. Family history. Poor work posture.

It also can come, they say, from frequent and repetitive motions, from squeezing shears or making multiple slices for each of the hundreds of birds that move down a poultry line every hour.

It can come from picking bones out of warm turkey breasts and thighs, in a cold room. That was the job Karina Zorita says she was assigned in mid-2006 at House of Raeford. She says her hands soon began to hurt, so she

went to see the nurse, who sent her back to the line. There, she says, a supervisor told her that the door was open for her to leave.

House of Raeford officials said Zorita's account of events is "inaccurate" but declined to comment on Zorita's and many workers' specific allegations, saying that, without signed releases, it was unable to discuss the details of their health and employment histories.

By late 2006, Zorita says, she'd had enough. "There were times I cried on the line because my fingers were burning," she says. She went to a nearby clinic, where a doctor recommended rest and lighter duty. She remembers a supervisor saying no to her request for lighter duty.

Zorita took about three weeks off, two of them paid, she says.

She was making about \$9 an hour. She was sending \$150 a week to her mother, for her children.

"I was worried they'd fire me," she

says.

In early 2007, after returning to work, the pain took Zorita back to the clinic, she says. There, a doctor recommended that she see a specialist. When she called in to work, she says, she was fired for missing too much time.

She was 31. With no money, she was forced to live with friends, who looked at her shaking hands and said: "She needs real help." In March, the pain still intense, she went to another clinic in Maxton, closer to her friends' mobile home. She was diagnosed with "bilateral hand pain," doctor referral sheets show, and again told to see a specialist.

With no health insurance, she says, she couldn't afford to go.

Does she have carpal tunnel syndrome? She doesn't know, and Boatright declined to speculate without examining her. But such symptoms might be easily explained, doctors say.

The large lump at the bottom of her palm? Consistent with tendinitis, in which the tendons become irritated, often with a new, repetitive activity.

The inability to straighten out her gnarled fingers? Consistent with "trigger finger," a condition in which a sheath at the base of the finger becomes too thick and constricting, inhibiting the tendon from sliding through, prompting a cycle of swelling until fingers become locked.

The inability to grab a spoon, a broom, a glass of water? Consistent with the later stages of carpal tunnel syndrome, in which the nerve deadens with the loss of blood flow.

Doctors say the key to treating the problem is detecting it before damage is done. "You'd like to treat people who need urgent care sooner," says Garcia.

Says Boatright on carpal tunnel syndrome: "If early on, you allow the blood to flow back to the nerve, it will recover. But the continuing pressure will deteriorate the nerve to a state of non-function." Says Zorita: "Nothing hurt when I started working there."

And: "My children are still small.

They still need me."

And: "My hands don't work anymore."

More speed, more injuries

By the end of the 1980s, reported injuries spiked at poultry plants.

With the increase in chicken products and production had come a rise in poultry plant line speeds. Add in the varied cuts required for a growing number of specialty chicken products, and some workers were being called to do more than 20,000 repetitive hand movements per shift. In one 1990 study, the National Institute for Occupational Safety and Health found almost 40 percent of female workers at two N.C. Perdue plants suffered from symptoms of musculoskeletal disorders (MSDs).

In 2002, researchers from Duke University began visiting the same two plants, in Lewiston and Robersonville. As before, the researchers interviewed female workers, who made up most of the work force. The study, conducted over several years and released in 2007, showed that of the almost 300 workers interviewed, 43 percent reported symptoms of MSDs.

"We saw a prevalence of disease that looks exactly the way it looked 15 years ago," says Duke epidemiologist Hester Lipscomb.

Perdue officials dispute the study. "It flies in the face of everything I know to be true," says Roger Merrill, Perdue's chief medical officer. Merrill says Perdue hires workers with no histories of back or wrist problems for physically demanding jobs, then acclimates workers slowly and rotates them into different jobs to relieve stress. The result, the company says: The entire company had just 28 lost-time injuries in 2006.

Lipscomb and others suspect poultry employers, including Perdue, are underreporting injuries. Also, she says, workers told Duke researchers they were afraid to complain.

Industry critics say the lack of progress with hand injuries begins with the Occupational Safety and Health Administration, which struggled throughout the 1990s to issue tougher ergonomic standards in the face of political and business opposition. When those rules finally took effect in January 2001, they were erased two months later by President Bush and the Republican-led Congress.

Now, OSHA largely relies on voluntary adherence to ergonomics rules.

"It's basically an industry (OSHA has) chosen to ignore," Lipscomb says. "It frustrates the hell out of me."

'I can't do anything'

In spring 2007, with no job or health insurance, Karina Zorita took a bus from North Carolina toward the Mexican border. In three days she was home in Chilpancingo, with its small homes and dirt roads.

She lives with her mother and sons, now 9 and 8. The chickens in the yard supply their eggs and meat. She relies on her mother to kill the birds.

Her hands, she says, are the same - always trembling, always hurting. She struggles to lift herself out of bed, to wash herself.

"I can't do anything," she says over the phone.

She is unhappy to be home, where she cannot work or support her family. She would like to return to the United States, but she knows she could not work there, either.

She says she wishes she never worked at the poultry plant.

She says her friends warned her. What would she say if a friend came to her? Would she recommend that job? A pause.

Yes, she says. "People need work," she says. "It's the only job there is."

Peter St. Onge: 704-358-5029

“Once I shake their hands, I know what they do.”

PABLO FORESTIER, A DOCTOR AT THE LATIN AMERICAN FAMILY MEDICAL CLINIC IN MONROE



JOHN D. SIMMONS - jsimmons@charlotteobserver.com

A worker trims wings as chickens move past. Many poultry workers have no standing in this country and are reluctant to complain about poor working conditions.

Poultry series exposes a new, silent subclass

*Neglect of workers
has ugly precedent
in Carolinas history*

Today we ask you to join us for a six-day series on the plight of Carolinas workers who put America's most popular meat on the table.

These workers - about 28,000 of them in the Carolinas - process chicken and turkey in all its forms. Whole birds, filets, nuggets, slices, cubes, sausage and even hot dogs.

It may surprise you to learn that most of the workers speak Spanish. Many of them entered the country illegally.

Should that matter as you consider the working conditions you will read about?

I say yes, but maybe not for the most obvious reason.

It should matter because the neglect of these workers exposes an ugly dimension to a new subclass in our society. A disturbing subclass of compliant workers with few, if any, rights.

I say disturbing because North and South Carolina share some regrettable history of building economies on the backs of such workers.

Before the Civil War, slaves and poor sharecroppers powered the region's tobacco and cotton plantations. Early in the 20th century, children as young as 8 were put to work in Carolinas textile mills to help feed their poor families.

Consider the parallel to illegal immigrants. Same as slaves and sharecroppers, same as the cotton mill workers derisively termed "lintheads," this subclass is now a scorned bunch.

And yet they help power our economy. We live in houses they built. We drive on highways they paved. We eat the chicken and turkey they prepared.

Illegal immigrants often take the least desirable jobs, earning low wages, because those jobs lift them and their families from the poverty they left behind in their homelands.

As a group, they are compulsively compliant, ever-conscious that one complaint could lead to their firing or arrest or deportation.

"Some speak out, but most of these workers just wanted to remain in the shadows," said Franco Ordoñez, a reporter who spent months speaking to workers in the Latino communities surrounding the poultry plants. "It's just not worth it, considering how much they've already risked, to draw more attention to themselves - even if they're hurt. They're like the perfect victims."

And, as you will read today, businesses take advantage of

EDITOR



Rick Thames

their silence and vulnerability.

Will we allow such conditions to go unchecked again?

That is the broader question raised by an Observer investigation.

It's also all the more reason you should be concerned about the treatment of these workers.

Our team of reporters and editors spent 22 months interviewing more than 200 poultry workers throughout the Southeast and analyzing industry documents. Their investigation soon led them to focus on one of the largest Carolinas-based poultry producers, House of Raeford. Its eight plants have been cited for more serious safety violations than all but two other poultry companies in recent years - and more than some companies several times their size.

Our journalists found evidence that House of Raeford has failed to report serious injuries, including broken bones and carpal tunnel syndrome. They discovered that plant officials often dismissed workers' requests for medical care that would cost the company money.

They also found that House of Raeford has undergone a work force transformation. In the early 1990s, its workers were largely African Americans. Today, between 80 percent and 90 percent of workers at some of its plants are Latinos. Most have no legal standing in this country; most are poor.

They are our newest subclass.

If you look beneath America's entanglements with slavery and child labor, you will find governments that failed famously to balance a free market against the inherent promise of basic human rights.

And today? No question, failed government policies produced our present crisis over illegal immigration. Yet Washington's official approaches to this issue continue to range from half-hearted to demagogic.

We should demand that our leaders repair those policies with realistic solutions. But as citizens and consumers, we should also insist on humane treatment for this new subclass of Latino immigrants who now work to the benefit of many in this country.

We've learned from our history. We are better than that.

Contact
rthames@charlottobserver.com or
704-358-5001.

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

FIGHT AND MIGHT

Poultry company chairman defies regulators, watches pennies



JOHN D. SIMMONS – jsimmons@charlotteobserver.com

Marvin Johnson (right), chairman of the House of Raeford, received a lifetime achievement award (at right) at a poultry convention in Atlanta last year. He's with his grandson, Cowan, a manager of the company's plant in Wallace, N.C.

BY KERRY HALL, AMES ALEXANDER
AND FRANCO ORDOÑEZ
Staff Writers

Hours after U.S. Department of Agriculture inspectors stopped production at his Greenville, S.C., chicken plant, Marvin Johnson got a top agency official on the phone.

"You are not going to walk over me. This is just bull—," Johnson told the district manager who had shut down the House of Raeford Farms plant in 1998, according to a signed court statement. "... I am personally coming after your God— a—."

The USDA suspected that something in the air inside the processing plant was making onsite food inspectors sick. Johnson's company sued the agency in federal court to get the plant reopened. Less than two weeks after the shutdown, and after managers made some adjustments, a judge ruled in the company's favor and put the plant back in business.

More than anyone else, the 81-year-old Johnson is responsible for transforming N.C.-based House of Raeford from a home-

grown operation into one of the nation's leading poultry companies. Along the way, he has repeatedly sparred with government regulators – from state elections officials to workplace safety inspectors.

Industry leaders call Johnson an innovator. His company was one of the first to sell deli-style turkey breast meat. Last year, he was honored with a lifetime achievement award from the National Poultry & Food Distributors Association, joining other industry giants including Frank Perdue and Col. Harland Sanders.

Records and interviews, however, show his company has masked the extent of injuries inside its plants, and has repeatedly run afoul of safety regulators. House of Raeford has been cited for 130 serious workplace safety violations since 2000 – among

SEE JOHNSON | 10A

INSIDE TODAY

10A: How a family enterprise evolved.

11A: Company responds to Observer articles.

THE SERIES

■ Sunday: Poultry giant has masked the **EXTENT OF INJURIES** in its plants.

SPECIALTY CUTS put poultry workers' hands at greater risk.

■ Today: **MARVIN JOHNSON**, House of Raeford chairman, has taken on regulators.

■ Tuesday: **ONE BOSS' STORY:** Pressure to produce came at expense of Latino workers.

■ Wednesday: **COMPANY MEDICAL WORKERS** sometimes make it hard for employees to get proper care.

■ Thursday: Greenville, S.C., plant's **SAFETY STREAK** is a myth, current and former workers say.

■ Friday: **LAX ENFORCEMENT** of workplace standards allows dangerous conditions in poultry plants to persist.

READ OUR STORIES ONLINE
AT WWW.CHARLOTTE.COM/poultry

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

Johnson not afraid to fight

Johnson from 1A

the most of any U.S. poultry company. Johnson didn't return repeated telephone calls and e-mails requesting an interview. Before receiving his award at a ceremony in Atlanta, he spoke briefly with an Observer reporter and shared some of his maxims for life and business:

"I don't worry about problems. I just do something about them."

"I didn't make money by giving it away."

"If I don't like it, I don't sell it."

Johnson, a widower, owns a stately brick home in Rose Hill but spends much of his week 85 miles west at the company's Raeford complex, staying overnight in a 1,500-square-foot, flat-top house. Many in his neighborhood are plant workers living in mobile homes.

Family members help run the operation; his son, Bob, is CEO, and his grandson, Cowan, helps manage one of the company's plants. But there's no question who's in charge.

"He still runs the company," said James Mabe, complex manager of House of Raeford's West Columbia, S.C., plant.

Backyard beginnings

One of five children, Johnson was raised on a farm outside Rose Hill. His father, Nash, was a tobacco farmer, while his mother, Mary Sue, raised turkeys in their backyard. Johnson and his brother, Bizzell, sold the birds on the streets as teenagers.

His family built their first feed mill in the 1950s and later expanded to include all aspects of the poultry business — from breeding birds to processing and marketing chicken and turkey. Along the way, Johnson bought out competitors, including S.C.-based Columbia Farms in 1998 and the Circle S Foods turkey plant in Wallace, N.C., in 2005.

Under Johnson's leadership, House of Raeford became the first processor to run turkey operations year-round, extending sales beyond holiday dinner tables, according to the company.

"I needed to figure out a way to sell turkeys in January," Johnson said.

He expanded the company's product line to include hundreds of raw and cooked items, helping turn House of Raeford into one of North Carolina's largest privately held companies. The enterprise is worth more than \$150 million, according to Dun & Bradstreet.

"I think he's a very good businessman," said Sam Pardue, head of the Poultry Science Department at N.C. State. "(The Johnsons) saw an opportunity decades ago when the industry was in its infancy."

Johnson has built a reputation as a no-nonsense boss who closely monitors every detail inside his plants. He has been known to peek inside Dumpsters to make sure his workers aren't wasting meat, a colleague said.

When companies were spending thousands to get computers ready for a Year 2000 bug, Johnson told his people if they spent a penny on Y2K they would be fired. "My turkeys don't know it's Sunday," he said.

His friends say he has a generous heart. He used his private plane to fly an injured teenager to the hospital after she lost her parents in a shooting spree. A donor to Sandhills Community College, he had a 9,000-square-foot classroom building in Raeford named after him last summer. He once presided over the N.C. State Wolfpack Club, which gives financial support to the university and its students.

"A lot of people look at him as a tough bear, but he is gentle as a lamb," said friend Wyatt Upchurch, who met Johnson in a turkey pasture more than 55 years ago.

Learning from his dad

As long as some friends can remember, Johnson has had an aversion to regulators. Friends said such feelings likely stem from his experience as a young businessman working with his father.

In the 1960s, state regulators sought additional taxes from local feed mills. Nash Johnson saw it as an illegal attempt to take the company's money. When other farmers were caving in to state demands, friends said, Nash Johnson withstood pressure. He took the case to the N.C. Supreme Court — and won.

Marvin Johnson learned from that experience, friends say. Today, he's known for comparing bureaucrats to fleas on a dog: A few of them, he told the Observer, keep a dog from getting lazy, but too many will suck the life out of it.

Johnson has repeatedly clashed with regulators. In May 1998, the N.C. elections board called him to testify. The panel was investigating allegations that state Republican leaders had solicited campaign contributions in exchange for promises of favorable legislation. The board subpoenaed Johnson, a longtime Republican, to talk about his role raising mon-



JOHN D. SIMMONS - jsimmons@charlotteobserver.com

The House of Raeford's West Columbia, S.C., plant employs 800 workers who process 750,000 chickens a week. The company says it is dedicated to being "an exemplary member of the civic communities in which we operate. We value our employees and strive to treat them in a fair and respectful manner at all times."

Evolution of a poultry giant

1925

Marvin Johnson's mother, Mary Sue, begins raising turkeys in her Rose Hill backyard.

1936

Johnson's father, Nash, builds his first turkey hatchery.

1955

The father and sons Marvin and Bizzell build their first feed mill.

1962

The Johnsons become part owners of poultry plants in Rose Hill and Raeford.

1967

The family becomes sole owner of Rose Hill Poultry.

1976

Marvin Johnson buys out three partners.

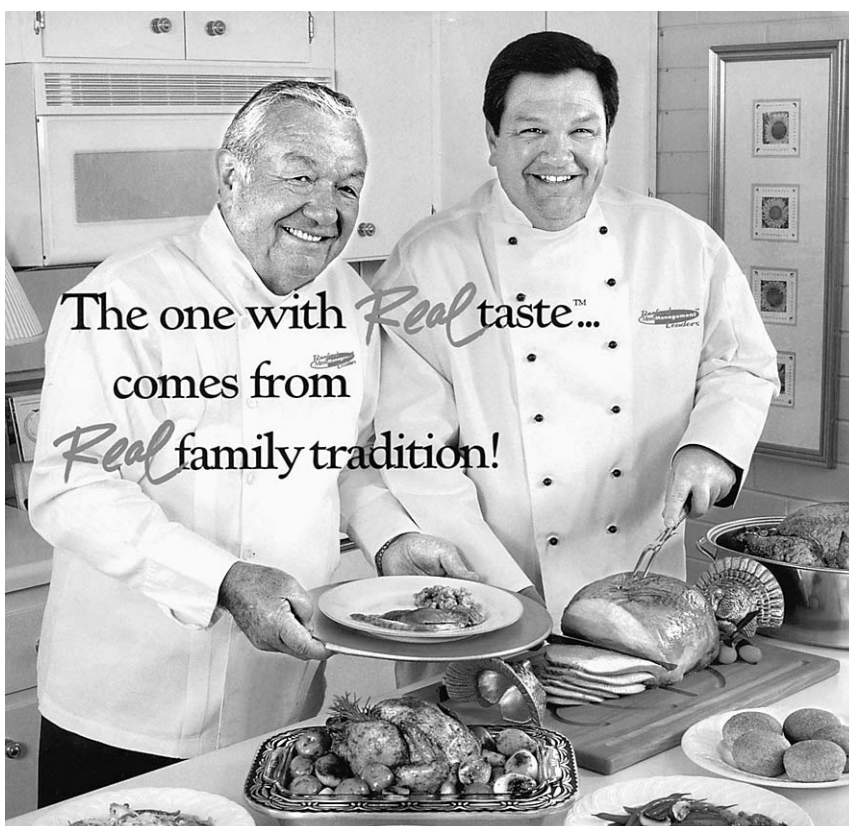
1998

The company purchases Columbia Farms in South Carolina.

2005

House of Raeford buys the Circle S Foods turkey plant in Wallace and later converts it to process chicken.

Source: House of Raeford Farms, Watt Publishing



HOUSE OF RAEFORD PHOTO

A House of Raeford advertisement featuring company Chairman Marvin Johnson (left) and his son, CEO Bob Johnson. Four generations of Johnsons have been involved in the enterprise.

ey for GOP candidates.

His response, according to reports: "Kiss my a--, I'm not coming."

He later testified — only after the elections board ordered authorities to arrest him. The board ultimately found no wrongdoing by state Republican leaders or Johnson.

Later the same year, the USDA complaints temporarily shuttered House of Raeford's newly purchased plant in Greenville, S.C.

For months, more than a dozen food safety inspectors stationed inside the plant, known locally as Columbia Farms, had complained of flu-like symptoms, including burning throats and blurred vision. They believed the ailments were triggered by airborne chemicals. One even bought a military gas mask and wore it on the job.

The problems were so bad, the agency removed its inspectors — in effect, shutting down the factory. Johnson quickly called Karen Henderson, the USDA's manager for the Carolinas.

In a court affidavit, Henderson said Johnson threatened her in an expletive-filled tirade.

A company lawyer later told the USDA that Johnson didn't mean to intimidate her. "I took it as a threat," Henderson told the Observer.

The company sued the agency in federal court, claiming the shutdown was costing it \$100,000 a week.

After House of Raeford installed new ventilation equipment, U.S. District Judge Margaret Seymour ordered inspectors back to their jobs.

Money and power

While Johnson doesn't like big government, he has opened his wallet for candidates who see things his way.

He has given more than \$180,000 to political candidates and committees in the last 20 years, records show.

Johnson gave \$100,000 in 1988 to then-state Sen. Harold Hardison, who was running for lieutenant governor and had sponsored bills to eliminate sales taxes on hog and poultry houses. The legal limit for contributions for a primary election was \$4,000.

A state investigation was dropped in 1993 because the statute of limitations on election law violations had expired. Johnson has described the check as a loan. But Hardison, now 84, told the Observer the money went to his campaign and was not a personal loan.

State elections board director Gary Bartlett agreed: "I don't think there was any loan to it. I think Marvin was trying to influence an election."

At least one elected official has learned what can happen when you disappoint Johnson.

In the mid 1990s, Johnson held a fundraiser for Cindy Watson, a fellow Republican who lived near his home in Duplin County and was running for election to the N.C. House. But after winning her seat, Watson called for tighter environmental controls on hog farms. Johnson called her one day, saying he wanted to see her at his home.

Johnson, she said, told her he might want his family to raise hogs in the fu-

House of Raeford

Headquarters: The privately held company is based in Raeford in Eastern North Carolina.

Processing plants: Four in North Carolina, three in South Carolina and one in Louisiana.

Employees: About 6,000.

Annual sales: Nearly \$900 million, including some to China, Afghanistan and other countries.

Ranking: It's among the nation's top 10 chicken and turkey producers.

Production: Slaughters and processes about 29 million pounds of chicken and turkey each week.

Customers:

■ **Restaurants** including Blimpie, Golden Corral and Ryan's.

■ **Schools** around the U.S., including Charlotte-Mecklenburg Schools.

■ **Stores** including Harris Teeter and Lowes Foods.

The company's deli meat is marketed under the name "Lakewood Plantation."

■ **Distribution companies** that supply food to restaurants and institutional kitchens.

Sources: Observer research, House of Raeford, Dun & Bradstreet, Watt Publishing, National Poultry and Food Distributors Association



A history of trouble

House of Raeford has been cited for 130 serious workplace safety violations since 2000. That's more than all but two other U.S. poultry giants, and a higher number than some companies several times its size, including Perdue Farms and Pilgrim's Pride. Here are some of its run-ins with regulators in the Carolinas.



1 GREENVILLE, S.C.

■ **Oct-Nov. 1998:** USDA inspectors, complaining they were being sickened by irritants in the plant air, walk off the job, closing the plant for 12 days.

■ **December 2001:** Employee Jerome Sullivan killed after falling into an unguarded auger. S.C. OSHA later cited the company for several dozen safety violations.

■ **1997:** N.C. OSHA cites the plant for a series of violations, mostly involving hazardous chemicals.

■ **2003:** Worker Bruce Glover dies following a chlorine leak at the plant. Regulators cite the company for more than a dozen workplace safety violations.

■ **2004:** Massive ammonia leak sends 17 people to the hospital and forces evacuation of part of the town. N.C. OSHA later fines the company, concluding it did too little to prevent and detect such leaks.

■ **1998:** State labor department says the plant wrongly crossed the names of at least 35 workers off injury logs.

■ **2000:** State labor department argues in court petition that "ergonomic-related conditions/problems appeared to be prevalent" at the plant.

SOURCE: Court and regulatory records
JOANNE MILLER - jomiller@charlotteobserver.com

2 ROSE HILL, N.C.

■ **1998:** State labor department says the plant wrongly crossed the names of at least 35 workers off injury logs.

■ **2000:** State labor department argues in court petition that "ergonomic-related conditions/problems appeared to be prevalent" at the plant.

SOURCE: Court and regulatory records
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3 RAEFORD, N.C.

■ **1998:** State labor department says the plant wrongly crossed the names of at least 35 workers off injury logs.

■ **2000:** State labor department argues in court petition that "ergonomic-related conditions/problems appeared to be prevalent" at the plant.

SOURCE: Court and regulatory records
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Peter St. Onge - 704-358-5029; pstonge@charlotteobserver.com

"I don't worry about problems. I just do something about them."

MARVIN JOHNSON, HOUSE OF RAEFORD CHAIRMAN

RESPONSE TO OBSERVER

Company: Safety is our priority

House of Raeford Farms responded to the Observer series on its Web site Sunday. Company officials could not be reached for further comment. Here are excerpts from their written statement:



"House of Raeford Farms Inc. is further investigating allegations by The Charlotte Observer critical of its workplace safety practices and hiring programs. In response to the Observer's alleged findings, House of Raeford issued the following statement:

"House of Raeford recognizes the value of all our employees and is dedicated to providing them with a safe and rewarding place to work. Maintaining and improving the quality and safety of our employees' workplace is a continuous priority for our company.

"In response to the article in The Charlotte Observer, we have investigated allegations presented to us earlier by the newspaper. Over the past year, we provided them with significant access to our operations and information on our safety and employee welfare programs and policies. We responded to allegations as presented to us by the newspaper through background responses as specific as possible while still protecting employee confidentiality. We believe it is inappropriate for the company to discuss current or former employees' medical and employment history in a public forum.

"This article does not provide an accurate portrayal of the programs, policies and practices of our company or the poultry industry. We are disappointed that the newspaper chose to highlight allegations of a small number of former employees, many of whose cases we identified as

factually incomplete or inaccurate.

"... We are proactive in looking for ways to improve our safety programs.

"... It is company policy that recordkeeping of injuries is done in accordance with OSHA guidelines and legal requirements for recording medical incidents and attention given to employees."

Read the full text online at www.charlotte.com/poultry



MISERY ON THE LINE

Vulnerable work force suffers in silence



JOHN D. SIMMONS — jsimmons@charlotteobserver.com

Enrique Pagan was known as a tough supervisor at the House of Raeford poultry processing plant in Greenville, S.C. He says he had to push workers to keep his job. His wife, Lydia Torres, worked at the same plant but left, she said, because of carpal tunnel syndrome. Their son, Bryant, is in front.

Some managers knew workers were illegal, former employees say

BY FRANCO ORDOÑEZ, KERRY HALL
AND AMES ALEXANDER
Staff Writers

Illegal immigrants say it's easy to get a job at House of Raeford Farms.

Of 52 current and former Latino workers at House of Raeford who spoke to the Observer about their legal status, 42 said they were in the country illegally.

Company officials say they hire mostly Latino workers but don't knowingly hire illegal immigrants.

But five current and former House of Raeford supervisors and human resource administrators, including two who were involved in hiring, said some of the company's managers know they employ undocumented workers.

"If immigration came and looked at our files, they'd take half the plant," said Caitlyn Davis, a

SEE LATINO | 6A

A boss's view: Keep them working

BY FRANCO ORDOÑEZ, KERRY HALL
AND AMES ALEXANDER
Staff Writers

GREENVILLE, S.C. — The production lines rarely stopped.

An endless stream of raw chickens — thousands an hour — had to be sliced and cut into pieces for family dinner tables.

It was Enrique Pagan's job to keep his part of the line running.

He paced and often screamed at Mexicans and Guatemalans cutting chicken thighs. He demanded they move faster and scolded them when they left too much meat on the bone.

Pagan said most of his 90 workers in 2002 suffered hand and wrist pains. But he had production goals to meet. And he knew that workers wouldn't complain because many were in the country illegally.

"A lot of people didn't like me," he said.

Pagan (pronounced Puh-GAHN) had been hired in 1999 and promoted to supervisor about a year later when House of Raeford Farms' work force was in transition. By the early 2000s,

INSIDE TODAY

6A | Rogue managers were blamed in 2003 Tyson Foods case.

ONLINE VIDEO

Enrique Pagan and Lydia Torres tell their story.

■ Read parts 1 and 2 at www.charlotte.com/poultry

Latinos had replaced most African Americans on production lines. The company needed supervisors who could lead and speak Spanish. Pagan could do both.

He described himself as a loyal employee, but he would come to question company tactics. He would confront both the pressure for profits in the billion-dollar poultry industry, and the suffering that resulted.

He said his bosses never told him to intimidate his fellow Latino workers but never reprimanded him for doing so. He says he didn't have a choice — his job was at stake.

SEE PAGAN | 7A

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE



PHOTOS BY JOHN D. SIMMONS - jsimmons@charlotteobserver.com

Workers place chickens on cones before skin and meat are removed. Latinos make up about 90 percent of the work force at the West Columbia, S.C., plant. Complex manager James Mabe said many workers stay for six months and then return to Mexico. They may or may not come back, he said.

Some illegal immigrants work in fear

Latino from 1A

former Greenville, S.C., plant human resources employee.

Former Greenville supervisors said the plant prefers undocumented workers because they are less likely to question working conditions or fear of losing their jobs or being deported.

In the early 1990s, when another company owned the Greenville plant, most workers were African Americans. Now, most are Latino.

"We can only hire those who apply to work for us, and at the moment between 85 percent and 90 percent of our job applicants are Latino," said Greenville complex manager Barry Cronic in a written response.

Handling IDs

Federal immigration law requires little of companies when checking applicants' IDs. Employers don't have to verify workers' immigration status or check that their IDs are valid. Instead, companies must accept applicants' documents if they "reasonably appear to be genuine."

Davis, the former Greenville human resources employee, said she was told not to examine actual IDs when hiring, but instead to copy the IDs, then review the black-and-white images. She said some Latino applicants provided discolored Permanent Resident Cards, but such flaws did not show up in the black-and-white copies.

"We knew for a fact that some of the IDs were fake," said Davis, who worked at the plant for two years until this past summer.

If questioned by authorities, the company could show copies of the IDs, which appeared authentic, she said.

Cronic, the Greenville complex manager, said the plant examines all documents as presented and makes copies only for its records.

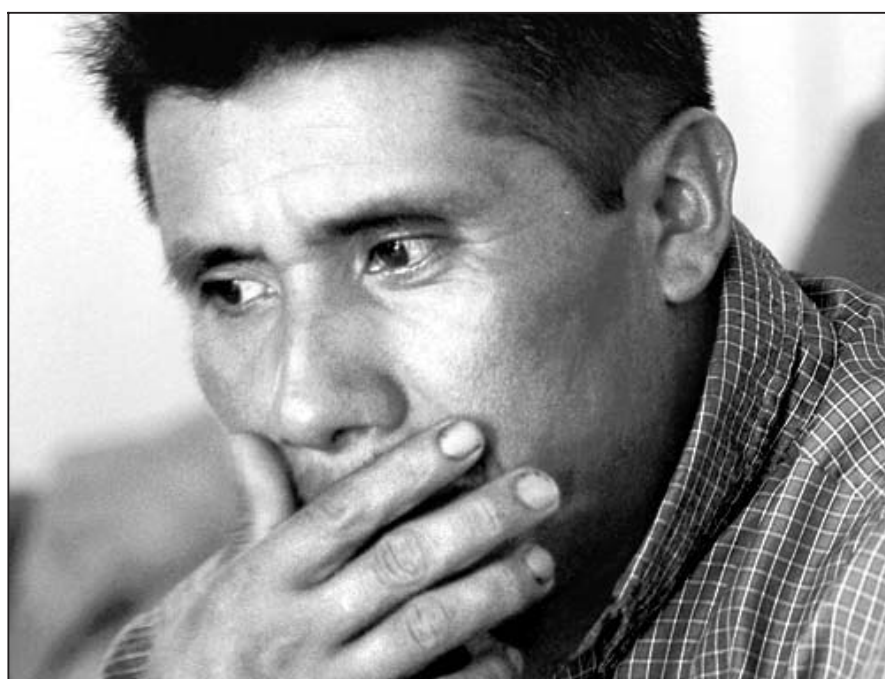
"All Human Resource personnel are trained to examine documents," he wrote. "We are not document experts."

Workers from House of Raeford's plants in Raeford, Greenville and West Columbia, S.C., spoke to the Observer about their status. Some said House of Raeford questioned worker IDs less than other employers. One worker said he got a job at the same plant twice using different names and IDs.

House of Raeford's Carolinas plants do not participate in a free federal program that allows companies to verify applicants' Social Security numbers, according to the Department of Homeland Security.

"It is a common misconception that the employer must check social security numbers of applicants or employees in order to determine their immigration status," Cronic said in a written response.

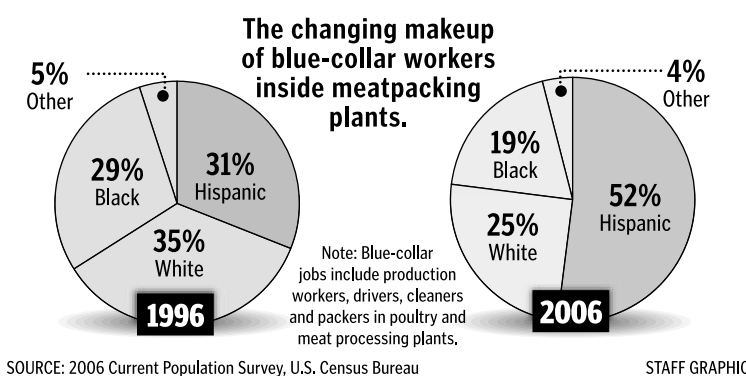
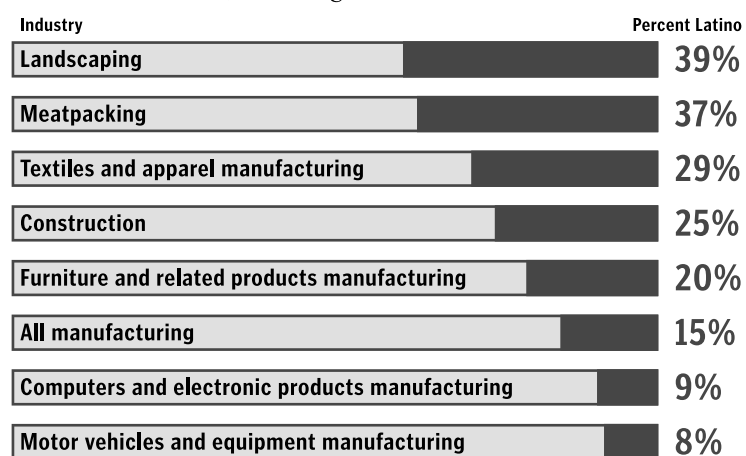
Former poultry worker Jose Lopez told the Observer he used fake docu-



Family and friends from Guatemala told Jose Lopez he could find a good-paying poultry job in the Carolinas. He says he spent \$100 for fake identification, then used it to get a job at House of Raeford's Greenville, S.C., plant.

Latinos in the work force

Meatpacking is more reliant on Latinos than all but one other industry - landscaping. The percentage of Latinos in various industries in the U.S., according to the Census:



ments to get work at the Greenville plant. He said family and friends from Guatemala told him that there were good-paying poultry jobs in the Carolinas, even for illegal immigrants who didn't speak English.

In 2004, he paid a smuggler \$3,000 to guide him on a two-week journey across the desert and into Arizona before catching a series of buses. He said \$100 bought him a fake Permanent Resident Card and Social Security number, which he says he used to get his job.

Industry of undocumented

It's unclear how many illegal immigrants work in the poultry industry. One 2006 study estimated more than a quarter of meat-processing workers nationwide are undocumented. Some experts say even more work in poultry be-

cause its jobs are less skilled.

A 900-employee Crider poultry plant in Stillmore, Ga., lost 75 percent of its mostly Latino work force during September 2006 immigration raids. No Carolina poultry plants have been raided in the past five years, according to immigration officials.

House of Raeford's West Columbia plant stopped production when about 10 percent of its work force did not show up during a May 1, 2006, national boycott calling on Congress to support efforts to legalize undocumented workers.

James Mabe, the West Columbia complex manager, said 90 percent of



Mabe

The immigration case against Tyson

The 2003 federal trial involving Tyson Foods provides a rare glimpse of how some poultry plant managers filled their chicken lines with illegal immigrants. The company was cleared of wrongdoing, but two managers pleaded guilty to charges of conspiring to hire illegal immigrants. Another manager committed suicide shortly after the charges became public.

Here are excerpts from the thousands of pages of transcripts and court documents:

■ Federal agents posing as human smugglers secretly taped some plant managers, such as Robert Sanford in Monroe, requesting illegal immigrants to work on the production lines. "Hell, I put over 700 people to work," said the voice identified as Sanford. "I'm going to need to replace 300 or 400 people - maybe 500. I'm going to need a lot."

■ Some plants skirted immigration scrutiny by giving federal officials the impression they verified workers' legal status. While the company policy called for using a federal program to verify applicants' Social Security numbers, several plants used in-house temporary employment agencies that did not scrutinize worker IDs.

■ In 1995, a Tyson plant in Shelbyville, Tenn., that had only a few Latino workers boosted production by increasing its staff to about 80 percent Latino, according to a former manager. In that year, production surged from processing 900,000 chickens a week to 1.3 million - impossible without the help of illegal labor, the former manager told a federal jury.

■ A security guard at the Tennessee plant said he was told to turn away black or white job applicants who approached the gate, but to let Latinos in.

The company, headquartered in Arkansas, said illegal immigrants were hired because of a few rogue managers.

— FRANCO ORDOÑEZ

Yuxquen" was spray-painted in black letters across one apartment complex driveway, referring to a community in Northern Guatemala.

Workers walk to the plant along wooded paths littered with torn aprons, gloves and hairnets.

Over a decade ago, pockets of the neighborhood were predominantly African American, former workers said. But as the plant hired more Latinos, those employees displaced many blacks in their jobs and later in their homes.

Experts have long debated whether illegal immigrants take jobs away from U.S. citizens, or take jobs U.S. citizens don't want.

Former union steward Joann Sullivan said the number of Latinos increased at the Greenville plant after House of Raeford bought it from Columbia Farms in 1998. She said Latinos replaced many of her African American colleagues.

"You were seeing Hispanics coming in and no blacks," said Sullivan, an African American who worked at the plant for more than 20 years. Soon, she said, Hispanics were being promoted over blacks with more experience.

Some African Americans in neighborhoods near the plant said they came to believe blacks wouldn't be hired there.

The work force change was no accident, said Belem Villegas, a former employment supervisor at the Greenville plant. She said a plant manager told her in 2001 to stop hiring African Americans.



Villegas

"They want people who do not complain," said Villegas, who handled much of the hiring until she was fired in 2005 after about five years at the plant. "It's a benefit to them to be in control. To have them illegal."

Cronic declined to answer questions about Villegas' allegations. But he said, "It is the law of supply and demand, not discrimination that has led to us having today a work force that is predominantly Latino."

The company said it fired Villegas because she was "accepting money to provide employment favors to potential employees." Villegas denies the claim and says she believes she was fired, in part, because she started speaking up for workers.

When problems arise, illegal immigrants often won't pursue typical avenues of recourse, such as joining unions or hiring attorneys, because they fear exposing themselves to greater risks.

Villegas, who was born in Texas, said some company managers would hold the workers' immigration status over their heads if they complained too much. One manager kept a list of illegal immigrants who could be fired if they caused problems, Villegas said.

"They don't play fair," she said. "They knew they had the upper hand."

— RESEARCHERS SARA KLEMMER AND MARIA WYGAND CONTRIBUTED.

Spanish version

Wednesday's edition of La Noticia will run some of the Observer's poultry series in Spanish.

“If immigration came and looked at our files, they'd take half the plant.”

CAITLYN DAVIS, A FORMER GREENVILLE, S.C., PLANT HUMAN RESOURCES EMPLOYEE

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

A boss's view: Keep them working

Pagan from 1A

First impression

Pagan remembers the day he came to work. He had never seen anything like the Greenville chicken plant, known locally as Columbia Farms. It was almost the size of a soccer field.

Inside the plant, hundreds of Latinos stood inches apart, wielding knives, cutting up thousands of chickens a shift.

It was cold, wet and noisy. Workers wore earplugs to protect their hearing from the clanking conveyor belts.

Pagan, then 47, and Lydia Torres, 34, had left Puerto Rico, where they were U.S. citizens, to “*echarse adelante*” – a Spanish phrase meaning to succeed and get ahead. The couple moved to Buffalo, but after working odd jobs for a few years relocated to Greenville, where a Honduran friend told them the climate was warm and jobs were plentiful.

They were among the growing number of Latinos who found work in poultry plants throughout the Southeast, usually in the most dangerous jobs for the lowest pay.

Pagan drove a bus in Puerto Rico and made \$100 to \$250 a week. Now, he could make \$300 a week at the processing plant cutting wings and thighs.

He was quick with a knife and scissors on the de-boning line. In just over a year, he was promoted to supervisor. That meant an extra \$100 a week, he said. He would wear a hard hat signifying his new role as a boss.

Pressure to produce

Pagan's department was required to keep production levels between 150 to 160 birds a minute, about 70,000 a day, he remembers. No excuses.

If his workers fell behind, it was his job to make sure they caught up. If they could not get the work done in eight hours, they stayed overtime until they finished, he said.

Managers warned workers that the plant lost money every second the line slowed or stopped.

Upper management in white hard hats pushed production managers in red hard hats – who pushed supervisors like Pagan, in orange hard hats. Workers received the brunt.

Latino workers were accustomed to their American bosses yelling at them. But what really hurt, several workers said, was the disparaging treatment by Latino supervisors who shared their background and understood the struggles of being an immigrant in the U.S.

One Guatemalan line worker, Miguel, said several supervisors treated fellow Latinos as if they were “*desechables*” or disposables.

“They treat you like you're not human,” said Miguel, who asked that his last name not be used for fear of losing his job.

Barry Cronin, House of Raeford's complex manager in Greenville, said in a written response that “our supervisors were never asked to use fear and intimidation against our employees.”

Pagan acquired a reputation as one of the toughest line supervisors, particularly with Guatemalan workers who often spoke Mayan dialects and knew little Spanish. He had a short temper and spoke rapidly when angry, workers recalled.

Former line worker Alberto Sosa called Pagan abusive and once confronted him in a storage area after he berated a Guatemalan for working too slowly. You don't have to treat people that way, Sosa remembers saying.

Pagan said he didn't recall the incident, but didn't deny it.

The workers, he said, didn't understand that missed production goals could cost him his job.

A wife's warning

Torres never wanted Pagan to be a supervisor.

All day, knife in hand, Torres made hundreds of cuts an hour. After about six months, her hands began to hurt. She said a supervisor screamed at her to work faster even after she complained about being in pain.

At home she had trouble cooking and cleaning. She couldn't open jars.

Torres' hands worsened. She would awake with her hands curled in a claw. The company sent her to a doctor who diagnosed her with carpal tunnel, she said. She had surgery. She went back to work, but left several months later because of the pain, she said.

Torres worried Pagan would become like her supervisor, who often scolded her. But Pagan dismissed her concerns. He said she just had a bad boss. He would never be like that.

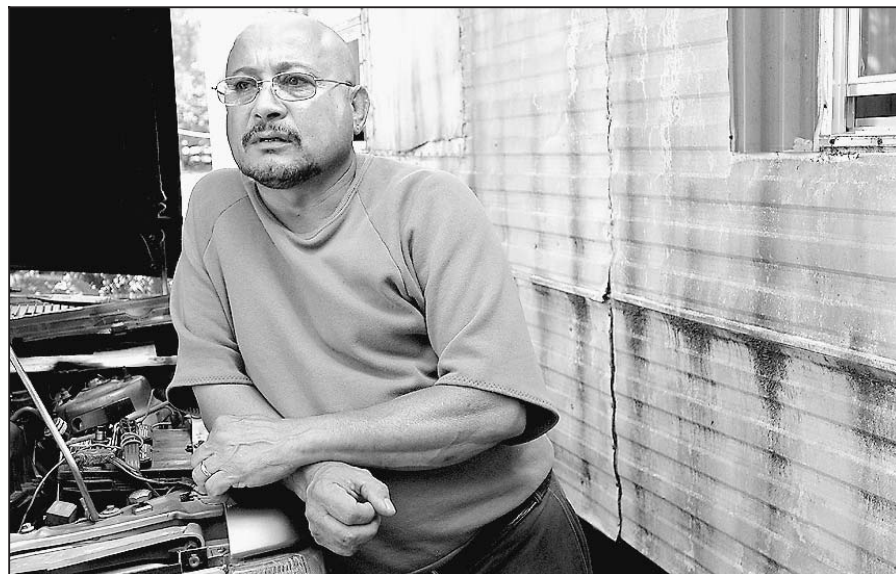
Touched by pain

Veronica Zapot worked on Pagan's line. She was a quiet, petite woman who kept her head down. But in 2001, she be-



PHOTOS BY JOHN D. SIMMONS - jsimmons@charlotteobserver.com

Lydia Torres says she had carpal tunnel surgery on her right hand after working at the House of Raeford poultry plant in Greenville, S.C. She says she quit when the pain became too much. More than five years later, her hands are better, but she still has pain and struggles with some routine tasks.



Enrique Pagan said he eventually warned employees that poultry work could ruin their hands. Most worked in pain, he said. “How can you not feel bad (for them)?”

gan to complain about her hands. Pagan conceded the work was difficult, but if she wanted the job she would need to keep up, he said.

He later learned Zapot, then 30, lived a few blocks from his apartment. She told him about coming to the Carolinas from Coatzacoalcos, Mexico. She told him about her life as a single mother, and the challenges of raising children in the U.S.

He later invited Zapot to leave her baby with Torres, who was then taking care of several workers' children for extra money.

Pagan watched as Zapot struggled. She de-boned 200 to 300 chicken thighs an hour. Eventually, she said, the fingers of her hand locked into a claw – the way Torres' had. Unable to straighten them, she said she would have to tilt her hand to let the knife slip out.

“She'd come to me. She'd be holding her wrists,” Pagan said. “You could see it in her eyes that she was in pain.”

He sent her to the first-aid attendant, who gave Zapot over-the-counter pain pills and a bandage, suggesting her throbbing hands came from cooking at home.

“She'd say, ‘You Mexicans, you make so many tortillas,’” Zapot said.

When Zapot visited a doctor on her own, she said she learned she had tendinitis. She later had surgery and won a worker's compensation settlement, according to her attorneys.

“The tendons in my fingers were in knots,” she said.

House of Raeford declined to comment on many of the employees' specific allegations, saying that, without signed releases, it was unable to discuss details of their health or employment. In general, the company said it found “many inaccuracies” in the information workers provided to the Observer but declined to elaborate.

“The allegations made by these former employees do not fairly or accurately represent the policies or management practices of House of Raeford Farms,” the company wrote. “... ‘We value our employees and strive to treat them in a fair and respectful manner at all times.’”

‘Tell them to wait’

Pagan said he worried about his workers, but giving them breaks left him with fewer hands on the line. A

boss once admonished Pagan for sending workers to the first-aid station, he said.

Three other ex-supervisors and a former human resources employee similarly described a culture where supervisors dismissed employee's complaints. Caitlyn Davis, who worked in the human resources department until she quit in July, said one supervisor referred to his Latino assistants as “Thing 1” and “Thing 2.”

Another former supervisor told the Observer: “They tell you to not let people off the line. ‘To wait. To wait. Tell them to wait until the break. Tell them to wait until someone else can replace them. Tell them to wait until after work.’ It's always to wait. The pain doesn't wait.”

The supervisor said he was fired after receiving three or four reprimands, the last for a safety violation. He requested his name not be used because he still has relatives working for the company.

Cronin, the Greenville complex manager, said in a written response, “If any supervisor is discouraging employees from reporting injuries, that supervisor is in violation of company policy.”

New pressure

In 2004, four years after becoming a supervisor, Pagan woke up in a sweat. It was about 2 a.m. He was shaking.

Torres asked what was wrong. He said a boss was increasing the pressure on supervisors.

My stomach's tied in knots, he said. I don't know how long I can stay.

Torres said he often came home angry. He became detached. He lost his sense of humor. It affected their sex life.

“I didn't have any will to do anything,” Pagan said.

In early 2005, good news came. A social worker told the couple that a family had offered a baby for adoption.

Pagan had four children from a previous marriage. Torres had none and did not want to go through infertility treatments she needed to become pregnant.

Three days later, on Feb. 14, they brought Bryant home. He was four days old and weighed less than 9 pounds.

“He was the tiniest thing,” Torres said.

The couple knew that social workers would visit the family regularly to check on Bryant's progress. They

House of Raeford

The privately held company, based in Raeford, is among the top 10 U.S. chicken and turkey producers.

Chairman: Marvin Johnson.

Size: Eight processing plants and 6,000 employees.

Customers:

■ **Restaurants** including Blimpie, Golden Corral and Ryan's.

■ **Schools** around the U.S., including Charlotte-Mecklenburg Schools.

■ **Stores** including Food Lion and Lowes Foods. The company's deli meat is marketed under the name “Lakewood Plantation.”

Sources: Observer research, House of Raeford, Dun & Bradstreet, Watt Publishing, National Poultry and Food Distributors Association



duction goals in early 2006, but was being blamed more for workers' mistakes.

A boss pulled him into an office, he said, and reprimanded him for leaving too much meat on the floor.

Pagan said he was told to sign a disciplinary note for his personnel file. He was being punished, he believed, for giving workers too many breaks.

He refused to sign and walked out.

‘I'll never go back’

Torres gave their dining room table to a niece. Pagan sold his car to a friend. They took most of the pictures off the wall, but left U.S. and Puerto Rican flags hanging in the living room. They packed their belongings into 40 boxes and shipped them to Puerto Rico.

Pagan said he planned to buy a used bus and hoped to get a public route again.

Before leaving, he made one last visit to the plant. He walked along one of the wooded trails lined with discarded gloves and hairnets. He stopped near a picnic table and spoke about his former job.

He had hoped for more when he came to Greenville. He and Torres did make enough money to buy a four-room house in Guayanilla, Puerto Rico, and they adopted their son, Bryant.

But he said he'll never forget how Latinos were treated at the poultry plant – and how he felt forced to treat them. Did he have a choice? No, he says, not if he wanted to keep his job.

“I'll never go back,” he said.

Moments later, a man with a red hard hat walked out a plant door. Pagan took a long look. It was one of his former bosses.

“We should go before he says something,” he said.

Pagan turned away from the poultry plant and walked back up the path.

Epilogue

In August, Pagan and Torres moved back to Puerto Rico.

Torres stays home with Bryant. Pagan drives a bus again.

“I feel good here,” he says. “I have family. The only thing is, you don't make much money to save.”

would want to know that the boy was being well cared for and that the family had the financial means to support the child. It would be two years before Bryant would be officially theirs.

Pagan needed his job more than ever.

Final conflict

Pagan was overseeing more than 100 workers.

He quietly began to warn some about their hands. He allowed more first-aid breaks.

After work, mothers would come to Pagan's home to pick up their children from Torres. They would often complain about their hands. Several, like Carolina Cruz, did not have the hand strength to hold their children. Cruz relied on her forearms to lift and hug her young son, Jose.

Pagan said he felt bad for the workers but angry at them for enduring the pain. He never advised them to quit because he knew their families needed the money. But he encouraged them to look for other jobs.

“You shouldn't do this work,” he recalls telling them. “You'll ruin your hands.”

“Look at Veronica. Look at Lydia. She can't even brush her hair.”

Pagan said he was meeting his pro-

THE SERIES

■ Sunday: Poultry giant has masked the **EXTENT OF INJURIES** in its plants. **SPECIALTY CUTS** put poultry workers' hands at greater risk.

■ Monday: **MARVIN JOHNSON**, House of Raeford chairman, has taken on regulators.

■ Today: **ONE BOSS' STORY**: Pressure to produce came at expense of Latino workers.

■ Wednesday: **COMPANY MEDICAL WORKERS** sometimes make it hard for employees to get proper care.

■ Thursday: Greenville, S.C., plant's **SAFETY STREAK** is a myth, current and former workers say.

■ Friday: **LAX ENFORCEMENT** of workplace standards allows dangerous conditions in poultry plants to persist.

READ OUR STORIES ONLINE AT WWW.CHARLOTTE.COM/poultry

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“She'd come to me. She'd be holding her wrists. You could see it in her eyes that she was in pain.”

ENRIQUE PAGAN, FORMER HOUSE OF RAEFORD SUPERVISOR

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

Workers say they're denied proper medical care

BY AMES ALEXANDER,
FRANCO ORDOÑEZ AND KERRY HALL
Staff Writers

Mike Flowers is a powerful gatekeeper. He often decides whether to send poultry workers to a doctor when they get hurt on the job or complain of chronic pain.

"I think we do a pretty good job of taking care of these folks," said Flowers, who treats workers at the House of Raeford Farms plant in West Columbia, S.C.

Ernestina Ruiz thinks otherwise.

In 2006, after months of de-boning thousands of chicken breasts each day, her hands and wrists began to hurt. She complained to Flowers at least three times, she said, but each time he gave her pain relievers or a bandage and sent her back to work.

"You're going to be fine," she recalled him saying.

A large lump grew on her left wrist. The pain got so bad, she said, she went to a private doctor and had surgery.

Day after day, poultry workers are cut by knives, burned by chemicals or hurt by repetitive work, according to dozens of injury logs compiled by plants across the South.

Because many workers are illegal immigrants and can't afford private care, their health rests largely with company medical workers.

Those in-house attendants are supposed to help workers heal. Instead, some have prevented workers from receiving medical care that would cost the company money, an Observer investigation has found. And in some instances, the treatments they provide can do more harm than good.

At House of Raeford, some health care workers lack medical credentials. At least two came to their jobs with felony records.

House of Raeford officials said they staff plants with trained personnel who use accepted first-aid practices to handle minor injuries. Workers needing advanced care are referred to doctors, the company said.

SEE MEDICAL | 10A



JOHN D. SIMMONS - jsimmons@charlotteobserver.com

"I certainly wouldn't want to think we ignored claims for help," said Mike Flowers of House of Raeford Farms in West Columbia, S.C. "We're not running a pie factory. It's a production plant."

INSIDE TODAY

11A | Celia Lopez describes a typical day as a poultry plant worker.

11A | How Tyson Foods' policy delayed care for workers.

ONLINE EXTRAS

View a slideshow depicting the processing of poultry from start to finish at www.charlotte.com/poultry

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

Doctors question care of workers

Medical from 1A

"I believe we have provided the care for our employees that's expected," said Gene Shelnut, the company's human resources director.

In communities near House of Raeford's four largest plants in the Carolinas, more than 30 workers told the Observer that company medical attendants did little to help them when they suffered injuries or complained of pain. More than a dozen, including Ruiz, said those attendants refused their requests to see a doctor.

Ruiz, who began working at the West Columbia plant around 2000, said her hands were hurting after she was moved to the de-boning line, where workers make thousands of cutting and grasping motions each day.

She recalled how sharp pains shot through her hands and wrists each time she grabbed a piece of chicken streaming down the production line.

Medical experts say cysts like the one that grew on Ruiz's wrist often result from repetitive work.

Flowers told the Observer that Ruiz never asked him to see a doctor. And the company had no proof her injury was work-related, he said, noting that the cyst wasn't on her dominant hand.

Ruiz said she used both hands on the de-boning line.

In interviews last year, Ruiz said her hands still ached. She said she could no longer tie her children's shoes, and when she lifted her 1-year-old daughter, she did it with one arm.

"I can't hug her with two hands," she said. "It's not the same."

The cost of care

Companies aren't required to provide on-site medical staff, but many poultry plants have employed them for decades.

In an industry known for the pain it inflicts on workers' hands, deciding when to send employees to doctors can have far-reaching effects.

Companies must compensate workers if they are injured on the job and require a doctor's treatment or can't work. Productivity suffers.

When injured workers require treatment beyond first aid, employers also must record those injuries on federal logs; too many injuries can draw scrutiny from workplace safety inspectors.

In this environment, medical gatekeepers can often face a choice: provide workers with the care they need or save the company money.

One House of Raeford worker with carpal tunnel syndrome said a first-aid attendant blamed her hand pain on driving a five-speed car. Another with tendinitis recalled a company nurse saying her pain resulted not from cutting thousands of chickens each day but from a previous case of meningitis.

Doctors say they've heard the stories, too.

Dr. Jorge Garcia, a physician in Newberry, S.C., has treated about 1,000 poultry workers from House of Raeford and two other companies in the past seven years. In about half the cases, he said, the workers' conditions deteriorated because they didn't see a doctor quickly enough.

"They won't send people to a doctor for a week or two or three until the problem gets worse," Garcia said. "I hear that probably 90 percent of the time. By the time they come to me ... they're not getting any better."

'Not the same hand'

Help came too late for former House of Raeford worker Celia Lopez.

Lifting and weighing thousands of turkey breasts each day at a House of Raeford plant near Fayetteville, her hands began to hurt so badly she could barely keep working, she said.

She said she complained to a company first-aid attendant, who gave her pain relievers but didn't send her to a doctor. Months later, in 2006, she saw Harry Cross, a physician assistant on contract with House of Raeford who gave her more pain relievers but recommended no further treatment or testing for her hands, she said.

Lopez went to an independent clinic months later and was diagnosed with carpal tunnel syndrome - a debilitating hand ailment that can be caused and aggravated by repetitive work. Last year, she had surgeries on both hands to correct the problem.

Dr. Stanley Gilbert, who performed the operations, said that by the time Lopez came to him, her injuries were already serious. Had she come sooner, he said, treatment might have prevented the need for surgery.

"If you don't treat it early enough, you can have permanent damage to the nerve," the Fayetteville doctor told an Observer reporter who accompanied Lopez on a follow-up visit last summer.

It's unclear whether the damage to Lopez's hands is permanent, Gilbert



PHOTOS BY JOHN D. SIMMONS - jsimmons@charlotteobserver.com

Workers make cuts on chickens flowing down a production line at the House of Raeford plant in West Columbia, S.C. It takes 2 1/2 hours for a chicken to be killed and processed at the plant, known locally as Columbia Farms.



Dr. Jorge Garcia, who practices in Newberry, S.C., said injuries often get worse when poultry workers aren't sent quickly to doctors. "My main concern is that what started as a very minor injury becomes a very serious injury," he said.

said.

Lopez said she still had trouble lifting dishes and changing her grandson's diapers. Sitting in Gilbert's office, she stared at her hands and lamented the damage: "My left hand - it's not the same hand."

Asked about Lopez's case last year, House of Raeford said it couldn't comment because she'd hired an attorney. Cross didn't respond to questions about her case.

Lopez, who worked under the name Milagro, was charged last summer with identity theft; police say she assumed another woman's name and Social Security number to get a job.

House of Raeford also declined to comment on the cases of other workers who complained about plant medical care, saying that, without signed releases, it was unable to discuss details of their health or employment. The company said it found "many inaccuracies" in the information workers provided to the Observer but declined to elaborate.

"The allegations made by these former employees do not fairly or accurately represent the policies or management practices of House of Raeford Farms," the company wrote.

Big job, little training

When N.C. OSHA investigated injuries at one House of Raeford plant in 1999 and 2000, it concluded that company policies were inhibiting workers

from seeking medical care.

The inspectors were trying to determine why many workers at one of the company's plants in Raeford were suffering from injuries commonly caused by repetitive motion.

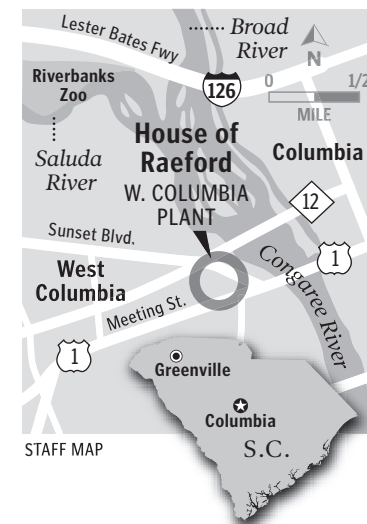
"We were concerned they weren't going to get the medical treatment, and their symptoms were going to be ignored and just made worse," J.D. Lewis, the state's lead inspector in the case, told the Observer.

In court documents, regulators said a first-aid attendant at the plant had "no special training for the position" and was not licensed as a health care provider or even certified in first aid. Yet the attendant was responsible for evaluating injured workers, treating them and deciding whether to send them to licensed medical providers, the state said.

The state dropped the case in late 2000 after Superior Court Judge Jack Hooks refused to let regulators interview hundreds of workers inside the plant. The judge said inspectors had no authority to investigate further because compliance deadlines for new ergonomics rules had not yet kicked in.

Today, at a neighboring House of Raeford plant, the job of treating and evaluating workers falls to Theodocia Richardson.

Her only formal health care training consists of a daylong CPR class each year, she said.



STAFF MAP

Still, she said, experience has taught her a lot. Twenty years ago, the company moved her from a job on the production floor to the first-aid station. She said she picked up many of her skills from another company first-aid attendant.

"I don't know where she got hers from, but I got mine from her," Richardson said.

She said she never provides more than basic first aid, but she can call Cross, the physician assistant on contract with the company, if she encounters a situation that's "over my limit."

The company says it follows the plans prescribed by doctors.

"We value our employees and strive to treat them in a fair and respectful manner at all times," the company said in a written response.

'Not right all the time'

At the West Columbia plant, some workers think Mike Flowers is a doctor. Flowers, the plant's health and safety manager, isn't a doctor - or even a nurse.

He previously worked as a paramedic - which requires about a year of training - and as a deputy coroner. After going to work at the plant in the early 1990s, he said, he also received training on injuries and safety hazards common in poultry factories.

Flowers said he has never represented himself as a doctor, but noted that a receptionist once called him "Dr. Mike" and the name stuck.

"With my experience, I'm able to handle a lot of issues," he said during an interview last year.

House of Raeford

The privately held company, based in Raeford, is among the top 10 U.S. chicken and turkey producers.

Chairman: Marvin Johnson.

Size: Eight processing plants and 6,000 employees.

Customers:

■ Restaurants including Blimpie, Golden Corral and Ryan's.

■ Schools around the U.S., including Charlotte-Mecklenburg Schools.

■ Stores including Food Lion and Lowes Foods.

The company's deli meat is marketed under the name "Lakewood Plantation."



Sources: Observer research, House of Raeford, Dun & Bradstreet, Watt Publishing, National Poultry and Food Distributors Association

Five workers told the Observer that when they complained to Flowers about injuries or persistent pain, he told them they were fine or sent them back to the line after giving them bandages or pain relievers.

Asked whether he ever refused to send workers to a doctor, Flowers said: "I may have, but I say they can go on their own, and if the doctor decides it's work-related, they can bring the bill and I'll file the claim."

But going to a doctor on their own isn't always an option. Some workers can't afford the company's health insurance or treatment from a private doctor. Others are illegal immigrants who fear they'll be fired or deported if they seek medical help.

When employees complain about pain, Flowers asks about their work and medical history and talks with their supervisors before deciding what to do, he said.

"You have to make a decision," he said. "I'm not right all the time, but I'm certainly not wrong all the time."

While carpal tunnel syndrome is common among poultry workers, Flowers' plant didn't record a single case from mid-2003 to early 2007.

Flowers described a test he uses to determine whether workers under his care suffer from carpal tunnel: The thumb, forefinger and middle finger of one hand must all be numb.

Five doctors not associated with House of Raeford criticized that test, telling the Observer it would fail to catch many serious cases of carpal tunnel.

"That's crazy," said Dr. Paul Perlik, a Charlotte hand surgeon. "...If you isolate your diagnosis to that, you could miss a whole lot of stuff."



Perlik

Questionable treatments

At House of Raeford and other poultry companies, first-aid workers sometimes provide treatments that may harm workers more than help them.

Some attendants, for instance, have dipped workers' aching hands in hot wax or water.

Doctors say the heat momentarily eases pain but can cause inflamed tendons and tissues to swell more.

One worker at House of Raeford's Greenville, S.C., plant said that when he awakes, the fingers of his left hand are often locked into a half fist. The worker, who asked not to be named because he fears losing his job, said he must pull each finger straight. The pain, he said, feels like pulsating needles.

When he visited the company first-aid station, he said, "all they give you is cream, maybe dunk your hand in hot water ... and send you back to the line."

A company nurse refused to send him to a doctor, he said. But he went on his own and was told he was developing carpal tunnel.

"I can put my hand in hot water at home," the worker said. "What do I need a nurse for?"

The nurse at the Greenville plant declined to comment. She is a licensed practical nurse trained in ergonomics, said complex manager Barry Cronin.

"If an employee has even a slight injury or discomfort, (she) takes aggressive medical management to relieve symptoms before a little problem becomes a big problem," Cronin said in a written response to Observer questions.

SEE MEDICAL | 11A

“They won't send people to the doctor for a week or two or three until the problem gets worse.”

DR. JORGE GARCIA, A PHYSICIAN IN NEWBERRY, S.C., WHO HAS TREATED ABOUT 1,000 POULTRY WORKERS FROM THREE COMPANIES

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

Judge criticized Tyson guidelines

Carpal tunnel policy modified since 2002

BY AMES ALEXANDER
Staff Writer

A judge sharply criticized policies at one large poultry company that encouraged nurses to delay medical treatment for some injured workers.

Tyson Foods, in a manual once issued to company nurses, provided the following guidance on how to handle workers with symptoms of carpal tunnel syndrome, a painful hand ailment: Treat them in-house and "if not improving after 4 weeks, refer to a physician."

Administrative Law Judge Murphy Miller concluded in 2002 the policy left Georgia worker Carolyn Johnson with permanent injuries.

"An employer that ... requires four weeks of in-house treatment before a physician referral charts a collision course with medical disaster," the judge wrote. "The employee's permanent nerve damage is the foreseeable result."

Tyson said its guidelines were based on recommendations from medical providers. But the company has since modified them "to ensure everyone clearly understands workers have the option of immediately being referred to a physician at their request," a company spokesman wrote in an e-mail to the Observer.

At Tyson's Buena Vista, Ga., plant, Johnson pulled thousands of chicken breasts from their carcasses each day.

In 2000, she told supervisors she was suffering from hand pains, according to workers' compensation documents. She later visited company nurses, who gave her 2,400 milligrams of ibuprofen a day — twice what manufacturers recommend for those without prescriptions. Experts warn that too much ibuprofen can lead to ulcers, liver damage and even death.

The company didn't send Johnson to a doctor until three months after she first complained to supervisors, records show. By that time, tests found she had severe carpal tunnel.

Tyson said it could not discuss the details of Johnson's case. But a spokesman wrote that company officials "work diligently" to make sure injured workers receive proper medical treatment.



JOHN D. SIMMONS — jsimmons@charlotteobserver.com

Former House of Raeford worker Celia Lopez, 44, came to the U.S. because jobs were scarce in her Mexican hometown. Her pay helped with her grandmother's medicine and children's schoolbooks. The scar on her left hand is from carpal tunnel surgery. She later had the same surgery on her right hand.

A worker's grueling day

BY FRANCO ORDOÑEZ
fordonez@charlotteobserver.com

Celia Lopez felt lucky when she was hired at the House of Raeford Farms turkey plant in Raeford. But after six years, the 44-year-old mother of three said she feared the "hands that take care of my family" are ruined. Last February, Fayetteville Dr. Stanley Gilbert performed carpal tunnel surgery on her left hand. In June, he performed surgery on her right hand. At the Observer's request, Lopez recounted a typical day:

6:45 a.m. — Lopez walks through the gate of the sprawling plant. She's struck by the pungent smell of ammonia.

She punches her timecard and puts on her gear — rubber boots, apron, hairnet and two pairs of gloves. She rushes to position. Workers must be at their posts before the production line starts. No excuses.

7 a.m. — The line starts. Lopez begins by grabbing and placing turkey breasts on plates to be weighed. Each plate must weigh between 6 and 6½ pounds. She grabs meat with her right hand and uses her left to hold the plate, then pushes the turkey along the line. She'll repeat this process hundreds of times an hour.

9:30 a.m. — If Lopez needs a bathroom break, she must wait until a supervisor finds someone to replace her on the line. This can take minutes or hours — if approved at all. "Bathroom breaks are a privilege, not a necessity," she said her bosses told her. If granted, she has 10 minutes to remove her gear, use the facilities and return.

11 a.m. — Lunch.

11:30 a.m. — Back on the line. She has processed hundreds of pounds of meat. The line is moving fast; workers struggle to keep pace, she says. Conversation is minimal.

2 p.m. — Break. She looks for a wall to press her back against and stretch her muscles.

2:30 p.m. — The next two hours are the hardest — the piles of meat seem endless, she says. Her back cramps, pain spreading to her shoulders, arms and hands. She is exhausted from standing. Sometimes she feels dizzy.

4 p.m. — She punches out. She changes out of her work clothes, washes her face and leaves.

4:30 p.m. — She arrives home and takes a shower. "The meat smell gets stuck in your skin," she says.

About 7 p.m. — She helps cook dinner for her family. Grasping a spoon is hard, she says. She uses two hands to carry a dinner plate. Basic tasks take longer because of the pain. "It's like ants crawling through my hands, up my arms," she says.

9 p.m. — She takes two ibuprofen pills before rubbing her hands with alcohol and lotion — a nightly routine.

9:30 p.m. — She goes to bed.

Midnight — 2 a.m. — Lopez frequently wakes up, hands cramping. She squeezes her fists and rubs her fingers to get blood flowing. She may wake up four times a night; each time the pain is worse. She swallows more ibuprofen.

5 a.m. — Her alarm sounds. The line starts in two hours. "Sometimes I cry. I just pray to God that he will show me the way."

Lopez was fired from the plant in July after police charged her with assuming the identity of a California woman. Police say Lopez, who moved to Raeford from Mexico six years ago, obtained the name and Social Security number of another person to gain employment, a common practice of illegal immigrants. According to police, the California woman was in jeopardy of losing Social Security benefits because of Lopez's actions. A warrant for Lopez's arrest was issued in December when she missed a court date.

Path to doctor sometimes obstructed

Medical from 10A

Trouble with the law

The Observer discovered that two medical workers responsible for the health care of plant employees have criminal records.

Steffeny Harris came to House of Raeford with a record dating to the early 1980s, including felony convictions for forgery and obtaining property under false pretenses. In 1997, she pleaded guilty to misappropriating more than \$2,000 from an 84-year-old resident at an assisted living home she ran in Greenwood, S.C.

Soon afterward, she responded to a newspaper ad and was hired as medical director at House of Raeford's Greenville plant. Trained as a certified nursing assistant, Harris said she felt well-equipped to handle the job.

During her time at the plant, from the late 1990s until 2002, Harris said she treated about 50 workers who complained of sore hands and wrists and sent about 15 to a doctor. She referred those workers to physicians only if they complained more than twice, she said.

She said she learned to distinguish between employees who truly needed help and those simply seeking a break from work.

"You can just tell," Harris said.

She said a manager at the plant once summoned her to his office shortly af-

N.C. panel says Raeford worker fired after injury

Some House of Raeford employees say the company fires workers who get injured.

In the case of Cecilia Alvarez, the N.C. Industrial Commission agreed. Alvarez suffered pain and numbness in her hands while working a job that required her to pack about 300 turkey legs hourly at a House of Raeford plant west of Fayetteville.

Documents from her workers' compensation case show what happened next:

She began to complain to her supervisor about the pain in August 2002. In November of that year, a physician assistant concluded that her condition was work-related and said testing should be done to rule out carpal tunnel syndrome.

House of Raeford never referred Alvarez for further treatment or testing. And despite orders from the physician assistant that she not be given work requiring repetitive hand motions, the company continued to give her such jobs.

In November 2004, Alvarez visited a surgeon, who concluded she had carpal tunnel syndrome. After she returned to work with a note restricting her to light duty, the company sent her home, saying it had no lighter job for her. The company never offered her further work.

In approving Alvarez's workers' compensation claim, the commission said House of Raeford "presented no evidence that they terminated (Alvarez) for any reason other than her compensable disability."

House of Raeford said it settled its case with Alvarez but couldn't discuss it because of a confidentiality agreement. — AMES ALEXANDER

ter she was hired and asked why she was sending so many workers to the doctor.

She said she explained that workers were getting hurt.

The manager, she said, told her it was her job to keep workers from going to the doctor.

Harris said she continued to send workers to the doctor if she believed they needed to go.

In a letter to the Observer, Cronin, the complex manager, said: "We absolutely have no recall of such a conversation."

Cross, the physician assistant who

Spanish version

This week's edition of La Noticia will run some of the Observer's poultry series in Spanish. Also on www.charlotte.com/español

has treated House of Raeford workers, also has had trouble with the law.

In 2002, he was sentenced to 27 months in federal prison for submitting false Medicare claims. Among other things, he was accused of submitting bills for examining patients who had already died.

His medical license was reinstated in 2004, after he was released from prison and paid restitution. As of last year he was under contract to provide medical care for House of Raeford workers.

He declined to be interviewed at length but said his criminal record isn't relevant to his work today. "All I'm trying to do is help people on a daily basis," he said.

Shelnutt, House of Raeford's human resources director, said the company didn't know about Cross' criminal record until recently. However, he said, that record "had nothing to do with the treatment of patients."

"I believe people deserve a second chance," he said.
— STAFF WRITER KAREN GARLOCH AND RESEARCHERS MARIA WYGAND, SARA KLEMMER AND MARION PAYNTER CONTRIBUTED.

THE SERIES

■ Sunday: Poultry giant has masked the **EXTENT OF INJURIES** in its plants. **SPECIALTY CUTS** put poultry workers' hands at greater risk.

■ Monday: **MARVIN JOHNSON**, House of Raeford chairman, has taken on regulators.

■ Tuesday: **ONE BOSS' STORY**: Pressure to produce came at expense of Latino workers.

■ Today: **COMPANY MEDICAL WORKERS** sometimes make it hard for employees to get proper care.

■ Thursday: Greenville, S.C., plant's **SAFETY STREAK** is a myth, current and former workers say.

■ Friday: **LAX ENFORCEMENT** of workplace standards allows dangerous conditions in poultry plants to persist.

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“All I'm trying to do is help people on a daily basis.”

HARRY CROSS, PHYSICIAN ASSISTANT

THE CRUELEST CUTS

Fifth of Six Parts

THE HUMAN COST
OF BRINGING POULTRY TO YOUR TABLE

PAIN BEHIND SAFETY STREAK



JOHN D. SIMMONS - jsimmons@charlotteobserver.com

Petrona Agustin holds a prosthesis she places over the tip of her little finger, which was severed in 2003 at House of Raeford in Greenville, S.C. Agustin said her request to have time off to recuperate was denied.

Injured workers say they aren't given time off to heal

BY KERRY HALL,
FRANCO ORDOÑEZ
AND AMES ALEXANDER
Staff Writers

GREENVILLE, S.C. — Cornelia Vicente was packing chicken tenders at House of Raeford Farms' plant in 2003 when a conveyor belt snagged her hand, snapped her right arm and ripped off the tip of her index finger.

Maintenance workers struggled to free her, and paramedics rushed her to a hospital.

Hours after surgery, Vicente recalled, a House of Raeford nurse who had come to the hospital gave her some news: She was expected back at the plant early the next day.

The following morning, managers put Vicente to work wiping down tables and handing out supplies, she said.

When she asked for time off, she said, the nurse said no.

"So, of course, I stayed so I didn't lose my job or my salary," Vicente said.

The nurse declined to be interviewed for this series.

House of Raeford boasts that its Greenville plant has gone more than 7 million hours without a "lost-time accident," meaning no worker has been injured

ONLINE EXTRAS

View a slideshow of House of Raeford workers in Greenville, S.C. www.charlotte.com/poultry

badly enough to miss an entire shift. But according to the company's own safety logs, Vicente was among at least nine workers at the plant who suffered amputated fingers or broken bones — all during the time the plant claimed to have millions of safe working hours dating back to 2002.

Managers have kept the streak alive by requiring injured workers to return to the plant — in some cases hours after medical procedures.

The Observer located four of the nine workers; three said supervisors denied them time off to recuperate. Because none missed a complete shift, the company kept its streak intact.

A plant the size of Greenville's, which employs roughly 700 workers, can save hundreds of thousands of dollars in workers' compensation costs by returning injured workers to their jobs quickly, insurance experts say. By reporting fewer lost-time accidents, a company also can re-

SEE STREAK | 8A

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

No time to heal, workers say

Streak from 1A

duce the likelihood of workplace safety inspections.

Caitlyn Davis, a former human resource administrator who quit in July, said injured employees often were required to work.

"People get hurt all the time," she said. "They (managers) just put them in the office to pass out supplies."

House of Raeford did not respond to specific allegations that it sometimes required injured employees to return to work.

"Employees are returned to light duty and to full duty on doctor's orders," Greenville complex manager Barry Cronin said in a written response to Observer questions.

Asked whether the company was motivated by workers' compensation costs, Cronin replied: "We followed doctor's orders on every case."

'I wanted to be at home resting'

Vicente's accident occurred months after she arrived in the United States in 2003 from her native Guatemala. She took a job in the chicken plant, she said, to support her parents and two children.

Vicente said she was groggy from medication so didn't question the House of Raeford nurse when she told her to return to work the next day. She said she went back wearing a cast, her arm in a sling.

"It was very, very strong pain," she said. "My whole arm was swollen. I lost three fingernails."

After days of wiping down tables and passing out supplies, Vicente said, managers told her to sweep, a task she described as impossible given her broken arm.

"I wanted to be at home resting," she said.

Belem Villegas, an employment supervisor who left the plant in 2005, said she remembers Vicente sitting in the office looking "sad and depressed." She said Vicente occasionally asked for permission to go home.

"I'd have to say no," Villegas recalled. "(Managers) wouldn't let people go home."

The company recorded Vicente's broken arm - but not the amputated finger - on injury and illness logs as required by the U.S. Occupational Safety and Health Administration. Those logs show she was placed on light duty for 64 days.

Because she didn't miss a complete work shift, her injury was not counted as a lost-time accident.

Doctors contacted by the Observer said patients who suffer fractures and amputations need initial time to heal before returning to work.

House of Raeford did not respond to questions about Vicente. In workers' compensation documents, the company said it returned her to work following her doctor's orders.

The doctor who treated her, John Millon, declined to comment.

The company fired Vicente seven months after her accident after learning through a workers' compensation case that she is an illegal immigrant. A judge ruled in 2006 that Vicente was entitled to additional workers' compensation benefits because her injury limited her ability to work.

A petite woman with long black hair that brushes her waist, Vicente hides her hand when talking with strangers.

In late September, she was unemployed. Her arm still burned, she said, and she couldn't fully move it. She said she can't do many things she once did, such as braid her hair. She avoids escalators, she said, because they remind her of the accident.

"I'm still scared of all the machines."

A tragedy in 2001

House of Raeford's safety streak was preceded by tragedy.

Longtime plant worker Jerome Sullivan had the sort of job few wanted - operating an auger at the Greenville plant that disposed of chicken feathers.

The auger is a spiral-shaped shaft resembling a drill bit. Sullivan's job took him up on a catwalk overlooking the massive machine, which transported feathers into waiting tractor trailers.

About midway through Sullivan's shift on Dec. 15, 2001, an employee noticed what appeared to be blood coming from the auger, according to S.C. OSHA documents. Another employee climbed onto the catwalk, peered down, and saw Sullivan's body wrapped around the auger shaft.

Sullivan had died after falling into the machine, his body ripped to shreds, according to the autopsy report.

The report also showed that Sullivan had too much alcohol in his system to



PHOTOS BY JOHN D. SIMMONS - jsimmons@charlotteobserver.com

Workers walk a path from their neighborhood to the House of Raeford poultry plant in Greenville, S.C., known locally as Columbia Farms.

Safety log shows no time off

House of Raeford Farms' records show that some employees are returning to work after suffering serious injuries. This page from the Greenville, S.C., plant's 2002 injury and illness logs shows a worker whose finger was cut off had 85 days of light duty and no days away from work.

occurred (north end)	Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burn on right forearm from acetylene torch)	the most serious result for each case			Days the injured or ill worker was:	
		Death (G)	Days away from work (H)	Job transfer or restriction (I)	On job transfer from or restriction (K)	Away from work (L)
L-6	Laceration to knee - cutting down boxes - 4 stitches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10 days	— days
	Swelling - Left Hand	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6 days	— days
	Laceration to left arm (knife)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5 days	— days
	Laceration to right index finger (scissors)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10 days	— days
L-5	Amputation to left Index Finger (Saw)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	85 days	— days
P	Pain in right hand	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21 days	— days
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	— days	— days
9	Laceration to left Arm	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6 days	— days

SOURCES: House of Raeford Farms

WM PITZER - bpitzer@charlotteobserver.com



Villegas

legally drive a car.

Inspectors found that Sullivan was not wearing a harness and that the catwalk had inadequate safety railings. They also noted that the auger was missing its protective guard.

Shortly after Sullivan's death, plant managers ordered repairs on equipment throughout the plant, former workers and supervisors told the Observer.

"Stuff started getting fixed left and right," Villegas said. "There were safety committee meetings constantly."

Safety milestones were marked by parties, where managers handed out T-shirts and sweatshirts imprinted with the plant's safety mascot, a rooster named Strut McClucker.

Managers also awarded \$10 and \$25 gift certificates to employees in a free drawing. At a party in November 2006, managers cooked and served free hot dogs for employees on their lunch breaks.

None of the seven former supervisors who spoke with the Observer was told to lie about accidents, they said. But in the aftermath of Sullivan's death, some said, plant managers became more focused on eliminating lost-time accidents.

Villegas said her boss, human resources director Elaine Crump, told her lost-time accidents would increase workers' compensation costs.

Crump declined to comment for this article.

The plant fired Villegas in spring 2005, alleging she was "accepting money to provide employment favors to potential employees," Villegas denies those claims. She said she was forced out after speaking up for injured workers, including Vicente.

About six months after Sullivan's death, the Greenville plant had begun



A de-boning worker shows a sweatshirt touting one of the plant's milestones for "safe" hours.

its safety streak, which by last summer had topped 7 million safe hours.

Former line worker Alberto Sosa still has a T-shirt he received at one of the parties. It reads: "4,000,000 hours without a lost-time accident."

"It's a lie," said Sosa, who said he suffered from wrist and hand pains when he worked on the line de-boning chickens. "It's a party for no accidents, but there are accidents."

Injuries affect costs

Few things affect a company's workers' compensation costs more than lost-time injuries. Workers' compensation, a form of insurance that most employers are required to carry, pays medical expenses for workers hurt on the job, as well as a portion of wages when they're unable to work.

When companies record injuries and illnesses on their logs, they must in-

clude how many days injured employees spend away from work or on light duty. It's an honor system, and companies aren't required to share the information with regulators unless asked.

According to those logs, the Greenville plant averaged 30 injuries a year between 2002 and 2006. All were serious enough to require medical treatment beyond first aid or a transfer to light duty. But only two resulted in time away from work, records show, and those occurred before the company's safety streak began in mid-2002.

Petrona Agustin suffered the kind of injury that can drive up a company's cost for workers' compensation.

On June 11, 2003, the tip of her left little finger was severed when it got caught in a machine used to clean chicken gizzards. She said a company employee drove her to a hospital, where she had surgery.

Immediately after, Agustin was driven back to the plant to fill out paperwork so she could be moved to the day shift, she recalled. The next morning, she was back at work.

She spent more than a month passing out supplies and wiping down tables in the break room, becoming depressed and crying often at the thought of her lost finger, she told the Observer.

She said she would have gladly taken time off but said a company supervisor told her no. "I didn't want to work," said Agustin. "I was worried it would happen again."

House of Raeford wouldn't comment specifically about Agustin, citing medical confidentiality, but said her account "does not represent the full story."

"Any and all accidents are regrettable," the company said. "House of Raeford Farms, Inc. depends upon the advice of local doctors to let us know when an employee is eligible to work, and we abide by these doctors' orders."

Company logs show Agustin spent 47 days on light duty. As of September,

House of Raeford

The privately held company, based in Raeford, is among the top 10 U.S. chicken and turkey producers.

Chairman: Marvin Johnson.

Processing plants: Four in North Carolina, three in South Carolina and one in Louisiana.

Employees: About 6,000.

Annual sales: Nearly \$900 million, including some to China, Afghanistan and other countries.

Ranking: It's among the nation's top 10 chicken and turkey producers.

Production: Slaughters and processes about 29 million pounds of chicken and turkey each week.

Customers:

Restaurants including Blimpie, Golden Corral and Ryan's.

Schools around the U.S., including Charlotte-Mecklenburg Schools.

Stores including Food Lion and Lowes Foods. The company's deli meat is marketed under the name "Lakewood Plantation."

Distribution companies that supply food to restaurants and institutional kitchens.

Sources: Observer research, House of Raeford, Dun & Bradstreet, Watt Publishing, National Poultry and Food Distributors Association



she still worked at the plant.

She sometimes wears a prosthesis - a fake fingertip - colored to match her skin tone. She said she wears it to parties so she doesn't have to explain what happened.

"I was very sad. I couldn't look at my hands," she said. "I was embarrassed. I could never get my finger back."

Unhealthy practice?

Consultants who advise employers on ways to save money on workers' compensation costs say they sometimes recommend injured workers return to the workplace quickly. The sooner they are brought back, the consultants say, the sooner they are likely to resume their regular jobs.

A quick return can boost morale and speed recovery, they say. It also can help maintain their income, because workers receive partial pay when out on disability.

But several doctors who spoke to the Observer were skeptical of returning workers too quickly.

Dr. Blake Moore, who lives in Columbia, and has treated dozens of poultry workers, said bringing seriously injured workers back immediately "borders on reckless disregard."

Dr. Franco Godoy said it's inappropriate to return workers to work too quickly. SEE STREAK | 9A

(Managers) wouldn't let people go home."

BELEM VILLEGAS, FORMER EMPLOYMENT SUPERVISOR, ON TREATMENT OF INJURED WORKERS

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

Workers say they felt pressure to return

Streak from 8A

appropriate to bring employees back immediately following surgeries for fractures or amputations.

"The surgery has to heal first," said Godoy, who has treated roughly 100 poultry workers since joining the Emmanuel Family Clinic in Newberry, S.C., two years ago.

Neither Moore nor Godoy treated any of the workers named in this article.

In April 2004, paramedics were called to the Greenville plant after a man fainted. He'd had surgery the previous day to repair an elbow he broke in a fall at work, EMS records show.

The injured man had returned to work and was sitting in the plant's medical office reading magazines, according to the EMS report. He became sick after being given a dose of OxyContin, a powerful painkiller, which his doctor had prescribed, the report said.

Paramedics said the worker was "very upset." He and the plant's staff disagreed about whether his doctor had cleared him to return.

"Patient kept saying that he just wanted to go home," the paramedics wrote in their report after taking the man to a hospital.

Reluctant to return

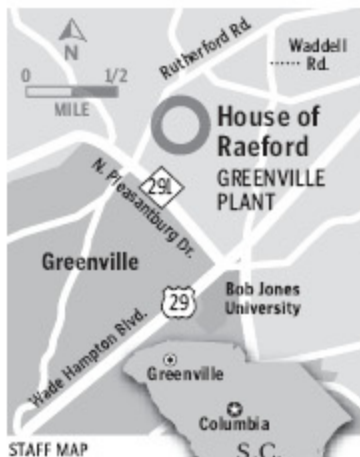
Some injured workers returned to the plant voluntarily; one cited financial pressure, another said he feared being fired.

Roman Tronco says he returned voluntarily after his fingertip was severed in August 2002 while cutting chicken wings with a saw.

He showed up for his next shift, company records show. He spent the day wiping tables and sweeping, his arm in a sling, he said.

Company documents show he was on light duty for 85 days.

Tronco said he was thankful for his job, which paid almost \$9



STAFF MAP

an hour, a dollar more than he made at a company making bed comforters. He left the plant a year and a half after the accident.

Jimmy Cortez, a maintenance supervisor, said he returned for his next shift after slicing open the tip of his thumb with a saw in 2006.

The company didn't force him back, he said, but he feared being fired if he took a day off.

"If you get hurt, you got to work the next day," he said. "I wanted a day to recuperate, but I didn't have any other choice."

Worker's version disputed

Jaime Hernandez said a supervisor drove him back to work directly from surgery to remove a cyst from his hand. He said he was dizzy from pain medication and asked to go home.

"They told me I could not have a day to recoup," Hernandez said. "Not hours or even the rest of the day."

Hernandez, who worked under the name "Pablo," said he started at the plant in 2002, working on the de-boning line. He later moved to folding cardboard boxes, as many as 700 a day. Hernandez said he believes his cyst was caused by repetitive motion at work.

He complained to a plant nurse in 2003 after a ball formed on his right wrist. Hernandez said he visited first-aid atten-



JOHN D. SIMMONS - jsimmons@charlotteobserver.com

The House of Raeford poultry plant in Greenville, S.C., also known as Columbia Farms, employs about 700.

dants several times at the plant, only to be told he was fine and to return to work. The company later sent him to a doctor, who drained the cyst. Hernandez said the cyst returned and a doctor removed it.



Hernandez

A human resources employee drove Hernandez to his 10 a.m. surgery, he said, and afterward back to the plant.

"I asked, 'Am I going to go home? I'm totally dizzy. I can't work,'" Hernandez recalled. "She said, 'No, I have to take you to work.'"

Hernandez said he spent the rest of the shift sitting in an office chair, at times putting his head on the desk to sleep.

Asked about Hernandez, Cronic, the plant manager, said the Observer's account was inaccurate but didn't elaborate. "The company had specific reasons for its actions," he said. Because personnel records are confidential, he said, "This is all the company can say at this

point."

House of Raeford fired Hernandez after he applied for workers' compensation benefits and disclosed that he is an illegal immigrant.

Cronic said that when the company learns of a worker's illegal status through a workers' compensation case, it is required by law to fire him.

— STAFF RESEARCHERS MARIA WYGAND AND SARA KLEMMER CONTRIBUTED.

Spanish version

Read the Spanish version of some of the Observer's poultry series in La Noticia.

Also: www.charlotte.com/espanol

THE SERIES

- Sunday: Poultry giant has masked the **EXTENT OF INJURIES** in its plants. **SPECIALTY CUTS** put poultry workers' hands at greater risk.
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- Friday: **LAX ENFORCEMENT** of workplace standards allows dangerous conditions in poultry plants to persist.

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“Employees are returned to light duty and to full duty on doctor's orders.”

BARRY CRONIC, GREENVILLE, S.C., COMPLEX MANAGER

THE CRUELEST CUTS

Last of Six Parts



THE HUMAN COST
OF BRINGING POULTRY TO YOUR TABLE

Workplace inspections at 15-year low

OSHA eases poultry companies' penalties

BY AMES ALEXANDER,
KERRY HALL, TED MELLNIK
AND FRANCO ORDOÑEZ

Staff Writers

Poultry processors face few consequences when they ignore hazards that can kill and injure workers.

Weak enforcement, minimal fines and dwindling inspections have allowed companies to operate largely unchecked. An Observer investigation found:

- Workplace safety inspections at poultry plants have dropped to their lowest point in 15 years. The industry has kept steady employment over that time and has leaned heavily on illegal immigrants to fill jobs.

- Fines for serious violations – including conditions that could cause deaths and disabling injuries – are usually cut by more than half, to an average of about \$1,100.

- It has been a decade since OSHA fined a poultry processor for hazards likely to cause carpal tunnel syndrome, tendinitis and other musculoskeletal disorders (MSDs) that are common to the industry.

- The federal government has made it easier for companies to hide those MSDs. Regulators in 2002 stopped requiring companies to identify injuries associated with repetitive trauma.

Officials with the U.S. Occupational Safety and Health Administration say poultry plants are safer than ever, pointing to a decade of declining rates of reported injuries. They credit enforcement programs and a growing recognition among industry

INSIDE TODAY

6A | Regulators routinely reduce fines against House of Raeford.

ONLINE EXTRAS

www.charlotte.com/poultry

- See a video about N.C.'s largest workplace disaster, which killed 25 workers in Hamlet in 1991 and increased scrutiny of companies – though not for long.

- Read the series. See what life is like on the poultry line and hear workers talk about their pain.

leaders that reducing injuries is good for business.

But the Observer found that the official injury statistics aren't accurate and that the industry is more dangerous than its reports to regulators suggest. Current and former OSHA officials say the agency has made it easier for companies to hide injuries, and has all but abandoned its mission to protect workers.

It's happening at a time when poultry workers are particularly vulnerable. Unlike some other manufacturers, which have largely automated their plants, poultry processors still depend heavily on manual labor to cut and package meat. Most line workers are immigrants, and many are afraid to complain about injuries for fear of being fired or deported.

"It's really a national tragedy that OSHA is so invisible, so silent these days," said Dr. Michael

SEE INSPECTIONS | 7A

THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

Regulators reduce company's fines

N.C. OSHA twice started and then dropped cases involving repetitive motion

BY AMES ALEXANDER,
KERRY HALL AND FRANCO ORDOÑEZ
Staff Writers

Regulators routinely slash fines and fail to pursue the toughest penalties against House of Raeford Farms, an Observer analysis shows.

■ Since 2000, the N.C. poultry company has been cited for dozens of hazards that threatened safety and were linked to two workplace deaths. Inspectors proposed fines totaling \$205,000. Following negotiations with the company, the fines were

cut to \$47,000.

■ OSHA often cuts proposed fines, but it has been unusually generous to House of Raeford. For all N.C. poultry companies, the average fine is reduced about 50 percent; for House of Raeford, it's nearly 80 percent.

■ Twice, N.C. OSHA collected evidence that workers in a company plant were suffering from repetitive motion injuries. They dropped both cases.

OSHA officials say they've tried to protect House of Raeford's workers while being fair to the company.

N.C. Labor Commissioner Cherie Berry said companies sometimes contest large penalties, which can lead to long delays in fixing safety problems.

For that reason, she said, regulators often reduce fines in exchange for a company's promise to address hazards.

"I'm more interested in getting the hazards taken care of than I am in assessing penalties in greater dollar amounts," she said.



Berry

company so many breaks.

"It's giving the message that we don't really value workers' lives," said Kaufman, who formerly led the N.C. Occupational Safety and Health Project, a non-profit group that assists workers. "You're free to act egregiously. And we're not going to punish you for that."

130 violations since 2000

Regulators have fined House of Raeford plants for 130 serious workplace safety violations since 2000. They have repeatedly agreed to reduce those fines.

Total fines proposed: **\$205,000**

Total fines reduced to: **\$47,000**

Figures are rounded

SOURCE: Observer analysis of OSHA data
JOANNE MILLER - jomiller@charlotteobserver.com

N.C. backs off poultry scrutiny

BY AMES ALEXANDER
Staff Writer

North Carolina bolstered its workplace safety program after a chicken plant fire killed 25 workers in Hamlet in 1991. But the state's focus on keeping poultry workers safe has waned since the mid-1990s, an Observer investigation has found.

THE FINDINGS

■ The number of poultry plant inspections in North Carolina fell from 25 in 1997 to nine in 2006. The number of poultry workers, meanwhile, has changed little. Some large poultry plants haven't been inspected in more than five years.

■ The number of comprehensive inspections at poultry plants – in which regulators inspect wall to wall – dropped from 10 in 1997 to two in 2006.

■ Fines for serious violations by poultry plants average about \$500 in North Carolina – less than half the national average.

■ Only 1 of every 1,800 violations found at N.C. manufacturing plants during the past decade has been deemed "willful," a designation that can result in steep financial penalties and hurt a company's reputation. Nationally, about 1 of every 300 citations against manufacturers is labeled willful.

WHAT THE STATE SAYS

Officials with N.C. OSHA note that the agency conducts more inspections than most states, and that the rate of reported workplace injuries has declined. "We are, as a program, in great shape," said division director Allen McNeely. "People look to us actually from other states for how we did it and why we did it that way."

WHAT SAFETY ADVOCATES SAY

Safety advocates contend that a pro-business approach increasingly endangers workers.

While resources for enforcement have remained flat in recent years, the state has sharply increased money for voluntary compliance programs – in which companies request safety evaluations with the understanding that they won't be fined.

"We're really kind of selling out our population to bring in business and industry," said Amy Kaufman, who formerly headed the N.C. Occupational Safety and Health Project. — STAFF WRITER TED MELLNIK CONTRIBUTED.

Spanish version

Read the Spanish version of some of the Observer's poultry series in La Noticia.

Also: www.charlotte.com/espanol

THREE STORIES OF OSHA ENCOUNTERS



PHOTOS BY JOHN D. SIMMONS - jsimmons@charlotteobserver.com

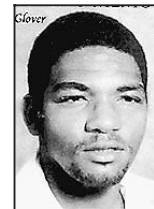
Joan Faison (in hat), 64, mother of Bruce Glover, gathers with other family members at Glover's gravesite in Rose Hill. The 39-year-old father of two died in 2003 after chlorine gas leaked into the House of Raeford plant where he worked. From left: Joy Bradley, 9; Marcille Chavis; Tatianna Glover, 2; Decius Wilson, 13; Brent Lovett, 15 (son); Brianna Glover, 7; Joan Faison; Chris Imes, 8; Brandon Lovett, 11 (son); Megan Boykin, 24; Kelbie Glover, 3; La Shonda Boone, 24; and Ricardo Glover, 41.

Penalties reduced in violations involving dangerous chemicals

N.C. OSHA cited House of Raeford four times for serious problems with dangerous chemicals from 1997 to 2004. Once, a worker died. Another time, hundreds of residents and workers had to be evacuated.

Each time, the fines were slashed. In 2003, Bruce Glover was preparing to start his job hanging live chickens on shackles for slaughter at the Rose Hill plant. Chlorine gas seeped into the plant from a nearby shed and Glover began waving his arms and asking for oxygen. A co-

worker, Terrence Peterson, said he rushed Glover outside to get fresh air.



Peterson

Outside, Glover fell to his knees and died, Peterson said. A medi-

cal examiner concluded that the chlorine killed him. Regulators cited the company for more than a dozen violations. They proposed a \$6,125 penalty but lowered it to \$3,500.

"We penalize according to the regulations, and not according to what a person's life is worth," said N.C. OSHA director Allen McNeely.

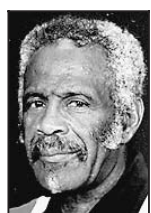
The next year, about 350 workers and residents were evacuated when 7,000 pounds of ammonia leaked from the same

plant. Nearby hospitals treated 17 workers and neighbors suffering from respiratory problems and burning throats. Regulators found the company didn't do enough to prevent and detect ammonia leaks, and had not installed an alarm system to speed evacuations. N.C. OSHA noted the company's previous chemical violations, but decided they didn't show "malicious disregard" of safety rules. The state cut the proposed fines by about 75 percent, from \$74,700 to \$19,000.

Company avoids harshest sanction after fatal accident

While workplace safety regulators have repeatedly fined House of Raeford, they've never imposed their toughest penalty. In at least one case, a former federal OSHA director says, they should have.

In the summer of 2001, S.C. OSHA inspectors were aware the company's Greenville plant wasn't quickly fixing safety problems, records show. The company's own audit team had raised concerns about safety guards on augurs, massive ro-



Sullivan

tating shafts.

On Dec. 15, 2001, employee Jerome Sullivan died after falling into an augur. He had been drinking. Inspectors discovered the machine lacked a safety cover that could have prevented his death.

S.C. OSHA cited the company for more than 40 serious safety violations and proposed fines totaling \$63,900. The penalties were reduced to \$13,560. Regulators never sought a



Bryson

willful citation, the toughest penalty available. An S.C. OSHA spokesman said the agency lacked evidence.

But Jerry Scannell, who was in charge of federal OSHA under the first President Bush, said regulators should have sought a willful violation. "They earned it," he said.

Hedy Bryson, Sullivan's sister, said such lenient treatment by regulators "puts a lot of people in danger."

In a letter to the Observer, Greenville complex manager Barry Cronin said the company strives to run a safe workplace and has taken additional precautions to prevent such an accident from recurring.

Inspectors knew of repetitive work pain in 1994

N.C. OSHA twice dropped cases against House of Raeford despite evidence that workers were suffering injuries commonly caused by repetitive work.

In 1994, N.C. safety inspectors were alerted to dozens of House of Raeford workers suffering musculoskeletal disorders likely brought on by repetitive motion. They interviewed 118 workers; about 90 of them said they were working in pain.

Regulators proposed \$20,000 in fines. House of Raeford said it had a plan to address hazards and contested the fines. In 1998, the N.C. Labor Department dropped the case and all fines because it believed

"House of Raeford was now aware of the ergonomic hazards" and would resolve them, court documents show.

Months later, union leaders told the state that the company still wasn't addressing those problems. Inspectors interviewed 40 employees at the same plant and found more than a third had been diagnosed with repetitive motion injuries. OSHA wanted to conduct several hundred more interviews, but the company said it would disrupt operations and blocked inspectors from entering the plant.

In December 2000, Superior Court Judge Jack Hooks ruled OSHA

didn't have the right to investigate because compliance deadlines for new ergonomics rules were a year away.

During her 2000 campaign for labor commissioner, Berry opposed the ergonomics standard. She also collected at least \$10,000 in campaign contributions from House of Raeford's owners and officials. Berry says she doesn't remember any discussions about the company's ergonomics case, and that campaign contributions never influenced her dealings with the company.

Soon after taking office in early 2001, Berry killed the ergonomics standard.

"We penalize according to the regulations, and not according to what a person's life is worth."

ALLEN MCNEELY, N.C. OSHA DIRECTOR



THE HUMAN COST OF BRINGING POULTRY TO YOUR TABLE

'Letting the foxes guard the henhouse'

Inspections from 1A

Silverstein, who served as OSHA policy director from 1993 to 1995. "I think OSHA is not a factor in many companies' decision-making. Their presence is neither seen nor felt."

Declining scrutiny

OSHA was created in 1971 following congressional hearings that highlighted dangerous working conditions. Congress told the agency to craft and enforce regulations to protect workers.

Regulators recommended that plants in high-hazard industries – including poultry – be randomly inspected once every two years.

That's not happening. Today, many of the nation's more than 500 poultry plants go far longer between OSHA inspections. Some processing plants, including Wayne Farms in Dobson, N.C., haven't been inspected since 2000.

In 2006, regulators conducted 94 inspections at poultry plants – about half the number done in 1999. That works out to about one inspection for every five poultry plants.

And when inspectors do visit poultry plants, they tend to spend less time inside them. From 1999 to 2006, the number of comprehensive inspections – where federal or state OSHA officials examined an entire poultry plant – dropped from 71 to 22.

Regulators say they're visiting fewer poultry processors because most have become safer; the industry's reported injury and illness rates have dropped by more than half since 1999. OSHA now reserves its broadest inspections for the plants with the most reported injuries.

"I'm not convinced from the data that our approach is not working," said Richard Fairfax, OSHA's director of enforcement.

But the Observer found that the statistics are misleading because injuries inside poultry plants are going unreported. OSHA requires companies to record injuries but rarely checks whether the reports are accurate.

Bob Whitmore, a veteran director of OSHA's national injury record-keeping system, noted that some poultry plants have reported no injuries for an entire year, a claim he finds implausible.

"Using such highly suspect data to drive your inspection program is akin to letting the foxes guard the henhouse," said Whitmore, who has studied injury statistics for two decades. "Faulty data leads to faulty conclusions and then faulty decision-making."

Unkept promises

OSHA once tried to regulate musculoskeletal disorders (MSDs), the most common workplace injuries in American factories.

In 1990, U.S. Labor Secretary Elizabeth Dole announced "a major initiative" to prevent those injuries. After a decade of research and debate, OSHA in January 2001 issued a collection of rules – known as the "ergonomics standard" – that required employers to address hazards likely to cause sprains, strains and repetitive motion injuries.

But under intense lobbying from businesses, Congress and President Bush repealed the regulations two months after they took effect.

Half the states – including the Carolinas – run their own OSHA programs, and were free to enact their own rules. N.C. Labor Commissioner Cherie Berry scrapped the state's version of the regulations the same month Congress rescinded the federal rules. Opponents said compliance costs would have devastated small businesses.

When the standard was scrapped, inspectors lost their most promising tool for enforcing ergonomic violations. But they still had what's called the "general duty clause."

This longstanding provision allows regulators to penalize companies for workplace hazards not spelled out in other OSHA regulations. To document

Hamlet's deadly poultry fire | Video story at www.charlotte.com/poultry

North Carolina's largest workplace disaster in 1991 prompted better protection for workers. Today, regulators aren't watching poultry plants as closely. Learn more online.



Lula Smith reacts after learning a family member was among the 25 workers killed in a fire at the Imperial Food Products plant in Hamlet in 1991.

Serious violations, low fines

OSHA fines in the Carolinas trail those in the U.S. Following are average fines for serious violations in the poultry industry:

Nationally:	\$1,100
North Carolina:	\$500
South Carolina:	\$300

Note: The averages fines are based on all serious violations against poultry companies. Average fines are rounded.

SOURCE: Observer analysis of Occupational Safety and Health Administration data.

JOANNE MILLER – jomiller@charlotteobserver.com

such violations, inspectors may interview workers and hire experts to determine, for instance, whether conditions inside a factory are likely to cause MSDs. The process can take months.

A year after the ergonomics standard was repealed, Labor Secretary Elaine Chao said her agency would use the general duty clause as part of a comprehensive strategy to battle MSDs.

But since that 2002 announcement, federal and state agencies have penalized companies for ergonomic problems about six times a year, on average. Those cited included nursing homes and manufacturers, but none of the companies were poultry processors.

Regulators once were far more aggressive about pursuing such cases. That was particularly true from 1989 to 1992, under the first President Bush, when state and federal OSHA inspectors issued an average of almost 250 ergonomic citations annually.

Enforcement began to decline sharply under the Clinton administration, when OSHA agencies handed out an average of about 21 ergonomic citations per year. In recent years, the penalties became even more rare; just six ergonomic citations were issued in 2007, all but one of them in Puerto Rico.

The U.S. Labor Department didn't make Secretary Chao available to com-

ment for this story. Fairfax, OSHA's enforcement director, said it can be difficult to cite companies under the general duty clause because the courts have set "a fairly high burden of proof."

Today, OSHA officials say they still look for ergonomic hazards during inspections. When regulators find problems, they send letters informing employers of the hazards and detailing "possible measures" they can take to protect employees, an agency spokesman said. From 2002 to mid-2007, federal OSHA mailed about 580 such letters, five to poultry plants.

Critics say OSHA needs to be more aggressive.

"They've turned their backs on a significant workplace problem," said AFL-CIO safety director Peg Seminario. "Workers in the poultry industry are left on their own."

A 'blind eye'

It used to be easier for the government to track injuries caused by repetitive work. OSHA once required companies to record those ailments in a separate column on workplace injury logs – documents that regulators examine to look for trends.

Faced with a legal challenge from manufacturers, OSHA removed the column in 2002. Companies still had to re-

port these ailments but could include them with other injuries.

That made it harder for regulators to detect patterns – and easier for businesses to hide such disorders.

The cumulative effect of removing the column and killing the ergonomics standard was to "turn a blind eye to a lot of what happens in poultry plants," said Charles Jeffress, who led OSHA from 1997 to 2001.

The number of repetitive motion injuries reported at some factories plunged. In 2001, for example, Tyson Foods' Clarksville, Ark., plant reported more than 150 injuries associated with "repeated trauma," according to injury logs obtained by the Observer. Two years later, the plant reported fewer than 10.

Asked about the decline, Tyson spokesman Gary Mickelson said managers have made the 1,300-employee plant safer by introducing adjustable work stands, a job rotation system and equipment to eliminate lifting. But the company declined to answer some of the Observer's questions – such as how much work is still done by hand.

Jeffress and other workplace safety experts said they believe some companies are keeping repetitive motion ailments off logs to avoid inspections and fend off future regulatory attempts.

"One way to keep OSHA off your back: Deny the evidence," Jeffress said. "Don't write down the evidence. Don't record it."

Little deterrent

Even when inspectors do find problems, poultry companies frequently avoid stiff penalties.

About three-quarters of fines proposed against poultry companies have been lowered or eliminated during the past decade. While the average proposed fine for each serious violation in the poultry industry has been about \$2,300 in recent years, companies wind up paying an average of about \$1,100. Tyson Foods, a multi-billion-dollar company, earns that much profit every three minutes.

Low OSHA fines and large penalty reductions aren't unique to the poultry

House of Raeford

The privately held company, based in Raeford, is among the top 10 U.S. chicken and turkey producers.

Chairman: Marvin Johnson.



Size: Eight processing plants and 6,000 employees.



Customers:

■ Restaurants including Blimpie, Golden Corral and Ryan's.
■ Schools around the U.S., including Charlotte-Mecklenburg Schools.

■ Stores including Food Lion and Lowes Foods. The company's deli meat is marketed under the name "Lakewood Plantation."

Sources: Observer research, House of Raeford, Dun & Bradstreet, Watt Publishing, National Poultry and Food Distributors Association

industry. OSHA officials say they often reduce fines in exchange for an employer's promise to fix problems promptly. When employers contest citations, safety problems may not be addressed for months or years, they say.

Regulators note that the law limits the size of fines they can impose. For a "serious" violation, for instance, OSHA can't fine a company more than \$7,000.

Regulators can impose far stiffer fines – up to \$70,000 per violation – if they determine a company's breach to be "willful." Such violations also hurt a company's reputation and make it harder to win contracts. But OSHA rarely uses that tool. Only about one of every 200 violations in the poultry industry is designated as willful, the Observer found.

Visiting Tyson Foods' Wilkesboro, N.C., plants in 2001, state OSHA inspectors found more than 30 violations, including hazards that could have led to amputations, fractures and deadly falls. Regulators proposed about \$13,000 in fines, but dropped it to less than \$1,800.

"It's aggravating to see that happen," said Rebecca Israel, one of the N.C. OSHA inspectors who visited the plant. "...Do (companies) get the message? I don't know that they do."

OSHA also reduced fines against Tyson when, in 2003 and 2004, two of the company's Wilkesboro employees died in workplace accidents – deaths that regulators determined the company might have prevented. The final penalties in each case: \$2,500.

Tyson officials say they've taken additional steps to ensure the safety of workers. "There's nothing more important to us than the safety and well-being of our people," company spokesman Mickelson wrote in an e-mail.

OSHA officials say most companies work hard to make their plants safe without the threat of inspections and huge fines. That reflects a philosophical shift inside the agency. Since the late 1990s, OSHA has devoted more money and attention to programs that let companies voluntarily comply with workplace safety laws. Companies that participate in such programs are exempt from penalties if regulators find violations.

Former OSHA chief Jerry Scannell, who served under the first President Bush, said there are times when only a steep penalty will prompt a company to change.

But many of today's fines don't make companies flinch, he said.

"It's always very disturbing when you hear or read about workers so severely injured they'll never work again. And you hear the penalty was just \$3,000," Scannell said. "No question, it doesn't pinch the corporate bottom line. And you say, 'It should.'"

Ergonomics citations plummet

1989-1992
GEORGE H.W. BUSH

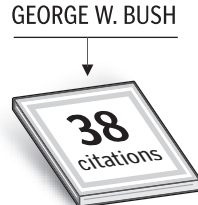


Workplace safety regulators can penalize employers when they find working conditions cause musculoskeletal problems. But the number of citations for these ergonomic problems has dropped sharply since the early 1990s.

1993-2000
BILL CLINTON



2001-2007
GEORGE W. BUSH



SOURCE: OSHA data on the number of ergonomics citations issued against all industries under the General Duty Clause.

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“It's really a national tragedy that OSHA is so invisible, so silent these days.”

DR. MICHAEL SILVERSTEIN, POLICY DIRECTOR FOR OSHA FROM 1993 TO 1995

THE CRUELEST CUTS

THE HUMAN COST
OF BRINGING POULTRY
TO YOUR TABLE

Hearings planned on poultry workers

U.S. lawmakers worried about safety after Observer series

BY PETER ST. ONGE, AMES ALEXANDER,
KERRY HALL AND FRANCO ORDOÑEZ
Staff Writers

U.S. Senate and House committees, spurred by an Observer report on N.C. poultry giant House of Raeford Farms, are planning hearings on worker safety in the poultry industry, congressional leaders and aides said.

"All Americans should be horrified at the conditions reported in this investigation," Rep. George Miller, D-Calif., chairman of the House Education and Labor Committee, said in an e-mail. He said he plans to hold a hearing this spring.



Miller

In a six-part series that began last Sunday, the Observer reported that House of Raeford, which has seven processing plants in the Carolinas, had masked the extent of injuries behind its plant walls.

Employees say the company has ignored, intimidated or fired workers who were hurt on the job. Among the Observer's findings were that the company has broken the law by failing to record injuries on government safety logs, a top OSHA official says, and that some seriously injured workers were brought back to the company's Greenville, S.C., plant hours after surgery.

House of Raeford officials have said they follow the law and strive to protect workers.

On Friday, an official with the S.C. Workers' Compensation Commission said his agency will conduct a review to determine whether the company is properly reporting injuries and providing medical treatment for workers hurt on the job.

"The issues raised in your series are very serious ones," said Gary Thibault, the commission's executive director. "...Anyone who needs medical attention should be getting medical attention. And all claims should be reported and

SEE POULTRY | 6A

INSIDE TODAY

2A | Editor Rick Thames: We should demand laws that protect all workplaces.

6A | How to contact politicians, regulators about workplace safety.

ONLINE EXTRAS

Read the entire series, "The Cruellest Cuts: The Human Cost of Bringing Poultry to Your Table" at WWW.CHARLOTTE.COM/poultry

Hearings to address workers' safety

Poultry from 1A

filed with the commission."

The Observer found that company first-aid attendants and supervisors have dismissed some workers' requests to see a doctor - even when they complained of debilitating pain.

"It's unacceptable that in 21st century America any employees are subjected to inhumane and dangerous work conditions," Sen. Edward Kennedy, D-Mass., who chairs the Senate committee on Health, Labor, Education and Pensions, said in an e-mail. "The Observer's reports vividly demonstrate OSHA's ineffectiveness in protecting the nation's poultry workers. Instead of strong action against abuses, its responses are clearly inadequate and our Committee is beginning an investigation."

Kennedy's committee plans to discuss worker safety in manufacturing, including the poultry industry, in a full-committee meeting in late April and a subcommittee meeting earlier in the month, a Senate staffer said. The hearings will address workplace issues, including those reported in the Observer investigation, the staffer said.

In an interview Friday, Sen. Elizabeth Dole, R-N.C., said the Observer's investigation was "disturbing and heartbreaking." Dole, as U.S. labor secretary in 1990, pushed for federal ergonomics standards to protect workers from repetitive motion injuries, which she called then "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990s."

On Friday, Dole said she was not in position to "police" businesses in the state. "I'll be staying in close contact with the appropriate agencies to promote the safety and health of all North Carolina workers," she said, declining to give specifics.

U.S. Rep. Bob Inglis, R-S.C., said he will contact the U.S. Occupational Health and Safety Administration about how the House of Raeford plant in West Columbia, S.C., was able to report no musculoskeletal disorders over a four-year period. "That really sounds very odd, given industry averages," Inglis said. "You got to wonder how that happened."

Inglis also said the Observer's findings illustrate the need for a comprehensive U.S. immigration policy. The newspaper found the company has increasingly relied on a Latino work force that is often illegal and reluctant to complain.

"It shows a need to get a handle on illegal immigration because it is a system that hurts both the host country, plus the people who come here illegally," he said. "Illegal immigrants can end up in a system of economic slavery because they have no rights."

Workers fearful of a raid

Several workers going home from their shift along a wooded path near the company's Greenville, S.C., plant on Thursday said there is growing concern that immigration agents may raid the plant.

They said plant officials have brought several immigrant workers into offices and questioned them about their identification this month. One worker, Pedro Perez, said a human resources administrator told him two weeks ago there was a problem with the Social Security number he gave the plant when hired three years ago. Perez, who's 20 and a native of Guatemala, said he was told he had 30 days to get it corrected with the Social Security Administration.

"I don't know why they grabbed me. ... They never really checked my papers until 2008," said Perez, who acknowledged he is in the country illegally.

Earlier in the week, a spokesman with the U.S. Immigration and Customs Enforcement said the agency was "aware of the issues brought up in these stories. Now our investigators will likely determine the merits of the information and be able to act appropriately or investigate further."

The company didn't respond to questions Friday, including those about ID checks. The Ob-



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Pedro Perez holds up the fake Permanent Resident Card he says he used to get a job at House of Raeford in Greenville, S.C. He said he must leave the plant after company officials told him two weeks ago there were problems with his ID. He hopes to find another job and stay in the U.S. for a year or two before returning to Guatemala.

server series was based on examinations of government and company records and interviews with more than 120 current and former House of Raeford workers. When it first appeared last Sunday, the company said it was "further investigating allegations by The Charlotte Observer critical of its workplace safety practices and hiring programs."

In the response on its Web site, the company said, "This article does not provide an accurate portrayal of the programs, policies and practices of our company or the poultry industry. We are disappointed that the newspaper chose to highlight allegations of a small number of former employees, many of whose cases we identified as factually incomplete or inaccurate."

The company said it "recognizes the value of all our employees and is dedicated to providing them with a safe and rewarding place to work. Maintaining and improving the quality and safety of our employees' workplace is a continuous priority for our company."

Berry: OSHA must reach out

N.C. Labor Commissioner Cherie Berry said the Observer's stories illustrated the need for OSHA to reach out to the state's immigrant workers - employees who often fear that reporting injuries or workplace problems could get them fired or deported.



Berry

"I think it pointed out a challenge we're all dealing with: how to keep fear from preventing someone from notifying us. That's our biggest concern," she said. "Our plan is to work more closely with the growing Hispanic community to let them know we're here."

Workers, she said, can report workplace problems anonymously by calling 800-625-2267 (NC-LABOR).

Said N.C. Gov. Mike Easley: "Every worker deserves a safe workplace with inspections carried out and overseen by OSHA and the State Commissioner of Labor. She (Berry) is aware of the problem and if she needs additional assistance from us in some form we would be happy to help."

The Observer found that state and federal OSHA agencies are no longer keeping a close watch on the poultry industry. Workplace safety inspections at U.S. poultry plants have dropped to their lowest point in 15 years. And it has been nearly a decade since OSHA fined a poultry processor for hazards likely to cause carpal tunnel syndrome, tendinitis and other musculoskeletal disorders that are common to the industry.

One former OSHA head said regulators need to be more vigilant about protecting workers.

Charles Jeffress, who headed N.C. OSHA in the mid-1990s and federal OSHA in the late 1990s, said the Observer's series highlighted the "inadequacy" of state and federal governments.

"Clearly the public has to demand that the safety and health protections for workers be strengthened. That is not going to happen voluntarily," he said. "The experience of House of

Raeford shows you what happens when employers are placing profits above people.

"The organizing on behalf of worker health and safety has fallen way down on people's priorities. I hope something like this would help get it back up there."

Jackie Nowell, health and safety director for the United Food and Commercial Workers union, said her organization plans to use the opportunity.

"We will lobby Congress," she said. "We will get workers at hearings. We will use those hearings to promote stronger enforcement."

She and other industry observers said that changes are needed at the Department of Labor and OSHA, including bringing back ergonomics standards

and paying greater attention to line speed standards. Also, she said, unions and workers' rights groups need to work together to reach vulnerable immigrant communities.

Industry leaders have said poultry companies are contributing to safety efforts. "The chicken industry is playing a responsible leadership role in improving worker safety in its workplaces and reducing the incidence of injuries and health problems such as conditions associated with repetitive motion," said National Chicken Council spokesman Richard Lobb in an e-mail last month, pointing to U.S. Labor Department surveys that have shown a steady decline since 2000 in reported poultry work injuries. He had no further comment Saturday.

Critics say those survey data are misleading, that companies often ignore and underreport the injuries workers do complain about.

"I don't think the problems are limited to House of Raeford or the poultry industry or North Carolina," said AFL-CIO Safety Director Peg Seminario. "The problems are systemic and nationwide, and need really aggressive oversight and scrutiny by authorities and the safety and health communities at large."

Experts agreed that fixing the problems won't be easy.

"Some of it has to be a long, slow, cultural change," said Adam Finkel, head of health standards at OSHA from 1995 to 2000 and now on the faculty at the University of Pennsylvania. "We have to get people to start thinking that tragedies in the workplace are at least as unacceptable as environmental tragedies we get upset about."

Politicians and regulators

OVER WORKPLACE SAFETY:

- **George Miller, D-Calif.**, chairman of House committee on Education and Labor: 202-225-2095, <http://georgemiller.house.gov/contactus>
- **Edward Kennedy, D-Mass.**, chairman of Senate committee on Health, Labor, Education and Pensions: 202-224-4543, <http://kenedy.senate.gov>
- **N.C. Labor Commissioner Cherie Berry**, 919-733-7166; Commissioners.Office@nclabor.com
- **S.C. Department of Labor, Licensing and Regulation, director Adrienne Youmans**, 803-896-4390; <http://www.llr.state.sc.us/>
- **N.C. Industrial Commission, administrator Barbara Levine**, 919-807-2507, levineb@ind.commerce.state.nc.us
- **S.C. Workers' Compensation Commission, executive director Gary Thibault**, 803-737-5744; www.wcc.sc.gov

GOVERNORS

- **N.C. Gov. Mike Easley**, 800-662-7952 (N.C. only) or 919-733-4240; www.governor.state.nc.us/Contact.asp
- **S.C. Gov. Mark Sanford**, 803-734-2100; www.scgovernor.com/contact

N. C. SENATORS

- **Elizabeth Dole**, 202-224-6342, <http://dole.senate.gov>
- **Richard Burr**, 202-224-3154, <http://burr.senate.gov>

N. C. REPRESENTATIVES

- **District 7 - Mike McIntyre**, 202-225-2731, www.house.gov/mcintyre/contact_mike.html
- **District 8 - Robin Hayes**, 202-225-3715, <http://hayes.house.gov>

S. C. SENATORS

- **Jim DeMint**, 202-224-6121, <http://demint.senate.gov>
- **Lindsey Graham**, 202-224-5972, <http://lgraham.senate.gov>

S. C. REPRESENTATIVES

- **District 2 - Joe Wilson**, 202-225-2452, <http://joewilson.house.gov>
- **District 4 - Bob Inglis**, 202-225-6030, [www.inglis.house.gov](http://inglis.house.gov)
- **District 6 - Jim Clyburn**, 202-225-3315, <http://clyburn.house.gov>

CAROLINAS AGENCIES

Those with information or complaints about workplace hazards or conditions can call:

- **N.C. Department of Labor** 800-NC-LABOR (800-625-2267) or 919-807-2796.
- **S.C. Department of Labor, Licensing and Regulation - Betty Harmon**, 803-896-7825

Workers can also fill out a complaint form online by visiting: <http://www.osha.gov/pls/oshaweb/compForm.html>

For questions about workers' compensation in North Carolina, call 800-688-8349 or visit <http://www.comp.state.nc.us/>

In South Carolina, call 803-737-5700 or visit <http://www.wcc.sc.gov/>

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Easley to seek poultry changes

More money and staff will be sought to protect workers

BY AMES ALEXANDER
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Gov. Mike Easley will ask lawmakers next week for additional money, staff and authority to determine how often North Carolina's poultry workers are hurt on the job and whether companies are treating them humanely.

Easley's proposals, outlined by top staffers in an interview Wednesday, come in response to a series of Observer stories highlighting working conditions in the poultry industry, where workers say those hurt on the job are routinely ignored, threatened or fired.



Easley

In his budget proposal to the legislature next week, Easley plans to request the following:

- \$350,000 more each year for the state Division of Public Health so it can hire two occupational health nurses and two industrial hygienists who would regularly visit poultry plants. The inspectors would review records, conduct interviews and examine workers to determine whether companies are properly treating injured workers and recording all injuries.

- \$720,000 more annually for the N.C. Department of Labor so that it can fill workplace inspector jobs and other positions now frozen due to federal funding cutbacks.

- Legislation requiring all large poultry plants to keep a licensed nurse or physician's assistant on site.

Lawmakers will also be asked to require poultry plants to keep records detailing each time an employee complains about a workplace injury – and showing how the company handled the complaint, Easley's staffers say.

Some legislative leaders said they were receptive to Easley's proposal, though they have

Easley to seek poultry changes

Workers *from IA*

not yet gotten the details. The poultry industry also wanted more information.

The public health officials would use information gathered during inspections to present state officials with detailed reports about injuries in the poultry industry.

"If we're able to shine a spotlight on the real conditions in these plants, then those conditions should improve," said Alan Hirsch, the governor's policy director. "In 2008, it's unacceptable for workers to not be treated humanely."

The Observer found that one leading N.C. poultry company, House of Raeford Farms, has hidden the extent of injuries inside its plants. The company has compiled misleading injury reports, the newspaper found, and employees say it has dismissed some workers' requests to see a doctor, even when they complained of debilitating pain.

House of Raeford says it follows the law, provides good care and strives to protect workers.

In an interview with the Observer last month, Easley spoke out against the mistreatment of immigrant workers described in the Observer's stories. "This cannot be allowed to continue regardless of what budget situations are," he said.

The governor intends to send a strong message to lawmakers that changes are needed, his staffers say.

"Because this is based on human decency, his expectation is that it will be favorably received," Hirsch said.

Sen. Charles Albertson, D-Duplin, whose legislative district includes two large poultry plants, said that while he has not received complaints from workers, he wants to be sure employees are treated properly.

"If that's a problem, we need to take a look at it and fix it," said Albertson, who is vice chair of a Senate subcommittee that oversees the Department of Labor. Rep. Beverly Earle, a Charlotte Democrat, said she believes the legislature would be willing to support Easley's proposals.

"The (Observer's) articles brought this to the forefront," said Earle, who serves as vice chair of a committee that oversees money for public health. "... I'm glad to see (Easley) is willing to step up."

Whether poultry companies will be so supportive is unclear. Bob Ford, executive director of the N.C. Poultry Federation, said he'd like to learn more before deciding whether to support Easley's proposals.

"We welcome productive regulation," said Ford, whose group represents the state's leading poultry processors. "On the other hand, we don't want to be overburdened with legislation that takes a lot of our time. We're trying to do things right out here."

State Labor Commissioner Cherie Berry said that while she appreciated the governor's efforts to get the agency additional funding, "we don't need him to micromanage our department."

Berry, a Republican seeking re-election, has pointed to declining injury rates as proof her department is succeeding. Easley, a Democrat, has said he is disappointed in the Labor Department's response to the Observer's stories.

In a prepared statement, Berry warned that the proposals for additional record keeping and licensed medical personnel "will increase the cost of doing business and might drive some businesses out of state."

"I oppose any new costs or regulations on businesses, especially when our economy is under stress," she said.

Berry plans no changes after stories on poultry

N.C. Labor Commissioner Cherie Berry says she has partnered with the state's businesses to make workplaces safer. That approach, she says, gets problems fixed faster than hitting companies with hefty fines.

In "The Cruellest Cuts," an investigation into workplace safety in the poultry industry, the Observer found that weak enforcement, minimal fines and declining inspections have allowed companies nationwide to ignore hazards that can kill and injure workers. Fines for serious workplace violations in North Carolina are less than half the national average, the newspaper found.

The newspaper also reported that House of Raeford Farms, a large N.C. poultry company, has masked the extent of injuries in its plants.

Berry says her department has done a good job of protecting workers and isn't planning changes in response to the stories. She points to declining deaths and reported injuries as proof her approach is working. Most businesses accurately record injuries, she contends.

Berry, a Republican who formerly owned a Catawba County company that made spark plug wires, was first elected labor commissioner in 2000 and is running for her third term. She subscribes to Thomas Payne's philosophy that "the government is best which governs least."



Berry

Here are excerpts from her two recent interviews with Observer reporter Ames Alexander:

Q. *How would you evaluate your department's track record for keeping workers safe, particularly in dangerous factory jobs such as poultry processing?*

Our department has ... the best safety record and fatality record we've had in many, many years.... Our numbers have been on a downward trend. And that's what our work is targeted toward - keeping those numbers going down.

Q. *Where would you like to see the state improve?*

I'd like to see us improve by having zero injuries and illnesses and zero fatalities.

Q. *How would you like to see the state get there?*

By continuing down the path we started on when I took office, and that is to develop partnerships with the business community and the employees and to initiate training and education so

MORE COVERAGE

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SEE Q AND A | 19A

Berry: No changes after poultry series

Q AND A from 15A

that everyone understands how important it is to have safe and healthy workplaces.

Q. When we asked Gov. Easley a couple of weeks ago for his thoughts about the poultry series, he issued a statement saying the following: "Every worker deserves a safe workplace with inspections carried out and overseen by OSHA and the State Commissioner of Labor. She is aware of the problem and if she needs additional assistance from us in some form we would be happy to help." Have you since talked with the governor about this?

I haven't had an opportunity to speak with him yet. ... What I would hope is to have a discussion with him about perhaps using his influence with the National Governors Association to have those governors who have states with state plans do some lobbying on our behalf at the federal level. ... I'd like to see a more equitable distribution of the federal budget to states that are "state plan" states.

(Note: Federal OSHA regulates workplace safety in about half the states. The other half - including the Carolinas - run their own programs, using state and federal money.)

Q. Workplace safety inspections at the state's poultry plants have dropped sharply in the years since you've been labor commissioner. Given that, how confident are you that the state will be able to catch most of the serious problems that exist inside plants?

According to the Employment Security Commission, there are 37 poultry sites in the state. Last (fiscal) year we visited eight, so that's about 22 percent. But let me emphasize ... that the last fatality at a poultry facility was March 14, 2004. And that was when a worker fell doing ventilation work. Since that date, 103 construction workers have lost their lives. And I think your readers would understand the need for a comprehensive approach to worker safety. ... You have to understand, you have to have a reason to do an inspection. We can't just go and inspect.

Q. Researchers - along with some current and former OSHA officials - have concluded that the government's official injury rates are inaccurate because many injuries inside workplaces don't get reported. We also found that, for a variety of reasons, many injured poultry workers aren't winding up on company injury logs. Will your department take any additional steps to ensure that company injury logs reflect reality?

Well, I find it offensive that it seems to me you're suggesting that not keeping the proper paperwork is commonplace in our



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The Columbia Farms/House of Raeford chicken processing complex in West Columbia, S.C., has about 800 workers who process approximately 750,000 chickens a week at the plant.

business community. I just don't find that. ... We're going to keep doing what we're doing because it's working. And, no amount of ink and paper in the world that you generate is going to stop us from doing the good job we're doing.

Q. North Carolina OSHA tends to be more lenient on companies that are found in violation of workplace safety rules than regulators in most other states. We found that in North Carolina, the average fines for serious violations are less than half the national average. Also, N.C. uses its toughest penalty - willful violations - in only one of every 1,800 citations against manufacturers. That's far less often than such penalties are issued nationally. It's about one of every 300 nationally. Some workplace safety experts worry that low fines and minimal enforcement make conditions ripe for another Hamlet (a 1991 fire killed 25 in a chicken plant in Hamlet). What do you think?

Whoa, another Hamlet? God, I hope not. ... When you say we're more lenient, I can't accept that. Granted, if you look at total fines imposed, they may be lower; but we're not in the business of collecting money. We're in the business of getting hazards abated. And, if during a settlement process, we can negotiate a fine downward and get that hazard taken care of immediately, that's where I'm going.

Do you think there are any bad actors out there who are ignoring workplace hazards, or failing to report injuries? Is there ever a place for stiff fines against such companies? Are you going to have a bad actor? Sure, that's human nature. There are some who aren't going to follow the rules until they get caught. ... Do I believe stiff fines will bring them

around? ... You can impose huge fines. But ... we see no evidence that that equates to hazards eliminated in a more timely fashion, or a better attitude imposed within the culture of that workplace. We just don't see any evidence that that's effective.

Q. You previously rescinded the state's ergonomics standard - a set of rules that workplace safety experts had described as key to protecting many workers in highly repetitive factory jobs such as poultry processing. Talk about why you opposed those rules.

The ergonomic standard in North Carolina had been contentious for a long, long time, before I ever took office. ... I would say that something as controversial as ergonomics is not suited for a one-size-fits-all, 600-page-long standard that is generated and put forth at the federal level. This is something that needs to be industry specific. It needs to be devised by the industry. It needs to be guidelines that they can follow. And, unless you've read those 600 pages, and I did, you cannot possibly understand the bureaucratic nightmare it would have created for everyone involved.

Q. We understand about one-tenth of N.C. OSHA inspectors speak Spanish. Given the influx of Latino workers in many dangerous industries, are there enough to ensure you're truly hearing from all the workers you need to hear from?

I think so. You have to look at the fact that there aren't a lot of people that we can employ that have that ability, that have Spanish as a language that they're fluent in. ... There aren't that many people applying for those jobs. And oftentimes ... when we are successful at finding someone



Poultry workers are among many in factories who perform highly repetitive motions every day.

they've gotten the message that if they complain they become unemployed.

They need to call us if that's the case. They're protected under the law. They need to call us. If we don't know about them, we can't help them.

Q. We see that one N.C. poultry plant has gone multiple years without reporting a single case of carpal tunnel syndrome or tendinitis. Experts tell us that's pretty much inconceivable. But I wonder if you think that's plausible in an industry that requires workers to make thousands of repetitive motions per shift.

Well, I know there are experts who say that's not feasible or even plausible. But what I'm telling you is on the record-keeping informa-

tion we have, we're finding only 2.5 percent of those inspections conducted resulted in record-keeping violations.

Q. Why are you running for re-election? What do you hope to accomplish that you haven't accomplished already?

I believe over the past seven years now, we have put together the team in the Department of Labor that can make good things happen. We've been able to change the attitude and the culture, the relationship between OSHA and the business community. We've gotten rid of ... that adversarial relationship. And we want to continue to build on that.

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Lawmakers: Toughen poultry plant penalties

*Congressional hearing
on hazards prompted
by Observer articles*

BY AMES ALEXANDER
AND LISA ZAGAROLI
Staff Writers

WASHINGTON — Saying companies that ignore workplace hazards face little more than a “slap on the wrist,” lawmakers on Tuesday called for stiffer penalties and stronger enforcement against chronic violators.

“Poultry workers’ health and safety is threatened every day in a variety of ways,” Sen. Ted Kennedy, D-Mass., said in written

comments for a Senate subcommittee hearing focused on workplace safety.



Kennedy

“Their hands are crippled by hours on an assembly line that

moves too fast. They are forced to work when they are sick or seriously hurt. Yet OSHA sits on the sidelines, ignoring such problems.”

Witnesses told Kennedy and other senators on the panel that in poultry plants and other factories nationwide, grueling job conditions and preventable deaths have illustrated the need for more robust safety laws and enforcement.

It was the first of three scheduled congressional hearings prompted by a series of Observer articles focusing on working conditions in the poultry industry, where thousands of workers are hurt each year as they cut and

Lawmakers: Toughen plant penalties

Chicken from IA

package chicken and turkey for stores, restaurants and cafeterias.

The Observer reported that House of Raeford, a leading poultry company based in North Carolina, has masked the extent of injuries inside its plants. Employees said the company has ignored, intimidated or fired workers who were hurt on the job. The company, like many in the poultry industry, has come to rely heavily on Latino workers who often fear that complaining about job conditions may get them fired or deported.

One workplace safety expert representing a federation of unions told senators that House of Raeford represents what he sees as a growing pattern: large corporations ignoring their obligations to ensure workers aren't harmed by their jobs.

Eric Frumin, health and safety coordinator for union group Change to Win, testified that N.C. regulators "have utterly failed to carry out their own mandate to protect the people at House of Raeford." His 6 million-member group includes poultry, carpentry and textile workers.

House of Raeford has said it follows the law and strives to protect workers. Company officials didn't testify at the hearing and couldn't be reached for comment Tuesday. Other poultry companies say they, too, have worked to improve safety.

"The facts demonstrate we have a good record, that worker safety is a very important value in the industry, that we are concerned for our associates and employees," said Richard Lobb, a spokesman for the National Chicken Council, who did not testify at the hearing.

The Observer found that weak enforcement, minimal fines and dwindling inspections have allowed companies to operate largely unchecked.

In the poultry industry, fines for serious violations - including conditions that could cause deaths and disabling injuries - are usually cut by more than half, to an average of about \$1,100.

"I've had young kids come up to me and say, 'My dad's life was only worth \$3,000,'" said Jerry Scannell, who headed the U.S.



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Workers at the House of Raeford chicken processing plant in West Columbia hang chickens by their feet in May of 2007. A Senate subcommittee hearing held Tuesday focused on workplace safety.

Occupational Safety and Health Administration under the first President Bush. "The penalty has got to be significant enough to be a deterrent to others too."

Sen. Patty Murray, D-Wash., the subcommittee chair, spoke of the "horrifying and rampant" abuses detailed by the Observer and said she would like to see far stiffer penalties against "corporate bad actors." She and Kennedy have introduced legislation that calls for up to 40 percent higher fines - as much as \$100,000 for willful and repeat violations - and criminal penalties for repeat and willful violations of safety laws.

"I am very concerned because the evidence shows that in the last seven years, OSHA has been dangerously ineffective," Murray said.

Sen. Barack Obama, a Democrat who serves on the committee but was campaigning for the presidency in Pennsylvania, said in a written statement that "OSHA needs to be reinvigorated."

He called for additional inspectors and better ways to identify the most dangerous employers. He also said OSHA must increase penalties for violators.

Senators and witnesses at the hearing said OSHA needs to look beyond individual incidents and start hunting for unsafe patterns.

"Too frequently, the same

companies are cited over and over again," Kennedy stated. "But OSHA's enforcement program fails to connect the dots."

Sen. Johnny Isakson of Georgia, the ranking Republican on the subcommittee, said higher fines alone won't change a company's willingness to look the other way when it comes to unsafe conditions.

When OSHA finds companies with a pattern of workplace safety problems, it should assign compliance officers to follow up until all problems have been fixed, he said.

"It's those kinds of things that get to the meat of the coconut more than beating your chest that you tripled fines," he said.

Several lawmakers and wit-

nesses at the hearing said the Observer's findings helped highlight the need for additional resources, better standards and the authority to impose tougher penalties.

"But the biggest single obstacle to effective intervention is simple lack of political will," Frumin, the union official, testified. OSHA officials say workplaces are safer than ever, pointing to a decade of declining rates of reported injuries. They credit enforcement programs and a growing recognition among industry leaders that reducing injuries is good for business.

But the Observer found that the poultry industry is more dangerous than its reports to regulators suggest. Current and former OSHA officials say the agency has made it easier for companies to hide injuries, and has all but abandoned its mission to protect workers.

Sen. Kennedy plans to hold another hearing later this month to focus on the low OSHA fines that often follow workplace deaths. Kennedy said he hoped such hearings, along with stories like the Observer's, would persuade lawmakers to support more protections for workers.

One longtime poultry worker invited senators to imagine a workday at her plant.

Doris Morrow, who works at a

Tyson Foods plant in Robards, Ky., brought an 18-inch-high stack of folded clothing that she said she must wear each workday to cope with frigid temperatures inside the plant. She said some workers have contracted frostbite on their hands and feet. Others, she said, have developed back problems from repeated lifting and serious hand injuries from the strain of making more than 25,000 cuts a day.

Many, however, won't complain about working conditions for fear of losing their jobs, she said.

Tyson Foods spokesman Gary Mickelson said Morrow's testimony included exaggerations and inaccuracies. He said the area where she works averages 46 degrees and that the company has had no reports of workers contracting frostbite. The company has reduced injuries through automation and other efforts, he said.

But Morrow said there's no question workers are suffering.

"It is time to demand that the government and companies protect workers and prevent these injuries," she said.

ON WWW.CHARLOTTE.COM/poultry
Read our entire poultry series, including videos and more.

Doctors feel push to downplay injuries

*Group tells OSHA of
pressure by companies*

BY AMES ALEXANDER

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NEW YORK — A leading group of occupational doctors is taking the unusual step of speaking out publicly against pressure from companies to downplay workplace injuries.

To outline their concerns, the physicians have sent a letter to federal workplace safety regulators and held a conference session in New York City on Monday. They're also planning to testify before Congress.

If successful, their campaign could affect the treatment of injured workers and might help change how the government assesses workplace safety.

"Our members feel they are being methodically pressured ... to under-treat and mistreat," said

Doctors report pressure to downplay injuries

Workplace *from 1A*

Dr. Robert McLellan, president of the American College of Occupational and Environmental Medicine. "...This is a grave ethical concern for our members. It's a grave medical concern."

His group represents 5,000 doctors; some treat workers referred to them by employers, while others work directly for companies.

Employers are supposed to record all injuries requiring time off work or medical treatment beyond first aid. It's an honor system, and the injury logs are used by regulators and others to gauge plant safety. Low injury rates allow companies to avoid scrutiny from workplace safety regulators and may help managers earn four-figure bonuses.

In a hotel meeting room in New York, doctors said this helps explain why some employers urge them not to treat injuries in a way that would make them reportable. A cut, for instance, must be recorded if the worker gets stitches, one doctor told the room of more than 60 colleagues. But if the doctor simply covers the cut with a bandage, it doesn't have to be reported.

Workplace injury and illness rates - a key factor in determining whether regulators inspect a company - have been declining nationwide in recent years. But some experts suspect that's partly because employers aren't reporting all on-the-job injuries.

McLellan, an associate professor at Dartmouth Medical School in New Hampshire, says he thinks employers are "vastly underreporting" the extent of workplace injuries.

"Players in the system may willfully produce records that don't reflect reality," he said in an interview.

He said he grew more concerned about corporate pressures on doctors in September, during a conference in the Caro-

linas. Since then, he said, he has heard from dozens of doctors.

That led him to contact the U.S. Occupational Safety and Health Administration, and he expects to discuss his concerns with top agency officials next month. His group will likely propose that OSHA more vigorously investigate the accuracy of company injury logs. It may also ask regulators to rely on a broader array of workplace safety measures - and to rewrite rules so that companies have fewer incentives to underreport.

McLellan also wants occupational doctors to testify before congressional committees examining workplace safety.

Ethical physicians sometimes lose business to those who bend to the wishes of employers, some doctors and workers' compensation lawyers say.

In the Carolinas and some other states, injured workers generally must visit doctors approved by their employers if they want workers' compensation to pay for the treatment. Companies incur higher costs for compensating workers for medical care and lost wages when they're injured on the job.

Employers tend to send workers to doctors who can help them keep costs low and productivity high, according to attorneys who represent injured workers. Doctors become popular with companies if they rarely order time off work for injured employees, or if they seldom recommend costly treatments or conclude injuries are work-related, those lawyers say.

"If you get past the infirmary and sent to a doctor, you're getting sent to a doctor that lives on the plant," said lawyer David Davila, who until recently worked in Columbia, S.C.

Atlanta lawyer Bruce Carraway has represented more than 400 injured poultry workers and says that in more than half of those cases, independent physicians gave different assessments than the company doctors.

Dr. Josephus Bloem, an ortho-

Many injuries unreported in poultry industry

In a recent investigation of working conditions in the poultry industry, the Observer found that many on-the-job injuries aren't being reported.

One N.C. poultry company, House of Raeford Farms, has repeatedly failed to record injuries on government safety logs. The newspaper also found that some company first-aid attendants have prevented poultry workers from receiving care that would cost the company money.

House of Raeford says it follows the law, provides good care and strives to protect workers.

A record-keeping expert for the U.S. Occupational Safety and Health Administration told the Observer that his agency is allowing employers nationwide to vastly underreport the number of workplace injuries. The true rate for some industries, including poultry processors, is likely two to three times higher than government numbers suggest, Bob Whittier said.

pedic surgeon from Rocky Mount, said he used to get referrals from Perdue Farms. But in the 1990s, the company became unhappy that he usually recommended surgery for workers with carpal tunnel syndrome.

"Their top doctor once visited me and complained that I was too expensive, which I took as pressure to review my approach," Bloem said. Not long afterward, the referrals stopped.

Dr. Roger Merrill, Perdue's chief medical officer, said the company had discovered that many workers who got less invasive treatment - such as splinting, exercise and ibuprofen - fared better than those who got surgery. "We had a better way to treat folks," he said.

But Bloem wondered whether health concerns were the only factor. "In the end," he said, "the money wins."

In their quest to keep injuries off logs, company officials without medical training sometimes provide inappropriate treatment, doctors at the New York conference said.

Dr. Peggy Geimer, corporate medical director for a chemical company in Connecticut, spoke of the "tremendous amount of pressure" on company staff to provide treatment beyond their level of expertise.

She recalled how one supervisor dealt with an injured worker who spilled an acidic chemical on his arm: He applied potash, which is sometimes used to clean up chemical spills - unaware that it would only make the burn worse.

McLellan said he doesn't recall his group ever before taking such a strong stance on the issue. As one doctor at Monday's conference put it: "We need to treat the patient. Not the log."

—STAFF WRITERS KAREN GARLOCK AND FRANCO ORDONEZ CONTRIBUTED.

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Senators want OSHA's injury reports probed

BY KERRY HALL

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Two influential U.S. senators have asked Congress' investigative arm to study whether OSHA is ensuring that companies accurately report work-related injuries and illnesses.

In a letter to the Government Accountability Office on Tuesday, Sen. Patty Murray, D-Wash., and Sen. Ted Kennedy, D-Mass., said they are concerned that some companies are underreporting workplace injuries and that regulators' oversight has declined.



Murray



Kennedy

"I want the GAO to take a good hard look at injury and illness reporting because, frankly, it's a system that seems all too easy to game," said Murray, who chairs the Senate's workplace safety subcommittee. "... I think it's time to shed some light on this process."

The request was prompted in part by an Observer series focusing on working conditions in the poultry industry, where thousands of workers are hurt each year as they cut and package chicken and turkey for stores, restaurants and cafeterias.

The Observer reported in February that House of Raeford Farms, a leading N.C. poultry company, has

Senators want OSHA's injury reports probed

GAO *from LA*

masked the extent of injuries inside its plants. The newspaper obtained injury logs for four House of Raeford plants and found the company failed to record at least a dozen injuries. One 800-employee plant reported no musculoskeletal disorders over four years, something experts say is inconceivable.

House of Raeford has said it follows the law and strives to protect workers.

In their request Tuesday, the lawmakers asked, among other things, that the GAO:

- Evaluate OSHA's efforts to ensure that employers are properly recording injuries and illnesses.
- Provide studies or research showing how often underreporting occurs.
- Survey occupational physicians who have expressed concerns about employer underreporting.
- Provide suggestions on how to improve OSHA's efforts.

"When it comes to the health and safety of American workers, we can't allow OSHA to just take employers at their word," Murray said. "We need an agen-

cy that takes the initiative to keep businesses honest about the dangers their workers face."

The GAO is the nonpartisan investigative arm of Congress that audits the finances and management of government programs. GAO reports often help prompt new laws and reforms.

A GAO spokeswoman said the agency would respond to the lawmakers' request in 10 days. A report can take six to nine months to complete.

Most employers are required to record serious injuries and illnesses on OSHA logs. It's an honor system, and regulators use the information to gauge a plant's safety.

Reported injury and illness rates have fallen nationwide in recent years, a trend OSHA says proves it is doing a good job protecting workers.

But some critics say the decline is partly because employers aren't reporting all work-related injuries. In a January 2005 GAO study of working conditions in the meatpacking and poultry industries, the agency noted that underreporting may be occurring.

Experts say underreporting is more likely in industries that depend heavily on Latino workers,

many of whom are undocumented and fear that complaining about job conditions may get them fired or deported.

Low injury rates can help a plant avoid regulatory scrutiny and win contracts. Low rates can also help managers earn four-figure bonuses.

"OSHA can't do its job to protect these workers if it doesn't know what is really going on," Kennedy said in a written statement. "This is why the GAO report is important. It will give us the information we need to hold OSHA and employers accountable."

An Observer analysis found that OSHA's record-keeping enforcement has plummeted during the past 16 years.

In 1990, federal and state OSHA cited companies for record-keeping violations more than 10,000 times. By 2006, that number had fallen to fewer than 4,000.

OSHA also conducts occasional audits of company injury logs. But Bob Whitmore, OSHA's top record-keeping expert, said OSHA's efforts "fell off the radar screen in 1990 and never returned."

An Observer review of OSHA record-keeping audits from 1999 to 2006 found most lasted one

day.

Whitmore, who has recently criticized the agency, said such audits should take a week or more.

Whitmore said Tuesday that GAO investigators have asked to interview him.

"Hopefully this will help push for change," he said.

In July, Whitmore was placed on paid administrative leave after a confrontation with a supervisor. He is still on administrative leave.

The Observer's series spurred three congressional hearings, one of which is scheduled for next week.

Murray's subcommittee held a hearing earlier this month focusing on dangerous conditions in poultry plants and other factories.

The Senate Committee on Health, Education, Labor and Pensions, which Kennedy chairs, will hold a hearing April 29 on workplace deaths and OSHA fines.

A third hearing, in the House Education and Labor Committee, is planned for May.

— KERRY HALL: 704-358-5085



ON WWW.CHARLOTTE.COM/poultry
Read the Observer's special report
on the poultry industry

Family devastated, plant fined \$2,500

Poultry worker's death casts light on safety oversight



PHOTOS BY JOHN D. SIMMONS - jsimmons@charlotteobserver.com

Debbie Okrenuk keeps these photographs of her husband, Thomas, who died at a Tyson Foods plant in Wilkesboro in 2003. "You expect to spend your golden years with your spouse, and they're gone," she said.

On Tuesday, Senate committee to examine enforcement of workplace conditions

BY AMES ALEXANDER
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WILKESBORO — Every night, Thomas Okrenuk returned home tired and sore, scratches covering his arms. But the 49-year-old father of two rarely complained about the chicken plant where he worked.

For Okrenuk, the Tyson Foods plant provided a steady paycheck. He'd been laid off from a nearby cheese factory before landing the job hanging live chickens on moving hooks.

Two days after Christmas in 2003, Okrenuk was on a conveyor belt, working to free a stuck cage filled with live chickens. Without warning, a forklift operator, unaware Okrenuk was there, put another rolling cage on the belt and gave it a push. Okrenuk, a quiet man who loved camping and fishing for trout, was crushed between two 2,700-pound cages.

When officials with the N.C. Occupational Safety and Health Division investigated his death, they discovered that Tyson's managers knew about the hazards, but failed to eliminate them. The fine: \$2,500.

"I've lost everything," said Okrenuk's widow, Debbie, a mother of two. "What did they lose? ... I believe it's not a big



Thomas Okrenuk's death left his two daughters, Amy (left) and Angie, without a father.

Online
Extras



Read the Observer's poultry series at
WWW.CHARLOTTE.COM/poultry

enough fine that it will even faze them."

On Tuesday, a U.S. Senate committee is scheduled to examine how weak enforcement and low fines have done little to motivate companies to address deadly workplace hazards.

The hearing follows Observer stories that focused on working conditions in the poultry industry, where thou-

SEE POULTRY | 4A

Lawmakers to look at workplace safety

Poultry from 1A

sands of workers are hurt each year as they cut and package chicken and turkey. The stories showed how feeble OSHA enforcement, minimal fines and dwindling inspections have allowed companies to ignore hazards that can kill and injure workers.

The congressional attention comes at a time when workplace deaths are climbing. Figures released earlier this month show the total number of workplace deaths nationally increased about 2 percent from 2005 to 2006, from 5,734 to 5,840.

Nationally, when OSHA found violations following workplace deaths in manufacturing plants, the average penalty was about \$13,300, according to an Observer analysis of inspections from 1997 through 2006. In the poultry industry, it was about \$8,800.

The fines tend to be lower following manufacturing deaths in the Carolinas — an average of about \$5,900 in North Carolina and \$3,900 in South Carolina, the Observer found.

Poultry processing can be a deadly business. Nationally, about 100 poultry workers have died on the job during the past decade. Many of the deaths — like Okrenuk's — were not only gruesome but avoidable, the Observer found.

There's no clearinghouse of information on deaths in the poultry industry. But the newspaper was able to obtain and analyze records for 30 fatalities since 2000 and found that more than two-thirds might have been prevented with simple safety precautions. Regulators cited poultry companies for serious safety violations in 24 of those deaths.

But in most cases, the proposed fines were cut significantly.

Among those who died:

■ Bernard McKay, an employee at the Gold Kist plant in Siler City was run over by a forklift driver whose view was obstructed by a chicken cage on March 26, 2001. Requiring forklift drivers to drive with their loads behind them likely would have prevented the death. N.C. OSHA found the plant didn't properly train its drivers. Regulators proposed fines of \$6,300 but reduced them to \$4,725.



Sullivan

■ Jerome Sullivan, a House of Raeford Farms worker in Greenville, S.C., was ripped apart by a machine used to dispose of chicken feathers and blood on Dec. 15, 2001. The machine was missing a safety guard designed to prevent such accidents. An OSHA inspector had complained months earlier that the company wasn't fixing all safety problems she had pointed out. Regulators cited the company for more than 40 serious safety violations and proposed fines totaling \$63,900. The penalties were reduced to \$13,560.

■ David Hartness, 42, died at the Tyson plant in Wilkesboro on March 14, 2004, less than three months after Okrenuk's death. He was working on pipes near the ceiling when the duct he was perched on collapsed. He fell 20 feet to a concrete floor and died from head injuries. Inspectors later wrote that supervisors instructed workers to use fall protection but failed to ensure they did the job safely. OSHA proposed a \$3,150 fine and reduced it to \$2,500.

■ Philip Hines, an employee at a Pilgrims Pride plant in Moorefield, W.Va., was crushed Feb. 12, 2002, after his clothing became snagged in a machine that moved ice throughout the plant. The



PHOTOS BY JOHN D. SIMMONS — jsimmons@charlotteobserver.com

Thomas Okrenuk liked to sit and relax on this rock behind his family's home. Okrenuk died at a poultry plant two days after Christmas in 2003 when he was crushed between two 2,700-pound cages on a conveyor belt.

equipment had no safety guard to prevent such accidents, regulators found. The company was fined \$7,000; the penalty wasn't reduced.

Officials for those poultry companies say they work hard to protect workers and have taken steps to prevent such accidents from recurring.

"There's nothing more important to us than the safety and well-being of our people," Tyson spokesman Gary Mickelson wrote in an e-mail to the Observer. "That's why we continue to examine ways to enhance our workplace safety efforts in our plants and ensure we're making safety everyone's business."

Poultry officials say deaths in their industry are rare; about four of every 100,000 poultry workers die on the job each year. Still, poultry's death rate has been higher than that for manufacturing as a whole, where about three of every 100,000 workers have died on the job in recent years.

Workplace safety regulators often cut fines after workplace deaths or the discovery of hazards. OSHA officials say they often reduce penalties in exchange for an employer's promise to fix problems quickly.

"Penalties, whether in South Carolina or any other state, are not the primary focus of inspectors," said Jim Knight, spokesman with the S.C. Department of Labor, Licensing and Regulation. "We would rather have a small employer invest their limited dollars in the safety of employees through training, guards for machinery, personal protective equipment, etc., rather than OSHA collecting funds to be deposited in the state treasury."

But workplace safety experts contend many of today's fines aren't getting the attention of companies. Jerry Scannell, who headed federal OSHA under the first President Bush, likened it to the calculations made by motorists in deciding whether to speed.

"If the penalty is \$5 or \$10, you might risk it," he said. "But if it's \$200 and you're going to get your name in the newspaper, it's not worth it. There needs to be some incentive."

Following Okrenuk's death, N.C. workplace safety inspectors concluded Tyson had taken no precautions to help workers deal



Debbie Okrenuk (right) and her family no longer celebrate Christmas since her husband, Thomas (left), died on Dec. 27, 2003.

safely with stuck cages.

Company supervisors "readily realized the hazard" and "failed to provide adequate protection" for workers who had to climb atop the conveyor, according to OSHA documents.

Debbie Okrenuk vividly recalls the day. She was shopping in West Jefferson two days after Christmas in 2003 when her daughter phoned to tell her she needed to call Tyson. There had been an accident at work. Something had happened to Tom.

After tense hours of waiting in the hospital, she was summoned to a room where a doctor broke the news that her husband had died. More than four years later, the memories haunt Okrenuk's family. Debbie Okrenuk drives out of her way to avoid the plant. She and her daughters no longer celebrate Christmas because it's too painful.

Today, Debbie Okrenuk stays home to care for an adult daughter with Down syndrome. She and her younger daughter each receive about \$142 a week in workers' compensation payments since the accident. It barely covers the grocery bills, but she worries what she'll do in two years when the checks end.

"You wake up one morning and nothing's the way it was," she said.

— STAFF WRITER KERRY HALL AND DATABASE EDITOR TED MELLNIK CONTRIBUTED.

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Senate hearing

On Tuesday, the U.S. Senate Committee on Health, Education, Labor and Pensions is scheduled to hold a hearing to examine whether OSHA's penalties following workplace deaths help improve safety. Among those scheduled to testify are Ron Hayes, the director of a group that helps people who lose relatives in workplace accidents, and AFL-CIO Safety Director Peg Seminario, who plans to argue that the OSHA Act is too weak to protect workers.

Fines following deaths

Nationwide, more than 5,800 workers died on the job in 2006. There were 168 workplace deaths in North Carolina and 95 in South Carolina.

Here's how various states ranked in a recent study of average OSHA fines for workplace deaths last year:

1. Missouri: \$106,348
25 investigations
 2. Oklahoma: \$95,811
30 investigations
 3. Minnesota: \$33,426
21 investigations
 34. South Carolina: \$4,341
31 investigations
 44. North Carolina: \$2,226
68 investigations
 48. Oregon: \$793
32 investigations
 49. Alaska: \$750
4 investigations
 50. Delaware: \$0
2 investigations
- National average: \$10,133

Source: U.S. Bureau of Labor Statistics and "Death on the Job" report by the AFL-CIO

— KERRY HALL

Measure would aid poultry workers

Mecklenburg Democrat's bill would expand state oversight of plants' health and safety practices

BY AMES ALEXANDER
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An influential N.C. lawmaker has introduced legislation aimed at better protecting the state's poultry workers by keeping closer tabs on their employers.

The bill would give state health officials the authority to inspect poultry plants and would require large plants to hire or contract with licensed medical workers. It was introduced this week in response to an Observer series about working conditions in the poultry industry – and to Gov. Mike Easley's subsequent call for reform.



Clodfelter

The legislation would also provide \$350,000 more each year for the state Department of Health and Human Services – money that Easley had requested to hire two occupational health nurses and two industrial hygienists to regularly inspect plants. Sen. Dan Clodfelter, a Mecklenburg Democrat and a Senate leader, introduced the bill.

“The governor asked Sen. Clodfelter to introduce this measure because we must ensure that workers are treated with basic dignity,” said Alan

N.C. bill would aid poultry workers

Reform *from 1A*

Hirsch, the governor's policy director.

Under a plan detailed by Easley this month, the new inspectors would review records, conduct interviews and examine workers to determine whether companies are properly treating

injured workers and recording all injuries.

The new bill would also require poultry plants to keep records detailing each time a worker complains about injuries, pain or other health concerns - and showing how the company handled the complaint.

The state health director would use information gathered during inspections to present N.C. officials with an annual summary of findings, as well as any recommendations for additional legislation, regulation or enforcement.

In a series of stories published earlier this year, the Observer detailed the human cost of putting chicken and turkey on America's dinner tables. Many workers told the newspaper that those hurt on the job are routinely ignored, threatened or fired.

The Observer found that one leading N.C. poultry company, House of Raeford Farms, has hidden the extent of injuries inside its plants.

The company has compiled misleading injury reports, the newspaper found, and employees say it has dismissed some workers' requests to see a doctor, even when they complained of debilitating pain.

House of Raeford says it follows the law, provides good care and strives to protect workers.

In an interview with the Observer last month, Easley spoke out against the mistreatment of immigrant workers described in the Observer's stories.

"This cannot be allowed to continue regardless of what budget situations are," he said.

Easley has also asked lawmakers to approve \$720,000 more annually for the N.C. Department of Labor so that it can fill workplace inspector jobs and other positions now frozen due to federal funding cutbacks.

Bob Ford, executive director of the N.C. Poultry Federation, said the companies his group represents are "luke warm to luke cold" about Easley's proposals.

The state's poultry plants are already meticulous about caring for injured workers and recording workplace injuries, he said.

"Our industry doesn't really think they need it," he said.



Easley