

He says his agency is at fault

Record-keeping chief says OSHA lets companies underreport injuries

BY KERRY HALL AND AMES ALEXANDER
Staff Writers

Bob Whitmore is doing what few career government employees dare – publicly criticizing his own agency.

Whitmore, an expert in record-keeping requirements for the U.S. Occupational Safety and Health Administration, said OSHA is allowing employers to vastly underreport the number of injuries and illnesses their workers suffer.

The true rate for some industries – including poultry processors – is likely two to three times higher than government numbers suggest, he said.

Whitmore is not authorized to speak for the government and is risking his job simply by talking to the Observer, he said.

“I want to hold people accountable that are abusing workers,” he said. “It’s as simple as that.”

OSHA officials say they look for underreporting but rarely find it.

Whitmore has directed OSHA’s record-keeping system since 1988. Early in his career, he said, OSHA looked closely at companies’ injury and illness logs and issued big fines to businesses that underreported such incidents.

But by the 1990s, he said, industry groups and pro-business lawmakers were accusing OSHA of focusing on what they perceived as



COLBY WARE – SPECIAL TO THE OBSERVER

Bob Whitmore, an OSHA record-keeping expert, spent a weekend examining House of Raeford safety records, national data and information that workers shared with the Observer. “This is abuse,” he said. “I don’t know what else to call it.”

frivolous paperwork violations. Today, he said, the agency is conducting fewer inspections and issuing fewer fines, leaving businesses to police themselves.

The government, he said, has no clear picture of the hazards that lurk inside some of America’s most dangerous manufacturers.

A leading manufacturers group contends the government figures are accurate. While underreporting occasionally happens, it’s rare, said Hank Cox, a spokesman for the National Association of Manufacturers.

In July, Whitmore was placed on paid administrative leave after a confrontation with a supervisor. He said the supervisor spit on him, so he stuck his foot in the man’s door and threatened, “If you ever do that again, I’ll kick your a--.”

Whitmore has filed a complaint alleging a hostile workplace. As of this month, he was still on administrative leave.

The labor department declined to comment on Whitmore’s status citing “privacy considerations.”



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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.

Company has history of fights with regulators

Poultry from 3XX

likely would have made their injuries recordable.

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

Company officials said plant safety committees regularly look for hazards. Frequent knife sharpening, adjustable 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.”

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

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The perils of processing

About 100 U.S. poultry workers have died on the job during the past decade, and more than 300,000 have been injured. The industry’s death and injury rates are higher than those for manufacturing as a whole. For many workers – including those who suffer amputations, chemical burns and debilitating hand or wrist ailments – on-the-job injuries have left a lasting mark. Poultry plants are typically divided into two functions. At one end, birds are slaughtered, scalded and plucked. At the other end, tightly clustered workers cut and package meat.



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

1. Receiving and killing

Forklift drivers unload cages of live chickens or turkeys. Workers hang the birds upside down on an overhead conveyor. Machines kill, scald and de-feather the birds.

HAZARDS: Forklift accidents account for many serious injuries. Many employees develop hand, arm, shoulder or back injuries from lifting thousands of live birds each day. Frequent contact with chicken feces and dust leaves some workers suffering from respiratory problems.



2. Evisceration

Workers or machines remove internal organs, which are placed in bins and graded by inspectors. Some organs, such as gizzards and livers, may be cleaned and packaged. The carcass is cleaned and vacuumed. The bird is packaged whole after evisceration or placed on cones for cutting and de-boning.

HAZARDS: Employees may develop repetitive motion problems such as carpal tunnel syndrome or tendinitis.



3. Cutting

Workers use scissors, knives and saws to cut wing tips, wings and legs from birds.

4. De-boning

Workers use their knives and hands to separate the meat from the skin and bones. Some employees make more than 20,000 cuts each day.

HAZARDS: Cuts, nerve damage and repetitive-motion injuries such as tendinitis and carpal tunnel syndrome are common. Cuts not treated promptly often become infected from the bacteria on raw chicken.



5. Packaging

Employees package meat and box it for shipping.

HAZARDS: Repeated reaching and lifting may leave workers with injuries to their backs, shoulders, arms and hands. — AMES ALEXANDER

SOURCE: Occupational Safety and Health Administration

STAFF GRAPHIC BY HOLLY FARRANT AND JASON WHITLEY

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BOB WHITMORE, DIRECTED THE NATIONAL INJURY AND ILLNESS RECORD-KEEPING SYSTEM FOR THE U.S. LABOR DEPARTMENT SINCE 1988