

# Regulators reduce company's fines

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

BY AMES ALEXANDER,  
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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

But workplace safety advocate Amy Kaufman said it's "inexcusable" that regulators gave the 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  
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**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 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.

## THREE STORIES OF OSHA ENCOUNTERS



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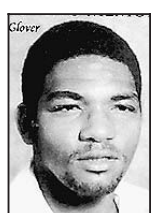
Joan Faison (in hat), 64, mother of Bruce Glover, gathers with other family members at Glover's gravesite in Rose Hill. The 39-year-old father of two died in 2003 after chlorine gas leaked into the House of Raeford plant where he worked. From left: Joy Bradley, 9; Marcille Chavis; Tatianna Glover, 2; 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-



Glover

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

Workers tried to open the first-aid station - where the company stored oxygen that might have helped Glover - but it was locked and no one could find the key.

Outside, Glover fell to his knees and

died, Peterson said. A medical 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 of 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 rotating shafts.



Sullivan



Bryson

On Dec. 15, 2001, employee Jerome Sullivan died after falling into an augur. He had been drinking. Inspectors dis-

covered 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 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 Presi-

dent 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.

## House of Raeford: We're working to prevent injuries

House of Raeford Farms officials say they've made changes to reduce the number of "cumulative trauma disorders."

The company says it uses equipment designed to prevent such injuries, including adjustable stands to accommodate workers of varying heights. Some company managers say they routinely rotate workers to different jobs throughout the day so they don't have to perform the same motions continuously.

In a letter to the Observer, the company said it has an aggressive in-



jury-prevention program that "minimizes employee exposure to

on-the-job stress and trauma as much as humanly possible."

"We have also worked with OSHA through voluntary inspection programs where their officials visit and review safety in our plants," the company wrote in a news release earlier this week. "...We remain committed to maintaining and improving the quality and safety of our employees' workplace."

“We penalize according to the regulations, and not according to what a person's life is worth.”

ALLEN MCNEELY, N.C. OSHA DIRECTOR