

'ALL AMERICANS SHOULD BE HORRIFIED AT THE CONDITIONS'

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Senate, House plan worker safety hearings

BY PETER ST. ONGE
AMES ALEXANDER
KERRY HALL
FRANCO ORDONEZ
Staff writers



Miller

U.S. Senate and House committees, spurred by an Observer report on N.C. poultry giant House of Raeford Farms, are planning hearings and an investigation on worker safety in the poultry industry, congressional leaders and aides said this week.

"All Americans should be horrified at the conditions reported in this investigation," Rep. George Miller, D-Cal., chairman of the House Education and Labor Committee said in a statement. "We intend to hold a hearing this spring on issues raised in the Observer's investigation."

In a six-part series that began Sunday, the Observer reported that House of Raeford Farms, which has seven 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 laws, according to a top OSHA official, and that workers were brought back to the company's Greenville, S.C., plant hours after medical procedures.

On Friday, an official with the S.C. Workers Compensation Commission said his agency will conduct a review to determine whether House of Raeford is properly reporting injuries or giving workers time off work for on-the-job injuries if they need it.

"The issue raised in your series is very serious," said Gary Thibault, the com-

mission's executive director. "...Anyone who needs medical attention should be getting medical attention. And all claims should be 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., chairman of the Senate committee on Health Labor Education and Pensions said in a statement. "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 this week. 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 heart-breaking." Dole, as U.S. Labor Secretary in 1990,



Dole

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.



Inglis

U.S. Rep. Bob Inglis, R-S.C., said he would be contacting the U.S. Occupational Health and Safety Administration about how the House of Raeford plant in West Columbia was able to report no musculoskeletal injuries 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.

"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."

Immigrant workers questioned

Several workers who were coming 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'd given 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,"

he said. "They never really checked my papers until 2008."

The company didn't respond to questions Friday about ID checks.

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."

Commissioner: Fear a concern

N.C. Labor Commissioner Cherie Berry said the Observer's stories hammered home 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.

"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 1-800-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 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 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, tendini-

tis 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," he said. "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 take advantage of the opportunity.

"We will lobby Congress," she said. "We will get workers at hearings. We will use those hearings to promote stronger enforcement."

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 1995-2000 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."

SENATE SUBCOMMITTEE HEARS TESTIMONY ON WORKPLACE HAZARDS

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Lawmakers: Toughen plant penalties

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.

"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 package chicken and turkey for stores, restaurants and cafeterias.

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 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 in-



Easley

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. 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 witnesses at the hearing said the Observer's findings helped highlight the need for additional resources, better standards and the authority to impose tougher penalties.

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.

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 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.

MORE MONEY AND STAFF WILL BE SOUGHT TO PROTECT WORKERS

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Easley to seek poultry changes

BY AMES ALEXANDER
alexander@charlotteobserver.com

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.

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

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 over 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.