

RESPONSE TO OBSERVER SERIES

Originally published on February 11, 2008

House of Raeford: 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 pro-

grams, 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

GROUP TELLS OSHA OF PRESSURE BY COMPANIES

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Doctors feel push to downplay injuries

By AMES ALEXANDER
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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 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

Carolinas. 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 orthopedic 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 GARLOCH AND FRANCO ORDONEZ CONTRIBUTED.

'TIME TO SHED SOME LIGHT'

Originally published on April 23, 2008

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.

"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 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:

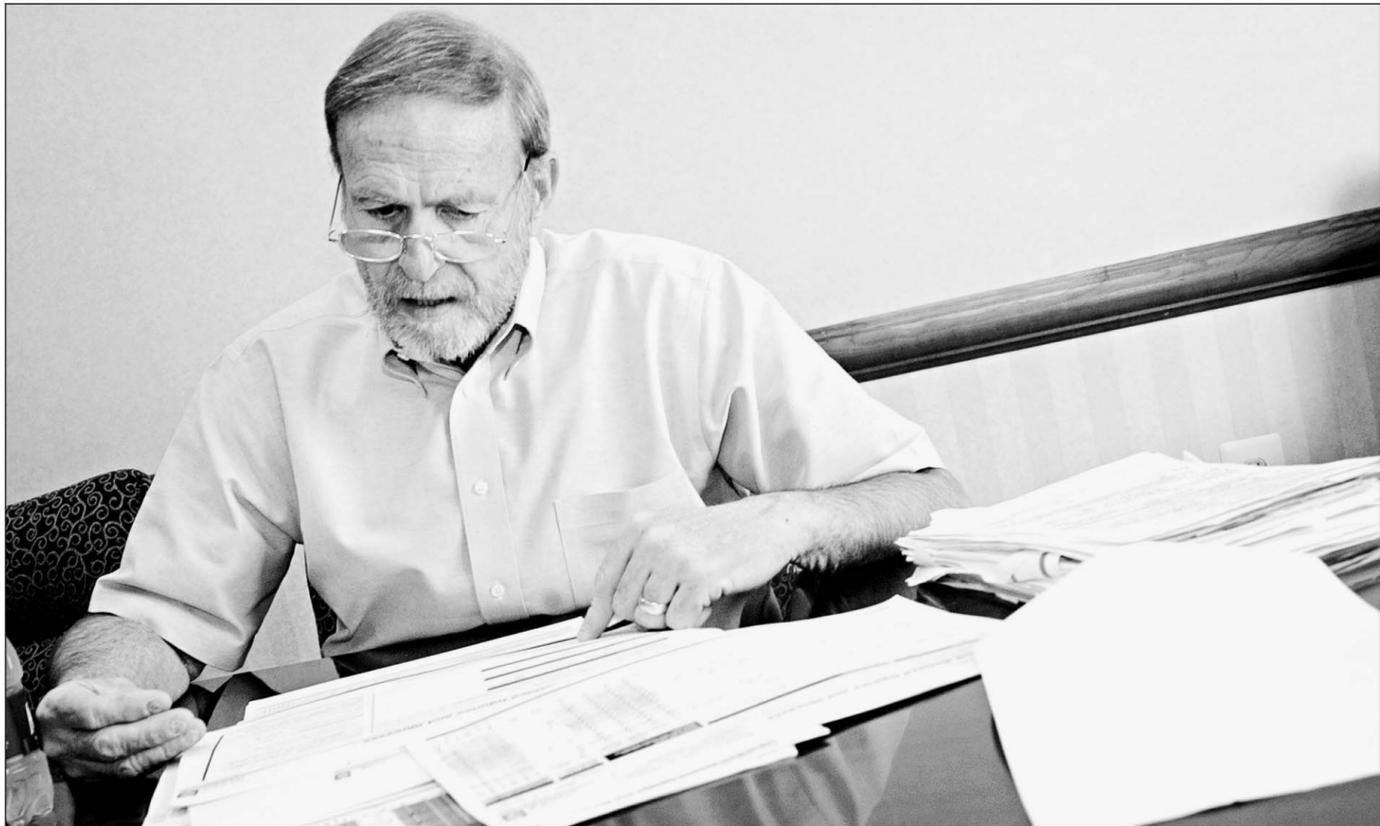
Evaluate OSHA's efforts to ensure that employers are properly recording injuries and illnesses.

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 al-



COLBY WARE - SPECIAL TO THE OBSERVER

Bob Whitmore, OSHA's top record-keeping expert, says OSHA'S efforts related to auditing company injury logs "fell off the radar screen in 1990 and never returned."

low OSHA to just take employers at their word," Murray said. "We need an agency 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.