



## PAIN, SHAME, SILENCE

### FEDERAL INVESTIGATION OF POULTRY PLANTS IS NEEDED

Friday, February 15, 2008

Each day, thousands of workers in the Carolinas clean, bone and trim an armada of turkeys and chickens. They do risky, repetitive jobs to put popular specialty cuts on the nation's tables. Their work returns millions in profits to the companies that employ them.

You'd think that would mean something, but it doesn't. These workers are no more than disposable assets. A 22-month Observer investigation into poultry processing in the Carolinas found that weak regulations and slack enforcement have made it easy for a dangerous industry to exploit illegal workers, underreport injuries and manipulate a regulatory system that essentially lets companies police themselves.

That shameful record needs to change.

Today the last of six installments outlines the critical failure of state and federal safety enforcement agencies to do their jobs.

Workplace safety inspections at poultry plants have dropped to their lowest point in 15 years.

Fines for serious violations - including conditions that could cause deaths and disabling injuries - are usually cut by more than half.

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

The federal government has made it easier for companies to hide those MSDs by lifting a record-keeping requirement to identify them on safety logs.

The bottom line? The government does as little as possible to protect poultry workers from mangled hands, severed digits or crippling musculoskeletal disorders. It leaves it to poultry plants to police themselves, and gets involved only when companies report problems.

Workers who have no way to speak out pay the price in pain and in injuries that leave them disfigured and unable to do simple tasks.

Government shouldn't be expected to do everything. But it can and should protect workers from abuse, injury or death on the job.

Sen. Elizabeth Dole, R-N.C., as a former U.S. labor secretary, is an expert and an advocate for workplace safety issues. As labor secretary she even pushed successfully for federal ergonomic standards to protect workers from MSDs.

Yet she has been silent on the indecent treatment poultry workers suffer, silent on the government's failure to enforce its own rules and silent on the Bush administration's decision to toss out federal ergonomic standards.

Why? Her voice could make a difference. She ought to start by asking for the following steps:

A federal investigation into hiring practices, working conditions and injury reports in poultry processors.

Federal ergonomic standards and specific reporting rules for MSDs state and federal OSHA agencies can use to police high-risk industries.

Immigration reforms that give immigrant workers the basic protection decency demands.

Sen. Dole should speak out

Call Sen Elizabeth Dole, R-N.C., and ask her to push for a federal investigation into poultry processing. Contact her at 202-224-6342 or go to [dole.senate.gov](http://dole.senate.gov) and click on contact Sen. Dole.

## MAKE HEARINGS COUNT

### FIND OUT WHY OSHA FAILED TO PROTECT POULTRY WORKERS

Tuesday, February 19, 2008

Key lawmakers in Congress have pledged hearings into reports of deplorable treatment of workers in turkey and chicken factories in the Carolinas. That's a welcome step.

But it will be meaningless without a full-fledged investigation into why state and federal safety agencies failed to do their jobs - and a commitment to enact strong rules and stronger oversight to protect worker safety.

An Observer investigation into poultry processing in the Carolinas found lax regulations and weak oversight have made it easy for a dangerous industry to exploit illegal workers, underreport injuries and get around a regulatory system that lets companies police themselves.

Six days of stories focused primarily on House of Raeford, and found, among other things, that the company masked the extent of injuries behind its walls. Specifically, it has broken the law by fail-

ing to record injuries on government safety logs. Reporters also found that seriously injured workers were brought back to the company's Greenville, S.C., plant hours after surgery to avoid lost time on safety reports.

Meanwhile, state and federal workplace safety agencies are asleep.

Safety inspections at poultry plants have dropped to their lowest point in 15 years.

Fines for serious violations - including those that could cause death and disabling injuries - are usually cut by more than half.

The federal government has made it easier for companies to hide debilitating musculoskeletal disorders by lifting a requirement they be identified separately on safety logs. Sen. Edward Kennedy, D-Mass., chair of the Senate Committee on Health, Labor, Education and Pensions, said his committee plans to investigate. Good. It's too late to help Cornelia Vicente, rushed back to work hours after a conveyor at House of Raeford's Greenville, S.C., plant broke her right arm and ripped off the tip of her index finger.

It's time the government's role shifts away from willful ignorance to making sure easily exploited workers in a dangerous industry get safe, decent treatment.

## WHAT PROBLEM?

### SO FAR AS N.C. LABOR SECRETARY KNOWS, POULTRY PLANTS ARE OK

Monday, March 17, 2008

The Observer's recent interview with N.C. Labor Secretary Cherie Berry sounded like a satire on how public officials work.

Staff writer Ames Alexander asked her whether she planned to do anything in response to the Observer's series describing workplace safety violations at poultry processing plants run by House of Raeford Farms, a big N.C. company.

Her answer: No.

Asked how her department is doing in keeping workers safe in such dangerous jobs as poultry processing, she replied:

"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."

What about companies that aren't reporting workplace injuries? Her response:

"Well, I find it offensive that it seems to me you're suggesting that not keeping the proper paperwork is commonplace in our 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."

Observer reporters learned that North Carolina is more lenient than most states with companies found in violation of workplace safety rules. This state's average fines for serious violations are less than half the national average, and the toughest penalty is imposed here in only one of every 1,800 citations against manufacturers, far less than the national average of about one in 300.

Her explanation: "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 pro-

cess, we can negotiate a fine downward and get that hazard taken care of immediately, that's where I'm going."

Observer reporters talked to workers who'd been fired after reporting injuries, who weren't allowed to go to the doctor after reporting injuries, who say they've gotten the message that if they complain they become unemployed.

Her response: "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."

Secretary Berry is wrong about her responsibility. It's not "keeping numbers down," it's ensuring that workers are safe. It apparently hasn't occurred to her that the factors helping to keep the numbers down may include fewer inspections and her indignation when it's suggested that some employers fail to report injuries.

Secretary Berry says her department has gotten rid of the "adversarial relationship" between regulators and business. That's good up to a point, but she seems to have gone way beyond that point. The state doesn't need a mad dog as its chief regulator, but it does need a watchdog. Observer reporters found many worker safety problems. Maybe it's because they looked.



Cherie Berry

## A WASTE OF TAX DOLLARS

### MORE INSPECTORS, MORE GUMPTION NEEDED AT N.C. OSHA

Sunday, April 13, 2008

Does this sound like worker protection to you?

In 2006, only 2.2 percent of the work sites in North Carolina were visited by the state Occupational Safety and Health Agency.

Federal money for state-run OSHA programs such as N.C.'s has lagged far behind inflation, rising only about 1 percent since 2001. The N.C. agency froze 12 positions (seven of them inspectors) to have enough money to operate this year.

N.C.'s Labor Commissioner Cherie Berry said she'd expand partnerships with business and industries - not add inspectors - if Congress provided more money.

That's not worker protection. It's token government oversight and a waste of our tax dollars. Policies need to change - now.

An Observer investigation into poultry processing in the Carolinas found lax oversight and loopholes in rules have made it easy for a dangerous industry to exploit workers and underreport crippling industries. What many workers endure is disgraceful and inhumane.

The record of government watchdog agencies is also disgraceful: State OSHA agencies essentially leave it to poultry plants to police themselves. Most of the time, nobody's checking to see whether accidents are reported accurately, safety rules are being followed or if workers who are injured receive decent medical care.

That deplorable record has been the subject of congressional hearings in recent weeks. One key finding: Worker safety has been starved of funding as the federal government has placed its emphasis elsewhere. In N.C., there aren't enough inspectors to visit work sites with any frequency, so only ones that report problems get visits.

The truth is, the policies of state and federal agencies that oversee worker safety are tilted toward business and industry and away from worker protection. That's wrong.

Government shouldn't be expected to do everything, but it should be expected to protect workers. Here's what needs to happen.

1. Congress should increase money for inspectors and give states like N.C. that run their own OSHA agencies the tools to enforce workplace safety.

2. Congress should re-enact federal ergonomics standards and specific reporting rules for crippling musculoskeletal injuries prevalent in poultry processing.

3. North Carolinians should elect a labor secretary in November who will run a watchdog agency with teeth, not cozy up to business. Ms. Berry has not shown that willingness.

## THIS TIME, MIKE IS RIGHT

Saturday, April 19, 2008

Gov. Mike Easley doesn't have a good batting average lately. The state Department of Health and Human Services has bungled reforms in mental health on a grand scale. He's been sued by newspapers, including this one, for "chunking" e-mail (his word). And he's been so invisible many North Carolinians say "Mike who?"

But he's dead right (although late) to use the power of his office to demand that mistreatment of immigrant workers in poultry plants stop.

In a six-part series, the Observer reported that House of Raeford, an N.C. poultry company with seven processing plants in the Carolinas, has masked the extent of injuries behind its plant walls. The investigation found that many workers are easily exploited illegal immigrants, and that the company has ignored, intimidated or fired those who were hurt on the job.

What's more, oversight has been inexcusably lax. Inspections by state agencies have declined over the past decade and fines for serious violations are less than half the national average.

You'd think N.C.'s elected state Commissioner of Labor, Cherie Berry, would be appalled, and reverse that record of indifference. Yet she's shown no signs of doing anything.

That nonchalance is unacceptable. In many cases, workers endure deplorable conditions and painful, debilitating injuries in silence. The governor ought to follow up by putting more money in his budget this year for inspectors, and by continuing to put pressure on state agencies. Meanwhile, voters ought to replace Ms. Berry with a watchdog who will bark and bite.



Easley

## POULTRY WORKERS' PLIGHT HIGHLIGHTS NEED FOR SAFETY, IMMIGRATION REFORM

From Sen. Elizabeth Dole, R-N.C.:

The Observer series has highlighted the health and safety risks faced by poultry workers and exposed the plight of some employees, many of whom are in our country illegally. No question, these articles have raised a number of serious and troubling issues, from workplace safety and employee protection to our broken immigration system and porous borders.

As the senator from a major manufacturing state and as a former Secretary of Labor, I am very concerned about the health and safety of individuals in physically demanding jobs in our state. As the Observer articles have reported, the State of North Carolina runs its own OSHA (Occupational Safety & Health Administration) programs. Upon reading the Observer articles, I called North Carolina Labor Commissioner Cherie Berry to learn more about what the overseeing state agency is doing on this front. She assured me that the state and federal agencies were working closely on guidelines for specific industries, including poultry.

As you have pointed out, when I served as Labor Secretary from 1989 to 1990, one of my primary focuses was worker health and safety, and I was working to address many of the injuries and illnesses the Observer articles cite. In fact, I laid the groundwork for a major initiative to reduce repetitive motion trauma. I announced ergonomic guidelines for the red meat packing industry and began the rulemaking process to address ergonomic hazards across all industries.

As history goes, my successor at the Labor Department announced a final ergonomics rule in 1992; however, throughout the 1990s Congress, under heavy lobbying from various manufacturing industries, prohibited the use of funding for implementing these standards. Finally in 2000, Congress was not able to further restrict funding for carrying out the rules. But before they were fully implemented, Congress and the president acted to nullify them out of concern that the impact would worsen an already unstable economy. I was not serving in Congress during this time, and I continue to feel strongly that workers' health and safety must be a primary concern for employers and regulating agencies.

Considering the illegal status of many of the workers and former workers interviewed for the Observer series, this reinforces the critical need for securing our borders and providing an effective workplace verification system. I helped champion \$3 billion in recently enacted legislation that will support these goals, and I am the first to say more resources are needed. North Carolinians know that I will continue to be a leading voice for responsibly tackling the complex immigration problem.

Like many readers, I have found the personal stories and allegations in this investigative series to be disturbing and heartbreaking. As a senator, I am obviously not in a position to police the operations of all businesses in our state, and I do not serve on a committee that has oversight of the U.S. Department of Labor. That said, I welcome the Observer's bringing these very serious issues to the forefront, and I will be staying in close contact with the appropriate agencies to do everything I can to support the safety and health of all North Carolina workers.