

September 20, 2012

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave SW
Washington, DC 20250

Dear Secretary Vilsack:

The undersigned consumer, labor, public health, and civil rights groups and individuals write to express our concern that a proposal to modify the U.S. Department of Agriculture's poultry slaughter inspection program will result in serious repercussions for food safety and worker safety. We urge you to withdraw the proposed rule until these critical issues can be addressed. The proposal would increase the speed of the poultry line, while simultaneously removing government inspectors from the poultry slaughter line and turning over a number of inspection activities to plant employees.

The Food Safety and Inspection Service (FSIS) developed the proposal with limited public input. The agency did not adequately consult with its inspection advisory committee, nor did the agency hold public meetings to solicit the views of the public. Previous agency proposals that sought to substantially change parts of the federal inspection program have been debated and discussed in public forums so that stakeholder input could be provided prior to announcing a formal proposal. In the absence of a robust discussion, our groups all submitted comments to FSIS through the requisite public comment period detailing numerous problems with the proposal. Several fundamental shared concerns are outlined below.

First and foremost, proposed line speed increases will likely exacerbate food safety and worker safety issues. The proposal would allow plants to increase their line speeds up to 175 chicken carcasses per minute with a single inspector on the slaughter line. Currently, plant line speeds are limited to approximately 35 birds per minute per inspector – line speeds can run faster with additional inspectors on the line (for example, 70 bpm with two inspectors). The new line speed would represent a five-fold increase and would mean that a single government inspector would have only one-third of a second to examine each chicken carcass for food safety and other problems. It is hard to imagine how one-third of a second is sufficient to conduct an adequate inspection of each carcass. Turkey line speeds would also increase by 72% from 32 birds per minute to 55 birds per minute with a single inspector on the line.

Production line speed already contributes to unacceptably high levels of injuries in the poultry processing industry. A recent study by neurologists and other medical staff at Wake Forest University, which looked at traditional poultry plants where line speeds were 70 to 91 birds per minute, found that 59% of workers had definite or possible carpal tunnel syndrome (CTS). CTS and other repetitive motion injuries result from strenuous and repetitive overuse at work. It is likely that increased line speeds of up to 175 birds per minute as permitted under the proposal would increase the percentage of workers with CTS and other repetitive motion injuries. Given their overrepresentation in the poultry processing workforce, Latinos, women, and immigrants would bear a disproportionate share of the costs of this proposed rule. For instance, Latinos account for 34% of workers in this industry, which is more than twice their share of the overall workforce and in hazardous occupations overall. Our most vulnerable workers would be at greatest risk by this proposal.

While the poultry slaughter inspection program does need to be improved, the proposed rule will not yield the benefits proponents claim. For instance, it will not result in substantial improvements in the rates of foodborne illness. According to data from the Centers for Disease Control and Prevention, there has been no significant progress since 1999 in reducing illnesses from *Salmonella* and *Campylobacter*, the two foodborne pathogens most often associated with raw or undercooked poultry. A study by the University of Florida ranked poultry contaminated with *Campylobacter* (#1) and *Salmonella* (#4) in the top five pathogen/food combinations that cause the greatest disease burden to the public. Yet because the agency has very limited data on contamination rates of raw poultry from *Campylobacter*, the proposal admits to an “ambiguous” impact on reducing illnesses from this pathogen.

Problematically, the proposal would not require plants to test for *Salmonella* and *Campylobacter*. Instead the proposal would allow each plant to determine its own testing plan, testing frequency and organisms to test. Specific standards for testing would allow inspectors to hold plants accountable and better assure consumers that plants are testing for the most important and dangerous pathogens found in raw poultry.

In addition, the proposal would likely increase the rates of “defects” for birds going down the processing line. The proposal would allow each poultry plant to decide the appropriate level of “defects,” which can include blisters, bruises, scabs, feathers, bile, ingesta, and a variety of poultry-specific diseases. This leaves such decisions up to the subjective decisions of the plant, which has a vested economic interest in processing as many birds as possible. Clearly established government standards would allow FSIS inspectors to take immediate action against plants that are not producing clean and wholesome birds.

Further, the proposal would not require plant employees to be trained on the proposed new activities. FSIS inspectors conducting these activities now must undergo training, as do plant employees in other countries. The Australian and Canadian governments both require plant employees to receive training before beginning work as carcass sorters. Training requirements are necessary to assure that sorting procedures are properly performed in poultry plants.

Not only is the rule change dangerous for consumer safety, but it is also likely to prove harmful for worker safety. The Department of Labor's Occupational Safety and Health Administration (OSHA) is the federal agency tasked with protecting the health and safety of American workers, yet was not consulted in the development of the proposal. Considering the impact the proposed changes would likely have on workers, OSHA should have substantive input into the proposal to assure worker protections.

While the proposal does indicate that the National Institute for Occupational Safety and Health (NIOSH) will carry out a study of the impact of increased line speeds on workers, the study is limited to a single plant and will take three and a half years to complete. NIOSH should conduct a more comprehensive study and FSIS should thoroughly review the results of the study before implementing the proposal.

Considering the fundamental issues highlighted above, we urge you to withdraw the proposal until such time as these issues can be adequately addressed.

Sincerely,

AFL-CIO

American Federation of Government Employees, AFL-CIO

CATA, El Comité de Apoyo a los Trabajadores Agrícolas

Center for Food Safety

Center for Foodborne Illness Research & Prevention

Centro de los Derechos del Migrante, Inc.

Consumer Federation of America

Center for Science in the Public Interest

Food & Water Watch

Government Accountability Project

Midwest Coalition for Human Rights

National Consumers League

National Council of La Raza (NCLR)

National Council for Occupational Safety and Health

National Employment Law Project

Nebraska Appleseed Center for Law in the Public Interest

OMB Watch

Public Citizen

Southern Poverty Law Center

STOP Foodborne Illness

United Support and Memorial for Workplace Fatalities

U.S. PIRG

Worksafe

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