

# EPI comment on the Modernization of Swine Slaughter Inspection rule

**Public Comments** • By Heidi Shierholz and Marni von Wilpert • May 2, 2018

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April 30, 2018

Paul Kiecker  
Acting Administrator  
Food Safety and Inspection Service, USDA  
Docket Clerk  
Patriots Plaza 3  
1400 Independence Avenue SW  
Mailstop 3782, Room 9-163 A,  
Washington, DC 20250

Re: Notice of Proposed Rulemaking (NPRM), Modernization of Swine Slaughter Inspection rule, 83 Fed. Reg. 4780 (February 1, 2018), Docket Number: FSIS-2016-0017; RIN 0583-AD62

Dear Acting Administrator Kiecker,

The Economic Policy Institute (EPI) submits these comments in response to the U.S. Department of Agriculture (USDA), Food Safety and Inspection Service's proposed expansion of its high-speed hog slaughter program.<sup>1</sup> EPI is a nonprofit, nonpartisan think tank created in 1986 to include the needs of low- and middle-income workers in economic policy discussions. EPI conducts research and analysis on the economic status of working America, proposes public policies that protect and improve the economic conditions of low- and middle-income workers, and assesses policies with respect to how well they further those goals.

On February 1, 2018, the USDA's Food Safety and Inspection Service (FSIS) proposed regulations to create the New Swine Inspection System (NSIS), which would allow for an unlimited increase in hog slaughter line

speeds (2016-0017, RIN 0583-AD62). The NSIS will put public health, worker safety, and animal welfare at risk. EPI strongly opposes the proposed Modernization of Swine Slaughter Inspection rule and opposes any increase in maximum allowable line speeds in hog slaughter facilities above the currently allowed 1,106 head per hour, and urges the USDA to withdraw this proposed rule.

## **Increasing swine slaughter line speeds is dangerous for workers and food safety**

Meat slaughter and processing is a high-hazard industry. Even at current line speeds, pork slaughter and processing workers face many job risks that can lead to severe injury, illness, and death.<sup>2</sup> The pork industry is already one of the most dangerous for workers, who work in cold, wet, noisy, and slippery conditions making tens of thousands of forceful repetitive motions using knives, hooks, and saws. Meatpacking workers are injured or made ill at work at 2.4 times the rate of workers in other private-sector industries, and they face work-related injuries or illnesses that result in lost time or restrictions at nearly three times the rate of workers in other private-sector industries. Further, meatpacking workers experience hearing loss at nearly 17 times the rate of workers in other private-sector industries.<sup>3</sup>

Moreover, these injury and illness rates are likely undercounting the extent of the risk to health and safety in meatpacking because of underreporting and inadequate data collection. For example, a Government Accountability Office (GAO) report found that meatpacking workers “may underreport injuries and illnesses because they fear losing their jobs, and employers may underreport because of concerns about potential costs.”<sup>4</sup> The Modernization of Swine Slaughter Inspection proposed rule removes all limitations on line speeds in hog slaughter plants, which will endanger the health and safety of tens of thousands of workers in the already-dangerous hog slaughter industry.

Study after study confirms that high numbers of forceful repetitions—which fast line speeds demand from the workers who process the hogs—lead to high rates of serious workplace injuries in hog slaughter plants. A quarter century ago, the Occupational Safety and Health Administration (OSHA) was well aware of the very high rates of workplace injuries in meatpacking plants from the fast line speeds. In a 1993 publication, *Ergonomics Program Management Guidelines for Meatpacking Plants*, OSHA states that musculoskeletal injuries and disorders are particularly prevalent in the meatpacking industry.<sup>5</sup> In this publication, OSHA clearly recommends that to decrease the high injury rates in meatpacking plants, plants should “adjust line speeds” and implement solutions such as “reducing the total number of repetitions per employee by such means as decreasing production rates.”<sup>6</sup>

And in late 2017, just two months before FSIS proposed the new rule, GAO published a report confirming that dangerous working conditions persist in the nation’s meat industry—including serious amputation hazards, potential health effects from widespread use of toxic chemicals used to disinfect animal carcasses, and illnesses caused by the delay and denial of bathroom breaks for workers in the plants (due to the fast line

speeds).<sup>7</sup>

In terms of food safety, the USDA proposal would also remove many trained federal inspectors from slaughter plants and instead turn the inspections over to company employees, who are under enormous pressure and vulnerable to being fired if they flag problems. But the rule provides no requirement or funding to train plant employees on inspection techniques.

## **The proposed rule has moved forward without sufficient data or peer review**

In addition, there is no evidence that hog processing on the proposed increased line speeds can be done in a manner that ensures safe food and safe workers. The current USDA proposal is based on a pilot program begun in 1997, called the HACCP-Based Inspection Models Project (HIMP), which allowed five hog slaughter facilities to operate at higher speeds with a reduced number of federal inspectors.<sup>8</sup> A 2013 report by the USDA's own Office of the Inspector General stated that "since FSIS did not provide adequate oversight, HIMP plants may have a higher potential for food safety risks," and concluded, "[T]he swine HIMP program has shown no measurable improvement to the inspection process" and, "three of five HIMP plants had some of the highest numbers of NRs [non-compliance reports] nationwide."<sup>9</sup> The USDA's audit did not evaluate what impact the HIMP program had on worker safety. The USDA's proposed rule is faulty because it is based on a small, poorly assessed pilot project in which none of the plants continuously operated at faster line speeds and all had serious safety issues.

The proposed rule has moved forward without sufficient data or review and should be rescinded. The USDA released the proposed rule before the agency had completed the required peer review of the "risk assessment" upon which this rule is based. To adequately assess the rule's full impact on public health, a final "peer-reviewed" risk assessment must be completed and made available to the public for comment. In addition, USDA must make publicly available any data it has about the risks to workers. As we stated above, the line speeds in hog slaughter plants are already too fast and workers are getting injured at very high rates. Instead of requiring that plants study the impact on worker health of the proposed faster line speeds, USDA should require that all plants evaluate the impact of current line speeds on worker safety and health. The results of any such study should be posted in the plant as well as sent to FSIS.

Given that the current proposal is based on a 1997 pilot program that has not shown measurable improvement over health and safety, and the current rule has moved forward without adequate data on worker safety or peer review, the USDA should rescind this proposal.

The regulatory impact analysis in the proposed rule lacks other key data as well. As mentioned above, data from the Bureau of Labor Statistics show that the pork industry is already one of the most dangerous industries for workers. Meatpacking workers do their work in cold, wet, noisy, and slippery conditions, making tens of thousands of forceful

repetitive motions using knives, hooks, and saws. To decrease injuries, plants need to reduce the number of repetitive forceful movements each employee makes. They could do this by hiring more workers and/or by decreasing force, line speeds, and production rates. But the proposed rule does the opposite. The proposal describes the fact that the swine slaughter industry will be able to speed up its lines *without* having to increase the number of production workers—thus increasing profits—as an important benefit of the rule.

But that benefit comes at an obvious cost that was egregiously omitted from the economic analysis: the cost of a reduction in worker health and safety. Increasing line speeds without hiring additional workers will almost surely lead to an even greater rate of injuries and illnesses among meatpacking workers. The medical and indirect costs to workers and employers of these additional occupational injuries and illnesses will be sizable. BLS estimates that there were 6,200 nonfatal occupational injuries and 3,600 nonfatal occupational illnesses in the animal slaughtering (excluding poultry) industry in 2016.<sup>10</sup> We estimate that 76.3 percent of those injuries and illnesses are in plants where hogs are slaughtered, meaning that there were 4,731 nonfatal occupational injuries and 2,747 nonfatal occupational illnesses in hog slaughtering plants in 2016.<sup>11</sup> A paper by J. Paul Leigh found that the average medical and indirect cost of nonfatal job-related injuries and illnesses was \$25,670 for injuries and \$31,326 for illnesses.<sup>12</sup> Applying those average costs to the estimated 4,731 nonfatal injuries and 2,747 nonfatal illnesses in the hog slaughtering industry results in the finding that even a *1 percent* increase in nonfatal injuries and illnesses as a result of the rule would increase the cost of the rule by more than \$2 million annually—and that is a markedly conservative estimate because it does not take into account the potential for increased fatalities or the fact that, as mentioned above, BLS itself acknowledges that its estimates of workplace injuries and illnesses are likely substantial undercounts.<sup>13</sup>

## Conclusion

For the sake of keeping hardworking families and the pork we eat safe, EPI asks the USDA to extend the comment period until a peer-reviewed risk assessment is complete; hold public hearings on the proposed rule; oppose any line-speed increases in hog slaughter plants; and protect worker safety, public health, and animal welfare by withdrawing the Modernization of Swine Slaughter Inspection proposed rule.

Sincerely,

Heidi Shierholz, Ph.D.  
Economist and Director of Policy at the Economic Policy Institute

Marni von Wilpert  
Associate Labor Counsel at the Economic Policy Institute

## Endnotes

1. Modernization of Swine Slaughter Inspection (proposed rule), 83 Fed. Reg. 4780 (February 1, 2018).

2. Deborah Berkowitz and Hooman Hedayati, *OSHA Severe Injury Data from 29 States: 27 Workers a Day Suffer Amputation or Hospitalization; Poultry Processing Among Most Dangerous Industries*, National Employment Law Project, April 2017.
3. U.S. Bureau of Labor Statistics, “Table 1. Incidence Rates of Nonfatal Occupational Injuries and Illnesses by Industry and Case Types, 2016” and “Table SNR08. Incidence Rates of Nonfatal Occupational Illness, by Industry and Category of Illness, 2016,” *Employer-Reported Workplace Injuries and Illnesses (Annual)*, last modified November 9, 2017.
4. U.S. Government Accountability Office, *Workplace Safety and Health: Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry*, April 2016.
5. U.S. Department of Labor, *Ergonomics Program Management Guidelines for Meatpacking Plants*, 1993.
6. U.S. Department of Labor, *Ergonomics Program Management Guidelines for Meatpacking Plants*, 1993.
7. U.S. Government Accountability Office, *Workplace Safety and Health: Better Outreach, Collaboration, and Information Needed to Help Protect Workers at Meat and Poultry Plants*, November 2017.
8. Kimberly Kindy, “USDA Pilot Program Fails to Stop Contaminated Meat,” *Washington Post*, September 8, 2013.
9. USDA Office of the Inspector General, *Food Safety and Inspection Service—Inspection and Enforcement Activities at Swine Slaughter Plants: Audit Report 24601-0001-41*, May 2013, page 19.
10. U.S. Bureau of Labor Statistics, “Table SNR05. Incidence Rate and Number of Nonfatal Occupational Injuries by Industry and Ownership, 2016” and “Table SNR08. Incidence Rates of Nonfatal Occupational Illness, by Industry and Category of Illness, 2016,” *Employer-Reported Workplace Injuries and Illnesses (Annual)*, last modified November 9, 2017.
11. USDA, National Agricultural Statistics Service, *Livestock Slaughter 2017 Summary*, April 2018. This study finds that of the 834 plants under federal inspection on January 1, 2018, hogs were slaughtered at 636 of them, or 76.3 percent.
12. J. Paul Leigh, “Economic Burden of Occupational Injury and Illness in the United States,” *Milbank Quarterly*, December 2011. Figures found using data in Table 4. We divided the total cost by the number of injuries or illnesses and adjusted the result for inflation from 2007 to 2017 using the CPI-U-RS.
13. For a further discussion of undercounts of workplace injuries and illnesses in BLS data, see Matthew M. Gunter, “An Update on SOII Undercount Research Activities,” *Monthly Labor Review*, U.S. Bureau of Labor Statistics, September 2016.