

# USDA Allows Poultry Plants to Raise Line Speeds, Exacerbating Risk of COVID-19 Outbreaks and Injury

In the middle of the COVID-19 pandemic, the U.S. Department of Agriculture’s Food Safety and Inspection Service (FSIS) has approved the requests of 15 large poultry plants to squeeze workers even closer together on production lines and increase line speeds. This will endanger the health and lives of poultry workers and the people in their communities, who are already being hit hard by COVID-19.

Publicly available data reveal that all 15 plants have a record of severe injuries (including amputations), were cited for violations by the Occupational Safety & Health Administration, and/or are the site of a recent COVID-19 outbreak (see **Figure**). Over half the plants have seen recent COVID-19 outbreaks,<sup>1</sup> with one plant reporting a worker fatality and another plant closing shortly after the USDA decision due to the rampant spread of COVID-19.

**USDA’s reckless and irresponsible decision increases the risk of severe injury or illness for poultry workers and their communities.**

This irresponsible and reckless action by USDA, taken behind closed doors, will directly increase the risks to poultry workers and their communities of severe injury, illness, and death.

The USDA did not make the individual plants’ applications publicly available, despite issuing the highest number of line speed waivers in a 30-day period since the waiver procedure was put in place two years ago.

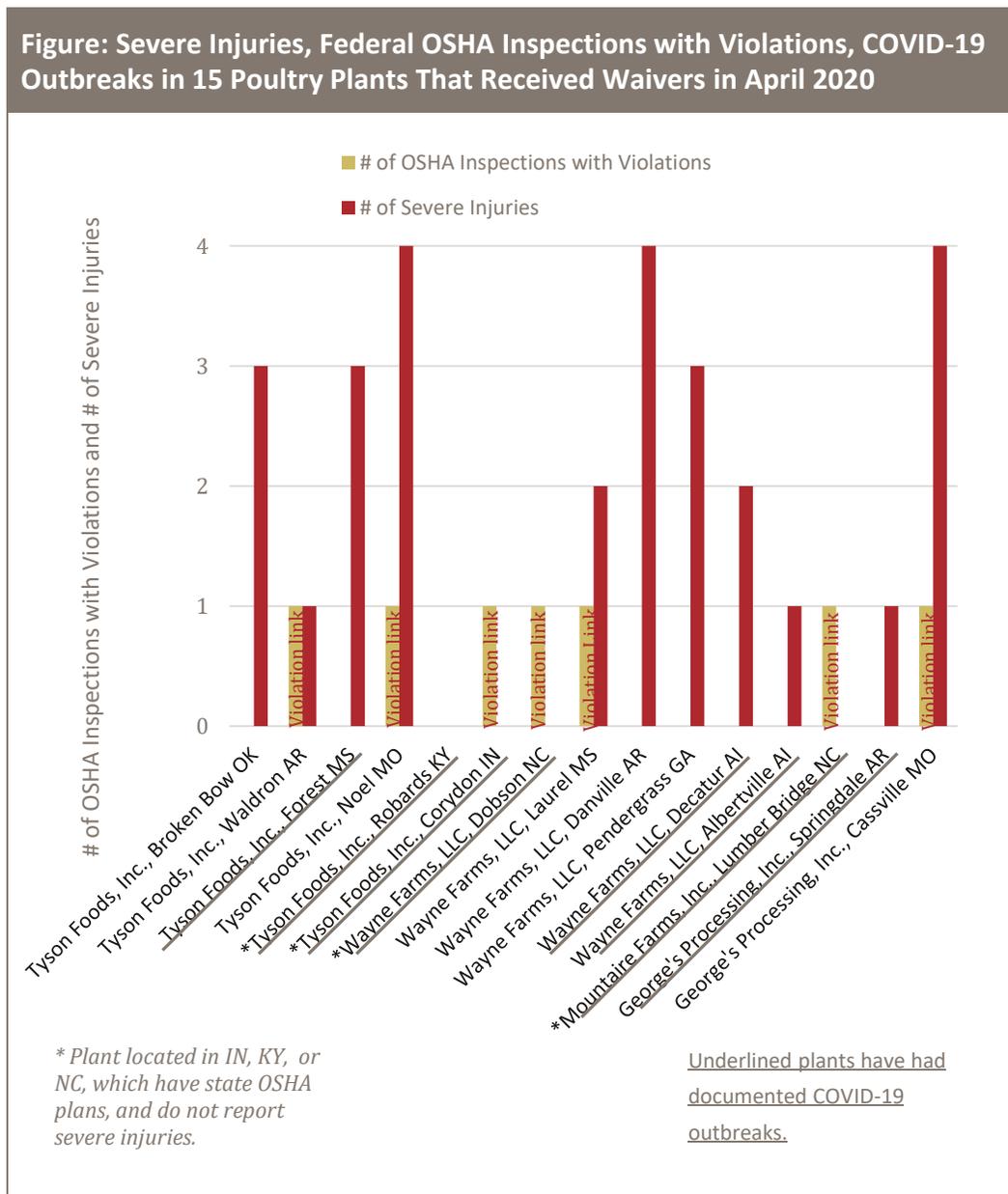
Overwhelming evidence shows that allowing poultry processing plants to operate with faster line speeds will dramatically worsen the already unsafe working conditions in poultry plants.<sup>2</sup> Poultry workers already suffer staggeringly high rates of work-related injury and illness—rates 60 percent higher than the average industry.<sup>3</sup>

In April 2020, 15 large poultry plants requested and received approval from USDA to increase their line speeds, permitting them to kill and process more birds per minute than legally allowed under current USDA regulations. These approvals, known as line speed waivers because they waive the requirements of current regulations to limit line speeds, were given to plants owned by Tyson Foods, Wayne Farms, Mountaire Farms, and George’s Processing.

These waivers were granted under the cover of darkness, with no notice to the public and no request for public comment. The plants will now be allowed to speed up their slaughter and production lines by 25 percent, from the legally allowable rate of 140 birds per minutes to a new limit of 175 birds per minute.

### Poor Safety Records at Poultry Plants That Received Waivers

In recent months, poultry and meatpacking plants have seen outbreaks of COVID-19 due to crowded working conditions in the plants and the lack of social distancing and other protective measures. At least 25,000 meat and poultry workers have been infected with COVID-19, and at least 96 have died.<sup>4</sup>



Every one of the 15 plants that received a line speed waiver had reports of severe injuries, a history of OSHA violations, or were the site of a COVID-19 outbreak.

The Centers for Disease Control and Prevention’s top recommendation to the meat and poultry industry to protect workers and prevent the spread of COVID-19 is to keep workers six feet apart on production lines, in break rooms, and in locker rooms.<sup>5</sup> To achieve social distancing on production lines, CDC further explained to the meat and poultry industry that “[c]hanges in production practices (e.g., line speed reductions) may be necessary in order to maintain appropriate distancing among employees.”<sup>6</sup> The USDA’s actions allowing poultry plants to increase their line speeds during a pandemic directly undermine the CDC recommendations for protecting poultry workers from exposure to COVID-19, and will likely lead to more illness and death among these workers and the people in their communities.

NELP conducted an analysis of the safety and health records of the 15 plants granted waivers to increase line speeds. We used publicly available data from FSIS (a list of plants that received approval to increase line speeds); records of OSHA inspections and violations from OSHA’s website;<sup>7</sup> and employer reports of severe injuries (amputations, hospitalizations, and loss of an eye) from OSHA’s Severe Injury Database.<sup>8,9</sup> Key findings reveal the following:

- All 15 plants that received a line speed waiver had reports of severe injuries, a history of OSHA violations, or were the site of a COVID-19 outbreak (see **Figure**).
- All 10 of the plants located in a state under federal OSHA’s jurisdiction (and whose reports are contained in the OSHA database) had a recent history of reporting severe injuries to OSHA. These severe injuries included crushed hands, full finger amputations, dislocated hips, bone fractures, and electrocution. Three plants, including one each from Tyson Foods, Wayne Farms, and George’s Processing, had four such reported severe injuries in the last few years.
- Another Wayne Farms plant in Danville, Arkansas had three reported severe injuries in 2018 alone—cases that also include amputations and a fracture. In George’s Processing in Cassville, Missouri, all of the reported injury cases involved a worker having a finger amputated.
- OSHA did not inspect all of these plants in the last five years because it is a small agency; it would take the agency 160 years to investigate every plant under its jurisdiction just once. Further, under the Trump administration, the agency’s numbers of inspectors and inspections have dropped to the lowest levels in decades.<sup>10</sup> For example, one of the plants with the highest number of severe injuries, a Tyson Foods in Noel, Missouri, had only one OSHA inspection for the four cases reported. This same plant had the most recent injury case reported—a June 2019 incident that resulted in a worker suffering a dislocated hip after slipping on a raw piece of chicken on the plant floor.
- Further, more than half of the 15 plants (8 out of 15) receiving line speed waivers have ongoing outbreaks of COVID-19. In fact, several of the waiver recipients have had outbreaks in their plants in April, when the waivers were granted, and one plant even had a COVID-19-related death.<sup>11</sup>

The meat and poultry industry is built on the labor of Black, Latinx, undocumented, and refugee workers. The USDA's approval of so many line speed waivers in the midst of a perilous COVID-19 pandemic shows a blatant disregard for these workers' lives and is a flagrant display of racial injustice.<sup>12</sup>

Overwhelming evidence supports the conclusion that allowing poultry processing plants to operate with faster line speeds than allowable by law is inconsistent with the USDA's waiver regulation, undermines the rulemaking process, violates the Administrative Procedures Act, and most of all, endangers both workers and their communities.<sup>13</sup>

## How the Poultry Industry Got Line Speed Waivers from Trump USDA

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In 2014, the USDA finalized the Modernization of Poultry Slaughter Inspection **rule**, which created a new inspection system for poultry and turkey processing plants—the New Poultry Inspection System (NPIS). The plants participating in the NPIS program were required to take over some of the inspection duties previously handled by USDA's Food Safety and Inspection Service (FSIS) inspectors, but they were not allowed to increase the speeds of their lines and instead were required to adhere to the slaughter line speed maximum of 140 birds per minute. The maximum speed rate was a long-established standard. In the 2014 rulemaking creating the NPIS, USDA decided not to increase line speeds after considering extensive comments from worker advocates, consumer safety experts, the poultry industry, and other affected stakeholders, and concluded that a 140 birds per minute maximum rate was best supported by the rulemaking record.

In September 2017, the National Chicken Council unsuccessfully **petitioned** the FSIS, requesting that the agency allow plants participating in the NPIS to operate lines at faster speeds. **This petition was widely** opposed by food safety, animal welfare, and **worker rights organizations** and individuals, who submitted more than 100,000 comments opposed to the Chicken Council's request. Although FSIS rejected the industry's petition, in its response, FSIS **decided that instead** of allowing all plants to increase their speeds, the agency would allow individual plants to request a waiver from existing line speed requirements. This announcement by FSIS came with no public input or public transparency and was **uniformly opposed** by food safety, worker rights, and animal welfare organizations.

In 2018, the USDA **announced** it would begin accepting applications from poultry plants to waive the line speed requirements of the 2014 rule, and allow poultry plants to increase their lines speeds up to 175 birds per minute. Stunningly, this announcement did not include **any request for public** comment, nor did it provide for any public notice or comment on individual waiver request applications.

## Endnotes

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- <sup>1</sup> See <https://www.4029tv.com/article/11-poultry-workers-in-northwest-arkansas-test-positive-for-coronavirus/32646191#>; <http://wslmradio.com/2020/04/22/harrison-county-health-department-confirms-4th-covid-19-death/>; <https://www.corydondemocrat.com/2020/04/22/covid-19-cases-confirmed-at-long-term-care-facility-tyson/>; <https://www.clarionledger.com/story/news/2020/05/01/mississippi-coronavirus-disease-spreads-among-chicken-plant-workers/3041482001/>; <https://www.wkyufm.org/post/one-worker-dead-more-200-infected-coronavirus-hits-ky-meatpackers#stream/0> (involving fatality); <https://www.14news.com/2020/04/22/tyson-foods-plant-robards-ky-has-positive-cases-covid-/>; <https://www.courier-journal.com/story/news/2020/04/29/coronavirus-kentucky-tyson-plant-pauses-after-70-cases-confirmed/3047448001/>; <https://www.wxii12.com/article/surry-county-poultry-processing-plant-reports-coronavirus-outbreak-officials-say/32481526#>; <https://www.waff.com/2020/05/21/wayne-farms-testing-workers-after-one-confirmed-covid-case/>; <https://www.reuters.com/article/us-health-coronavirus-meat-focus/elbow-to-elbow-north-america-meat-plant-workers-fall-ill-walk-off-jobs-idUSKCN21V0WM>; <https://whnt.com/news/northeast-alabama/family-of-wayne-farms-albertville-employee-blames-plant-for-covid-19-uptick/>; [http://www.sandmountainreporter.com/free\\_share/article\\_e69245a2-8401-11ea-9b6a-0b73348e3713.html](http://www.sandmountainreporter.com/free_share/article_e69245a2-8401-11ea-9b6a-0b73348e3713.html); <https://www.wral.com/coronavirus/mountaire-farms-testing-nets-74-covid-19-infections-outbreaks-growing-at-nc-food-plants/19076115/>; <https://www.4029tv.com/article/11-poultry-workers-in-northwest-arkansas-test-positive-for-coronavirus/32646191#>
- <sup>2</sup> See U.S. Dep’t of Labor, Bureau of Labor Statistics, 2016 Employer-Reported Workplace Injuries and Illnesses (Annual), at Summary Tbl. 1 (incidence rates—detailed industry level), Supplemental News Release Tbl. 12 (highest rates for total illness cases), available at <https://www.bls.gov/web/osh.supp.toc.htm>); See Nat’l Inst. for Occupational Safety & Health, Evaluation of Carpal Tunnel Syndrome and Other Musculoskeletal Disorders among Employees at a Poultry Processing Plant 17 (June 2015), available at <https://www.cdc.gov/niosh/hhe/reports/pdfs/2014-0040-3232.pdf>. See, Evaluation of Musculoskeletal Disorders and Traumatic Injuries among Employees at a Poultry Processing Plant 11 (Mar. 2014), available at <https://www.cdc.gov/niosh/hhe/reports/pdfs/2012-0125-3204.pdf>
- <sup>3</sup> <https://www.nelp.org/publication/nelp-congressional-testimony-on-harsh-conditions-endured-by-americas-poultry-workers/>; <https://www.nelp.org/publication/osha-severe-injury-data-from-29-states/>
- <sup>4</sup> <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>
- <sup>5</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>: Modify the alignment of workstations, including along processing lines, if feasible, so that workers are at least six feet apart in all directions (e.g., side-to-side and when facing one another), when possible. Ideally, modify the alignment of workstations so that workers do not face one another.
- <sup>6</sup> [https://covid.sd.gov/docs/smithfield\\_recs.pdf](https://covid.sd.gov/docs/smithfield_recs.pdf) “Changes in production practices (e.g., line speed reductions) may be necessary in order to maintain appropriate distancing among employees.”
- <sup>7</sup> The OSHA violation record was reviewed from May 2015 to May 2020.
- <sup>8</sup> [https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver\\_table.pdf?MOD=AJPERES](https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver_table.pdf?MOD=AJPERES); <https://www.osha.gov/pls/imis/establishment.html>; <https://www.osha.gov/severeinjury/>
- <sup>9</sup> The severe injury data available from OSHA covered January 1, 2015 through December 31, 2019, so this analysis does not include any reports after that time. Further, the database only contains reports of severe injuries from the 21 states under federal OSHA’s jurisdiction.
- <sup>10</sup> <https://www.nelp.org/publication/worker-safety-crisis-cost-weakened-osha/>
- <sup>11</sup> <https://www.14news.com/2020/04/22/tyson-foods-plant-robards-ky-has-positive-cases-covid-/>; <https://whnt.com/news/coronavirus/wayne-farms-albertville-reporting-75-positive-cases-of-covid-19-1-death/>
- <sup>12</sup> <https://cepr.net/meatpacking-workers-are-a-diverse-group-who-need-better-protections/>
- <sup>13</sup> <https://www.nelp.org/news-releases/usda-urged-reject-line-speed-increase-requests-poultry-plants/>