

December 5, 2022

Dear Assistant Secretary Doug Parker and Deputy Assistant Secretary Jim Frederick,

As 19 organizations working with meat and poultry workers, we are writing regarding Packers Sanitation Services Inc., PSSI, a company hired by hundreds of poultry and meat plants nationwide to work the dangerous graveyard shift to sanitize the plants. The [Department of Labor's Wage and Hour Division](#) has just found that this company, PSSI, egregiously violated child labor laws while operating in meat and poultry plants -- industries considered by the Department as 'particularly hazardous'. It is illegal to hire anyone under 18 to work in almost any job, including sanitation, in a meat and poultry plant. Further the DOL found that the children employed by PSSI to sanitize these beef, hog and poultry slaughter and processing plants suffered serious injuries doing this work. We are writing to ensure that OSHA is working with your sister agency, the Department's Wage and Hour investigators, and taking referrals when serious injuries are found and opening inspections in these facilities. Further, we urge the agency to enact, immediately, a nationwide special emphasis program to protect the graveyard shift sanitation workers in meat and poultry plants.

The initial DOL investigation found child labor violations at PSSI in the JBS cattle slaughter and processing plant in Grand Island, NE, the JBS pork slaughter and processing plant in Worthington, MN and the Turkey Valley Farm slaughter and processing plant in Marshall MN. In addition, DOL found that the PSSI employed children also suffered serious injuries at the JBS Grand Island Nebraska plant. The investigations are expanding. DOL has opened a similar investigation in the past week in the Tyson Foods plant in Sedalia, Missouri. JBS is the largest meat and poultry company in the world with \$270 billion in revenue, and Tyson Foods is the second with \$43.2 billion in revenue in 2020. Note that DOL in their court filing accused PSSI with interfering in the investigation by intimidating the children being interviewed and deleting and manipulating files. Therefore, when OSHA conducts its inspections in meat and poultry plants, it is important for the agency to be able to talk to workers away from management if possible. We stand ready to assist the agency in reaching workers. Note also that [news reports](#) document that PSSI knew they were hiring children illegally.

The workers employed by PSSI face [extremely hazardous conditions](#). They enter the plants overnight during the "third shift" and are responsible for cleaning floors, machinery, and all product-contact surfaces throughout the plant. DOL found that they wear the badges of their host company. In 2005 and again in [2016, the GAO](#) noted that OSHA expressed concerns that sanitation work is one of the most hazardous occupations in the meat and poultry industry. The GAO concluded that OSHA was unaware of the extent of the injuries facing workers who clean poultry and meat plants, because of the way workers' injuries are classified in the BLS data system. These workers often suffer the most serious injuries. It is imperative that OSHA's targeted inspection programs in the meat and poultry industry, as well as its targeted program in industries with amputation hazards, include coverage of these third-shift sanitation workers in meat and poultry plants, and that the agency adopt a nationwide targeted inspection program for these sanitation workers. These firms have escaped government attention for too long. Big meat companies are clearly trying to outsource their responsibility to provide safe conditions by hiring

PSSI -- and keep the fatalities and serious injuries that occur during the night shift off their own OSHA 300 logs.

In 2017, a [report found that Packers Sanitation Services](#), had the 14th-highest number of severe injuries reported to the Department of Labor of all companies reporting to the agency in Federal OSHA states. You are well aware that these sanitation jobs are incredibly dangerous and can lead to very serious injuries and death. OSHA has cited PSSI in the past few years for very egregious safety violations. One of the most prominent incidents was the 2021 deaths of 6 workers at Foundation Food Group, a Georgia poultry processing plant, resulting from a nitrogen leak. Three other companies, including Foundation Food Group, were also cited. The violations [cited](#) by OSHA against PSSI included failure to:

- Train workers on the emergency procedures related to liquid nitrogen and anhydrous ammonia, and provide workers with access to the data sheet on liquid nitrogen.
- Ensure egress paths were unobstructed.
- Ensure exit signs were illuminated, and provide adequate lighting for exit routes.
- Implement a written permit space entry program.
- Make sure that adequate lockout procedures were used.
- Coordinate lockout procedures with Foundation Food Group (which owned the plant.)

OSHA cited [PSSI](#) many times over the past five years for lock out and other similar violations. These violations have also caused fatalities. Here are two:

On March 3, 2020, a PSSI employee at a Keystone Foods (owned by Tyson Foods) meat processing plant in Eufaula, Alabama was [decapitated](#) while using a high pressure water hose to rinse a material conveyor auger that was still in operation. OSHA fined the company for \$57,834 for violating the OSHA Lockout standard. The company reached a settlement with OSHA and ended up paying only \$26,988.

On October 25, 2019, a PSSI employee working in a House of Raeford poultry processing plant in North Carolina was killed when he was caught between an auger blade and the chiller wall. OSHA initially [fined the company](#) \$149,000, including two willful violations for lockout-tagout and fall protection.

These are only a small number of examples of the many Federal and State OSHA citations for serious and willful violations of basic OSHA safety requirements that PSSI has received over the past several years.

We urge the agency to follow the agency's mission and be proactive to assure the workers who work on the graveyard shifts in meat and poultry plants are safe. We also urge the agency to work with the State OSHA agencies in Minnesota and other states where child labor violations have been found at PSSI to open inspections regarding worker safety risks.

We are happy to discuss this further. Thank you for your time and attention. To set up a follow up call with the below 19 organizations, please contact Debbie Berkowitz at Debbie.Berkowitz@gmail.com

Sincerely,

Center for Progressive Reform

Centro de los Derechos del Migrante (CDM)

Child Labor Coalition

El Comité De Apoyo a los Trabajadores Agrícolas - CATA

Food Chain Workers Alliance

Green America

Government Accountability Project

Immigrant Alliance for Justice and Equity (MS)

Media Voices for Children

National Consumers League

National COSH

Nebraska Appleseed

North Carolina Justice Center

Occupational Safety and Health Section, American Public Health Association

Public Justice

Rural Community Workers Alliance

Sur Legal

Western North Carolina Worker Center

Workers Justice Alliance

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