

December 12, 2017

Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Carmen Rottenberg
Acting Deputy Under Secretary for Food Safety
Food Safety and Inspection Service
12th Street and Jefferson Drive, SW
U.S. Department of Agriculture
Washington DC 20250

Dear Secretary Perdue,

Dear Under Secretary Rottenberg,

We are writing to urge you to reject the September 1, 2017 petition submitted by the National Chicken Council (NCC) to implement a waiver system which would permit chicken slaughter establishments participating in the New Poultry Inspection System to be exempt from the line speed requirements, as spelled out in the 2014 USDA rule *Modernization Of Poultry Slaughter Inspection*.

The petition put forth by the NCC would allow poultry processing plants to run their lines with no line speed limits, endangering both working people in those plants and the hundreds of millions of consumers who buy chicken each year.

Approving the NCC petition would be inconsistent with the Department's waiver regulations, would undermine the rulemaking process and violate the Administrative Procedure Act, and would greatly endanger workers and consumers alike. As a Government Accountability Office report on meatpacking plants confirmed earlier this month, poultry processing workers already face daily abuse and indignities as a result of the fast-moving line speeds and high quotas.

For these reasons, we urge you to fully reject the NCC petition.

Every day, the health and safety of hard-working people in poultry plants is put in jeopardy due to the cold, noisy, and damp conditions where working people use knives and scissors to make the same cut thousands of times a day at breakneck line speeds.

Those workers suffer high rates of amputations, high injury rates, and illness rates that are 5 times the average. They often work without proper training, and suffer other indignities like being refused bathroom breaks.

The conditions and precarious status these workers find themselves in is deeply concerning to us. Every religion is clear in its devotion to justice. Judaism has a robust tradition in halakhah, or Jewish law, mandating just wages and treatment of workers. This tradition commends a living wage, respect for the dignity of all workers, and honoring their decision to unionize. A well-known passage in Deuteronomy warns that the Lord will judge those who withhold wages from workers who need them to live. Scripture also calls on us to treat the foreigner as well as God treated the Israelites and warns us to beware of trampling on the needy and bringing the poor to ruin (Amos 8:4-5). Islamic scholars point out the Holy Qur'an exhorts employers to "Give full measure when you measure out and weigh with a fair balance. This is fair and better in the end" (17:35).

The Food Safety and Inspection Service regulations governing the granting of regulatory waivers was established to allow short experimentation in poultry plants for new processes or technology, or in the case of an emergency.

Those regulations provide that the FSIS Administrator may:

“waive for limited periods any provision of the regulations in order to permit appropriate and necessary action in the event of a public health emergency or to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements: *Provided, [t]hat such waivers of the provisions of the regulations are not in conflict with the purposes or provisions of the Act.*”

Nowhere does the NCC petition identify a new procedure or technique that establishments need a regulatory line-speed waiver to test. Nor is there an emergency.

Therefore, the NCC petition meets none of these requirements and should be rejected.

What's more, USDA already conducted a waiver program to allow faster speeds in poultry (though most plants did not run their lines faster than the allowable 140 BPM), and then decided in 2014 against allowing other plants to increase their line speeds. Further, the NCC petition is not for a limited period. A permanent waiver is inconsistent with the Department's waiver regulations, and the petition should be rejected on this basis alone.

Poultry workers say that one of the biggest offenses to their dignity is they are often denied legally mandated access to use the bathroom. Workers struggle to cope with being delayed and denied breaks: they may wear adult diapers to the plant, restrict their intake of liquid and food to dangerous degrees, or suffer the humiliation of urinating on themselves. These consequences are not only degrading, but they pose serious health risks such as kidney infections. The health risks are also especially acute to women, particularly pregnant women.

Removing line speed limits as requested by the NCC petition would only make these indignities more frequent and widespread.

We hear from workers over and over that the break neck line speed take a terrible toll on both body. The relentless speed requires them to make the same repetitive, stressful cuts and motions thousands of times a day. Studies confirm that this leads to high rates of injury and illness, such as carpal tunnel syndrome — rates as high as

30-40% of plant line workers. And when workers are injured, we have heard and the government has confirmed that many plants often do not provide adequate medical care, and many companies challenge or deny injured workers' requests for workers' compensation.

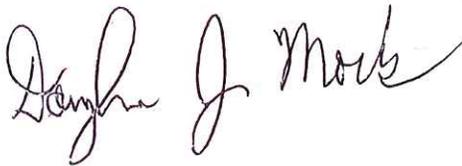
We believe that labor has a sacred bond with the dignity of all people. However we labor, our work contributes to the creation of community, the richness and diversity of culture, a chance for every human to connect in fellowship with one another.

We write you today in good faith, and ask you to consider the findings of the Government Accountability Office and reject the NCC petition and any attempt to allow corporations to be exempt from the law of the land by increasing line speeds and putting working people's lives in danger.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Barrett".

Laura Barrett, Executive Director at Interfaith Worker Justice

A handwritten signature in cursive script, appearing to read "Doug Mork".

Doug Mork, President of the Board at Interfaith Worker Justice