



SEP 20 2013

Ms. Christina Iturralde
Staff Attorney
Southern Poverty Law Center, Immigrant Justice Project
233 Peachtree St NE, Suite 2150
Atlanta, GA 30303

Dear Ms. Iturralde:

The United States Department of Agriculture's (USDA's) Food Safety and Inspection Service (FSIS) has received the September 3, 2013, petition you submitted on behalf of the Southern Poverty Law Center and various other organizations. The petition, originally submitted to both the Department of Labor (DOL) and USDA, requests that DOL's Occupational Safety and Health Administration (OSHA) issue a mandatory occupational safety and health standard to regulate work speeds on production lines in meatpacking and poultry industries. The petition also requests that OSHA and USDA ensure that worker safety is protected in any rulemaking related to line and work speeds in these industries.

The petition asserts that FSIS's proposed rule to modernize poultry slaughter inspection would increase the risk of worker injuries because the proposed rule would authorize an increase in line speeds. The petition states that, as part of any rulemaking that affects line speeds, USDA must engage with OSHA to review the impact of the proposed rule on worker safety, and that the Agency must address the worker health and safety issues documented in a National Institute for Occupational Safety and Health (NIOSH) Health Hazard Evaluation and identified in public comments.

As noted in the petition, in the proposed rule to modernize poultry slaughter inspection, FSIS recognized that evaluation of the effects of line speed on food safety should include the effects of line speed on plant worker safety ("*Modernization of Poultry Slaughter Inspection*" 77 FR 4423-4424, January 27, 2012). The Agency also stated that it would consider the available data on employee effects collected from NIOSH activities when implementing any final rule resulting from the proposal. In a *Federal Register* notice extending the comment period for the proposed rule, FSIS stated that, although OSHA is the lead Federal agency responsible for plant worker safety issues, FSIS recognizes the importance of plant worker safety and is interested in additional information on a possible relationship between increased line speeds and worker safety (77 FR 24877, April 26, 2012). FSIS requested comments and data on the effects of increased line speeds and production volume on worker safety.

FSIS also explained that it expects that NIOSH will make recommendations to the Agency as appropriate, and that FSIS, in collaboration with OSHA, will consider the available NIOSH data when implementing any final rule resulting from the proposal. FSIS intends to continue to collaborate with OSHA to address worker health and safety issues as part of the rulemaking process.

As noted above, your petition has been referred to this Agency and assigned petition number 13-05. As provided in our regulations, your petition will be made available to the public in the FSIS docket room and will be posted on the FSIS Website at: <http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/petitions> (see 9 CFR 392.6).

You may contact Mary Porretta, Petitions Manager, Issuances Staff at (202) 720-5627 if you have any questions regarding the status of your petition.

Sincerely,

A handwritten signature in cursive script that reads "Charles E. Williams". The signature is written in dark ink and is positioned above the typed name.

Charles E. Williams
Director
Issuances Staff
Office of Policy and Program Development