

**In the United States District Court
Western District of Missouri**

RURAL COMMUNITY WORKERS ALLIANCE
and JANE DOE

Plaintiffs,

v.

SMITHFIELD FOODS, INC. and SMITHFIELD
FRESH MEATS CORP.,

Defendants.

Declaration of Thomas Fritzsche

I, Thomas Fritzsche, hereby declare as follows:

1. I am the author of the Southern Poverty Law Center's 2013 report *Unsafe at These Speeds*, which was one of the first major efforts to document the conditions of modern industrial slaughterhouse workers.¹

2. For that report, I was part of a team of interviewers from the Southern Poverty Law Center and Alabama Appleseed who interviewed 302 poultry slaughter and processing workers across Alabama in 2011 and 2012.

3. I also reviewed all literature I could locate on the structure and operation of slaughterhouses.

4. Based on our interviews and my review of relevant literature, a plant typically operates by bringing live animals into a loading or hanging area at one end. Animals are loaded onto a line on which they are stunned and slaughtered, skin or

¹ <https://www.splcenter.org/20130228/unsafe-these-speeds>.

feathers are removed, and carcasses are prepared for sale, often by disassembly. Precise procedures vary from plant to plant.

5. Workers perform a wide range of tasks to make the slaughter and processing of meat and poultry possible. Job descriptions include hanging live chickens onto the slaughter line; backup killing; rehangng carcasses onto lines or conveyor belts where deboning, cutting and other processing work occurs; manual cutting; deboning meat; and packing meat or whole birds for shipping.

6. The layout and operation of the slaughter and processing plants results in close contacts between people. Under common conditions, many workers spend hours of their shifts working at a strenuous pace less than six feet away from one or more coworkers.

7. Plants typically operate at high speeds and process high volumes of animals each day. For example, USDA regulations allow pork plants to slaughter over 1,100 pigs per hour, and chicken plants to slaughter 140 birds per *minute*, and in some cases, 175 birds per *minute*.

8. At many points along the lines where workers handle animals and perform strenuous tasks to make meat available for consumption, workers are standing close enough to one another that what many workers and experts call “neighbor cuts” are possible. Neighbor cuts are laceration injuries suffered when one worker accidentally cuts another in the course of debone or other work. For a worker to cut their neighboring worker on the line, they must be within arm’s length of one another.

9. Workers have limited break time, but when they are not on the line, they are also typically in close proximity to other workers in break areas or the bathroom.

10. Meat and poultry slaughter and processing jobs are also extremely strenuous. Under commonly reported conditions, workers who cough or sweat could unintentionally expel bodily fluids onto multiple coworkers near them.

11. In preparation for a rulemaking petition submitted to the Occupational Safety and Health Administration and to the U.S. Department of Agriculture, the Southern Poverty Law Center, Nebraska Appleseed, Northwest Arkansas Workers' Justice Center, and Coalition of Poultry Workers completed focus groups and work speed interviews with more than 55 workers in 17 different poultry and meat slaughter and processing workplaces, across four different states. The meat and poultry workers participating in these interviews and focus groups reported completing from 15,000 to 100,000 or more cutting, grabbing, hanging, pulling, and other motions per work shift. Not one worker reported having any pause time between motions completed or between pieces processed.

12. Because work speeds are so fast, workers also are unlikely to have an opportunity to wipe their faces, which could lead to bodily fluids landing around them.

13. Workers also tend to have limited access to bathrooms, which limits their ability to wash their hands, among other things. Of the workers responding to SPLC's surveys, 79 percent said they are not allowed to take breaks when needed.

14. The Government Accountability Office found, for its November 2017 report, "Better Outreach, Collaboration, and Information Needed to Help Protect Workers at Meat and Poultry Plants" that "[m]eat and poultry workers may be denied timely bathroom breaks because they work in an assembly line environment, which generally requires workers to be replaced if they leave their station. Workers we interviewed in all

five states said their requests to use the bathroom are often delayed or denied, and workers in two states said they fear punishment if they ask to use the bathroom too frequently or complain about lack of bathroom access to their supervisors or to OSHA.”

15. Some workers have even reported that they wear diapers at work because they lack regular bathroom access.

16. Workers in meat and poultry plants have also frequently reported symptoms of compromised respiratory health. For example, 21 percent of respondents to interviews conducted for the SPLC’s *Unsafe at These Speeds* report reported suffering respiratory problems.

17. In 2014, the National Institute for Occupational Safety and Health (NIOSH) evaluated respiratory irritation in poultry slaughter and processing plants. NIOSH conducted this health hazard evaluation because “[s]ymptoms commonly reported in these facilities include stinging or burning eyes, nose, and throat; sneezing or coughing; sore throat; shortness of breath or asthma-like symptoms; headaches; and nausea.” NIOSH identified several factors contributing to workers’ respiratory symptoms. These factors included workplace exposure to chlorine, chloramines, and other chemicals as well as a variety of forms of insufficient ventilation at worksites.

18. Many workers in meat and poultry processing jobs are extremely vulnerable. It is well documented in the literature that most industrial meat and poultry workers are financially at risk. Numerous workers interviewed for the SPLC’s report indicated that while they had significant health, safety and other concerns about their workplace, they relied on the job and feared that if they lost it, they would not have other local economic opportunities to support themselves and their families.

19. Many workers in poultry processing plants interviewed for the SPLC's 2013 report reported that their employers used a points system to discipline workers for missing work. Some plants' version of the points system deducted a point towards termination for all absences, even ones for medical reasons. Plants that deduct a point towards termination for workers who miss work due to symptoms of, or exposure to, illness, including COVID-19, might result in workers going to work to avoid losing income, even if they have symptoms of or have been exposed to COVID-19.

20. These factors are among several that contribute to high levels of fear among many workers. The SPLC's report found that "66 percent of participants believed that workers were scared or reluctant to report injuries, and that 78 percent of respondents attributed this reluctance to fear of being fired."


21. Human Rights Watch found, in 2019 that workers in the meat and poultry industry were paid wages 44 percent lower than the national average wages for manufacturing work.

22. Based on my interviews with poultry processing workers and review of relevant literature, meat and poultry slaughter and processing plants could likely take a range of steps to reduce the risk of workplace exposure to COVID-19. These steps include providing particle filtering masks to all employees and requiring their use; providing sick leave paid at employees' regular pay rates for any work missed due to symptoms of, or exposure to, COVID-19; staggering workers' entrance times into the plants; staggering employee meal periods; cleaning and sanitizing clock-in devices following each worker's use; frequently cleaning and sanitizing bathrooms and areas for meal breaks; providing more frequent bathroom breaks to allow handwashing; reducing

work speeds to levels sufficient to allow workers to stand more than six feet apart at each work station; and improving exhaust and other ventilation of work spaces to reduce respiratory exposures both to virus particles and to chemicals that may make workers more vulnerable to adverse consequences of infection with COVID-19.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Burlington, Vermont

DocuSigned by:


Thomas Fritzsche

4/22/2020

Dated