
From: SouthernVet@aol.com
Sent: Wednesday, December 07, 2005 4:45 PM
To: FSIS RegulationsComments
Subject: Docket # 04-033P, FSIS Proposed Rule

RE: Docket number 04-033P, Allowing Bar-type Cut Turkey Operations to Use J-Type Cut Maximum Line Speeds; FSIS Proposed Rule

The proposed rule's objective is to increase line speeds in establishments that use specific shackles in conjunction with the Bar-cut opening of turkey carcasses. This proposed rule states that the IIC can reduce line speeds when, in his or her judgment, the prescribed inspection procedure cannot be adequately performed within the time available because of health conditions of a particular flock or because of other factors. Such factors include the manner in which the birds are being presented to the inspector for inspection and the level of contamination among birds on the line.

This proposed rule states that the preamble to the final NTI system regulations explains that the maximum inspection rates in these regulations were established by work measurement calculations and were based on the amount of time necessary for an inspector to properly perform the correct inspection procedure (50FR 37511). There isn't any mention as to whether or not studies pertaining to the resulting musculoskeletal disorders (MSDs) of those who work on the evisceration line were performed or even considered. According to the January 2005 GAO Report, *Safety in the Meat and Poultry Industry, While Improving Could Be Further Strengthened*, states that some experts believe, for example that faster line speeds increase workers' risk of injury (page 4). Were baseline studies performed as to the safety of those who work on the evisceration line when these initial NTI regulations were proposed? If studies such as these were performed then why are they not mentioned? Who performed these studies, and when were these studies conducted? Where is the documentation for these studies? If indeed these studies were performed then what conclusions were drawn as to the inspectors' and plant employees' safety concerning the effects of this highly repetitive, forceful, and static position job task? Were baseline studies performed to ascertain at what level of repetition and force an inspector could safely sustain these hand motions so as to adequately inspect the turkey carcasses? Although OSHA's proposed Ergonomic rule of 2000 was never enacted, it does provide valuable information. Was this proposed rule reviewed to ascertain what detrimental effects might be encountered by the inspectors and plant employees? The proposed rule states that indeed those who work the evisceration line can perform the work, but it fails to adequately address and assess the cumulative, detrimental effects that this fast-paced task places on those workers.

As there is not any information available concerning the particular hand motions currently employed by FSIS turkey inspectors, I will assume that this inspection task is performed in a fashion similar to that performed on young chickens (I refer you to pages 15 and 16 of the Employee Development Guide, Revised 1990 and to pages 1 to 3 of the SIS Procedure guide of 1986). For young chicken inspection the inspector is required to use both hands to inspect each carcass. If this is indeed the case, then turkey inspectors currently are required to perform 1050 hand motions per hour for bar-cut opened heavy turkeys (> 16 pounds) and 1350 hand motions per hour for bar-cut opened light turkeys (< 16 pounds). This proposed rule wishes to increase these hand motions by 180 per hour, to 1230 for heavy turkeys and 1530 for light turkeys. Have studies been completed so as to determine what effect this increase in line speed will have on the upper extremities of FSIS inspectors and establishment employees?

The rule states that FSIS may realize benefits because the inspectors would not be required to perform this extra hand motion (required for bar type openings). It further states that the elimination of this extra hand motion may reduce undue fatigue among turkey inspectors. So to put this in perspective, for a bar-cut opening, FSIS inspectors are required to perform 1050 to 1350 hand motions per hour in addition to the aforementioned hand motions. This proposed rule will eliminate this additional hand motion, but will add 180 hand motions per hour, thus increasing hourly hand motions to 1230 to 1530 for heavy and light turkeys, respectively.

The proposed rule further states that no difference was observed in processed turkey attributable to line speed changes during the period of study, or between the test week and the previous week. FSIS concluded that establishment employees and FSIS inspectors are able to perform as well as they did using the slower, regulatory maximum Bar-cut line speeds. Again, what studies were performed to ascertain the effect of this increase in repetition on the upper extremities of those who work on the evisceration line?

FSIS increased line speeds for poultry in the mid 1980s. This increase in line speeds was in addition to the already highly repetitive nature of the assembly line work of the evisceration line. Both FSIS inspectors and establishment employees who work

on the evisceration line have been adversely affected. Data from the Bureau of Labor Statistics (BLS) for 1982 through 1993 showed a dramatic increase in total illness cases due to disorders associated with repeated trauma, from 21% to 63% for all private industry. In 1994 BLS began compiling this data from specific sectors. At that time 65% of all illness cases in the poultry processing and slaughter sector (SIC code 2015) were due to disorders associated with repeated trauma. In 2000, disorders associated with repeated trauma accounted for 67% of the total illness cases within the poultry processing and slaughter sector. In 2001 data collection again changed within BLS so these particular figures cannot be followed. Industry contends that there has been a decrease in these types of injuries. However one must wonder about the validity of this statement upon reviewing the 2005 Wake Forest University study that contends that the number of work-related injuries may be underreported. Additionally the 2005 Human Rights Report, Blood, Sweat, and Fear, stated that even OSHA-supported research confirmed assertions that there is substantial underreporting of MSD injuries. According to a May 2004 memo from Dr. Barbara Masters FSIS costs alone for OWCP were 15.9 million in (FY) 2002 and 18.5 million in (FY) 2003 for work-related disorders. A breakdown of the particular injuries was not provided in her memo. Presently there are approximately 11,000 employees in FSIS, with approximately 8700 working daily in poultry and meat plants. Dr. Masters encouraged bringing these injured employees back to work, but there was not any mention of ergonomic changes to facilitate their permanent reentry. In fact FSIS has not addressed these work-related MSDs in its wellness program nor in its Health and Safety meetings. Presently FSIS employees are ignorant as to the debilitating and potentially disabling effects that increasing line speeds have on the muscles, nerves, tendons, joints, and ligaments of their upper extremities. There is no excuse for these omissions as FSIS was informed of these potential problems as recently as August and October 2004 but has failed to enact any safeguards for its employees.

The proposed rule further states that the IIC can reduce line speeds. Such factors as manner of presentation and contamination were cited as factors that an IIC can use when, in their judgment, the line speeds should be reduced. However, what concrete guidelines are given so that the IIC can make an objective decision, 50 percent of a ten-carcass sample, 75 percent? There aren't any. In fact in 1993 Directive 6550.1, Line Speeds for Heavy Young Chickens, was issued and it directs the IIC to reduce line speeds when carcasses are greater than 6 pounds. VIII A of that directive states "IIC's must adjust line speeds as necessary to allow for proper inspection of heavy young chickens." VIII A 2 (Responsibilities of IIC) states "Adjust line speeds according to the weight of the birds." Yet, there was not one IIC in the Jackson Mississippi circuit who could enforce that directive. In March 2004 when the District Manager of Jackson Mississippi was questioned as to how to enforce that directive, the IICs were informed that presentation and disease incidence would have to be considered when reducing the line speed, it could not be based on weight alone. There's nothing in the directive that states that presentation or disease incidence must be considered. In addition there's not any objective criterion given as to what disease incidence should be used in such an instance. Reduction of line speed using one's judgment is precarious and subjective, and it will be called into question by establishment personnel. From experience it will result in an immediate phone call by plant management to the Front Line Supervisor or the District Office and the line speed will be mandated to be returned to its 'normal' rate.

FSIS will also counter these arguments saying that the presentation tests could be used. Presentation tests are performed by both establishment and FSIS personnel. It is rare indeed for these tests to fail for two reasons. First, in most plants the arranger is stationed adjacent to the inspector so when they see the 'tester' approach, they can easily arrange adequately to pass the twenty carcass test (10 inside errors plus 10 outside errors). After the 'test' is recorded they can easily revert back to inadequately arranging the carcasses. Speaking to plant management at the weekly meetings does little if nothing to alleviate this problem. Second, these presentation tests are generally only performed by FSIS personnel twice a shift. If the FSIS 'test' fails, plant personnel will immediately follow with their own test, and in my experience, the majority of these 'tests' always 'pass'. This holds true for any test performed by FSIS, such as prechill and post chill tests. In my experience it was rare indeed to ever see plant personnel 'take control' of the line or even of a process unless FSIS threatened to 'tag' the product.

Before this proposed rule is accepted, there are several issues that must be resolved. The first is a baseline must be established at which the inspectors and plant employees can work safely. Criteria must be established as to what rate of repetition and force (weight of carcass) is 'safe' for the FSIS inspector and plant personnel. Next, studies must be conducted to ascertain what effect this increase in line speed will have on their safety? The third issue that must be resolved is at what level of disease incidence/contamination will the IIC be able to reduce line speed. Finally, presentation checks are relatively useless, and need to be re evaluated.

Sincerely,

Christina Dumal, D.V.M.

12/14/2005