

# United States Senate

WASHINGTON, DC 20510

December 15, 2022

Assistant Secretary Doug Parker  
Occupational Safety and Health Administration  
200 Constitution Avenue, N.W.  
Washington, D.C., 20210

Deputy Assistant Secretary Jim Frederick  
Occupational Safety and Health Administration  
200 Constitution Avenue, N.W.  
Washington, D.C., 20210

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

We write to you regarding the November 9, 2022 findings from the Department of Labor (DOL) detailing repeated evidence of child labor exploitation in the JBS cattle slaughter and processing plant in Grand Island, Nebraska; the JBS pork slaughter and processing plant in Worthington, Minnesota; the Greater Omaha Packing Company beef plant in Omaha, Nebraska; George's Inc. poultry plant in Batesville, Arkansas; and Turkey Valley Farms slaughter and processing plant in Marshall, Minnesota. The investigation revealed that Packers Sanitation Services Inc. (PSSI), hired by hundreds of poultry and meat plants nationwide, illegally employs children as young as 13 to work the dangerous overnight shift sanitizing the facilities, resulting in serious injuries. DOL is continuing its investigations, most recently into the Tyson Foods plant in Sedalia, Missouri. We write to express our outrage regarding these horrific findings and to ensure that the Occupational Safety and Health Administration (OSHA) is working with the Wage and Hour Division (WHD) of DOL to take referrals when injuries and unsafe conditions are found and opens a full and thorough investigation into these abhorrent working conditions.

We are alarmed to learn that reports related to the allegations of child labor were reported nearly three months ago, when WHD of DOL received credible information that PSSI hired minors to work in incredibly hazardous occupations on August 24, 2022. Although WHD received reports that children were seriously injured as a result of their work for PSSI in the JBS Nebraska packinghouses, OSHA failed to open an investigation into these conditions until mid-November. We have only seen one open investigation as a result of a referral. It is unacceptable that these practices were allowed to continue for months, exposing these children to dangerous and potentially fatal workplace conditions.

OSHA must hold both the host company and PSSI responsible for these unsafe conditions<sup>1</sup> as it has done in past investigations of unsafe work conditions among sanitation workers in meat and poultry plants. As your agency knows, federal labor laws prohibit any company from hiring anyone under 18 to work in almost any job, including sanitation, in a meat and poultry plant. Meatpacking is considered one of the most hazardous jobs and for decades WHD has prohibited any worker under 18 from working in almost every job in the plant. According to the WHD findings, PSSI has blatantly disregarded the law, employing children in extremely dangerous

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<sup>1</sup> Occupational Safety and Health Administration, "Teen contractor loses leg, co-worker loses fingers at Case Farms", September 2015. <https://www.osha.gov/news/newsreleases/region5/09292015>.

conditions, working overnight shifts, responsible for cleaning kill floors, meat- and bone-cutting saws, grinding machines, electric knives and product-contact surfaces throughout the plant.<sup>2</sup> The host companies, too, must be held accountable. Children working in the Grand Island, Nebraska JBS plant were said to clock in and out of work using a biometric time clock, with facial recognition technology registering their identity at each shift; wore JBS-branded work attire; and otherwise had significant interaction with their host employer.<sup>3</sup>

This new information is abhorrent but not surprising, given that in 2017, a report found that PSSI had the 14th-highest number of severe injuries reported to DOL of all companies reporting to the agency in federal OSHA states.<sup>4</sup> Your agency is well aware that these sanitation jobs are incredibly dangerous and can lead to very serious injuries. A search of OSHA's database confirms a number of new amputations reported by PSSI and many inspections where the agency has cited PSSI for basic safety violations—including following a horrible fatality due to a worker decapitation in 2020 in a plant in Alabama, owned by Tyson Foods. These findings highlight why your agency must prioritize rigorous enforcement in meat and poultry plants and their contractors. Therefore, we request a response to the following questions no later than January 15, 2023:

1. Has OSHA reviewed the over seven years of data on amputations and severe injuries reported to the agency and determined how many meat and poultry companies, as well as their contractors, are in the top 75 companies reporting these horrible injuries?
2. When does OSHA plan to conduct a full and thorough investigation into the safety and health practices of PSSI and their host employers? When will the agency announced a special emphasis investigation into meat and poultry plants, including the third sanitation shift?
3. What steps is DOL taking to ensure that local and regional area offices are taking referrals from WHD investigators that discover injured children in the industry?
4. Are there any active training programs for DOL investigators across various departments to investigators in the hazards and violations of all laws enforced under DOL, with the goal referrals can be made effectively across the agency?
5. Given the findings of WHD and the dangers in these plants, will OSHA adopt a policy of opening inspections following reports of amputations and severe injuries in meat and poultry plants, whether by the host company or by a contractor?

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<sup>2</sup> United States Department of Labor v. Packers Sanitation Services Inc., NO. 4:22-cv-3246 (Dist. Ct. of NE. 2022)

<sup>3</sup> Flynn, Dan. "Unlikely that child labor at JBS went un-noticed by world's largest meat company" Food Safety News. <https://www.foodsafetynews.com/2022/11/unlikely-that-child-labor-at-jbs-went-un-noticed-by-worlds-largest-meat-company/>.

<sup>4</sup> Eng, Norman. "Report: 27 Workers a Day Suffer Amputation or Hospitalization, ACC. to OSHA Severe Injury Data from 29 States." National Employment Law Project, April 28, 2017. <https://www.nelp.org/news-releases/osha-severe-injury-data-report/>.

6. Does OSHA plan to review how consolidation in the meatpacking industry contributed to decreased worker protections, as we saw during the COVID-19 pandemic and this ongoing child labor crisis?

Taking advantage of children and placing them in extremely dangerous workplace settings overnight must end. We ask that you intervene.

Sincerely,



Cory A. Booker  
United States Senator



Elizabeth Warren  
United States Senator



Dianne Feinstein  
United States Senator



Bernard Sanders  
United States Senator

CC: The Honorable Marty Walsh, Secretary, U.S. Department of Labor