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HOW FAST IS TOO FAST? OSHA'S REGULATION OF THE MEAT INDUSTRY'S LINE SPEED AND THE PRICE PAID BY HUMANS AND ANIMALS

By Israel Cook*

In 2016, the United States employed more than 491,000 workers in the meat industry,¹ thereby feeding more than 318 million Americans,² and processing over 9 billion animals per year.³ The growth of the meat industry has placed pressure on slaughterhouses to increase the pace of their line speeds in order to produce more meat and satisfy consumer demand.⁴ Due to the faster pace of production, workers are suffering high rates of injury,⁵ and animals are being mistreated while still alive.⁶ The fast pace of line speeds in slaughterhouses adversely affects worker safety and animal welfare; therefore, the Occupational Safety and Health Administration (OSHA) should regulate line speed in meatpacking plants.

Dangerously fast slaughter line speeds are the leading cause of worker injuries due to the pressure to kill more animals in less time.⁷ It is estimated that every year, almost 25% of all meatpacking employees are injured or ill, and the high speed of production lines has increased the industry's already abundant amount of injuries.⁸ The pace of the line affects the employee's ability to perform tasks safely,⁹ making the speed of production an important factor in the health and safety of workers.¹⁰ The physical efforts required for sawing, cutting, slicing, lifting thousands of animals each day is the major source of musculoskeletal disorders (MSDs), which is endemic in the meat and poultry industry.¹¹ Workers in the meatpacking industry "have the highest rate of MSDs, seven times the average incidence rate in manufacturing,"¹² yet the government is not required to track the growing number of MSDs diagnosed in slaughterhouses.¹³ The meat industry claims that the rise of injuries related to fast-moving line speeds is untrue, stating that workers' injuries have declined over the years.¹⁴ However, inspectors, often employed by the meat industry have little incentives to investigate injuries because the injuries could halt the line and affect production margins.¹⁵ OSHA argues that it does not have authority over production speeds and that MSDs cannot solely be attributed to the fast-moving line speeds.¹⁶

Not only does the line speed affect the safety of the meat industry employees, it significantly contributes to discrimination of individual employees and violates workers' rights. The majority of laborers in the meatpacking industry are at-will employees and are less likely to report a workplace hazard out of fear of losing their jobs. A number of laborers in the meatpacking industry are undocumented or do not speak English, making

them more vulnerable and fearful of reporting workplace hazards.¹⁷ Despite the growth of meat production, slaughterhouse workers' wages have been rapidly declining.¹⁸ The salary of meatpacking employees barely keeps workers above the poverty line, thus affecting their access to health services as they cannot afford proper transportation to and from doctors, much less healthcare.¹⁹ Furthermore, many slaughterhouses *operate twenty-four hours a day and seven days a week*, requiring employees to work grueling hours—often without approved time off.²⁰ Additionally, laborers are not allowed unionize, thus facing barriers to exercise their freedom of association.²¹

*Consumption of animal products results in the unnecessary suffering and death of billions of animals.*²² Despite having some regulation, like the Humane Slaughter Act, animals are still subjected to inhumane acts of cruelty during processing.²³ While some states have anti-cruelty statutes that work to prevent this conduct, they focus on the individual violations rather than the overall industry violations.²⁴ *The Washington Post* reports that "nearly 1 million chickens and turkeys are unintentionally boiled alive each year in U.S. slaughterhouses" due to the increasing pace of product lines.²⁵

Currently, line speed is regulated by the USDA based on Food Safety standards,²⁶ and it is only limited by federal sanitation laws.²⁷ That is, the only time the speed of the line is slowed down is when a USDA Food Safety and Inspection Service (FSIS) inspector halts the line because she or he identifies an animal carcass that appears contaminated (e.g., fecally, bruised, and hemorrhaged).²⁸ Otherwise, line speed can increase without any concern for a worker's safety.²⁹ Under the Poultry Products Inspection Act (PPIA) and the Federal Meat Inspection Act (FMIA), the regulation of line speed by the USDA for sanitation concerns does not preclude OSHA from regulating line speed for worker health and safety concerns.³⁰ Though previous attempts by OSHA to regulate line speeds have been blocked by Congress,³¹ OSHA must regulate line speed to not only ensure a safe and healthy working condition for workers but to also curb animal cruelty in the meatpacking industry. 

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ELSEVIER ENV'T INT'L (2016), https://ac.els-cdn.com/S0160412016300587/1-s2.0-S0160412016300587-main.pdf?_tid=8267b26c-d524-11e7-a5ca-00000aab0f01&acdnat=1511974024_60825b981cc008a83988cb2d94a88606 (explaining that poor and marginalized communities around the world disproportionately struggle to gain sustainable access to food, and with pollution and other detrimental affects from food production. These issues are present in discussions about fishing as well, including whether people or corporations have access to fisheries, whether the use of fish for commercial ventures deprives people of food, and whether the farming of fish helps address some environmental concerns while further marginalizing vulnerable communities or whether there are opportunities in farmed fishing for more self-sufficiency).

²⁶⁷ See e.g. *Makah Whaling Tradition*, *supra* note 12.

²⁶⁸ See generally MANITOBA GOVERNMENT, FISHING, HUNTING & GATHERING THE RIGHTS AND RESPONSIBILITIES OF FIRST NATIONS PEOPLE IN MANITOBA (Oct. 2009),

https://www.gov.mb.ca/sd/firstnations/hunting_fishing_oct_09.pdf; *Treaty: Promises Between Governments*, COLUMBIA RIVER INTER-TRIBAL FISH COMM'N, http://www.critfc.org/member_tribes_overview/treaty-q-a/ (last visited Dec. 20, 2017); *Serving the Treaty Tribes in Western Washington*, NW INDIAN FISHERIES COMM'N, <https://nwifc.org/about-us/> (last visited Dec. 20, 2017).

²⁶⁹ Sibyl W. Diver, *Towards Sustainable Fisheries: Assessing Co-management Effectiveness for the Columbia River Basin*, NATURE PROCEEDINGS 7 (2009), <http://proceedings.nature.com/documents/3754/version/1/files/npre20093754-1.pdf>.

²⁷⁰ See M.C.M. Beveridge et al., *Meeting the Food and Nutrition Needs of the Poor: The Role of Fish and the Opportunities and Challenges Emerging from the Rise of Aquaculture*, 83 J. FISH BIOL. 1067 (2013).

ENDNOTES: HOW FAST IS TOO FAST? OSHA'S REGULATION OF THE MEAT INDUSTRY'S LINE SPEED AND THE PRICE PAID BY HUMANS AND ANIMALS

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¹ See BUREAU OF LABOR STATISTICS, NAT'L INDUSTRY-SPECIFIC OCCUPATION EMP'T & WAGE ESTIMATES OCCUPATIONAL EMP'T STATISTICS (May 2016), https://www.bls.gov/oes/current/naics4_311600.htm.

² See *The United States Meat Industry at a Glance*, N. AM. MEAT INST., <https://www.meatinstitute.org/index.php?ht=d/sp/i/47465/pid/47465> (last visited Nov. 1, 2017).

³ *Livestock Slaughter, 2016 Summary*, USDA, NAT'L AGRIC. STATISTICS SERV. 7 (Apr. 2017), <http://usda.mannlib.cornell.edu/usda/current/LiveSlauSu/LiveSlauSu-04-19-2017.pdf>.

⁴ See Jennifer Dillard, Note, *A Slaughterhouse Nightmare: Psychological Harm Suffered by Slaughterhouse Employees and the Possibility of Redress through Legal Reform*, 15 GEO. J. POVERTY L. & POL'Y 391, 392 (2008).

⁵ See *id.* at 393.

⁶ Paul Solotaroff, *In the Belly of the Beast*, ROLLING STONE, <https://www.rollingstone.com/feature/belly-beast-meat-factory-farms-animal-activists> (last visited Dec. 20, 2017).

⁷ *Slaughterhouse Workers*, FOOD EMPOWERMENT PROJECT, <http://www.foodispower.org/slaughterhouse-workers/> (last visited Nov. 6, 2017) [hereinafter *Slaughterhouse Workers*].

⁸ See Dillard, *supra* note 4, at 393.

⁹ U.S. GOV'T ACCOUNTABILITY OFFICE, WORKPLACE SAFETY & HEALTH: SAFETY IN THE MEAT & POULTRY INDUS., WHILE IMPROVING COULD BE FURTHER STRENGTHENED 31 (2005) [hereinafter WORKPLACE SAFETY & HEALTH].

¹⁰ *Id.*

¹¹ See Letter from Southern Poverty Law Center, to Esteemed Secretaries Perez & Vilsack & Drs. Michaels & Hagen 15 (Sept. 3, 2013) (on file with Southern Poverty Law Center Legacy Files).

¹² See *Prevention of Musculoskeletal Injuries in Poultry Processing*, OSHA 2 (2013), <https://www.osha.gov/Publications/OSHA3213.pdf>.

¹³ See Peggy Lowe, *Working 'The Chain,' Slaughterhouse Workers Face Lifelong Injuries*, NPR (Aug. 11, 2016, 8:00 AM),

<http://www.npr.org/sections/thesalt/2016/08/11/489468205/working-the-chain-slaughterhouse-workers-face-lifelong-injuries>.

¹⁴ See *id.*

¹⁵ *Slaughterhouse Workers*, *supra* note 7.

¹⁶ Lowe, *supra* note 13.

¹⁷ See Lindsay Patton, *The Human Victims of Factory Farming*, ONE

GREEN PLANET (Feb. 13, 2015), <http://www.onegreenplanet.org/environment/the-human-victims-of-factory-farming/>.

¹⁸ Dillard, *supra* note 4, at 2.

¹⁹ See *id.*

²⁰ *Slaughterhouse Workers*, *supra* note 7.

²¹ See *id.*

²² See Abigail Geer, *5 Reasons Why We Shouldn't Slaughter Animals For Food*, ONE GREEN PLANET (Apr. 18, 2014), <http://www.onegreenplanet.org/animalsandnature/reasons-why-we-shouldnt-slaughter-animals-for-food/> (last visited Nov. 15, 2017).

²³ See Dillard, *supra* note 4, at 395.

²⁴ See *id.*

²⁵ See Kimberly Kindy, *USDA Plan to Speed Up Poultry-processing Lines Could Increase Risk of Bird Abuse*, WASH. POST (Oct. 29, 2013), https://www.washingtonpost.com/politics/usda-plan-to-speed-up-poultry-processing-lines-could-increase-risk-of-bird-abuse/2013/10/29/aeeffe1e-3b2e-11e3-b6a9-da62c264f40e_story.html?utm_term=.a28577bc23b4.

²⁶ WORKPLACE SAFETY & HEALTH, *supra* note 9, at 32.

²⁷ *Slaughterhouse Workers*, *supra* note 7.

²⁸ See *id.*

²⁹ See *id.*

³⁰ WORKPLACE SAFETY & HEALTH, *supra* note 9, at 32.

³¹ ELLEN K. SILBERGELD, CHICKENIZING FARMS AND FOOD: HOW INDUSTRIAL MEAT PRODUCTION ENDANGERS WORKERS, ANIMALS AND CONSUMERS, 173 (John Hopkins Univ. Press 2016).