

Case #12a. Big Pork Tries to Speed Up Its Production Line

This case is based on the following article:

“How Many Hogs Can Be Slaughtered Per Hour? The Pork Industry Wants More”



Pork plants in the United States are allowed to slaughter no more than 1,106 hogs per hour so federal inspectors can keep pace. A new proposal would do away with that limit. Credit: Daniel Acker/Bloomberg

By Julie Creswell Aug. 9, 2019 New York Times

A U.S. government agency, **U.S. Department of Agriculture’s (U.S.D.A.) Food Safety and Inspection Service (F.S.I.S.)**, is poised this month to adopt a rule that would essentially turn the largest pork processing lines in the United States into the autobahn: no speed limit.

Currently, plants are allowed to slaughter a maximum of 1,106 hogs per hour. As hogs move down the slaughter lines, federal inspectors stationed at each plant examine them and remove any parts potentially harmful to consumers.

But **pork producers** have pushed for a change to plant inspection regulations that would, among other things, do away with the speed limit and reduce the number of federal inspectors. For those in favor of the change, the advantages are clear. Plants would be able to slaughter more pigs and,

therefore, make more money. The government would save money because it would not employ as many inspectors.

Proponents say speed limits are unnecessary anyway. They say that market hogs — about six months old and around 250 pounds — are generally healthy and that the elimination of maximum speeds would add flexibility to plant production schedules and staffing levels. The **U.S. Department of Agriculture's (U.S.D.A.) Food Safety and Inspection Service (F.S.I.S.)** (Hereafter F.S.I.S.) said the revamped rule, which was proposed in February 2018, was based on current food safety science.

Watchdog groups, however, are meeting with the **Office of Management and Budget (OMB)** this week and next to raise concerns, particularly about the effects that increased speeds could have on workers and public health. **OMB** prepares the President's budget proposal to Congress and supervises the administration of the executive branch agencies. **OMB** also evaluates the effectiveness of agency programs, policies, and procedures.

These **Watchdog Groups** see the proposed changes as part of the Trump administration's goal of rolling back regulations to the benefit of big businesses.

The **F.S.I.S.** said that was nonsense, noting that it has been pushing for the rule for 20 years, spanning four supportive presidential administrations.

The agency currently assigns seven inspectors at various points along the slaughter and evisceration lines at the largest pork plants, who look at, examine and sniff carcasses for signs of disease and contamination. There is another inspector away from the slaughter line, and a public health veterinarian is on hand to condemn live animals that may be diseased or sick.

In the new model, two or three federal inspectors per shift would be on the slaughter and evisceration lines, overseeing plant employees who would take over time-consuming labor like removing lymph nodes to test for disease. Two others would perform other tasks like sanitation checks.

All of the pork eaten by consumers would still be examined by federal inspectors, the **F.S.I.S.** said in an emailed response to questions.

“The **U.S.D.A.** mark of inspection means something significant,” the agency said. “It means that every carcass has been inspected and passed for human consumption by **F.S.I.S.** inspection personnel. Every. Single. One.”



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“The fact that the U.S.D.A. is in charge of food safety is an oxymoron,” said Deborah Berkowitz, a former senior official in the **Occupational Safety and Health Administration (OSHA)**. Credit Justin T. Gellerson for The New York Times

The **F.S.I.S.** says its analysis of data from five pork slaughter facilities in a pilot program shows that the updated inspection system has lower employee injury rates and is at least as safe for consumers as the traditional system. The agency is weighing a similar rule for beef, and **Tyson**

Foods, a large food producer, has expressed interest in using the new system in a beef plant it operates in Kansas.

The **Food Safety and Inspection Service** said its analysis showed the new system would provide “equivalent or greater public health protections” than the existing system.

If the rule goes into effect, the hundreds of swine slaughter plants in the country could choose to adopt it or not. The government expects the largest plants — roughly 40 that supply about 90 percent of the nation’s pork — to do so. At those plants, the number of federal inspectors could be reduced by up to 40 percent, or a total of about 147 inspectors. The agency estimates the savings to the federal government at nearly \$25 million a year.

Dr. Pat Basu, the chief veterinarian at the Food Safety and Inspection Service from 2016 to 2018, drew a comparison to the decision in the mid-2000s to shift some of the Federal Aviation Administration’s airplane certification duties to manufacturers like Boeing. That move has come under scrutiny after two crashes of Boeing’s 737 Max aircraft. (When asked to respond, the service said it was “the most ridiculous question we have ever received.”)

Dr. Basu worries, among other things, that improper training of plant employees who take over responsibilities now performed by federal inspectors, such as sorting animals before slaughter, could result in a disease outbreak.

Watchdog groups argue that the **F.S.I.S.** is acting for the financial benefit of **meatpacking giants like Tyson, the Brazilian-owned JBS and Smithfield Foods, owned by the Chinese-based WH Group.**

“The fact that the U.S.D.A. is in charge of food safety is an oxymoron,” said **Deborah Berkowitz**, a senior official for the Occupational Safety and Health Administration under President Barack Obama and now a **worker-safety expert with the National Employment Law Project (NELP)**. (for an elaboration of the NELP Mission and activities, see <https://www.nelp.org/publication/a-new-social-contract-for-workers/>)

“The **U.S.D.A.** has always been there to promote the industry,” said Ms. Berkowitz, who has worked with unions that represent packing plant employees. “Their main focus is to increase the profits of the meatpacking and poultry industry that they regulate.”

The **F.S.I.S.** said it was made up of career civil servants dedicated to food safety and called any accusation that it was overly cozy with the industry “insulting.”

It said that it employed expert data analysts, statisticians, microbiologists and risk assessors and that the proposed rule had the support of the **National Association of Federal Veterinarians**. It also argued that some of the critics represented or had represented inspectors’ unions and were not purely consumer advocates.

In 2013, however, an audit by the **Agriculture Department’s Office of Inspector General** concluded that the service’s oversight of the pilot program had been inadequate and that the plants might “have a higher potential for food safety risks.”



A meat-processing facility in Beardstown, Ill., is one of five in a federal pilot program that allows them to slaughter more hogs per hour. Credit Whitney Curtis for The New York Times

In June, the **Agriculture Department’s Office of Inspector General (Ag IG)** began an audit, asking whether the Food Safety and Inspection Service was transparent enough or used flawed worker-safety data to develop the new hog slaughter regulation. Early this month, two congressional Democrats asked that the audit be expanded to include the service’s analysis of food safety and animal welfare.

Part of the logic behind allowing lines to move faster is that plant employees would sort out diseased carcasses and parts before they reached federal inspectors for final determination of wholesomeness. The facilities in the pilot program averaged line speeds of 885 to 1,295 hogs per hour, according to the Food Safety and Inspection Service’s analysis.

“F.S.I.S. has someone who is looking at each and every animal,” said Dr. Dan Kovich, a director of science and technology for the **National Pork Producers Council (NPPC)** and a former supervisory public health veterinarian with the service. “If the plant misses something, it will get a noncompliance record. The plant is taking on greater responsibility, but it has an interest to make sure this is all done correctly.” V(for further elaboration of the NPPC mission and activities, see <http://nppc.org/about-us/we-care/>)

The 2013 audit by the **Ag IG** determined that three of the 10 plants with the most noncompliance citations between 2008 and 2011 were in the pilot program. The swine plant with the highest number — nearly 50 percent more than the next-highest plant — was one of them.

An evaluation by the Agriculture Department in 2014, however, concluded that the five pilot plants were performing as well as other swine plants.

As for whether faster lines are more dangerous for workers, the **F.S.I.S.** said that was not in its jurisdiction. Line speeds, it said, were historically determined by the ability of federal inspectors to examine and evaluate the meat. The issue of worker safety, it said, falls to the **Occupational Safety and Health Administration (OSHA)**.

A spokesman for **OSHA** declined to comment for this article.

There have been five amputations or other severe injuries at a pork processing facility in Beardstown, Ill. — one of the five pilot plants — since 2015. Whether Beardstown is more dangerous than other plants operating at slower speeds is difficult to determine independently. There is no national database where all packing houses report injuries and accidents.

A spokesman for JBS USA, which acquired the plant in 2015, declined to specify the speed of the plant's lines, but said it was fewer than 1,300 hogs per hour.

“These incidents are unacceptable. We do not tolerate unsafe working conditions in our facilities,” the spokesman, Cameron Bruett, said in an email. “Any unsafe action, condition or injury is investigated, and corrective actions are immediately implemented to prevent any recurrence.”

Two **researchers from Texas State University** ran their own analysis of the Food Safety and Inspection Service's data and concluded that it was “impossible for F.S.I.S. to draw any statistically valid conclusion” about worker injury rates from the information.

The **F.S.I.S.** responded that the researchers were not independent, arguing that one has been a member of a coalition that it says has opposed the new inspection model since 2013. It also said the proposed rule didn't rely on its analysis.

“To be clear,” **F.S.I.S.** said, “the proposed rule is a food safety rule first and foremost.”

A version of this article appears in print on Aug. 8, 2019, Section B, Page 1 of the New York edition with the headline: Picking Up the Pace On the Processing Line.

Actors in the Case:

Pork Producers/ National Pork Producers Council (“Big Pork”)

National Association of Federal Veterinarians

Trump Administration

U.S. Department of Agriculture's (U.S.D.A.) reports to President Trump

U.S.D.A. Food Safety and Inspection Service (F.S.I.S.)

U.S.D.A. Office of Inspector General (AgIG)

Office of Management and Budget (OMB) reports to President Trump

Watchdog Groups, including National Employment Law Project.

Occupational Safety and Health Administration (OSHA), an independent regulatory agency that reports to both the Congress and the President

Texas State University Researchers

Case Questions

1. (4) Summarize the power situation Big Pork faces in this case. **(200 words. Be sure to include a “summary” of your summary!)**
2. (4) Define what model you think will best describe the public policy decision-making of the following governmental actors:
 - a. U.S. Department of Agriculture's (U.S.D.A.) reports to President Trump
 - b. U.S.D.A. Food Safety and Inspection Service (F.S.I.S.)
 - c. Office of Management and Budget (OMB) reports to President Trump
 - d. Occupational Safety and Health Administration (OSHA)

Be sure to explain your choice [100 word limit for each].

3. (3) **Diagram** the most likely case scenarios for the case.
4. (4) What should Big Pork's strategy be going forward to ensure it will be able to speed up production? (150 words max)