Trends in the Dairy Industry: Effects on Migrant Education

A Product of ConQIR

("Specific eligibility policies which will be developed for Dairy and Food Processing ascertaining the temporary or seasonal nature of jobs in these two Agricultural industry segments. Of special interest is out of school youth and their job status in these two segments.")

<u>Consortium States</u>: Colorado, Hawaii, Illinois, Louisiana, Maryland, New Hampshire, Lead State of New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Vermont

<u>Collaborating Partner States</u>: Florida, Kansas, Montana, and Nebraska

Compiled By Jessica Castañeda

Introduction

Title I, part C, Education of Migratory Children of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001, authorizes the Secretary of Education to make grants to State Educational Agencies (SEAs). These grants are to help ensure that migrant children have the same opportunity to meet the challenging content and achievement standards that all children are expected to meet, in order to graduate from high school prepared to meet the requirements necessary to pursue post-secondary education or employment.

The SEA is responsible for the proper and timely identification and recruitment of all eligible migrant children in a State, including securing the necessary information required to document the basis of a child's eligibility, completion of a certificate of eligibility (COE), and acceptance of the COE by the ID&R office. Children are eligible to receive Migrant Education Program (MEP) services if they meet the definition of "migratory child" as defined in section 1309(2) of the statute and section 200.18(d) of the regulations and the work performed by the qualifying person (migratory worker) is a designated qualifying agricultural activity as defined by the regulations.

A "migratory child" is eligible for the MEP if:

1. The child is younger than 22 and has not graduated from high school or does not hold a high school equivalency certificate (this means that the child is entitled to a free public education or is of an age below compulsory school attendance); and
2. The child is a migrant agricultural worker or a migrant fisher or has a parent, spouse, or guardian who is a migrant agricultural worker or a migrant fisher; and
3. The child has moved within the preceding 36 months in order to obtain (or seek) or to accompany (or join) a parent, spouse, or guardian to

obtain (or seek), temporary or seasonal employment in qualifying agricultural or fishing work; and

4. The Child:
    a. Has moved from one school district to another; or
    b. In a State that is comprised of a single school district,
        - has moved from one administrative are to another within such district; or
        - Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity (This provision applies to Alaska only.)

A "migratory worker" according to section 200.81(c) of the regulations, is "a person who, in the preceding 36 months, has moved from one school district to another, or from one administrative area to another within a State that is comprised of a single school district. The move must have been made in order to obtain temporary or seasonal employment in agriculture activities (including dairy work)."

An "agriculture activity is defined as any activity directly related to production or processing of crops, **dairy products,** poultry, or livestock for initial commercial sale or as a principal means of personal subsistence…"

Purpose

With the passing of the new Migrant Education Regulations in August of 2008, work in industries considered "temporary" has come under question. The U.S. Department of Education identified a need for additional information regarding the dairy farm worker and if the nature of work on a dairy farm is of a temporary nature.

This literature review is being conducted by the **ConQIR Consortium** to clarify that even though much work on a dairy farm operation is a year round position there are no guarantees for a permanent workforce. For the purpose of this review, ConQIR only considered workers performing laborer type positions, excluding the owner and his/her family and management. The Migrant Education Program Regulations state: "Employment that is available on a year-round basis may be considered temporary if working conditions or periods of slack demand make it unlikely that a worker will remain at the job permanently. In this case, the SEA should document the reasons that the work is considered temporary so that an auditor or independent reviewer may understand the basis for the eligibility determination."

The focus of this review is the labor force found on the dairy farm operation, trends in the industry, the nature of the work, the nature of the worker who is willing to seek employment and determine if the literature supports that certain defined jobs on a dairy farm are of a temporary nature. All of these factors play a part in determining how long workers generally work in a dairy operation.

Area of Inquiry

ConQIR Consortium conducted a review of the literature using industry documentation, university studies, and government reports related to the farmworker labor force on a dairy farm operation. The material reviewed considered the following questions:

1. **Why should the farm worker labor force on a dairy farm operation be considered of a temporary nature?**

2. **How does the nature of dairy farm operation contribute to worker turnover rates in the industry?**
3. **Who works on the dairy operation and what characteristics of the worker contribute to worker turnover?**
4. **What do we know of turnover rates on dairy operations?**
5. **What are some industry trends or patterns that show the likelihood of current trends in dairy employment to continue?**

EXECUTIVE SUMMARY

This literature review is intended to explore the dairy farm industry and determine if workers meet the criteria of "temporary farmworkers". Due to the number of dairy farm operations in the United States, it is difficult to establish a concise view of the industry due to the diversity from one farm to the next, with even greater diversity from region to region. The dairy farm operation is subsidized by the government and matters of profit that drive other agricultural industry are skewed in the dairy industry often being called a way of life rather than a typical business entity. The dairy operation is not required to report how the industry conducts itself in matters such as labor relations and further is not required to comply with certain labor laws that other industries are required to comply with. It is not the intent of this review to imply anything of how the dairy industry conducts itself, but rather to review the facts, the diversity of both farms and workers and to determine if the facts support that work on a dairy farm is of a temporary nature.

- Employment on a dairy farm is an entry level position, often attracting workers who for various reasons cannot obtain their dream job. The job is a high risk job, often exacerbated by language and skill barriers. Farmers often can be quoted as saying that they prefer to higher an employee without any skills as they can then teach the worker to do the job the way they wish to have it done on their operation rather than re-train someone from another farm. Farmers who seek unskilled labor are also more likely to start workers at a lower rate of pay. Work on the dairy farm consists of long hours, high expectations of

performance, relative low pay and benefits, and often hazardous and dirty work.

- The worker, who will take a position on a dairy farm may not have a high school diploma, may not have credit/references sufficient to secure a "better job", an apartment or utility service, etc. The position on a dairy farm often provides housing. The worker often views himself as transitioning to that better job but due to his educational, economic and other limitations often finds himself traveling from farm to farm seeking a little more money or a better opportunity which is often never realized.

- Dairy farms, although still family owned and family operated in the majority of cases have evolved into much larger, more technologically advanced enterprises. There are an estimated 75,000 dairy farm operations in the United States lending to tremendous diversity and employment practices from operation to operation. As dairy farms have expanded the size and scope of their operations, the source of paid and unpaid family participation has decreased thus increasing the need for hired labor. Family labor whether paid or unpaid understood the rigors of farm life and understood what was expected of them. Often the farmworker does not have a relationship with the farm owner prior to arrival at the job nor a labor contractor to insure employment. As a consequence, the worker may often underestimate what is expected, may not know of the rigors of the position and does not have any guarantees as to whether the job will last one day or one year.

- The dairy farm operator has been deficient in the skills necessary to transition to a hiring entity. Dairy farms often do not have human resource managers to deal with labor issues or do they have specialized training in labor management or can they control the nature of the work to make it a more desirable position The local labor supply is not sufficient in some areas to meet the labor needs of the dairy farms and even when there is sufficient labor available, it is shown due to the undesirable nature of the work, that jobs cannot be filled by local labor. Consequently many positions on the dairy operation are being filled by a largely Hispanic labor force. Although a labor force with a strong work ethic, the characteristically low educational level, communication barriers (even amongst workers

speaking native dialects other than Spanish),legality issues, and lack of job skills have brought a new source of problems to dairy farmers who are not as familiar with labor management issues as other agricultural industries.

- The nature of the work; long hours, low pay, relative lack of benefits (which varies by state and region), combined with the hazardous and extreme nature of the work and often the lack of the skills necessary on the part of the worker and the lack of training opportunities to gain the skills, cultural differences and communication have resulted in a high turnover rate for which very little data has been collected. Much of the data that is available has been combined under all farmworkers and not precisely dairy farmworkers.

- As a result of not being able to procure a stable labor force, dairy farmers are seeking immigration reforms to have dairy farm jobs be included as a part of the H2A program, also known as the temporary agricultural worker program. Dairy operations have also turned to labor placement agencies, but the literature will show that even with improved training and higher wages than other employing sectors, the nature of the work, relative lack of benefits and intent of non-citizen workers to return to their homeland results in a high worker turnover rate for laborer type positions on the dairy farm.

- This is a best case scenario. As the current economic situation continues in decline the factors listed in this review as supporting the temporary nature of the dairy farm worker will increase exponentially as the volatile nature of the dairy industry will only lead to higher turnover rates and reductions in jobs in an effort of the dairy operation to cut costs to maintain operations.

Background of the Dairy Farm Operation

Today, dairy operations are divided into two unlike entities, large and small dairy farms. They also have two unlike labor resources, citizen and non-citizen labor. There is also diversity amongst dairy operations in different regions of the country due to climate, resources available and markets.

All farm operations as we know them today have evolved initially from European immigrants who came to the United States and had a cow or two to meet the needs of the immediate family who provided the labor to care for the animals.[1] Often these small family operations were located within the town and the cows were often grazed on the town green.

As the farms evolved, technology developed through the Land Grant Colleges allowed for better methods to farm, better methods to store this very perishable product which in turn caused the farm to move out of town to more rural locations to pursue their farm operations. As the farm grew from a cow or two to a ten, twenty, and even thirty cow enterprise, family and unpaid labor still made up a significant amount of the labor required by the farm. Consequently, the dairy farm has historically not been a labor hiring entity. Through time, as more educational opportunities led to better jobs and farm families became smaller, fewer family members have been returning to the farm operation. To fill the void caused by lack of family labor, high school youth were the first employees of the farm working seasonally to provide labor necessary to plant and harvest the crops and milk the increased number of cows milked per the normal cycle of the cow primarily during the summer months. The labor was cheap, there were not

[1] Special Collections of the National Agricultural Library, "Early Developments of the American Dairy Industry"

any reporting requirements, and the labor force did not require any perks or benefits….the family labor and the high school youth set the precedent for the dairy farm worker as we know it today.

Fast forward and today the industry identifies dairies as operations that vary in size from less than thirty cows to greater than fifteen-thousand cow operations. Production is year round, with emphasis placed on when children are in school. The family labor has become non-existent except for management type positions and the high school youth preferred better jobs or not to work at all.

This has posed a problem for operations across the country. All operations in the industry must now address the need for hired labor.

The methods that large farms and small farms use to conduct business are very diverse. [2] Large farms usually purchase significant amounts of feed and contract with other operations to raise their replacement livestock offsite. Small farms grow more of their own feed and raise their replacement livestock onsite. Large operations tend to confine their milk cows in large barns or in dry lot feed yards, while small operations may graze their cows on pasture. The operator and the operator's family provide most labor on small dairy farms, whereas large farms rely extensively on hired labor (although they are usually family-owned and operated).[3] As the need for outside labor has become greater, large dairies have needed to hire non-family workers. This has been a challenge for many dairy operations since historically they have not had experience in labor management. "Dairy

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[2] De Gorter, H., Just, D., Kropp, J., August 2007 "Cross-subsidization Due to Inframarginal Support in Agriculture: A General Theory and Empirical Evidence" , American Journal of Agricultural Economics

[3] MacDonald, J. McBride, W., O'Donoghue, Nehring, R., Sandretto, C., Moshiem, ERR-47 Sept 2007 "Profits, Cost, and the Changing Structure of the U.S. Dairy Farming" USDA Economic Research Service http://www.ers.usda.gov/publications/err47/

farmers appeared to venture into the hiring process without prior preparation, and they were unwilling or unable to invest sufficient time to determine selection criteria. Due to the lack of adequate procedures for employee selection, the risk of hiring individuals without the required qualifications and skills emerged." [4] Farmers found themselves in a predicament. They now needed to be developing training procedures, hiring incentives, trying to increase employee commitment, etc. For regular dairy farmers formal evaluation of training was done rarely. Selection problems of staff interacted with inadequate training procedures, which resulted in low individual performance, low employee commitment and loyalty, unsafe working conditions, and low level of team performance (causing a decrease in job satisfaction and motivation of other employees). This eventually led to increasing turnover risk, decreasing work quality and productivity, and resulting in a failure to meet farm goals."[5]

Work on the dairy operation can vary from day to day and farm to farm. On smaller farms, the farmer works along side the employee and the employee is likely to do a variety of jobs often referred to as "general dairy farm work". On larger farms, there is a two-tiered labor force, owner, family, and management, and the second tier is the worker (laborer). On the larger dairy operation, the worker is more likely to have a better defined job such as milker, pusher, calf feeder etc. The input of labor on the dairy operation is influenced by seasonal increases in work on the farm and the economics of the industry. Government controls often have the farm being paid below the cost of production. The input of labor is often one of the first adjustments made when farm income is tight. The farmer does not have any guarantees for the price they receive and the government grants perks

[4] Bitsh V., (Apr 2006) "Human Resource Management Risks: Sources and Control Strategies Based on Dairy Farmer Focus Groups" Journal of Agricultural and Applied Economics
[5] Bitsh V., (Apr 2006) "Human Resource Management Risks: Sources and Control Strategies Based on Dairy Farmer Focus Groups" Journal of Agricultural and Applied Economics

to individuals to agree to produce given the risk. The diversity and number of dairy operations combined with dairy enterprises not having to comply with labor regulations, (DOL regulations re: overtime, migrant or seasonal worker regulations, or OSHA safety standards) the demanding nature of the work, the relative low pay scale compared to similar non-agricultural jobs (American Farm Bureau) and the lack of benefits (labor statistics handbook) makes dairy farm work a job with high worker turnover.

As the need for outside labor has become greater, even small dairies need to hire non-family workers. This has been a challenge for many dairy operations since historically they have not had experience in labor management. "Dairy farmers appeared to venture into the hiring process without prior preparation, and they were unwilling or unable to invest sufficient time to determine selection criteria. Due to the lack of adequate procedures for employee selection, the risk of hiring individuals without the required qualifications and skills emerged." [6] Farmers found themselves in a predicament. They now needed to be developing training procedures, hiring incentives, trying to increase employee commitment, etc. For regular dairy farmers formal evaluation of training was done rarely. Selection problems of staff interacted with inadequate training procedures, which resulted in low individual performance, low employee commitment and loyalty, unsafe working conditions, and low level of team performance (causing a decrease in job satisfaction and motivation of other employees). This eventually let to increasing turnover risk, decreasing work quality and productivity, and resulting in a failure to meet farm goals."[7]

[6] Bitsh V., (Apr 2006) "Human Resource Management Risks: Sources and Control Strategies Based on Dairy Farmer Focus Groups" Journal of Agricultural and Applied Economics
[7] Bitsh V., (Apr 2006) "Human Resource Management Risks: Sources and Control Strategies Based on Dairy Farmer Focus Groups" Journal of Agricultural and Applied Economics

Dairy Farm Industry

The dairy farm industry employs a wide variety of methods to conduct business due to the organizational structure of the dairy enterprise, the number of dairy enterprises (75,000) in the US, and the size of the operation (30 cows to 15,000 cows). One thing remains the same for these different types of dairies. Dairy enterprises historically have been price takers and not price setters, which has set limits on the amount of money available to procure labor and other inputs at farms. [8]

Dairy farmers have no control over the price of milk even though there is a milk pricing system. The program began in 1937. There were several reasons this system was put into place. First there was a need for producer prices to remain high enough to maintain production but not so high as to encourage surplus production. Secondly was the willingness and ability of the consumer to pay for milk and dairy products, and the interest of producers, handlers, and the public in the orderly flow of milk and dairy products from producers to consumers.

"The Agricultural Adjustment Act of 1933, as amended by the Agricultural Act of 1949 and subsequent bills authorized the first surplus purchases of dairy products. The stated purpose of the program was to ensure an adequate supply of milk and a level of farm income to maintain productive capacity sufficient to meet future needs.

One consequence of price support programs is that the market price often ends up being only a few cents above the price support, and so, in effect,

[8] Economic Analysis Team Feb 2006 "Impact of Migrant Labor Restrictions on the Agricultural Sector", American Farm Bureau Federation

the government price support sets the market price. The problem is that what starts the year as the price support may change six months later…"[9]

Between 1970 and 2006, there was a dramatic decline in the number of dairy operations. The number of operations fell from 648,000 operations in 1970 to 75,000 in 2006. [10] The smallest dairy operations have declined the most, while large operations have increased. Very large operations (500 or more milk cows) represented 3.7 percent of all dairy farms in 2004 but they produced over 47 percent of the milk.[11] Technological advances in dairy facilities and equipment, better understanding of animal breeding, health, nutrition, and improved input management are some of the reasons that have contributed to milk production increases.[12]

According to the government, "The milk price support program sets a floor for milk prices, and therefore, establishes a basic safety net for dairy farm income." To accomplish this, the Commodity Credit Corporation (CCC) was given authority by the USDA, in the Farm Security and Rural Investment Act of 2002, to purchase a combination of butter, cheese, and nonfat dry milk (NDM) effectively supporting the average price paid for milk at $9.90/cwt. (cwt= 100 pounds) [13]

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[9] Garkovish, L., Bokeimeier, J,. Foote, B., 1995 "Harvest of Hope" p 147
[10]MacDonald, J. McBride, W., O'Donoghue, Nehring, R., Sandretto, C., Moshiem, ERR-47 Sept 2007 "Profits, Cost, and the Changing Structure of the U.S. Dairy Farming" USDA Economic Research Service http://www.ers.usda.gov/publications/err47/
[11] MacDonald, J. McBride, W., O'Donoghue, Nehring, R., Sandretto, C., Moshiem, ERR-47 Sept 2007 "Profits, Cost, and the Changing Structure of the U.S. Dairy Farming" USDA Economic Research Service http://www.ers.usda.gov/publications/err47/
[12] MacDonald, J. McBride, W., O'Donoghue, Nehring, R., Sandretto, C., Moshiem, ERR-47 Sept 2007 "Profits, Cost, and the Changing Structure of the U.S. Dairy Farming" USDA Economic Research Service http://www.ers.usda.gov/publications/err47/
[13] Evidence: The Farm Security and Rural Investment Act of 2002, Subtitle E-Dairy, Section 1501

Source:http://www.whitehouse.gov/omb/expectmore/detail/10002436.2006.html

The milk pricing system does not guarantee a specific price paid for raw milk because raw milk is not a storable commodity.

Dairy operations are moving west where the cost of land is attractive and population densities are thinner. However, this trend has slowed. Milk production growth in California, western Washington and a few of the other original western producing areas has been affected because of tightening alfalfa hay markets and environmental pressures. Consequently, farmers looked to other places to build new operations, including New Mexico, Idaho, and Arizona.

Recently, the larger new-style farms typically built by western producers are appearing in the Midwest and Northeast regions. Between 1998 and 2006 expansion of farms with upwards of 1000 head is also occurring either through the expansion of longstanding family operations or through new construction with investor financing. [14] Time will tell if this expansion in the traditional dairy States will be able to compete with the western producers.

Environmental regulation, zoning, and animal nuisance laws have become increasingly important factors in structural change, particularly for large dairy farms. Water and air quality, traffic impacts, and odors are concerns related to milk production. Except for a few areas of very high animal density, these regulations have not yet had major effects on industry growth. However, the time needed to bring a new farm or expansion into full

[14] MacDonald, J. McBride, W., O'Donoghue, Nehring, R., Sandretto, C., Moshiem, ERR-47 Sept 2007 "Profits, Cost, and the Changing Structure of the U.S. Dairy Farming" USDA Economic Research Service http://www.ers.usda.gov/publications/err47/

production has lengthened, and farm location is more likely to be affected by environmental issues. [15]

According to the US Department of Agriculture (USDA) the number of dairy cows in production is continuing to decline about 0.5% per year, although milk production per cow is rising about 1.8% a year. Milk production is also rising about 1.1% a year on an average across the country. Dairy prices for the consumer in 2007 increased 13.5%. There has also been a structural change at the farm level. Milk production is quickly shifting to new large dairies in the western states and U.S. milk production is increasingly coming from herds with greater than 500 cows.

This shift is caused by many factors affecting “small dairies” such as:

- Increasing job opportunities for young people
- Physical labor and long hours
- Increasing cost of operation
- Lower family income
- Cost of farm inputs increasing
- Farm commodity prices stagnant
- Cows per herd need to increase to remain profitable
- Cost of land
- Relocation has generally moved lower population density, availability of natural resources, and the proximity to feed sources

[15] MacDonald, J. McBride, W., O’Donoghue, Nehring, R., Sandretto, C., Moshiem, ERR-47 Sept 2007 “Profits, Cost, and the Changing Structure of the U.S. Dairy Farming” USDA Economic Research Service http://www.ers.usda.gov/publications/err47/

Percent Milk Production by Herd Size in 2004

US	Status	Rank	<200	200-499	500+
California	Emerging	1	2	12	86
Wisconsin	Traditional	2	66.5	18	15.5
New York	Traditional	3	51	20	20
Idaho	Emerging	4	6	10	84
Pennsylvania	Traditional	5	76.5	12.5	9
US in 1999			49.5	17.3	32.2
US in 2004			36.6	16	47.4

Source USDA-NASS (18)

The top 10 milk-producing States in 2004 were California, Wisconsin, New York, Pennsylvania, Idaho, Minnesota, New Mexico, Michigan, Texas, and Washington. These ten states accounted for over 71 percent of total U.S. output.[16]

Organizational Structure

The dairy industry has been described as a culture or a lifestyle and not a business. "...The biggest challenge facing the dairy industry today is in changing the current culture that treats the family farm as a lifestyle, and not as a business. Businesses are dynamic and adjust to changing market environments. But many dairy farm families find it difficult to contemplate

[16] Miller J., and Blayney, D., July 2006, Outlook Report Dairy Backgrounder http://www.ers.usda.gov/Publications/LDP/2006/07Jul/LDPM14501/

significantly restructuring their farm business in order to be more competitive…"[17]

The dairy farm industry is comprised of about 75,000[18] farms of which approximately 85% remain under family control as individual operations, family corporations or restrictive family partnerships.[19] Most dairy farmers across the country belong to dairy cooperatives. These cooperatives were originally started, according to the USDA, because milk is highly perishable. It is produced and harvested on a daily basis and volume varies seasonally and daily. This volume is not coordinated with milk demand and storage is only possible for a short term. Storage to balance supplies with demand is feasible only after processing, except in the very short term. As technology developed, conversion of milk from raw product to various intermediate and final products with longer shelf lives became possible but required increasingly capital-intensive facilities and technologies that are subject to significant economies of scale. These fundamental characteristics of milk production, in concert with adverse marketing conditions and the economies available from jointly owned milk handling facilities and manufacturing plants, led dairy farmers to pioneer the application of cooperative principles to marketing U.S. farm products.[20]

Dairy cooperatives range widely in size and function-some solely arrange for the sale of members' milk and provide few services, while others manufacture a wide range of products and may market their own branded products directly to consumers. Additionally, many offer supporting services

[17] Bailey K, "Opportunities for Success on Small Dairy Farms, 2001
http://www.dairyoutlook.aers.psu.edu/reports/WorldDairyExpo1001/OpportunitiesforSuccess.pdf
[18] MacDonald, J. McBride, W., O'Donoghue, Nehring, R., Sandretto, C., Moshiem, ERR-47 Sept 2007 "Profits, Cost, and the Changing Structure of the U.S. Dairy Farming" USDA Economic Research Service
http://www.ers.usda.gov/publications/err47/
[19] Miller J., and Blayney, D., July 2006, Outlook Report Dairy Backgrounder
http://www.ers.usda.gov/Publications/LDP/2006/07Jul/LDPM14501/
[20] USDA Cooperatives in the Dairy Industry, Cooperative Information Report 1 Section 16 Sept 2005

for their members, such as providing field services, verifying weights and tests of milk, selling milk production equipment and supplies, and providing health insurance.[21]

Dairy cooperative numbers in the United States peaked in the 1940s at close to 2,300 in 42 States. By 2002 when surveyed by the USDA there were only 196 dairy cooperatives headquartered in 26 States

Through time, government controls and incentives often have the farm being paid below the cost of production. The input of labor is often one of the first adjustments made when farm income is tight. Farmers find themselves facing decisions of how to keep things running. This often is followed with a decision of how the operations labor force can be trimmed down. The farmer does not have any guarantees for the price they receive for milk and the Government grants benefits for individuals to agree to produce given the risk. Consequently, prices received for milk by producers have often been less than the costs of production, so that many producers have exited the dairy industry." [22]

Farming today is a risky business. "A lot of people try farming and fail and they think it's their fault because they fail. It's not always that way. You can do a fine job in farming and still lose it."[23] This is perhaps the best summary of how things have changed over the years. Hard work is no longer enough to guarantee survival in a changing market.

Labor Laws

[21] USDA Cooperatives in the Dairy Industry, Cooperative Information Report 1 Section 16 Sept 2005

[22] Coppock, C. "Selected Features of the U.S. Dairy Industry 1900 to 2000", Coopuck Nutritional Services, http://www.coppock.com/carl/writings/History_of_Dairy_Production_From_1900_to_2000.htm

[23] Garkovish, L., Bokeimeier, J,. Foote, B., 1995 "Harvest of Hope" p 147

Because of the nature of the dairy business, it is difficult to compare this industry to many other industries as matters relate to labor. Basic labor laws found in other industries do not apply to dairy industry workers. Like all other agricultural employees, dairy workers are excluded from the National Labor Relations Act. However, because dairy work is year round, they are also omitted from the Migrant and Seasonal Agricultural Worker Protection Act. Protected by neither of those two laws, dairy workers are exempt from overtime pay and the right to form a union or to confront an employer with workplace concerns as a group, and they have no general safeguard against employer misrepresentation.[24] Further, if a dairy operation has less than 11 employees, they do not have to comply with OSHA safety standards act of 1970. [25] In addition, federal minimum wage laws, which exempted employers of all farm workers when passed during the Great Depression, still exempt growers who employ fewer than seven workers.

Employers who employed more than 500 man-days of farm labor in any calendar quarter of the preceding year must pay the minimum wage. A "man-day" is any day during which an employee performs agricultural labor for at least one hour. Five hundred man-days is approximately equivalent to seven employees employed full-time in a calendar quarter (7 employees X days per week X 13 weeks = 546 days).

If the employer did not employ more than 500 man-days of agricultural labor in any quarter of the preceding calendar year, his or her agricultural employees are exempt from the minimum wage provisions of the Act for the entire following calendar year.

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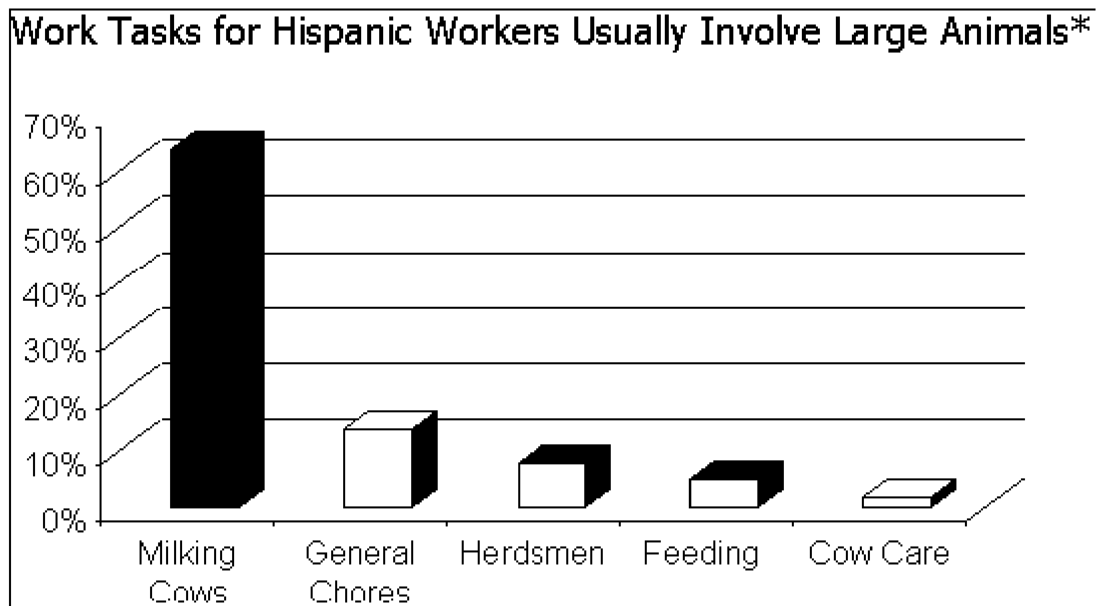
[24] Arrieta, R.M., "Hidden Horrors, California Dairy Workers Face Danger and Abuse" Dollars & Sense The Magazine of Economic Justice http://dollarsandsense.org/archives/2004/0904arrieta.html
[25] U.S. Dept of Labor Occupational Safety and Health Administration "Occupational Injury and Illness Recording and Reporting Requirements 29CFR Parts 1904 and 1952

All employees except members of the employer's immediate family are included in the 500 man-day test. If the employer is a partnership or corporation, there are no family exemptions.

The 500 man-day test applies only to employers of farm labor. In effect, the provision exempts small farms from the minimum wage standards unless a conglomerate controls the small farm. If a conglomerate controls the small farm, the small farm must pay the minimum wage.

Jobs on the Dairy Farm

As was mentioned previously, jobs available on the dairy farm are owner, family, management, or laborer. The jobs on the larger dairy operations tend to be more specialized, on the smaller operations; workers often do a combination of all jobs . . . referred to as "general dairy farm work."



What Do We Know About Hired Farm workers?

The following statistics include information on all farm workers. Recent ERS research on hired farm workers reveals a higher proportion who are foreign-born, have limited English language skills, and have less U.S. working experience than workers in other sectors of the economy. They are also younger and have significantly less schooling than all other wage and salary workers have in the U.S. labor force.

These characteristics have consequences for farm workers' employment opportunities. Low earnings among hired farm workers are pervasive. Median weekly earnings of full-time farm workers are 59 percent of the average wage and salary worker. Hired farm workers earn significantly less than workers in most other occupations, including some similarly low-skilled jobs.

Hired farm workers have less stable work schedules than other wage and salary workers and unemployment rates that, on average, are twice as high. An estimated half of all hired farm workers are migrants who work considerable distances from their homes. Migrant farm workers are more likely to be younger, male, and Hispanic than settled hired farm workers. Compared with settled hired farm workers, migrant farm workers have even fewer years of schooling and U.S. work experience, even less knowledge of English, and, for many, no legal status to work in the U.S. Migrant farm workers also earn less than settled farm workers. In 2006, migrant crop farm workers received $7.52 per hour, compared with $8.53 per hour for settled crop farm workers. Beyond monetary compensation, migrant farm workers are less likely than settled farm workers to have health insurance. Since many migrant farm workers travel with their families, including children, the disadvantages of low earnings, lower health insurance rates, and changes in location extend to their families.

Concerning the meat and poultry industry, Steve Striffler, University of Arkansas Department of Anthropology, made the following observations and a correlation can be drawn to the dairy industry.

"...In fact, by today's low standards, poultry would represent a step up from say maid service, restaurant work and construction in that a job in a poultry plant comes with a series of features that we associate with "permanent" employment—such as relative job security, benefits, vacation, health care..."

Positions on the dairy farm come without job security, limited or no benefits (meaning no health care or vacation or retirement benefits), long hours, hazardous working conditions, and relative low pay.

Less than 1 percent of all U.S. wage and salary workers, hired farm workers make a significant contribution to agricultural output, providing labor during critical production periods. Hired farm workers include those who reported their primary employment as farm managers (10 percent), supervisors of farm workers (5 percent), nursery workers (3 percent), and farm workers engaged in planting, cultivating, and harvesting crops or tending to livestock (82 percent). The number of hired farm workers varies significantly throughout the U.S. The West accounted for over 44 percent of all hired farm workers in 2000, and the West and South together accounted for almost 75 percent of hired farm workers. The Northeast had the smallest number of workers (7 percent). Over half of all hired farm workers (460,000) were located in five States—California (30 percent), Texas (10 percent), Florida (6 percent), New York (4 percent), and North Carolina (3 percent).

In 2001, over 80 percent of hired farm workers were male, nearly 46 percent Hispanic, and nearly 75 percent less than 45 years old. Over half had not finished 12 years of school, and over a third was not U.S. citizens.

By contrast, slightly more than 50 percent of all wage and salary workers were male in 2001, over 70 percent White, and over 60 percent younger than 45. More than half had 13 or more years of school, and more than 90 percent were U.S. citizens.

With median weekly earnings of $345 in 2001, hired farm workers are some of the lowest paid full-time workers in the U.S. Several factors contribute to their poor economic situation: low wages, seasonal employment, weak attachment to the labor force, and limited participation in the non-farm labor market. Most receive few benefits and work long hours in jobs that are sometimes unsafe. Some farm labor experts suggest that as many as half of hired farm workers are in this country illegally. Their ability to secure better jobs in agriculture or elsewhere in the economy is often hindered by immigration policy, cultural differences that may impede their integration into the broader society, lack of access to education and other training to enhance skills, and other barriers. Long-term concerns surrounding the farm workforce, such as low economic returns to work, poor working conditions, and occupational safety issues, have been further complicated by a greater reliance on immigrant labor.[26]

The dynamics of the dairy farm labor force

There are two distinctly different groups that seek employment on US dairy farms, citizen labor and non-citizens. The current trend has been toward more non-citizen labor as the work ethic and desire to work long hours make these workers more sought after.

To better understand this development, it is important to examine the circumstances surrounding the non-citizens desire to come to the US to

[26] Runyan, J., June 2003 "The Dynamics of Hired Labor" Amber Waves USDA http://www.ers.usda.gov/Amberwaves/June03/pdf/awjune2003.pdf

work. The following comments on the situation are from noted author Dr. Judith Hellman.

"When attempting to identify the causes of Mexican migration to the US, most analysts focus on poverty, or better said they focus on the imposition of neoliberal policies like NAFTA and the intensification of poverty that these policies have produced." "...It is no secret that the framers of NAFTA calculated that small-scale agricultural activity in Mexico was a thing of the past, and that the peasants as a social class would die or be absorbed—if they were lucky into the workforce of the large scale commercial enterprises of the agribusiness giants..." As is now clear, this did not occur[27]

"Thus those migrants I met and interviewed in the US were likely to be optimistic either about their prospects of making a life for themselves here—or in the great majority of cases—accumulating enough capital to create the basis to build a life for themselves in Mexico."[28]

The characteristics that influence individuals to migrate depend on their own characteristics and vary from person to person and place to place. These differences may lie in the different levels of education, work history, and prior migration experiences of each worker. In addition, when deciding whether the risks, costs, and distance of migrating are beneficial or not, the individual must also take into consideration characteristics in the place of origin that also influence migration such as levels of employment/unemployment ages, speed of technological changes, economic and political situations, socio-economic status, social networks, and local opportunities[29] . Studies find that people with a better economic situation

[27] Hellman, J.A., 2008 "The World Of Mexican Migrants…The Rock and the Hard Place p. 212

[28] Hellman, J.A., 2008 "The World of Mexican Migrants…The Rock and the Hard Place p.221

[29] Kanaiaupuni, Shawn Malia. 2000. "Reframing the Migration Question: An Analysis of Men, Women, and Gender in Mexico." *Social Forces* 78(4):1311-1347.

are less likely to migrate than are people of lower incomes. However, in the past few decades there has been a change in the demographics of the people that migrate as well as an increase in more skilled, urban, and educated individuals migrating from Mexico to the United States.

What makes migration a social network is the number of contacts that a person in Mexico has with a migrant in the United States. The more contacts one has the more likely individuals will migrate because the contacts have the ability to reduce migration costs. For example, new contacts in the U.S. can provide information that facilitates new migrants experience such as providing information a place to stay, information on employment opportunities, transportation, etc.

Mexican migrants find it necessary to migrate because they are unable to obtain the economic stability in Mexico to obtain the necessary or desired things for their families. Migrants begin to see the benefits of migrating as their purchasing power increases and find they now pay for utilities, new furniture, and investment in small family owned business. These benefits motivate migrants to migrate and families to accept their absence. The more benefits they see, the longer the migration process will continue within these families. There is a correction between the numbers of trips made in direct relation to the changing goals of migrants. [30] Therefore, the migration process changes as the goals of the migrants change. Initially they move to obtain money that will provide immediate relief to their economic situation at home. They then begin to enjoy the improved living standards and benefits that the *migradollars* provide to the families in their place of origin. These remittances not only help the family but the community as well when

[30] Mines, R., Massey, D.S., 1985 "Patterns of Migration to the United States from Two Mexican Communities" , Latin American Research Review www.popline.org

the family members utilize the money at local businesses thus helping boost the Mexican economy.

The dairy industry is facing a shortage of qualified employees at all levels. For entry level jobs, many dairy producers with farms of varying sizes are turning to migrant workers.

While this is a solution for some, it is also fraught with risks related to immigration law, community acceptance, and the daily challenges associated with communication and cultural barriers. The increasing presence of migrant workers on dairy farms may be viewed as an indication of a lack of available local labor.[31]

With regards to citizen labor, in a study conducted by the American Farm Bureau Federation, in 2000 it was determined if all non-citizen workers were removed from the agricultural workforce the economic impact to the United States would be extreme. The study further concluded that there were three potential pools of workers for the agricultural industry to pull from, food service workers, janitorial staff, and construction workers. The Department of Labor surveys indicated that the number of workers now employed in food preparation at wages averaging $6.65 per hour far exceed the number that would be needed in agriculture. As already noted, farm wages average $9.50 per hour. Food preparation workers could raise their earnings today by switching to farm employment, yet very few do. Agricultural employers have not been able to enlist these workers in farm employment, and that fact is buttressed by widespread, anecdotal reports from farm operators about recruitment difficulties. In short, the perception of farm jobs is such that a

[31] Holden L., Hyde J., Stup, R., Braiser, K., "Building on our Strengths: Workforce Development for the Pennsylvania Dairy Industry, Pennsylvania State University, August 2004

large segment of the native worker population apparently prefers to take lower paying food preparation jobs rather than higher paying farm jobs. [32]

The study further concluded that citizen workers working in the janitorial and construction fields, already receiving higher rates of pay ($11-$14/ hr) than historically being paid in agriculture would likely remain in their current position and not change to a career in agriculture. Given the farm sector's historical role as a price-taker rather than a price-maker, most of the cost increase associated with $11-14 per hour labor could not be passed on in the form of higher prices. Historically, half or more of cost increases come out of farm income. [33]

Do Larger Farms offer more benefits to workers?

Like most states, hired labor is essential for the operation of California dairies. The state has over 1 million dairy cattle and is home to some of the most productive and largest dairies in the US. Production averages more than 19,000 lb. of milk per cow per year. Herds of a thousand cows or more are common in parts of the San Joaquin Valley and Southern California. Statewide, the average herd size is already more than 500 cows and rising annually. The sheer size of the dairies places demands on dairy labor that is ever changing as the industry grows. Through time, labor is becoming more specialized and employees are expected to be more productive and more skilled. The work is permanent and year-round. The opportunity for a regular paycheck comes with a price, however. Whether a worker is assisting with a difficult calving, milking at 3 a.m. or feeding cows, the work goes on every day of the year around the clock. Dairy work is extremely demanding. At the

[32] American Farm Bureau Federation February 2006 "Impact of Migrant Labor Restrictions on the Agricultural Sector" p 10
[33] American Farm Bureau Federation February 2006 "Impact of Migrant Labor Restrictions on the Agricultural Sector" p 15

very least, it can be monotonous (milking for 8 hours) and at its worst, dangerous (handling bulls). [34]

Not all workers are paid the same. Several elements need to be factored in. A dairy owner's decisions regarding scheduling, training and pay for the work force are determined by: (1) herd size and how it is managed (feeding, number of millings, level of production); (2) owners' attitudes and beliefs about labor management and their personal ability as labor managers; and (3) financial status of the farm (cash flow, debt service).[35]

According to an agriculture placement specialist, "Farmers realistically cannot afford to pay these competitive wages with rising farm costs that are not met with rising milk prices." In addition, the specialist further expands the concept that "there is a social stigma associated with those who work on farms. They are often considered ignorant and uneducated even though this may be partially untrue. Urban populations are quite unlikely to "stoop" to become one of the "rural people"."

It should also be noted that working in agriculture is one of the few occupations not requiring drug testing and often background checks on worker performance are not conducted. Local American employees seem to like to be "migrant citizens" moving from farm to farm even returning to farms they have previously worked at to keep from getting bored of one job at one farm. They have grown accustomed to moving and are willing to change jobs frequently if something is not going well in their current job.[36]

[34] Reed, B., "For wages and benefits bigger dairies may be better" University of California Dairy Farm Advisor
[35] Reed, B., "For wages and benefits bigger dairies may be better" University of California Dairy Farm Advisor
[36] Mallory B, 2008 Agri-Placement Service

The only other possible solution to meet the challenging need for labor on the dairy farm is mechanization. The American Farm Bureau Federation addresses the potential for mechanization on the dairy farm. "Mechanization in other commodity markets has made sense only at scales large enough to rule out adoption for all but a minority of operators. The livestock sector, such as dairy, is a good example. Advances have been made in mechanical milking with the use of robotics but the technology generally requires 1,000 or more milk cows to reach the minimum scale necessary to justify the investment. Robotic milkers were introduced several years ago, yet costs are still so high that such a chance is prohibitive for 95 percent of all dairy operators. [37]

Worker Placement Services

During the transition when dairies began to rely more on Hispanic workers Agri-Placement Services, Inc. came into being. According to information from the agency "…they were one of the leading forces in helping dairy farms transition from, what was at that time, a scarce, unreliable U.S. born workforce, to its current primary labor force, foreign born immigrant workers, and to help these farms retain employees and minimize worker turnover." The company's mission is the following, "To ensure a stable and consistent labor force for dairy farms." They source employees and provide agricultural human resources management to a predominately Latino immigrant workforce of approximately 500 employees in several states, including, New York, Vermont, Pennsylvania, Maine, New Hampshire, Maryland, Delaware, Connecticut, and Virginia.

[37] Levine L., January 31, 2007 "Farm Labor Shortages and Immigration Policy" Library of Congress http://66.102.1.104/scholar?hl=en&lr=&q=cache:5WskvjAZI8gJ:www.ll.georgetown.edu/guides/documents/crsfarmlaborshortages.pdf++American+Farm+Bureau+Federation+mechanization+for+dairy

They have found their most important function is to minimize worker turnover on dairy farms. In order to accomplish this they say they are in almost continual communication with farm management and farm employees to provide whatever support necessary to promote a longer-term relationship and avoid worker turnover. Farmers use their services when they are able to help this turnover decrease.

Due to the nature of the industry, very little reporting of employee information is required. The industry does not divulge their labor practices. According to Agri-Placement service staff, "Even with our human resources expertise, bilingual on-farm support, and employee benefits programs and above average wage rate, we still experienced a turnover rate of 42% from 2005 to 2007, i.e. almost half the workers leave the farm the first year."

"The majority of dairy farms do not have the benefit of an agricultural human resources management team that can be brought to bear on issues that cause employee turnover. We know the rate among nonusers of our program to be much higher, some reporting the need to hire new employees every few months."[38]

Worker Turnover Studies

Cornell University conducted a study in 1999 and 2000 regarding the Hispanic Labor force. Upon completion of the study it was determined there were several factors that could help dairy farmers be more successful in retaining workers. The study suggested that employers acknowledge their employees' strong family ties and desire to return home periodically.

[38] Mallory B., Agri-Placement Services Inc.

Successful employers develop staffing systems that are flexible enough to allow employees to return home for a period of several weeks or months and then return to the job.[39]

Many employees come to northeast dairy farms to earn money to support families at home and often send most of their earnings back to their family at home. These strong family ties also create a strong desire for employees to return home periodically. Managers often develop systems so that employees can have extended periods of time off and still fill the work schedules on the farm as necessary.[40]

One employer reported that, "We will never have a one hundred percent Hispanic workforce because of high turnover." Another employer said that the employees view work on a dairy farm as a temporary job. Employers also reported that their Hispanic employees are very good about finding a temporary or permanent replacement when they are leaving. Most employers viewed this very positively. However, some cautioned that not every new employee recruited is the same and it is the employer's role to see that the individual is qualified and willing to do the work. One employer reported that he has hired Hispanic employees for so long that when an employee wants to leave he calls previous employees residing in Mexico to see if any are willing to return to the farm. Based on experience, one employer reported that even though an employee says he is going home for a month or two and will return, there is no guarantee that the employee will return. [41]

[39] Maloney, T., "Successful Multicultural Management" January 2001 Cornell University
[40] Maloney, T., "Successful Multicultural Management" January 2001 Cornell University
[41] Maloney, T., "Successful Multicultural Management" January 2001 Cornell University

Excerpts from the Cornell report explain dairy employers sometimes remark that it is difficult to retain good local employees. Dairy farm owners who employ Hispanic employees also have concerns regarding turnover. Turnover of Hispanic employees can be high for several reasons. Even though employers check for proper immigration documentation, some employees enter the country illegally and risk being deported. Other employers report that if Hispanic employees get upset or offended, they may leave abruptly. Employers also reported that Hispanic employees want to go home for extended periods of time and if not allowed to go home they may leave anyway. Some workers experience loneliness because of the rural isolation. Others find themselves trying to do a job they do not like or they are nervous about their situation.[42]

The majority of employers reported that extended periods off were very important to their Hispanic employees. The young single men and married men who come alone to work are usually not in the United States to stay. Their objective is to send their earnings home to their families and to return home after a period. In fact, it also appears that most employees do not have specific plans except that they are likely to return home . . .[43]

The Cornell report confirms what was mentioned earlier in this paper that the majority of employers reported that the primary reason they began to hire Hispanic employees was that they believed they could not attract local employees willing to do the work required, which was primarily milking cows. Several employers indicated that they believed the work ethic has changed and that American employees are no longer willing to do dairy farm

[42] Maloney, T., "Successful Multicultural Management" January 2001 Cornell University
[43] Maloney, T., "Management of Hispanic Employees On New York Dairy Farms" 1999 Cornell University

work, particularly milking. Other employers indicated that unemployment was very low and there was strong competition for qualified employees. . [44]

An additional report from Penn State University also had some suggestions of how dairies could successfully work with Hispanic workers. The following is a brief excerpt. "Relationship building is always an important issue among all members of a workforce. Quality of human relationships among the members of a workforce is closely related to retention and productivity. Tension, anger, and distrust tend to decrease productivity and can seriously reduce a business's ability to compete. Openness, friendliness, and trust among members of a workforce contribute to cooperation, productivity, and long-term employment. Human relationships with workers of Hispanic origin are especially important, because those workers are in many cases cut off from their native cultures.

Understand that Hispanic workers may be struggling to overcome language and cultural barriers. Starting a new job and learning the procedures associated with it are in addition to the communication and cultural problems. All of these difficulties can add up to an extremely demanding situation for the new Hispanic worker.

Hispanic workers are often afraid to ask questions when they don't understand some part of their training. They generally have a very strong desire to be successful in their work and to please their manager. This leads them to feel very insecure about asking questions. They also don't want the manager to think they are "stupid." Bilingual individuals working on dairy farms often find that communications are very poor. Hispanic workers often have no idea what the English-speaking manager thinks of their job performance. This leads to feelings of insecurity for the workers. Insecure workers tend to let problems go rather than reaching out to the manager for

[44] Maloney, T., "Management of Hispanic Employees On New York Dairy Farms" 1999 Cornell University

help. In many cases, minor problems or misunderstanding can lead to the loss of good workers, all due to poor communication. Sometimes, managers who understand the importance of feedback for workers hesitate to provide because of language and cultural barriers. Bilingual individuals encounter managers who ask them desperately to communicate to workers how much he appreciates them and that they are doing a good job."[45]

Case Study

Pennsylvania is a large and productive agricultural state. Many jobs are created in the agricultural industry that helps to bring a wide variety of high-quality products to the market at very affordable prices. Unfortunately, too few residents of local communities are aware of farm employment opportunities or willing to take them. Advertisements for farm jobs in local newspapers and job banks go unanswered. Farm jobs have a mostly undeserved reputation in the public's consciousness of being hard, dirty, and low paying. True, the work is sometimes physically demanding, exposed to the outdoor environment, and sometimes you get dirty. On the other hand, the pay is usually quite competitive with other entry-level jobs, you're not stuck inside all day, and you may perform a variety of tasks that are not found in other jobs. In the dairy industry, many jobs are very engaging, especially for people who enjoy working with animals.[46]

Supply Meets Demand

During the last 5 to 10 years, immigrants from Mexico and other Spanish-speaking countries have discovered the great demand for farm employees in Pennsylvania. They come from places where wage rates are only about one tenth of what they can earn here. Farmers provide good wages typically ranging from $8 to $12 per hour in Pennsylvania, often including benefits

[45] Stup, R. "Successfully Training Hispanic Workers" January 2001 Penn State University
[46] Stup, R., "Why are Immigrant Farm workers in Pennsylvania? June 2007

such as housing and health care. Farmers indicate that Hispanic employees tend to be very dependable and hard working. In the dairy business, it is critically important to have a reliable workforce that shows up to milk the cows on time; the Hispanic workforce meets this need. Thus, the combination of farm employers finding a reliable workforce and employees finding lucrative and satisfying job opportunities is an almost irresistible attraction. These are the primary reasons for the dramatic growth of the immigrant (mainly Hispanic) workforce in Pennsylvania. [47]

One of the most common complaints from dairy producers today is that it is very difficult to find and keep good employees. This problem has led many people to turn to the Hispanic workforce as an alternative source of employees. While this option has worked for many people, it is an option that carries its own set of risks. These risks include language barriers in the workplace and the likelihood that some of these workers are not legally eligible to work in the U.S.[48]

Some fear immigrant farm workers take jobs from local workers. It is possible that the availability of immigrant workers could take away some farm employment opportunities for local people. Farmers maintain, however, that it is nearly impossible to find enough willing workers to fill entry-level farm jobs in the local population. Pennsylvania's unemployment rate in April 2007 was 3.8%. This low unemployment rate means that there are very few people looking for work. Without immigrant workers, it would be extremely difficult for farms to find enough people to fill the jobs essential to our food supply.[49]

[47] Stup, R., "Why are Immigrant Farm workers in Pennsylvania? June 2007
[48] Stup., R "Myths about Immigrant Dairy Farmworkers" Dairy Alliance Blog
[49] Stup., R "Myths about Immigrant Dairy Farmworkers" Dairy Alliance Blog

According to a report regarding managing Hispanic labor force, "The majority of employers reported that the primary reason they began to hire Hispanic employees was that they believed they could not attract local employees willing to do the work required, which was primarily milking cows. Several employers indicated that they believed the work ethic has changed and that American employees are no longer willing to do dairy farm work, particularly milking. Other employers indicated that unemployment was very low and there was strong competition for qualified employees."[50]

Most foreign workers on dairy farms are Mexican men ages 18 to 35, advocates said. They come to earn a specific sum and then go home, and farmers say they show a boundless appetite for work. A farmer in Vermont said some of his men were unhappy until he let them work all seven days. "They have nothing else to do but work," the farmer said. "So I said OK." [51]

Wisconsin

Wisconsin has always been a large dairy producer. Latino immigrants are increasingly working in industries that have not traditionally employed immigrant labor. Wisconsin's dairy industry is a great example of this expansion in the employment of Latino immigrants. During the last decade, dairy farmers have been turning to Latino immigrants to meet their labor demands. [52]

The recent transformation of Wisconsin's dairy industry from a relatively small family owned and operated industry to an industry that is dominated by larger dairies that require labor input has put a strain on local labor supplies. The construction of these large dairies can require anywhere from

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[50] Maloney, T., "Managing the Hispanic Labor force"
[51] Russell J., "On New England's dairy farms, foreign workers find home, Boston Globe Sept 2007
[52] Valentine B.E., "Uniting Two Cultures: Latino Immigrants in Wisconsin Dairy Industry" Center for Comparative Immigration Studies, University of California San Diego p.1

10 to 30 employees. Finding a sufficient workforce in the rural areas where depopulation is occurring can be a difficult task. In fact, the traditional sources of labor such as high school students, retired farmers, and locals who choose to stay are less interested in dairy employment and instead seek out manufacturing or construction employment. Increasingly, Latino immigrants are being sought after by dairy employers to meet the labor shortages. Without the Latino labor supply, industry officials believe that the move towards larger dairies . . . would not be possible. As one employer stated, "Latinos are the bread and butter of our company."

The recent and rapid evolution in Wisconsin's dairy industry is incredible. Owners are growing production without a preoccupation about labor supply. They understand the nature of social networks used by immigrants, if a job opens, they will have two people trying to fill it . . ." [53]

"These well-oiled social networks have played a major role in the expansion of immigrant employment in the dairy industry. Immigrants are being employed in an industry that almost exclusively relies on word of mouth as a mode of labor recruitment." [54]

Meatpacking and dairy provide outstanding examples of the need for imported labor. The rural locations of processing plants and dairies require the industry to recruit both domestically and internationally for the labor. In addition to the labor shortage, there are issues with the perceived quality of the local labor supplies. Research in the dairy industry in the Northeast has shown that many employers have lost faith in the local labor supply. The

[53] Valentine B.E., "Uniting Two Cultures: Latino Immigrants in Wisconsin Dairy Industry" Center for Comparative Immigration Studies, University of California San Diego p.5
[54] Valentine B.E., "Uniting Two Cultures: Latino Immigrants in Wisconsin Dairy Industry" Center for Comparative Immigration Studies, University of California San Diego p.17

employers no longer believe that the local laborer can provide the quality work or the work ethic necessary to get the work done. [55]

The continued de-skilling and erosion of confidence in domestic labor supplies has only increased employer appetites for immigrant labor to fill these secondary labor markets . . . In effect, jobs are being placed into two categories: upper-tier and lower-tier jobs. The upper-tier jobs consist of management or unionized positions that are relatively well paid, and the lower tiered jobs are the low-paid and deskilled jobs employers have such a hard time filling without immigrant labor."[56]

"The concentration of production in the dairy industry has presented many challenges that have to be overcome in order to remain profitable. One of the biggest challenges is finding a labor supply. Unfortunately, rural communities lack the required labor pools to run large dairies. These inherent shortages exacerbated by the loss of the traditional dairy laborer: the high school student . . . Increasingly employers are looking away from the high school student for many reasons. The biggest reasons are lack of reliability and work ethic.

"When asking interviewees if they had plans to stay permanently, most answered that they will stay as long as they have a job, while at the same time telling me that they are building a house in Mexico with the money they are earning. . . Even though many Mexican migrants would like to consider themselves sojourners, the reality is that the U.S. economy is offering more year-round jobs and immigration social networks are thickening to the point where they can support the migration of entire families. Massey offers a three-step explanation to the process of the transforming from a sojourner

[55] Valentine B.E., "Uniting Two Cultures: Latino Immigrants in Wisconsin Dairy Industry" Center for Comparative Immigration Studies, University of California San Diego p.19
[56] Valentine B.E., "Uniting Two Cultures: Latino Immigrants in Wisconsin Dairy Industry" Center for Comparative Immigration Studies, University of California San Diego p.18

to a settler. The first stage is the sojourner state where the migrant maintains a direct focus towards their home country. They tend to share a living place with co-workers, are employed in unstable jobs, and have little interest in social activities outside of work. The next phase is called the transition phase where the migrant begins to lengthen stays, and find better paying more stable jobs. The last phase is the settler phase that is best characterized by living with the wife and children, having extensive social contacts, and remitting smaller amounts of money . . . The best manner in which to identify settlement is through the situation of the immigrant's family. Settlement is often described as when the family reunifies in a foreign country, with the ability to secure stable employment in order to support and maintain the entire family." [57]

"Uncertainty surrounding the availability of workers in general is a concern. Farm business owners face the risk of not having people around to do necessary work. Even when workers are available, uncertainty exists as to whether the work will be done properly, and on time. Other aspects of labor risk include uncertainty surrounding: indirect labor expenses associated with turnover, absenteeism, or mandatory benefits, conflict with employees, legal matters including the owner's time spent complying with regulations, fines, and, or other penalties. Farm business owners face a changing, and challenging human resources risk management environment. It is characterized by greater uncertainty as to whether labor will be available in sufficient quantity and quality such that owners will be able to realize desired results."[58]

The Nature of the work on a Dairy Farm Operation

[57] Valentine B.E., "Uniting Two Cultures: Latino Immigrants in Wisconsin Dairy Industry" Center for Comparative Immigration Studies, University of California San Diego p.29
[58] Cornell University North West New York, Livestock & Field Crops Team Regional Labor Risk Management Project Announcement http://www.nwnyteam.org/AgFocus2007/Oct/ManagingLaborRisk.htm

The nature of the work on the dairy farm is considered undesirable, as workers will choose to work for several dollars per hour less in other sectors, and very hazardous given all the risk that the worker, often entry level and with few skills associated with working on a dairy operation, is exposed to. The industry is attempting to improve the training offered to the dairy farm employee via programs through Cooperative Extension and other service providers to the dairy. However, as was noted before the educational level of both the citizen and non-citizen worker combined with communication issues with the non-citizen worker and age of all workers makes this a challenging undertaking.

Agriculture ranks among the most hazardous industries. Farmers are at very high risk for fatal and nonfatal injuries. Farming is one of the few industries in which the families (who often share the work and live on the premises) are also at risk for fatal and nonfatal injuries.

- Approximately 1,750,000 full-time workers were employed in production agriculture in the U.S. in 2007.
- An estimated 1.12 million children and adolescents under 20 years of age resided on farms in 2006, with about 590,000 of these youth performing work on the farms. In addition to the youth who live on farms, an additional 307,000 children and adolescents were hired to work on U.S. farms in 2006.
- On average, 103 children are killed annually on farms (1990-1996). Approximately 40 percent of these deaths were work-related.
- In 2006, an estimated 23,100 children and adolescents were injured on farms; 5,800 of these injuries were due to farm work.

- In an average year, 516 workers die doing farm work in the U.S. (1992-2005). Of these deaths, 101 are caused by tractor overturns.
- Every day, about 243 agricultural workers suffer lost-work-time injuries, and about 5% of these result in permanent impairment.

In FY 1990, Congress directed the National Institute for Occupational Safety and Health (NIOSH) to develop an extensive agricultural safety and health program to address the high risks of injuries and illnesses experienced by workers and families in agriculture. NIOSH funds research and prevention programs at university centers in 20 states. These programs conduct research on injuries associated with different farm operations, as well as pesticide exposure, pulmonary disease, musculoskeletal disorders, hearing loss, and stress

Agricultural workers are exempted from the Fair Labor Standards Act of 1938 (FLSA) that requires overtime pay for all hours over 40 worked each week. Farm operators who employ fewer than 11 full time employees in a given year are exempt from provisions of the Occupational Safety and Health Act of 1970 (OSHA) unless they operate a temporary labor camp or an on the job fatality occurs. In general, hired workers on farms are therefore, not covered by programs that were designed to protect health, safety and fairness that protect employees in other work settings.[59]

The agricultural industry remains one of the most dangerous industries for laborers in the United States. Agriculture currently ranks only second to mining in the incidence of fatal injury to workers, and the incidence of non-fatal injury in agriculture ranks third behind construction and manufacturing. Within the agricultural industry, injury and death result primarily from

[59] Stallones, L., "Health and Safety Issues among non-migrant adult farm workers" National Ag Safety Database

machinery use, with livestock incidents ranking second; however, in some regions, livestock are the primary sources of worker injury. Young age, minority status, and, in livestock production, work involving dairy cattle have been associated with a significantly increased risk of injury. Within the dairy industry, most injuries occur during the milking of cows or when treating cows for lameness. In a New York study, laborers sustained most injuries from being kicked, pushed, or fallen upon by dairy cows. Currently, the labor force in US agriculture is comprised mainly of young men, most of whom are foreign - born and speak Spanish as a primary language. Many of these farm workers do not have a farm background and use the agriculture sector as entry-level, often temporary employment. Familiarity with animal handling is highly variable within this group of workers. Thus, owing to the frequent lack of animal husbandry experience in the workforce, employee turnover, the language barrier that often exists between producers and workers, and the inherent risks associated with working closely with cattle,
the dairy workforce in the Western US is composed of a population of individuals at considerable risk of injury.[60]

Dairy producers are increasingly aware of the costs of impaired worker health on the costs of operation, as well as health problems contributing to the impermanence of the workforce on dairy operations. [61]

As farmers continue to produce milk at or below their cost of production, it has become commonplace for the spouse to work off the farm in order to

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[60] Muniz N.R., VanMetre D., "Training methods in association with worker injury on Colorado dairies: A survey. Journal of Agromedicine

[61] Muniz N.R., VanMetre D., "Training methods in association with worker injury on Colorado dairies: A survey. Journal of Agromedicine

secure benefits for the family.[62] The Economic Research Service recently asked operators and spouses to list the two main reasons for seeking off-farm work. The primary reason given by 35-50 percent of the operators and 44-63 percent of the spouses (depending on farm size and occupation of the farm operator) was "to increase income" of the farm household. Other reasons cited were to obtain fringe benefits (such as health insurance) and personal satisfaction.[63]

So most operators and spouses report working off farm primarily to increase income for the farm household. How was the additional income used? Contrary to conventional wisdom, most farm operators and spouses did not work off the farm to support their farm business. USDA surveys indicate reasons unrelated to the farm business, from buying groceries to funding a retirement account.[64]

On a national basis, insurance industry sources estimate that 40% of regular, year-round farm employees lack health insurance. This is the highest proportion of uninsured workers for any occupational category.[65] The US Department of Agriculture (USDA) reported that only 11% of workers hired directly by farm operators received benefits such as life insurance, health insurance or transportation from their employer.[66] Among hired farm

[62] Off- Farm Income, Technology Adoption and Farm Economic Performance/ ERR- 36 Economic Research Service/USDA
http://74.125.113.132/search?q=cache:jRrqKCeLANwJ:www.ers.usda.gov/publications/err36/err36b.pdf+Economic+REsearch+service+dairy+survey+seeking+off+farm+work&hl=en&ct=clnk&cd=1&gl=us
[63] Off- Farm Income, Technology Adoption and Farm Economic Performance/ ERR- 36 Economic Research Service/USDA
http://74.125.113.132/search?q=cache:jRrqKCeLANwJ:www.ers.usda.gov/publications/err36/err36b.pdf+Economic+REsearch+service+dairy+survey+seeking+off+farm+work&hl=en&ct=clnk&cd=1&gl=us
[64] Off- Farm Income, Technology Adoption and Farm Economic Performance/ ERR- 36 Economic Research Service/USDA
http://74.125.113.132/search?q=cache:jRrqKCeLANwJ:www.ers.usda.gov/publications/err36/err36b.pdf+Economic+REsearch+service+dairy+survey+seeking+off+farm+work&hl=en&ct=clnk&cd=1&gl=usHoppe 2001
[65] Villarejo, D., Baron, S.L., 1999 "The Occupational Health Status of Hired Farm workers" Occupational Medicine: State of the Art
[66] Stallones, L., "Health and Safety Issues among non-migrant adult farm workers" National Ag Safety Database

workers, it has been estimated that only 20% use Medicaid.[67] Universal coverage of all workers under workers' compensation insurance is required, by law, in only fourteen states (Arizona, California, Colorado, Connecticut, Hawaii, Idaho, Louisiana, Massachusetts, Montana, New Hampshire, New Jersey, Ohio, Oregon, and Washington). Complete coverage includes medical care and indemnity for lost wages or disabilities caused by job-related illnesses and injuries. Employers pay premiums for annual coverage for hired workers. Eighteen states provide no such coverage for hired farm workers (Alabama, Arkansas, Delaware, Georgia, Indiana, Kentucky, Mississippi, Missouri, Nevada, New Mexico, Nebraska, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, and Wyoming). Workers' compensation claims must be filed by an injured employee and may be challenged by the employer through a claims board.[68]

Data from the U.S. Department of Labor shows that agricultural work consistently ranks among the more hazardous occupations in the U.S. for the incidence of fatalities, injuries, and illnesses. Farm workers face occupational hazards not generally found in other industrial settings.

The frequent handling of animals on dairy farms makes dairy workers extremely vulnerable to animal-related accidents. Many of these accidents can slow down a dairy operation and cause serious economic losses as well as human grief and suffering. Results of a Minnesota farm accident survey of nearly 2,000 farms indicate:

- About 15 percent of all work-related accidents involved animals.
- Two-thirds of the animal-related accidents took place on dairy farms.

[67] Stallones, L., "Health and Safety Issues among non-migrant adult farm workers" National Ag Safety Database

[68] Stallones, L., "Health and Safety Issues among non-migrant adult farm workers" National Ag Safety Database NASD,

- Many of the victims were stepped on, kicked, fallen on, and crushed by cows; or mauled and gored by dairy bulls.

Sources of Potential Hazards

Most animal-related injuries reported in the Minnesota farm accident survey took place when dairy workers were milking in stall barns. Since a majority of Minnesota dairy producers have stall barns, they have a greater risk of injury than some other states. A group of dairy farm veterinary practitioners surveyed in Minnesota concurred with the survey findings.[69]

Recent statistics indicate that in Minnesota about 40 percent of the dairy farms rely on dairy bulls for all or some of the breeding of cows. When a farm keeps dairy bulls for breeding purposes, there is a higher risk of serious animal-related accidents if the farm lacks sufficient bull confinement and restraining facilities. During the last 10 years, 12 farmers in Minnesota were mauled and gored to death by dairy bulls. [70]

Examination and medication of animals are among the most hazardous dairy farm activities, especially if a treatment stall and sufficient animal restraining facilities are not available. Animal handling activities such as hoof trimming, shipping, dehorning, and artificial insemination are hazardous, too, unless proper animal restraining methods are applied and workers have the necessary animal restraining equipment and facilities on the farm. [71]

Zoonoses are all illnesses that can be transmitted between humans and animals. Leptospirosis, rabies, brucellosis, salmonellosis, and ringworm are especially important on dairy farms. Workers can contract one of these zoonotic illnesses by handling an infected animal or disposing of infected

[69] Jacobson, L.D. 1998 “Safe Work Practices on Dairy Farms” Minnesota Extension Services
[70] Jacobson, L.D. 1998 “Safe Work Practices on Dairy Farms” Minnesota Extension Services
[71] Jacobson, L.D. 1998 “Safe Work Practices on Dairy Farms” Minnesota Extension Services

tissues without taking basic hygienic measures. [72]An additional hazard for farmers and workers is moldy forage. Both worker and farmer can be exposed to airborne fungi and contract farmer's lung disease. [73]

Workers can also be exposed to dangerous gases such as nitrogen dioxide (NO_2), which is produced because of the fermentation process of silage, and carbon dioxide (CO_2), which is produced in the grain bin if grain is stored with high moisture content. [74]

Pesticides are also hazardous and workers can be exposed to dangerous chemicals when applying pesticides, unless they have had training and use proper personal protective equipment and handle the pesticides with caution. [75]There is also the risk of electric shock when workers are working in the wet or damp environment of a barn and milking parlor. [76]

Immigration reform

Immigration reform is a concern to dairy farmers. Many feel without Hispanic workers the dairy industry cannot succeed. U.S. Senator Patrick Leahy from Vermont made a statement regarding the need for immigration reform in relation to the dairy industry. In 2006, he suggested reforms related to a new visa category, H-2C. He said the following,

"The mark creates a new visa category, H-2C, for persons coming temporarily to the United States to perform labor or services if U.S. workers cannot be found. I believe that this provision has the potential to help our dairy farmers legally hire foreign workers. Dairy workers often slip through the cracks when we discuss agricultural worker visas, which are often seasonal in duration. Dairy farms need workers year-round. I hear the

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[72]Jacobson, L.D. 1998 "Safe Work Practices on Dairy Farms" Minnesota Extension Services
[73] Jacobson, L.D. 1998 "Safe Work Practices on Dairy Farms" Minnesota Extension Services
[74] Jacobson, L.D. 1998 "Safe Work Practices on Dairy Farms" Minnesota Extension Services
[75] Jacobson, L.D. 1998 "Safe Work Practices on Dairy Farms" Minnesota Extension Services
[76] Jacobson, L.D. 1998 "Safe Work Practices on Dairy Farms" Minnesota Extension Services

concerns of Vermont dairy farmers almost daily, and they raise legitimate questions. They want to follow the law, but they struggle to find legal dairy workers. I want to see some relief for all of our dairy farmers, whether they are in Vermont, Pennsylvania, New York or Wisconsin."[77]

In the fall of 2007, officials from Farm Credit of Western New York said at a congressional hearing that an estimated 800 farms statewide were vulnerable to a severe labor shortage. As many as 445 dairy farms, with 7,000 on-farm jobs, were at risk of going out of business, they said, a shortage they blamed on a lack of domestic workers.

"Not everybody in this country is accustomed to or wants to work with cows," said Julie C. Suarez, director of public policy for Farm Bureau of New York. "Because of demographic shifts, and cultural shifts as well, we tend to rely on migrant labor not just for seasonal jobs, but for full-time jobs on dairy farms."

Critics contend that farmers are contributing to a system that depresses wages, fills domestic positions with illegal foreigners and promotes human trafficking.

Yet, a growing legion of political and agricultural leaders say that unless federal laws are changed to permit farmers to hire more immigrant workers,

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[77] Leahy P., "Statement on Comprehensive Immigration Reform" (March 2006) http://leahy.senate.gov/issues/Immigration/index.html

the farming industry — where labor is increasingly hard to find and expenses are overwhelming profits — will collapse.[78]

"Mexican migration to the United States has alternated between periods where migrants have been welcomed and periods where migrants have been thrown out. Mexicans have been encouraged to work the hardest jobs in periods of labor shortage, such as World War II. When there is a labor surplus, as there was during the Great Depression, Mexicans have been attacked and expelled from the United States. [79]

The Farm Credit Association of New York said the following regarding recent ICE raids on dairy farms, "The future of hundreds of New York State farms is being threatened today by the disruption of their stable labor force. As the largest lenders to New York State agriculture, the Farm Credit Associations of New York are concerned with the severe financial problems being created for many farm families from this situation. If this continues, we conservatively estimate that New York State will lose in excess of 900 farms, $195 million in value of agricultural production and over 200,000 acres in production in agriculture over the next 24 months."

The current targeting of farm businesses by the Immigration and Customs Enforcement (ICE) agency and the resultant difficulty and confusion that this has created in maintaining the necessary workers will cause long-term financial damage to family farms. This situation puts New York farmers in a competitive disadvantage with farmers in other US regions as well as offshore competitors.

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[78] Hanley, R., October 12, 2008 " Illegal Aliens Hard at Work on North Farms" Watertown Daily Times http://www.watertowndailytimes.com/article/20081012/NEWS03/310129984/Illegal+aliens+hard+at+work+on+north+farms

[79] García, Griego 1998 "The Bracero Program." In Migration between Mexico and the United Status pp. 1215-1221, Vol III Austin: Mexican Ministry of Foreign Affairs and the United States Commission on Immigration Reform Garcia (1998)

National Milk President and CEO, Jerry Kozak, recently said the dairy industry needs to chart a new course for the future with the first issue being immigration reform, an "absolute essential" for the dairy industry. [80]

Conclusions

In conclusion, each dairy farm operation can be completely different from another. The entire industry is facing significant challenges. Dairy farmers do not want turnover--it can be costly for their business. Workers can be hard to replace and train and dairy farms have cows that need to be milked all year long.

The only element that dairy farmers can control is the size of their labor force, but this number can change with prices of fuel and feed rising. Dairy farmers have no control over the price they will receive for their milk. They continue to see a decline in the price they receive for the milk they produce. They have to find ways to make their operation work within a very uncertain market. Dairy work is permanent but the positions are not permanent due to instability in the market. Small farms are disappearing across the country.

Since 1998 to 2002, according to the Consumer Price Index, milk prices for consumers have increased more than 40 percent; however, prices paid to dairy farmers for their milk have decreased by 21 percent. The farmer is faced to make changes when necessary to keep competitive and the worker often employed by the farmer is only here on a temporary basis.

Specific worker turnover nationwide on the dairy farms is not available. The information that is collected by the Government refers to all farm workers. Therefore included in the data is information for workers in the fruit and vegetables industry, nursery workers, and a category called livestock, which

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[80] http://www.dairyline.com/news-main.htm#Dairy%20Outlook1

includes inspectors, management, and the farmer's family. This final category of workers has opportunities to obtain a higher education than is commonplace to the dairy farm worker. This inclusion taints the true picture of the labor force as it relates to dairy.

In consideration of the nature of the work, there are many factors, which support the non-permanence of the labor force as it relates to work on the dairy farm. The nature of the dairy industry affects dairy turnover. There are a large number of dairy operators all conducting business without a specific standard of how to do business. The entities are primarily family owned. Family labor has been the main labor component for generations. Consequently, dairy operators have few skills related to labor retention and human resources. In addition, dairy farms do not have to comply with the standard labor regulations as other industries. Governmental incentives cause the operation to produce a reasonably priced high quality product without consideration of supply and demand or cost of production.

Consequently, even though the laborer position on the dairy operation is a year round position, there are often seasonal increases as workers may be added in the spring with the addition of planting and harvesting crops, and workers may be eliminated or a position not filled in the fall when the work schedule is slower. By the very nature of the position, work on a dairy farm is not attractive to the citizen population as there are relatively few benefits, benefits defined as health insurance, retirement, time off and even vacation options vary. In addition, there is no overtime compensation, no room for advancement, and long hours. Furthermore, there is a social prejudice towards those who work on the dairy operation. Even the farm operator himself does not have "benefits" often needing the spouse to work off the farm to secure benefits for the family.

The second labor resource considered the non-citizen worker often accepts this work until they can improve their situation to the point they either find a "better" job or return to their homeland. In many instances, non-citizen workers have often come from extreme poverty with few options for their family in their homeland. They come to dairy operations for various reasons such as dairy farmers are less sophisticated in their hiring practices, there is relative safety on the farm, housing is often provided, and many hours of work per week, which are available that is generally considered desirable.

The qualifications of non-citizen workers are often limited as it relates to work on a dairy farm. Communication barriers and cultural differences further complicate training of the workers. The workers often experience isolation due to their rural setting, homesickness for their native country, working long hours (per their request), living in atypical housing units, and sometimes challenging working conditions, given that they may not truly understand what is expected of them. Workers are denied drivers licenses, auto insurance, health insurance, and the ability to obtain financing for something as simple as an automobile.

As has been alluded to, the position itself is rated by compensation carriers as one of the most hazardous. Job burnout does occur and how long a person stays is often determined by the obligations that the worker has.

In 2006, the American Farm Bureau Federation study concluded the following: There is no readily available pool of excess labor in the farm sector, the rural economy, or the general economy to draw upon to replace 500,000 or more migrant workers. Mechanization alternatives and next-generation robotics are not economically feasible to most dairy operations.

Hired farm worker wages would have to increase significantly beyond the increases that took place over the last two decades to attract and hold workers in an increasingly tight labor market. The statistics further indicated that even with higher wages the citizen labor would choose to accept work in the food industry at a significantly lower wage rather than taking a position in agriculture.[81]

Many segments of the citizen population are not attracted to dairy farm jobs due to the nature of the work. The non-citizen population who are often escaping poverty or lack of opportunity in their homeland will take the positions. The workers initially come to earn a certain amount of money and then return home. The temporary factors of long hours, few benefits, possible hazardous conditions, substandard housing, and the uncertainty of the economic stability of the operation as it faces hard times affect the permanence of the worker. Often an operation cuts the input labor when income to the operation falls below the cost of production.

(Historically the dairy operation produces it's product below the cost of production.)

All of these factors contribute to the conclusion that the entry-level labor positions (and others) in dairy operations are of a non-permanent nature. Until significant change occurs within the industry, this situation is not likely to change. "Our farm economy is not healthy and cannot be healthy and viable until the market will support the cost of production for the food and fiber products of this country which, in turn, supports farm laborers, the agricultural businesses and communities that make up rural America."[82]

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[81] American Farm Bureau Federation February 2006 "Impact of Migrant Labor Restrictions on the Agricultural Sector" p 10

[82] Garkovish, L., Bokeimeier, J,. Foote, B., 1995 "Harvest of Hope" p 147

ConQIR Policy Paper
Meat and Poultry Industry

Prepared for ConQIR Consortium

Purpose

This document has been created for the purpose of documenting the temporary nature of work in meat, pork and poultry processing. In recent years, states have found it a challenge to be able to obtain needed data from the processing industry in order to successfully complete industrial surveys for processing plants in their areas. The Industrial Survey in its nature, requires a working relationship between the Migrant Education Program and the processing plants that employ migrant families. It also requires the sharing of data that is often confidential and problematic for the processing industry to share. With the current political climate regarding immigration and current trends in the industry, most of this information is no longer shared; and thus the details required in the surveys have proven nearly impossible for MEP programs to obtain.

The Industrial Survey according to the Non-Regulatory Guidance,
is an alternate way to establish that work that is available year-round is "temporary" for purposes of the MEP because of a high degree of turnover, frequent layoffs without pay, or few or no opportunities for permanent full-time employment. An industrial survey may only be used for specific job categories in which workers are engaged in qualifying work. Furthermore, SEAs may only rely on an industrial survey if the survey meets all of the requirements in this section."

In addition to industrial surveys, states can evaluate the situation of each migrant child or youth in order to document reasons why work at a specific plant, or farm, should be considered temporary. The information for this paper has been collected from numerous reports, articles and books to address the following question and response from the Migrant Education Non-Regulatory Guidance:

May work that is available year-round be considered temporary?
Yes. Employment that is available on a year-round basis may be considered temporary, if working conditions or periods of slack demand make it unlikely that a worker will remain at the job permanently. In this case, the SEA should document the reasons that the work is considered temporary so that an auditor or independent reviewer may understand the basis for the eligibility determination. Non-Regulatory Guidance pg 26 section K3

The information contained in this paper will document why entry level positions in the meat and poultry industry qualify for the Migrant Education Program. All information contained in this paper has been gathered from reputable sources outside of the Migrant Education Community. All sources are cited in the endnotes.

What is a migrant?

According to the MEP Non-Regulatory Guidance section B1., a migratory agriculture worker is the following:

According to section 200.81(c) of the regulations, a migratory worker is 'a person who, in the preceding 36 months, has moved from one school district to another, or from one administrative area to another within a State that is comprised of a single school district, in order to obtain temporary or seasonal employment in agriculture activities (including dairy work) as a principal means of livelihood'.

I1. What is the definition of "agriculture activity" for purposes of the MEP?

An "agriculture activity" is:

1. Any activity directly related to production or **processing** of crops, dairy products, **poultry, or livestock** for initial commercial sale or as a principal means of personal subsistence...

Overview

This document is divided into five sections.

Section One: A Brief History: Addresses the industry today as a whole (meat, pork and chicken) and the history of the meat, pork and chicken industry separately.

Section Two: Processing Workers: Specifically looks at the current demographics of processing workers today.

Section Three: Current Conditions: Outlines the conditions the processing industry workforce is facing.

Section Four: Worker Turnover: Explains current turnover rates of processing workers.

Section Five: Letters from Industry Experts: Provides specific letters related to worker turnover, and the temporary nature of work in meat and poultry processing.

Section Six: In Summary: Summarizes how Migrant Education Programs can use this document and build their own documentation specific to the processing industry in their state.

Section Seven: End Notes

Section One: A Brief History

The Meat and Poultry Industry Today

Today, America's meat industry is the nation's largest agricultural sector, and sales of meat and poultry exceed $100 billion a year in the U.S. The largest revenue segments of the industry are cattle (about 62 billion), poultry and eggs, ($24 billion) and hogs ($11 billion).[1] According to the Bureau of Labor Statistics, the animal slaughtering and processing industry employed 506,000 people at the close of 2005.[2] As the industry has continued to grow and change, four significant trends related to the livestock sector in the past 20-25 years has been noted: growth and concentration, increasing scale, shifting location and movement of employment to rural areas from urban locales.[3]

According to sales figures in 2004, the top 5 largest meat packing industry companies are:

Company	Sales	Net Income	# of Employees
Tyson Foods	$26.4 billion	$403 million	114,000
ConAgra Foods	$14.5 billion	$870.8 million	39,000
Smithfield Foods	$11.3 billion	$296 million	46,400
Swift & CO.	$9.8 billion	$44.5 million	21,100
Hormel Foods	$4.7 billion	$231.7 million	15,600

In 2004, just 10 companies had sales amounting to more than $80 billion of the slightly more than $100 billion in sales during the year. The industry, with time, continues to become more and more concentrated. In 1977, for example, these types of companies controlled 25% of the processing output. In 2002 they were controlling 80%. Some companies like Tyson

and Smithfield have a greater hold on the industry because of vertical integration. For example Tyson is the number one producer of poultry and beef and ranks number two in pork. Smithfield is the number one producer of pork and ranks number four in beef.

With the rise in power of these companies, numerous small plants across the country have been closing. Since 1980, the number of slaughter plants has plunged from more than 600 to 170 cattle slaughterers. The number of hog slaughter plants has also decreased from 500 to 180. Processing plants not associated with these companies have also been disappearing. They cannot complete with the big operators. [4]

A Brief History: The Beef Industry

In 1906, Upton Sinclair exposed the horrific, barbaric conditions in the meatpacking and slaughterhouses of Chicago in his book, “The Jungle”. His book caused a public uproar that helped to start sweeping reforms in the industry. During the time his book was published, monopolies or “trusts” controlled almost every sector of the U.S. economy. These trusts expected workers to work large amounts of time with limited pay, sold inferior products, polluted freely, and set prices according to their whims.

Sinclair saw the beef trust as a “symbol of everything wrong with American society,” and he sought to expose the exploitation of its workers. His book prompted a battle between the government and the beef trust that ended with the passage of the Pure Food and Drug Act and the Meat Inspection Act. With time, conditions at the plant improved, unions organized, and hundreds of meat packing companies emerged. [5]

By 1916 the "Big Five" or the companies of Swift, Armour, Morris, Wilson and Cudahy, slaughtered the great bulk of cattle, calves, hogs, and sheep moving in interstate commerce. With the introduction of labor-saving equipment, the packers were increasingly able to employ largely low-wage workers with a few skills. Such work came to be associated with the most recent round of immigrant labor. Gradually, if sporadically, the workforce became unionized: wages increased, worker protections were introduced and work processes became institutionalized.[6]

In the 1950's a unionized workforce in meat processing was questioned. Currier Holman and Andy Anderson, both two veteran packinghouse executives, began to reassess the industry. They posed the question, "Why should meat companies remain wage-locked in heavily unionized cities when unorganized workers could be hired at far lower wages out in the country?"[7]

In 1960, Holman and Anderson formed a new company called Iowa Beef Packers, which was later just called IBP. Iowa Beef Packers started the migration of beef processing companies to rural areas. Reduced labor costs were a significant aspect of the move. Relocation altered the wage structure within which the industry operated. The new workers were said to have been accustomed to low wages and to a "country-style", non-union work environment. Further automated facilities allowed the companies to organize line operations in a manner that diminished the need for skilled workers, permitting employment of inexperienced and low-wage personnel. During the early 1960's, more segments of the meat-packing industry began to move from large urban centers to small communities scattered throughout the Midwest. By century's end, this migration effected major changes within the industry. The old packing firms that had established

their dominance during the late 1800's had largely disappeared, or had been restructured as part of a new breed of packers.

The urban-to-rural migrations, some suggest, had at least two major motivations. One was to locate packing facilities in areas where animals were raised, rather than transporting the stock to urban packinghouses as had been the tradition: a more economical arrangement. The other was a quest for lower labor costs: to leave behind the urban unions and their collective bargaining agreements and to operate, as nearly as possible, in a union-free environment. This initiative involved a low-wage strategy, allowing for employment of lower skills and low-wage workers.

This migration involved fierce competition between firms for market share. Some older established firms went out of business, and/or were taken over by a new breed of packers. Others adjusted to the new strategies, but in the process, changed their corporate culture-adopting to a more contentious labor-management relationship. By 1990, a new "Big Three" had emerged: IBP, Excell (a subsidiary of Cargill) and ConAgra.

The aftermath of this migration was complex. The urban unionized workforce, by and large, did not follow the migrating plants. Since most local companies could not provide an adequate supply of labor, the relocation process implied recruitment of workers from outside the area of production. In practice, packers and processors came to rely increasingly upon recent immigrants. Allegedly, in some instances, they came to rely upon workers not authorized for employment in the United States. Distances between the rural plants made union organization difficult, as did the new linguistic and cultural differences among workers. Gradually, the

workforce was transformed from high-wage, stable, and union-led, to lower-wage and often non-union, characterized by a high turnover rate.[8]

A Brief History: The Poultry Industry

In the 1920's, most chickens were raised by the wives of farmers. The chicken usually had a two-fold purpose. They helped farmers' wives earn a little money and were used for home consumption. Chickens were easy to take care of and were fed extra grain and table scraps. Those days were numbered. According to legend, Mrs. Wilmer Steele of Delaware was the first to raise chickens solely for market. In 1923, she ordered and raised five hundred chicks. Sales were strong, so the next year she tried 1,000. As the business got more profitable, her husband left the Coast Guard and started building chicken houses. At this point, word spread to other enterprising farmers. From a modest beginning of only 50,000 birds raised in 1925, the state of Delaware produced annually one million birds by 1929. By 1934, Delmarva, Delaware (home to Mrs. Steele) farmers were raising around seven million birds a year, and the region was the undisputed poultry capital of the world.[9]

Delmarva was not to be the only area that chicken houses would soon dot the land. The common feature of future poultry-producing regions in the South was poverty, enduring poverty. Low-yielding and hilly land, few resources, and limited access to credit kept people scrabbling to simply exist. As a longtime resident of western North Carolina put it, "Working people always have to struggle to survive. This is true everywhere. But, this place was a bit different. Here in the 1930's and 1940's, everyone was poor and no one seemed to ever get out. To get out you need something. People had nothing... the lucky ones fought in the war. The rest were stuck here for generations. Some ran moonshine. Others had a little farm. Most

just scrambled."[10] These conditions made chicken farming an appealing profession for many in the South.

Until the 1940's, early poultry raising continued to still be a relatively small farm-type operation. Its transformation began with wartime demand.[11] World War II put chicken on more American dinner plates than ever before. Unlike beef, chicken was not rationed during the war, and the federal government set a price that was well above the cost of production. Through the government's "Food for Freedom" program, the government encouraged consumers to eat eggs and chicken in order to leave the more "desirable" sources of protein such as beef and pork for the troops.[12]

The rationing of beef, the regulation of prices, and the dramatic increase in demand during World War II all helped make the chicken an everyday food for American consumers. American broiler production almost tripled during the war, increasing from 413 million pounds between 1940 and 1945. That was just the beginning. What the country wanted was meat that was better, cheaper, and more plentiful. The two interrelated forces of science and integration, along with growing demand and cheap labor, delivered just that during the late 1940's and 1950's. The industrial bird was created. [13]

During the 1950's, consolidation in the poultry industry began, but most chickens were shipped whole from the slaughterhouse to the grocery store. Industry integration during the 1950's and 1960's was defined by the growing power of large national feed companies such as Pillsbury and Ralston Purina. In the 1940's, contacts were fairly informal, with growers paying for chicks, feed, supplies, credit, and other inputs after the sale of birds. Feed mills, often working on credit from bankers, extended credit on feed to local feed dealers, who then extended credit to growers. When

prices rose, growers produced more broilers, thereby increasing supply and lowering prices. Farmers who were unable to make their payments caused disruptions along the entire chain. To secure their investment, large feed mills increasingly began to bypass the feed dealer and sign contracts directly with farmers.[14]

By the mid-1960's, integration was complete. Integrated operations run primarily by large national feed companies accounted for 90 percent of the broiler production. These firms tended to own hatcheries, feed mills, and processing plants, and to contract farmers for the grow-out phase. [15]

In the 1960's and early 1970's, continued instability within the industry led many of the feed companies to get out of poultry. This allowed regional chicken-centered integrators like Tyson, Perdue and Holly Farms to emerge as the industry leaders during the 1970's and 1980's.[16] By the late 20th century, five or six major companies were dominating the production of poultry--with about 250,000 persons employed in the industry.[17]

In 1989, Bob Hall of the Institute for Southern Studies said the following; "Today poultry giants...have replaced the neighborhood butcher with huge processing units attached to their slaughterhouses." [18] Several patterns have developed over time. The industry increasingly, came to be centered in the Delmarva region and the south. In structure, with growth, it became vertically integrated with corporate control of the birds from egg to market. Sequentially, two groups of workers are involved: grow-out farmers and hourly workers on the disassembly line. For the latter, work is unpleasant, hazardous, and reportedly requires only low levels of education or skill--but may be attractive to a rural population with few economic options.[19]

A Brief History: The Pork Industry

Until the 1950's, pork was Americans' meat of choice. By the mid-1950's, beef surpassed pork in per capita consumption; by the mid-1980's, poultry overtook pork, as health implications of fat intake were increasingly identified. To keep up with the competition, pork producers strived to maintain market share mainly by lowering costs of production and developing a leaner product.[20]

For decades, hog farming was almost exclusive to the Corn Belt. Hog farms dotted the land of the Corn Belt. In the 1950's, nearly 60 percent of farmers kept hogs. Traditionally considered the "mortgage burner" of agriculture, raising hogs once provided young people an inexpensive way to start farming, and family farmers used pork production to diversify income, add value to crops, and fertilize fields.[21]

Most hogs were raised on small farms, but that has changed through time. Hog farms are no longer found in only the Corn Belt and the number of farms has continued to decrease for a number of reasons. In 1970, there were 900,000 hog farms. In 1980, the number dropped to 660,000 and in 1998, the number dropped to 139,000.[22] In 2004 for the 24th consecutive year, the number of hog farms continued to drop to 69,420. [23] Today, though, pork production by small farmers is more likely to lead to bankruptcy, and only 5 percent of the nation's farmers still raise hogs.[24]

In the 1950's many hog enterprises were displaced by growth in the industry and later by specialization in feed grain enterprises. This was made possible by increased use of chemicals, fertilizers, and large field machines. Grain farms expanded acreage to attain economies of size in using specialized equipment. Farmers remaining in hog production adopted technologies that improved labor efficiency and reduced land requirements.

These technologies included the introduction of antibiotics that were introduced in the 1950's to permit hogs to be kept in high population densities in "hog hotels". This was necessary since increased concentration of hogs created an environment conducive to the rapid spread of disease similar to the same condition faced among small children at day-care facilities. [25]

Through time, improved housing designs were adopted, allowing the substitution of buildings for land. Continuing improved performance, due to better-feed conversion and higher numbers of pigs saved per litter, also contributed to greater efficiency. Such factors helped the average U.S. herd size double by the mid-1960's and helped increase the number of hogs marketed by an efficient operation to 700-800 per year from the average of fewer than 200 a decade earlier.

The number of hogs has not been shrinking over the years, but the number of hog farms has been. Some farms are getting bigger and others have completely disappeared. The structure of the pork industry in the U.S. is well on its way toward a supply- chain structure much like the U.S. broiler industry.

Some say two powerful forces have driven the changes in the industry. The first force is producers have been armed with a new generation of pork genetics and production techniques that produce leaner meat more cheaply. The second reason for the change is consumers have demanded meat products with more specific traits, including convenience and nutritional value. Such specificity requires pork products that meet much more exacting standards than in the past. [26]

Others argue that the change is meat packers are demanding leaner, more standardized carcasses, and that larger producers tend to meet these

demands better than smaller farms. Similar to other food industries such as fishing, it is the signals from processors, not consumers, that the producers receive and act on.[27]

Regardless of what stemmed the change, producers and research institutions through time have explored new technologies for producing a leaner, meatier hog as well as for cutting costs. Attention to qualities such as carcass length and back fat thickness led researchers and breeders literally to transform the hog into an animal with less fat and improved feed conversions. From 1970 to 1990, the amount of fat per 100 pounds of carcass has been cut by more than half. Meatier hogs with less lard have enabled slaughterers to process heavier hogs without the problems of additional fat. The increase in average slaughter weights continues.

With production of heavier but leaner hogs, the market required fewer hogs and fewer producers. The shift toward leaner hogs by itself meant that more than 20 percent fewer hogs were needed to attain pork production levels of the late 1980's, compared with 30 years earlier.[28] The average U.S. herd size in 1990 was triple the 1970 herd size. As housing design changed to accommodate improvements in material handling and environmental control, other potential production bottlenecks were recognized: availability and quality of labor; manure management; and control of odors, dust, parasites, and noise.[29]

During the 1990's the packing plants were making purchases from both producers they had under contract and from non-contracted producers. Those under contract were providing approximately one-third of the animals packers killed each day. The packers would pay highest price for the contracted animals touting these animals to be of better quality.

Federal price reporting laws state that if a packing plant reports to the U.S. Market News Service one price paid to any producer, they must report the

high and the low price paid to all producers on that same day. The US Market News Service then releases the average of those prices to all news broadcasting agencies. This ensures that all producers know the average price that was paid the previous day for the livestock sold. However, by not reporting the contracted one-third of their purchases, the packing plants can greatly lower the price that they pay for the other two-thirds of their non-contracted livestock purchases. Thus allowing the packing industry to subsidize corporate hog expansion and increase their own profits. [30]

More hogs were produced in 1998 than in any other year in history, creating an oversupply that even growing demand could not offset. In December, some producers received just seven cents per pound--meaning they got about $18 for a hog that cost about $100 to raise. Many family farmers gave hogs away to friends or charity rather than pay for more feed or transportation to a meatpacker. By April, prices had increased to around 25 cents per pound, but most producers were still losing $40 on every hog sold. [31]

Between 1992 and 2004, the number of hog operations fell by more than 70 percent while hog inventory remained stable between 56 million and 63 million a head. During this time, the share of U.S. hog and pig inventory on farms with 2,000 head or more increased from about 30 percent to nearly 80 percent. In 2004, farms with 5,000 head or more accounted for more than half of the hogs and pigs. [32]

Because of these changes through the years, the industry is now made up of supply chains. These entities in the past worked separately but are now being fused together. For example, Smithfield the largest pork producer owns all phases of its production and many have projected this to be the future of the industry. [33]

The industry's approach to production has shifted. The industry traditionally handled all phases of production through small farms, but has now given way to one in which operations increasingly specialize in single-phase working under contracts between growers, feeders, and producers. Contractors typically retain ownership of the hogs on contract operation and compensate growers based on a fee-for-service arrangement, rather than market price for hogs.[34]

Not all small, independent producers have disappeared, but with powerful economies of scale at work in the new industry, many small pork farms have simply gone out of business and many more will in the future.[35]

The pork industry like it's counterparts in the beef and poultry industry has become more reliant on technology. Pork is also processed into smaller pieces and requires more labor. The new workers are often minority refugees and immigrants who work in demanding, hazardous jobs that pay low wages. [36]

Consolidation of Chicken, Beef and Poultry

Just ten companies have sales amounting to more than $80 billion of the slightly more than $100 billion in sales for the industry in 2004. The meat packing industry has become highly concentrated as the actual production and sales have fallen into the hands of fewer and fewer companies. The four largest beef packers increased their share of the industry's slaughter and processing output from 25 percent in 1977 to 80 percent in 2002. Over the same period, the four largest hog packers increased their share of the hog slaughter from 36 percent to more than 65 percent. Ranking in order of production, the four largest beef packers are Tyson Foods (IBP is now

part of), Cargill Meat (formerly Excel), Swift & Co. (spun off from ConAgra) and Smithfield Foods (Farmland and other acquired beef companies).

Ranking in order of production, the four largest hog packers are Smithfield Foods, Tyson Foods, Swift & Co. and Cargill Meats. The difference of annual production between Smithfield and Tyson is a mere one percent. The annual production difference between Swift and Cargill is only one percent; however, both Swift and Cargill lag behind Smithfield and Tyson in annual production by eight to nine percent. The four largest poultry packers are Tyson Foods, Gold Kist, Pilgrim's Pride and ConAgra. These four companies slaughter and process more than 50 percent of all the poultry in the U.S. is slaughtered and processed by these four companies.

From the statistics just cited, it can be concluded that the industry is highly concentrated in the hands of a few operators; however, Tyson Foods and Smithfield Foods are major powerhouses in the industry because of their vertical integration. For example, Tyson is the number one producer of poultry and beef and ranks number two in pork. Tyson also produces brand name poultry, beef and pork products. Smithfield is the number one producer of pork and ranks number four in beef. Smithfield also is a major national producer of brand name pork and beef products and has several contract arrangements with producers of live hogs and cattle.

The concentration of production into the hands of fewer operators has coincided with the closing of competitor's plants. Since 1980, the number of slaughter plants has plunged from more than 600 to 170 cattle slaughterers. Since 1980, the number of hog slaughter plants has been reduced from more than 500 to 180. The number of processing plants has also been decreasing. Nearly most of the closed plants were small facilities. Smaller operators who do not have a special market niche simply cannot

compete with the predatory practices of the big operators and the huge advantages that come with the economy of scale in both the purchase of live animals and every day plant production operations.[37]

Section Two: Processing Workers

Although over a century has passed since Upton Sinclair wrote the "The Jungle" and uncovered harrowing conditions inside America's meat packing. Critics say America's meat industry has been in decline for decades and that the poor conditions found in slaughterhouses and packing facilities today are often little better than those described by Sinclair a century ago.[38]

According to the report "Blood Sweat and Fear" a difference between the meat processing sector and other manufacturing sectors is that since the product that is processed in this industry is produced cheaply in the US, meat processing workers do not face employer's threats to move their plants to other countries, where their wages and workers are suppressed. Human Rights Watch analysts argue that, this fact has not blocked a "Third World" strategy by the U.S. meat and poultry industry. They contend that instead of exporting production to developing countries for low labor costs, lax health, safety and environmental enforcement, and vulnerable, exploited workers, U.S. meat and poultry companies essentially are reproducing developing country employment conditions here.[39]

According to Human Rights Watch, the 1980's saw the destruction of good jobs in the meatpacking industry. Many companies related from decades-old, multi-story urban factories to single-floor layouts in rural areas closer to cattle and hog feedlots. New companies became industry powerhouses, especially Iowa Beef Processors (IBP). IBP overtook old-line producers by

automating more of the process, squeezing skills out of the job. IBP reduced every state in the process to mindless, repetitive cutting with the same hand and arm motion in what the industry calls a disassembly-line process. IBP and its copycat producers stepped up the line speed and cut wages to levels far underneath union-negotiated standards. In 1983, meatpacking workers' pay fell below the average U.S. manufacturing wage for the first time. Since then, the decline has accelerated-15 percent lower in 1985, 18 percent lower in 1990, 24 percent lower in 2002.

Employers transformed the sector during the 1980's from one in which workers had secure organizations bargaining on their behalf to one where self-organization is a high-risk gauntlet for workers. Where they did not relocate, many companies shut down their plants, dismissed their long-time organized workers, and then reopened with a nonunion immigrant workforce. An early business profile of the new reality of meatpacking industry labor described the dynamic this way.

Iowa Beef Processors rewrote the rules for killing, chilling and shipping beef. The company has fought tenaciously to hold down labor costs. Though some of its plants are unionized, it refused to pay the wages called for in the United Food & Commercial Workers' (UFCW) expensive master agreements, which the elders of the industry have been tied to for 40 years. Iowa Beef's wages and benefits average half those of less hard nose competitors.... If a company chooses to hang tough in slaughter, there's only one way to go-imitate Iowa Beef and become a low-cost producer. SIPCO is pressing hard into the boxed-beef business and has launched a frontal assault on labor costs. Esmark shut down three slaughterhouses and paid the necessary severance and closing costs; then SIPCO reopened the

plants. The ploy allowed the company to wriggle out of the UFCW's master agreement and hire workers who would toil at reduced wages and benefits.

Employers fiercely resisted organizing efforts by workers in the new plants and in the reopened plants. Firing key leaders and threatening to close plants where workers tried to form new unions were common tactics. Threats were all the more credible in the wake of companies' widespread closures of union-represented plants in urban centers. Where workers in new plants succeeded in organizing, they often had to endure long, bitter strikes to win contracts with marginal improvements.

As the traditional structure of the industry and its labor relations fragmented, employers drove many workers wages down to a fraction of what they had been, with worsening of benefits and working conditions. The frequency of meatpacking workplace injuries soared. Injury rates had been in line with other manufacturing sectors with trade union representation, but since the breakdown of national bargaining agreements, meatpacking has become the most dangerous factory job in America, with injury rates more than twice the national average.[40]

William Whittaker in his report to Congress in 2006 titled, "Labor Practices in the Meat Packing and Poultry Processing Industry: An Overview" mentions the following, "During the early 1960's, the segments of the meat packing industry began to move from large urban centers to small communities scattered throughout the Midwest. By century's end, this migration has effected major changes within the industry. The old packing firms that had established their dominance during the late 1800's had largely disappeared or had been restructured as part of a new breed of packers. Joining with the poultry processors who had emerged in the wake

of World War II, they quickly became a major force in American and, later global industry.

As plants were moved and relocated, this migration involved fierce competition between firms for market share. Some older established firms went out of business or were taken over by the new breed packers (sometimes associated with conglomerates). Others adjusted to the new strategies but in the process, changed their corporate culture adopting a more contentious labor-management relationship. By 1990 a new "Big Three": had emerged: IBP, Excel (a subsidiary of Cargill) and ConAgra."[41]

According to the United Food Commercial Workers Union press room facts, the value of the poultry industry has doubled over the past decade—industry profits rose more than 300 percent during the 90's but workers' wages have remained stagnant, and despite productivity gains, real wages are the same as they were a quarter of a century ago in 1979.[42]

Some have said that meatpacking is a job that most American's will not do and that the industry needs low wage migrant workers to do the job. When the meat packing industry was one of the best-paid industries in America, people who were born and raised in communities where the packing plants were located worked and retired from the plants. In many cases they put their children through college and the children returned to the community and went to work in the meat packing plants because they could get better wages there than elsewhere. When decent wages and benefits were destroyed, many people decided not to work in one of the most hazardous industries in America for some of the lowest wages.[43]

With this shift, the face of the average meatpacking plant worker has changed. Over the past two decades, the number of immigrant laborers in meat packing plants—and in the Midwestern areas in which they are primarily located—has increased dramatically. Immigrants make up large and growing shares of workforces at many plants.

According to the USDA, the percentage of Hispanic meat-processing workers rose from less than 10 percent in 1980 to nearly 30 percent in 2000.[44] The Bureau of Labor Statistics says the largest proportions of workers in the meat and poultry industry are young, male and/ or Hispanic. Although the majority of workers are citizens an estimated 26 percent of them are foreign-born citizens.[45]

In some American slaughterhouses, more than three-quarters of the workers are not native English speakers; many cannot read any language, and many are illegal immigrants. A new migrant industrial workforce now circulates through the meatpacking towns of the High Plains. A wage of $9.50 an hour seems incredible to men and women who come from rural areas in Mexico where the wages are $7 a day. These manual laborers, long accustomed to toiling in the fields, are good workers. They are also unlikely to complain or challenge authority, to file lawsuits, organize unions, and fight for their legal rights. They tend to be poor, vulnerable, and fearful. From the industry's point of view, they are ideal workers: cheap, largely interchangeable, and disposable.[46]

In the same report, Whittaker gives an overview of trends in the poultry industry. He states that by 1990 the industry had two groups of workers-grow out farmers and hourly workers on a disassembly line. For the latter his report states the work is unpleasant, hazardous and reportedly required only low levels of education or skill-but may be attractive to a rural

population with few economic options. The report continues, "Some suggest that the industry had concentrated in right-to work states in an effort to minimize labor costs and had systematically developed a low-wage strategy.

Plants are described as operating on a two-tier labor system. On top are core workers: trained stable, with a strong labor attachment, who keep the plant operating. They are supplemented by a body of unskilled low-wage workers with a high turnover rate. The latter, it appears, have low expectations, with respect to both living and working conditions, and may view their employment as short-term. They are unlikely to complain or to join a union, especially if they are not authorized residents. The two-tier system reportedly allows integration of new line workers with little disruption."[47]

The following is an excerpt from a report called "Latinos in Missouri", "Meatpacking in the United States has concentrated in the Midwest and South over the last 30 years, and many of the new plants are located in rural plants.... Meatpacking companies followed these moves to be near production sites and in search of lower wages and a non-unionized workforce.... Packing plants are increasingly hiring migrant and immigrant laborers to work in these facilities, many of whom come from Latin American countries, particularly Mexico. The prevalence of immigrant workers in this particular segment of the economy is not a unique situation... There has been a long history of employment migration between Latin American Countries and the United States, especially between Mexico and the U.S. In the past this migration was primarily for seasonal agriculture work that was typically circular (i.e. immigrants returned home to their home country at the end of the harvest or moved on in search of

employment), but over the past twenty years there has been an increasing presence of immigrant workers in manufacturing jobs that offer greater opportunities for year-round work. The food processing industry offers a combination of agriculturally related work and the potential for year-round work, allowing laborers to stay in areas for longer periods and making it more likely that they will bring their families with them. Corporate actors have attempted to control these new workers through extended battles against unionization and using workers' lack of U.S. citizenship against them.[48]

A recent report by Peter Goldsmith and Philip L. Martin, "Community and Labor Issues in Animal Agriculture" explains the following about needed labor in meat and poultry production and processing, "The community and labor impacts associated with livestock and poultry production and processing are significant, but very diverse. Labor is more mobile than is industry infrastructure and inputs that give a particular region a comparative advantage in animal agriculture... In some rural communities where animal production and processing has expanded, there are more jobs than available local workers; immigrants increasingly fill these generally unskilled jobs.[49]

The makeup of the industry's labor supply has changed with the inclusion of a significant number of immigrants from Latin America.... Unauthorized migrants represent an estimated 5% of the general U.S. workforce, but account for 29% of farm... and 27% of animal slaughter workers. [50]

In the Wall Street Journal, an article "An Immigration Raid Aids Blacks-For a Time" paints a vivid description of the local workforce before and after an immigration raid at a local chicken-processing company in Stillmore GA.

"Until the 1990's, the plant employed a majority black production line, with whites and some blacks as supervisors, according to current and former employees. By 2000, Latino migrant workers had long come and gone with the cotton and onion season were settling as part of a national trend. The NAFTA free trade agreement hurt many Mexican farmers, prompting a surge of illegal immigration....

The influx of Hispanics meant that Crider (chicken plant) could maintain its Stillmore roots while drawing on a pool of low-skilled foreign workers to do jobs that held little appeal for native-born Americans... with the arrival of so many immigrants willing to toil for rock-bottom wages on brutal round-the-clock shifts the number of workers at Crider declined steadily to 14% in early 2006 from as high as 70% a decade ago, the company says. Wages stagnated at about $6 an hour, just above the minimum wage.

Crider officials say the transformation to Hispanic workers happened gradually over most of a decade without encouragement by the company.... One official said Crider faces the same problems that many small towns grapple with. "We have to find a source of employees, and Stillmore will not provide that source. It is not big enough. We want people who want to work and are willing to work every day."

After the raid, Crider raised pay from $7 to $9 an hour. The pay increase was over a dollar what the plant paid most of its immigrant workers.[51]

Many argue that immigrant workers are being hired over local workers. A representative for Tyson says the meatpacking industry in Kansas and

elsewhere has historically attracted immigrants, largely because it provides entry-level employment with good wages and benefits.[52]

He also said one-third the company's work force is Hispanic, about 20 percent is black and less than 5 percent is Asian. Tyson states that their jobs pay well above the minimum wage and include comprehensive health care benefits. [53]

Some argue that the only workers willing to work in the meat and processing industry are immigrant workers. Roy Beck of Numbers USA testified the following before Congress that mass immigrations are causing the industry to hire immigrant workers. "The meat-packing industry offers a vivid example of how losers are created. Immigrant workers dominate the industry today. The tasks of disassembling America's hogs, sheep and cattle are nasty, tedious and risky. Most news stories I see about these industries state that these are jobs Americans will not do. However, until this recent renewal of mass immigration, those were jobs done almost entirely by native-born Americans. Until immigration levels began rapidly increasing in the late 1970's, they were jobs that Americans not only would do but formed lines to be hired to do. Workers with few skills and little education could earn up to around $18 an hour in today's dollars. Strong unions guarded the health and safety of the workers. People held on to their slaughterhouse jobs like gold. In addition, they pulled strings to get their relatives and children into the plant. Because nearly all packing companies offered handsome pay and benefits, no company had trouble remaining profitable while treating its workers well. However, by the 1980's, the pool of foreign workers had grown so large that relatively new companies could use them to undercut the established unionized firms. The new corporations busted unions and slashed wages so that the old giants of the industry -

Armour, Swift, Wilson and Cudahy - could not compete while honouring their contracts to provide safe, middle-class jobs to their workers. All four eventually got out of the slaughterhouse business."[54]

Mass immigrations were due to the economic boom and tight labor market of the 1990's. During this time, employers began to use informal communication networks using cross-border advertising, word of mouth and other means as a recruitment tool to attract migrant workers. In the state of North Carolina, according to figures from Raleigh-based Latino-advocacy group El Pueblo, 95 percent of North Carolina temporary agriculture workers and 50 percent of workers in meat-processing plants are Latino.[55]

The Poultry Science Association in 2005 came out with an article titled "Cultural Issues in Processing Plants and on Farms" that said, "The American Poultry industry has undergone labor transition during the last 10 years, shifting large proportions of its hourly processing workforce from native Anglo and African-American laborers to Latino immigrants… It is not atypical to find processing plants with an excess of 50% immigrant workers and anecdotal data indicate that some plants now employ a predominantly Latino work force."[56]

Several meat-processing plants have had immigration raids over the years. The following is a quote from an article in the Wall Street Journal called, "An Immigration Raid Aids Blacks-For a Time" explains problems a plant has faced since a recent immigration raid. "Do illegal immigrants take jobs from low-skilled American workers? The answer in Stillmore initially appeared to be yes, but in months since Crider began hiring hundreds of African-Americans, the answer has been more complex. The plant has

struggled with high turnover among black workers, lower productivity and pay disputes between new employees and labor contractors. The allure of compliant Latino workers, willing to accept grueling conditions despite rock-bottom pay, has proved a difficult habit for Crider to shake, particularly since the local, native-born workers who replaced them are more likely to complain about working conditions and aggressively assert what they believe to be legal pay and workplace rights."[57]

Section Three: Current Conditions

Meat processing as an occupation has become almost entirely de-skilled. Conventional labor economics theories usually show that greater technological innovation by firms lead to increased skill requirements for their workers, but this has not been the case for the meat processing industry. A formerly urban, unionized, and semiskilled workforce employed in production plants, supermarkets, and butcher shops in the 1950's, was transformed into an industry located in rural areas, with mostly nonunion, and unskilled workers concentrated at the industrial processing end of the meat production chain by the end of the 1980's. Employment that previously required butchering skills, and some degree of craftsmanship, became routinized and repetitive. Much larger plants often specializing in specific livestock breeds replaced relatively small plants processing many types of livestock. [58]

A recent analysis of nine broad industrial sectors (e.g., other agricultural processing, nondurable manufacturing, and mining) between 1972 and 1992 found that meat processing was the only industry that experienced a decline in its ratio of skilled to unskilled workers

According the Bureau of Labor Statistics in 2005, 506,000 workers were employed in the animal slaughtering and processing industry. The average earnings of these workers were $11.47 an hour.[59] During the decades of the 1950's, 1960's, 1970's up to 1984, meatpacking was one of the highest paying industries in U.S. manufacturing. From 1984 until the present, meatpacking has been one of the lowest paying industries in manufacturing.[60]

Regardless of where workers are from, they face similar conditions- they work in the most dangerous job in the country.[61] In early 2005, Human Rights Watch released a report entitled "Blood, Sweat, and Fear: Workers' Rights in U.S. Meat and Poultry Plants" which concluded that the working conditions in America's meat packing plants were so bad they violated basic human and worker rights. This was the first time the human rights organization had criticized a single U.S. industry.[62]

Though industry organizations such as the American Meat Institute (AMI) point out that the number of staff injuries in meat processing facilities has been declining over recent years, meatpacking remains one of the most dangerous factory jobs in America. The U.S. Bureau of Labor Statistics reported that there was an average of 12.6 injuries or illnesses per 100 full-time meat packing plant employees in 2005, a number twice as high as the average for all U.S. manufacturing jobs. Some experts maintain that this number is actually too low as many workers' injuries go unreported due to employee misinformation or intimidation.[63]

On November 14, 2000 the Occupational Safety and Health Administration (OSHA) published an ergonomics standard supporters said would protect American workers and increase their safety. The document was an executive order, coming from the desk of then-President Bill Clinton. It was

also stamped "final". The standard was designed to be reactive, meaning companies were required to do very little so long as there were no reports of work-related musculoskeletal disorders. The companies were to inform their employees about musculoskeletal disorders and then provide the workers with a mechanism to report injuries if they occurred. Keeping in mind the potential effect on smaller companies, the standard was designed to minimize costs. The training and reporting mechanism was to have been fulfilled by a human resources department or, for bigger companies, the presence of a safety or health officer. If a pattern of injuries or disorders emerged on a site, then the company would have to create an ergonomics committee to ensure that something was done to mitigate the risk. [64]

OSHA hired its first ergonomics expert in 1979 and started to issue guidelines and create outreach programs on ergonomics in 1990. On November 23, 1999, the administration published its first proposal for an ergonomics standard and then conducted a public comment period for nine weeks. During that time, OSHA received 18,000 pages of testimony from 714 witnesses as well as 11,000 comments and briefs. [65]

Based on the testimony it had collected, as well as more than a decade of research, OSHA issued the final standard last November, but it did not go into effect until January 15, 2001, five days before George W. Bush took office. Congress then had 60 days to overrule the order. Congress rescinded the rule in mid-March using, for the first time ever, the Congressional Review Act, a law that allows Congress to overturn federal rules within 60 days of being notified of them.[66]

A criticism of the standard was that it included a worker-restriction protection clause, which guaranteed that an employee receive 90 days of pay after reporting an injury or the onset of a musculoskeletal disorder. The clause was meant to protect workers so that they would not fear being fired

if they reported an injury, but opponents said it left too much room for potential abuse. The clause specified that any injury or disorder must be verified by a health professional, much in the same way as a short-term or long-term disability would have to be confirmed.[67]

During that same time, the administration put a one-year stay on a new record keeping rule of the revised Occupational Injury and Illness Recording and Reporting Requirement. This was in relation to the definition of a musculoskeletal disorder (MSD) and the requirement to identify MSDs on the log of injury and illness and the requirement to record a shift of 10 decibels or more as hearing loss. [68]

According to union officials with this action, the Bush administration was joining with the National Association of Manufacturers and other industry groups that wanted to cover up MSDs caused by ergonomic hazards. With no definition of MSDs or requirement to identify these injuries, no specific data on MSDs would be available on the log or collected by the Department of Labor in its Annual Survey of Occupational Injuries and Illnesses. Even worse, with this action it appears the department was proposing to abandon the definition and criteria it established for recording MSDs more than 10 years ago that have been used in all of OSHA's general duty enforcement cases against ergonomic hazards. If DOL has no definition or criteria for identifying MSDs, it would be impossible for OSHA to enforce against ergonomic hazards under the general duty clause as it has done for more than a decade.[69] Currently statistics are no longer compiled regarding worker injuries as they were in the past so what union officials feared has come to pass, the current true injury rates are unknown.[70]

Nearly a year after overturning the standard, the White House announced a new ergonomics program based on industry-specific voluntary guidelines.

The administration entered into developing ergonomics partnership agreements with employers, trade associations and professional groups representing a number of industries. The Labor Department did not include any workers union officials in any of these partnerships. [71] The program contained no mandatory standard, only a promise to issue voluntary guidelines. These guidelines are not being enforced. The other components of the plan included enforcement under OSHA's general duty clause, a process used only in rare cases after large numbers of workers have been seriously injured, and compliance assistance, including training and outreach.[72]

Although officials with the U.S. Occupational Safety and Health Administration say poultry plants — like most workplaces — are safer than ever, pointing to a decade of declining injury rates, Dr. Michael Silverstein, who served as policy director for OSHA from 1993 to 1995, thinks OSHA is not a factor in many companies' decision-making, since their presence is no longer seen or felt. [73]

A recent report from the Charlotte Observer found the following findings specifically related to the poultry industry[74]

- Workplace safety inspections at poultry plants have dropped to their lowest point in 15 years. The industry has kept steady employment over that time and has leaned heavily on illegal immigrants to fill jobs.
- Fines for serious violations — including conditions that could cause deaths and disabling injuries — are usually cut by more than half from original proposals to an average of about $1,100.

- It has been a decade since OSHA fined a poultry processor for hazards likely to cause carpal tunnel syndrome, tendonitis and other musculoskeletal disorders (MSDs) common to the industry.
- The federal government has made it easier for companies to hide those MSDs. Regulators in 2002 lifted a record-keeping requirement that required companies to identify injuries associated with repetitive trauma

The cumulative effect of removing the column and killing the ergonomics standard was to "turn a blind eye to a lot of what happens in poultry plants," said Charles Jeffress, who led OSHA under the Clinton administration from 1997 to 2001. Almost overnight, the number of repetitive motion injuries reported at some factories plunged. In 2001, for example, Tyson Foods' Clarksville, Arkansas, plant reported more than 150 injuries associated with "repeated trauma," according to injury logs obtained by the Observer. Two years later, the plant reported fewer than 10. Even when inspectors find problems, poultry companies frequently avoid stiff penalties. About three-quarters of fines proposed against poultry companies have been lowered or eliminated during the past decade. While the average proposed fine for each serious violation in the poultry industry has been about $2,300 in recent years, companies wind up paying an average of about $1,100.[75]

Workers at beef, pork and poultry slaughtering and processing plants perform dangerous jobs in difficult conditions. Dispatching the nonstop tide of animals and birds arriving on plant kill floors and live hand areas is in itself hazardous and exhausting labor. After slaughter, the carcasses hurl along evisceration and disassembly lines as workers hurriedly saw and cut them at unprecedented volume and pace.[76]

What once were hundreds of head processed per day are now thousands; what were thousands are now tens of thousands per day. One worker described the reality of the line in her supervisor's order: "Speed, Ruth, work for speed! One cut! One cut! One cut for the skin: one cut for the meat. Get those pieces through!" Said another, "People can't take it, always harder, harder, harder (mas duro, mas duro, mas duro!)"[77] More speed equals more profit. More speed also equals more injuries to the worker.[78]

Jobs in the industry are difficult, dirty and dangerous. Tasks involve repetitive movements (workers sometimes perform the same motion 30,000 times a shift) and knives wielding employees work perilously close together, as they struggle to keep up with the production line. (OSHA) statistics for 2000 reveal that one our of every seven poultry workers was injured on the job, more than double the average for all private industries. Workers are also 14 times more likely to suffer debilitating injuries stemming from repetitive trauma-like "claw hand" (in which the injured fingers lock in a curled position) and ganglionic cysts (fluid deposits under the skin).[79]

The following excerpt is from a report to Congress titled "Labor Practices in the Meat Packing and Poultry Processing Industry: An Overview" requested by Senator Ted Kennedy.

Meat and Poultry workers work in hazardous conditions involving loud noise, sharp tools and dangerous machinery. Many workers must stand for long periods of time welding knives and hooks to slaughter or process meat on a production line that moves very quickly. Workers responsible for cleaning the plant must use strong chemicals and hot pressurized water.

While, according to BLS, injuries and illnesses have declined over the past decade, the meat and poultry industry still has one of the highest rates of injury and illness of any industry. The most common injuries are cuts, strains, cumulative trauma, and injuries sustained from falls, but more serious injuries such as fractures and amputations also occur. Injury and illness rates are affected by many factors, such as the amount and quality of training, employee turnover rates, increased mechanization, and the speed of the production line.

The work is physically demanding, repetitive, and often requires working in extreme temperatures-such as refrigeration units that range from below zero to 40 degrees Fahrenheit- and plants often have high turnover rates.

Labor turnover in meat and poultry plants is quite high, and in some worksites can exceed 100 percent in a year as workers move to other employers or return to their native countries. The frequent movement of immigrant workers among plants and communities limits the opportunities of unions to organize meat and poultry workers.[80]

Turnover rates can also affect the safety and health of workers. Turnover tends to be high in the meat and poultry industry and, according to a report by USDA's Economic Research Service; turnover rates of 100 percent are not uncommon. Plant officials often attribute high turnover to difficult working conditions, extreme temperatures, and the fact that many of the industry's jobs are physically demanding and stressful.[81]

Some may argue that poor conditions exist at only certain plants in the US and to generalize these conditions as the norm in the industry would be a mistake, but the following statement was repeatedly made, over and over

not just in Blood, Sweat and Fear where the following quote is found, but also in numerous newspaper articles and reports,

“Any single meatpacking or poultry processing company which by itself sought to respect the rights of its workers—and hence occurred additional costs—would face undercutting price competition from other businesses that did not.”

The report contends that the only way the circumstances for meat and poultry workers to improve would be,

“..Large scale changes to health and safety and workers compensation regulations and practices and greater protection of workers right to organize, in particular that of immigrant workers, throughout the meat and poultry industry(4).”

"IBP set the trend and other companies have followed," says University of Kansas anthropologist Donald Stull, who has studied the industry for fifteen years. "They are all locked in this dance together; they all have to do the same kind of thing; and there really isn't any disincentive to keep doing them from the government."[82]

In an article from August 2001 in Mother Jones entitled “The Chain Never Stops” Eric Schlosser writes the following related to conditions of work in the industry,“One of the crucial determinants of a slaughterhouse's profitability is also responsible for many of its greatest dangers: the speed of the production line. Once a plant is fully staffed and running, the more head of cattle slaughtered per hour, the less it costs to process each one. If the production line stops, for any reason, costs go up. Faster means

cheaper—and more profitable. The typical line speed in an American slaughterhouse 25 years ago was about 175 cattle per hour. Some line speeds now approach 400 cattle per hour. Technological advances are responsible for part of the increase; the powerlessness of meatpacking workers explains the rest. Faster also means more dangerous. When hundreds of workers stand closely together, down a single line, wielding sharp knives, terrible things can happen when people feel rushed. The most common slaughterhouse injury is a laceration. Workers stab themselves or stab someone nearby. They struggle to keep up with the pace as carcasses rapidly swing toward them, hung on hooks from a moving, overhead chain. All sorts of accidents—involving power tools, saws, knives, conveyor belts, slippery floors, falling carcasses—become more likely when the chain moves too fast." Schlosser said one slaughterhouse nurse told him she could always tell the line speed by the number of people visiting her office.

The rate of cumulative trauma injuries in meatpacking is the highest of any American industry. It is about 33 times higher than the national average. According to federal statistics, nearly one out of every 10-meatpacking workers suffers a cumulative trauma injury every year. In fact, it is very hard to find a meatpacking worker who is not suffering from some kind of recurring pain. For unskilled, unschooled manual laborers, cumulative trauma injuries such as disc problems, tendonitis, and "trigger finger" (a syndrome in which a finger becomes stuck in a curled position) can permanently limit the ability to earn a decent income. Much of this damage will never be healed.

In the early years of the 20th century, public outrage over the misfortune of industrial workers hurt on the job prompted legislatures throughout the United States to enact workers' compensation laws. Workers' comp was intended to be a form of mandatory, no-fault insurance. In return for

surrendering, the legal rights to sue their employer for damages, injured workers were guaranteed immediate access to medical care, steady income while they recuperated, and disability payments. All 50 states eventually passed workers' comp legislation of one sort or another, creating systems in which employers generally obtained private insurance and publicly appointed officials resolved any disputes.

Recent efforts by business groups to "reform" workers' comp have made it more difficult for injured employees to obtain payments. In Colorado, Tom Norton, a conservative state senator from Greeley, sponsored the first “workers’ comp reform” bill in 1990. His wife, Kay, was a vice president at ConAgra Red Meat at the time. Under Colorado's new law, which places limits on compensation, the maximum payment for losing an arm is $37,738. Losing a digit brings you anywhere from $2,400 to $9,312, depending on whether it is a middle finger, a pinkie, or a thumb.

The meatpacking companies have a stake in keeping workers' comp payments as low as possible. IBP, Excel, and ConAgra are all self-insured. Every dime spent on injured workers in such programs is one less dime in profits. Slaughterhouse supervisors and foremen, whose annual bonuses are usually tied to the injury rate of their workers, often discourage people from reporting injuries or seeking first aid. The packinghouse culture encourages keeping quiet and laboring in pain. Assignments to "light duty" frequently punish an injured worker by cutting the hourly wage and forbidding overtime. When an injury is visible and impossible to deny—an amputation, a severe laceration, a chemical burn—companies generally do not contest a worker's claim or try to avoid medical payments. However, when injuries are less obvious or workers seem uncooperative, companies often block every attempt to seek benefits. It can take injured workers as long as three years to get their medical bills paid. From a purely financial

point of view, the company has a strong incentive to delay every payment in order to encourage a less-expensive settlement. Getting someone to quit is even more profitable—an injured worker who walks away from the job is no longer eligible for any benefits. It is not uncommon to find injured workers assigned to meaningless or unpleasant tasks as a form of retaliation, a clear message to leave. They are forced to sit all day watching an emergency exit or to stare at gauges amid the stench in rendering.

In Texas, meatpacking firms do not have to manipulate the workers' comp system—they do not even have to participate in it. The Texas Workers Compensation Reform Act of 1989 allowed private companies to drop out of the state's workers' comp system. Although the law gave injured workers the right to sue employers that had left the system, that provision was later rendered moot. When a worker is injured at an IBP plant in Texas, for example, he or she is immediately presented with a waiver. It reads, "I have been injured at work and want to apply for the payments offered by IBP to me under its Workplace Injury Settlement Program. To qualify, I must accept the rules of the Program. I have been given a copy of the Program summary. I accept the Program."

Signing the waiver means forever surrendering your right—and the right of your family and heirs—to sue IBP on any grounds. Workers who sign the waiver may receive immediate medical care under IBP's program. On the other hand, they may not. Once they sign, IBP and its company-approved doctors have control over the worker's job-related medical treatment—for life. Under the program's terms, seeking treatment from an independent physician can be grounds for losing all medical benefits. If the worker objects to any decision, the dispute can be submitted to an IBP-approved arbitrator. The company has said the waivers are designed "to more effectively ensure quality medical care for employees injured on the job."

Workers who refuse to sign the IBP waiver not only risk getting no medical care from the company, but also risk being fired on the spot. In February 1998, the Texas Supreme Court ruled that companies operating outside the state's workers' comp system could fire workers simply because they are injured.

Today, an IBP worker who gets hurt on the job in Texas faces a tough dilemma: Sign the waiver, perhaps receive immediate medical attention, and remain beholden, forever, to IBP. Or refuse to sign, risk losing your job, receive no help with your medical bills, file a lawsuit, and hope to win a big judgment against the company someday. Injured workers usually sign the waiver. The pressure to do so is immense. An IBP medical case manager will literally bring the waiver to a hospital emergency room in order to obtain an injured worker's signature. Karen Olsson, in a fine investigative piece for the Texas Observer, described the lengths to which Terry Zimmerman, one of IBP's managers, will go to get a signed waiver. When Lonita Leal's right hand was mangled by a hamburger grinder at the IBP plant in Amarillo, Zimmerman talked her into signing the waiver with her left hand, as she waited in the hospital for surgery. When Duane Mullin had both hands crushed in a hammer mill at the same plant, Zimmerman persuaded him to sign the waiver with a pen held in his mouth.

Unlike IBP, Excel does not need to get a signed waiver after an injury in Texas. Its waiver is included in the union contract that many workers unwittingly sign upon being hired. Once they are injured, these workers often feel as much anger toward the union as they do toward their employer. In March, the Texas Supreme Court upheld the legality of such waivers, declaring that “the "freedom of contract" gave Americans the ability to sign away their common-law rights. Before the waiver became

part of the standard contract, Excel was held accountable, every so often, for its behavior." [83]

In the GAO Report on Workplace and Safety and Health, "Safety in the Meat and Poultry Industry, while Improving Could be Further Strengthened", the following conditions are mentioned. Meat packers work in hazardous conditions involving loud noise, sharp tools and dangerous machinery. Many workers stand for long periods wielding knives and hooks to slaughter or process meat on a production line that moves very quickly. Workers responsible for cleaning the plant must use strong chemicals and hot pressurized water.[84]

The type of work performed in the plant is physically demanding, repetitive, and often requires work in extreme temperatures- such as in refrigeration units that range from below zero to 40 degrees Fahrenheit…in addition some workers become ill because of exposure to chemicals, blood, and fecal matter, which can be exacerbated by poor ventilation and extreme temperatures…. Production lines can require workers to stand close together while wielding tools necessary for cutting pieces of meat. Final product processing involves a number of packaging machines and conveyors that can present a wide range of safety risks to workers. Workers are also frequently handling or in close proximity to sources of infectious diseases, such as those carried by animal tissues and organs. Pathogens can infect workers from open abrasions or through inhalation. For example, hydrogen sulfide, methane, and carbon dioxide can be released from decomposing animal manure and waste. In addition, workers are exposed to many chemicals, including a range of gases such as ammonia and Freon. [85]

Workers may also suffer injuries and illnesses from contact with animals. If animals are still dying when they are hung on the line, they may struggle and thrash about wildly, resulting in injuries that range from broken arms to permanent disfigurement and- in the most severe cases death. Contact with different bacteria can cause fever, headaches, vomiting, diarrhea, and kidney damage. Workers can also suffer back injuries or other types of injuries from overexertion, including sprains, strains, tears, hernias, and fatigue. They can suffer injuries and even death from falling or being struck by an object. Heat sealant machines can burn workers when they wrap meat. They may also sever fingers or hands or even lose limbs on machines that are either improperly locked or inadequately guarded... Falling on slippery floors and exposure to extreme heat or cold can injure workers. Such cold temperatures can stress joints and exacerbate existing conditions such as arthritis and cardiovascular illnesses. [86]

According to the United Food Commercial Workers Union, the poultry industry is crippling workers. The Union says that

- Working in a poultry plant is one of the most dangerous jobs in the US.
- Injury and illness rates for poultry workers are twice those for all manufacturing.
- One in five workers are injured on the job.
- Worker productivity is at an all-time high. Workers process and average of 190 birds and hour, up from 143 a decade ago.
- Poultry workers suffer from repetitive stress injuries-with workers making the same cutting motion up to 10,000 to 40,000 times a shift and increased line speeds.
- Lacerations and amputations are common.[87]

Describing the work of chicken catchers, the UFCW states the following, "Chicken catchers also suffer under terrible working conditions. Catchers work late hour shifts because chickens are more docile and easier to catch at night. Workers scoop up handfuls of chickens and toss them into the cages to be hauled to the poultry plants by company trucks. Both catchers and contact growers suffer from respiratory diseases due to exposure dust and bacteria in the chicken houses." [88]

The following is from a report in the Wall Street Journal on December 1st, 1994 by T Horwitz "9 to Nowhere" "By 1994, poultry processing was the second-fastest growing factory job in America since 1980 and had a work force roughly equal to that of steelworkers. These jobs pay less than any other manufacturing industry except apparel. It is dangerous work. It is the nation's 11th most dangerous industry with an annual injury and illness incidence rate of 23.3 per 100 full time workers. (Meat processing at this time was 44 per hundred annually).[89]

Accidents and injuries in poultry processing are almost double that of coal mining and construction. Yet for thousands of Americans it is the only employment available. Turnover is high, exceeding 100% a year at many plants. What is the work environment like for these people? "Live hangers," the people who fasten incoming birds to shacklers at the rate of 25 or more a minute, perform the worst job. Those birds scratch, peck and defecate all over the workers. The birds are stunned with electricity before processing. [90]

Workers work quickly and often cut themselves and others. Motions are fast and repetitive. Poultry processing ranks 3rd for cumulative trauma injuries, such as carpal tunnel syndrome. (Meatpacking is first and car-body assembly is second.) The line is often so fast paced that is looks like chaos.

Arms, boxes, and poultry fly in every direction. Fat globules and blood soon speckle glasses, bits of chicken stick to collars, water and slime soak the feet and ankles, and nicks injure the wrists. A woman wraps her forearms in plastic tape because bits of chicken penetrate her wounds and cause infection. [91]

The work is monotonous and the chances of getting out are slim. Only a handful can rise to the better-paying supervisory ranks. It is a situation ripe for exploitation. The industry itself is very competitive and profit margins are low. [92]

Injuries often go unreported. There is intense pressure to under report or not report injuries at all. Injured workers in some states must go to a company doctor, himself disinclined to make reports that make the company look bad. This in itself restricts opportunities for claims.[93]

Many say one of the hardest things to keep up with in meat and poultry processing is the "line speed". Human Rights Watch detailed the following regarding line speed in "Blood Sweat and Fear": "Meat packers try to maximize the volume of animals that go through the plant by increasing the speed at which animals are processed. The speed of the processing line is thus directly related to profits. However, the fact that the line speed is also directly related to injuries has not prompted federal or state regulators to set line speed standards based on health and safety considerations." [94]

"The sheer volume and speed of slaughtering operations in the meat and poultry industry create enormous danger. Workers labor amid high-speed automated machinery moving chickens and carcasses past them at a hard to imagine velocity: four hundred head of beef per hour, one thousand hogs

per hour, a thousand or more broilers per hour, all the time workers pulling and cutting with sharp hooks, knives, and other implements." [95]

Meat and poultry workers interviewed by Human Rights Watch and by other researchers consistently cite the speed of the lines as the main source of danger. "When I started working, there were fifteen chuck boners on each line...380 chain speed (cattle per hour) was considered fast, you have to have sixteen or seventeen chuck boners for that...(later) they were doing 400 an hour, with thirteen or fourteen chuck boners." [96]

The report goes on to mention a 2002 investigative report in the Denver Post that described the experience of workers at a Swift &Co. meatpacking plant in Greeley, Colorado who "can barely move" at the end of their shift, "exhausted from working on a line that turns live animals into processed meat as fast as six times a minute." [97]

Workers also told reports that there was a constant pressure to keep the line moving, "From the time you enter, you're told that if the plant stops 10 minutes, the company will lose I don't know how many millions of dollars... It's always faster, faster, faster." [98]

Tyson senior officials are reported in Blood, Sweat and Fear as saying: "Line speed varies depending on the type of product. Line speed mainly regards evisceration lines, and that is regulated by the USDA. The historical standard was 70 per minute, but is has increased with automation to 120 per minute. It is all automated now; there is much less handwork. We are constantly trying to automate." [99]

A Mexican woman poultry worker in Northwest Arkansas is quoted as saying the following, "I came to Arkansas from California in 1994. I started working in chicken lines in 1995. At that time, we did thirty-two birds a minute. I took off a year in 1998 when I had a baby. After that I came back the line was forty-two birds a minute. People can't take it, always harder, harder, and harder." [100]

A worker from Smithfield Foods Tar Heel plant told Human Rights Watch: "The line is so faster there is not time to sharpen the knife. The knife gets dull and you have to cut harder. That is when it really starts to hurt and that is when you cut yourself. I cut my hand at the end of my shift around 10:30 at night.... I went to the clinic the next day at 11:00 a.m. They gave me stitches and told me to come back at 2:30 before the start of my shift to check on the stitches. They told me to go back to work at 3:00. I never stopped working." [101]

A poultry worker said the following as he showed his swollen hands apparently fixed in a claw-like position, "I hung the live birds on the line. Grab, reach, lift, jerk. Without stopping for hours every day. Only young, strong guys can do it. But after a time, you see what happens. Your arms stick out and your hands are frozen. Look at me now. I'm 22 years old, and I feel like an old man." [102]

Another was quoted discussing the challenges of working with sharp hooks and knives in close quarters. "We all come in different sizes, but the hooks and the cutting table are the same for everyone. The short ones have to reach more, and they hurt their backs and shoulders. The tall ones have to stoop down more, so they hurt their backs and shoulders. Everyone walks out of the plant hurting at the end of the shift." [103]

Section Four: Worker Turnover

The meat and poultry industry reflects the dynamic of swelling immigration into low wage, hazardous-work labor markets. Meat and poultry processing plants have to contend with rapid turnover in their workforces. Many new employees leave the first days or weeks on the job, unable to cope with the pace and conditions of the meat and poultry slaughtering work. [104]

Employers need a constant stream of new applications. "The company pays us a bounty of two hundred dollars for a worker we recommend who stays at least three months," said one worker. The three-month condition reflects a face of the meatpacking life: most of the high turnover phenomenon in the industry occurs in the first weeks of employment when workers react with their feet to the shock of the working conditions in the plant, and decide to look for jobs in housekeeping, restaurants, or construction."[105]

Getting specific statistics related to plan turnover is often a challenge. Researchers from Human Rights Watch said actual turnover rate figures were not made available to their interviewers or researchers and that seems to be the industry norm.[106]

An article by Mark Kawar, "Tyson, Freddie Mac help workers to buy homes," Omaha World Herald, February 14th, 2004 p 1D states, "Employee turnover has been high in the meatpacking industry for decades. Some plants routinely have turnover rates of more than 100 percent every year. Figures on Tyson's turnover were not available."

In a 2005 Poultry Science Association report titled, "Cultural Issues in Processing Plants and on Farms" the following is mentioned, "...Stated in terms of the poultry industry its processing labor force has long been characterized by high-intensity unskilled work opportunities, and processing plants typically have annual turnover rates in excess of 100%. When high turnover is coupled to labor-intensive low-skilled jobs that produce locally unattractive jobs, immigrant labor rushes to fill the employment vacuum."[107]

In his book, Fast Food Nation, Eric Schlosser explains how high turnover rates for meat processing companies are not always considered a bad thing for the processor. In his book an official from International Beef Producers was quoted as saying, "We found very little correlation between turnover and profitability... For instance, insurance, as you know, is very costly. Insurance is not available to new employees until they have worked there for a period of a year, or in some cases, six months. Vacations do not accrue until the second year. These are some economies, frankly, that result from hiring new employees."[108]

Schlosser says, "Far from being a liability, a high turnover rate in the meatpacking industry... also helps maintain a work force that is harder to unionize and much easier to control." He continues, "The high turnover rate in meatpacking is driven by the low pay and the poor working conditions. Workers quit one meatpacking job and float from town to town... looking for something better." [109]

Some industry leaders deny workers are transient. In the Labor Practices in Meat Packing, report to Congress Richard Lob of the National Chicken

Council is quoted as saying, "When people are given a job in the poultry plant, it is expected that it is a permanent, full-time position..."

Although some industry officials say these jobs are permanent, there is ample data to show that due to the nature of work in meat and poultry processing industry there is an extremely high turnover of workers.
Mr. Donald Stull was one of the industry researchers that was asked to go to Washington to discuss processing plant work with the Office of Migrant Education. Donald D. Stull is professor and past chair of anthropology at the University of Kansas. For almost 30 years, he has conducted basic and applied research throughout the United States. Part of his work has been focused on highlighting the high social costs of low-priced meat in America. Stull bases his work on 20 years of research in the field visiting ranches, farms, feedlots, poultry houses, slaughterhouses, and the homes of injured workers. The following was received through correspondence with Mr. Stull regarding his thoughts on whether the work in the processing plants and its turnover is high enough for migrant children to qualify for the program. He responded:

"I and others who study this industry met with persons at the US Department of Education's Migrant Ed office in Washington, DC, a year or so ago to discuss this very issue. I do not recall the names of those from DOE in attendance, but you should be able to track them down. It was our conclusion that meat and poultry workers should be considered migrant workers due to high turnover."

An article called "Catch 22 How immigrant workers-legal and illegal-affect Kansas" in the Topeka Capital- Journal; Nov 19, 2006 further substantiates his comments. It reads,

"One concern, however is the migration of immigrant workers... a number of workers move back and forth from Dodge City, Garden City and Liberal-known as the Golden Triangle of the state's meatpacking industry. One of the reasons for the moves is jobs are often temporary."[110]

Roselle Webb, executive director of the Liberal Chamber of Commerce said the workers stay for a year and then move on to the next city.

In August, the 2007 NCLB Advisor Vol. 2 No. 10 page 3 mentions the changing face of agriculture and work in the processing industry. Acting Office of Migrant Education Director Alex Goniprow says the following, " ...the nature of agriculture and fishing has changed over time. Growing seasons are longer, and agriculture and fishing now involve jobs not traditionally associated with those fields of work. For example, during the 1980's ED encouraged states to expand the scope of "agriculture" work to include agricultural processing industries. Processing plants often call their factory jobs "permanent" which would make the workers ineligible. However, on closer examination, the jobs appear to be de facto temporary."

Jobs have so deteriorated that it is difficult to keep workers - whether native-born Americans or immigrants. Stress-related disorders and injuries drive many workers off the jobs within months. During the 1990s, annual turnover rates of 50 to 100 percent have been common. Meat cutters now are injured 400 percent more often than workers in the average U.S. industry. In terms of injuries, meatpacking in the 1990's had become the most dangerous industry in America. [111]

Obtaining specific data regarding turnover rates can be nearly impossible. This information is closely guarded and not in the best interest of the processor to disclose. According to the 2007 Report to Congress on Labor Practices in the Meat and Poultry Processing Industry, estimates of turnover are difficult to assess. Steve Kay of Meat and Poultry states: "No major packer will disclose their current turnover rates"-which he estimates "may range from 50 to 70 percent for most large packers." Again, what is included within an estimate may not always be clear.[112]

Employee turnover is something that is rampant in both the meat and processing industry. According to Donald Stull, it does not appear that it is going to be changing anytime soon,

"Regardless of what industry spokespersons say, turnover is endemic in the meat and poultry industry. The packers' prime directive remains, "Get the product out the door" as cheaply as possible… turnover remains every bit as big a problem now as it was then. Moreover, work out on the floor--and the attitudes of management, from the suits in corporate offices right down to the line supervisors, remains pretty much the same. Until working conditions change, which will only come with significant change in corporate attitudes, turnover will remain a serious problem in meatpacking."[113]

Section Five: Letters from Industry Experts

A letter was sent by email to several industry experts. Their responses follow. The first letter was sent to Steve Striffler. Steve Striffler wrote the book, "Chicken: The Dangerous Transformation of America's Favorite Food", which looks at the US poultry industry, Latin American immigration into the South, and the impact of industrial agriculture on American society. He teaches courses on Latin America, immigration, and food at the University of Arkansas.

Dear Mr. Striffler,
My name is Jessica Castañeda and I work with the Migrant Education Program. I emailed you several weeks ago. I working on a project related to the meat and poultry industry.

I am not sure if you are familiar with the Migrant Education Program. I am currently working with a consortium of 12 states that are working on trying to gather information related to the meat and poultry industry. We work with limited funding and have strict guidelines of who can and cannot be served in the program. We work with field workers, dairy and also meat and processing workers.

I just recently completed a literature review of information currently available regarding the meat and poultry industry. I tried to find the most current data available. There has been some question raised in the past few years whether the children of parents who work in meat and poultry should actually be served in the program. The workers who qualify for our program are supposed to be in temporary jobs.

If the jobs do not appear to be temporary and the program has reason to believe they are this needs to be documented by what is called an industrial survey. This is a survey designed to show the turnover of different positions in the plant. In the past if a plant had over 50% turnover the workers that moved to the area for the purpose of working at the plant qualified for the program. Our challenge is getting the plants to provide this type of information to us. They often comment that this is not information they are willing to provide and that the jobs in their plant are permanent jobs since they are available throughout the year.

We see a lot of movement of families coming and going to work in the plant. We are allowed to provide our own documentation as to why work in the plant should qualify. We have been gathering current information regarding research by others regarding plant conditions, labor practices etc. In the past, we tried to look at each state separately but now we are realizing we need to look at the industry as a whole. We are planning to keep the information we are currently collecting as documentation as to why the work in the plants should qualify or not and if the children of these workers should be served.

Anyway to make a long story short I am currently looking for experts in the meat and poultry industry who are familiar with plant conditions, the industry trends and norms etc

to review the literature review and possibly provide an opinion on whether work in the plants should be considered temporary or permanent by answering the following questions:

1. *In your opinion should work at meat and poultry processing be considered as a permanent or a temporary job?*
2. *What factors have contributed to your opinion?*
3. *What conditions have you witnessed or discovered in your experiences or research related to the meat and poultry industry that have let you to make that conclusion?*

If you would be willing to review the literature and provide me an email with your opinion or just provide me with your opinion without reviewing the literature please let me know. I realize this takes time and effort but we are looking for anyone willing to take a little time to help us be able to serve these students. I hope I will hear from you and thank you in advance for your time. Should you have any questions please don't hesitate to call me at 931-668-4139 or email me at migranted@blomand.net

Hey Jessica,
Thanks for the email. First, I would be happy to review the literature review. My only concern is that although I *really* support your work/mission, and *really* want your program to service poultry workers and their children, my initial reaction is that many (though not all) poultry workers are not temporary workers or (even less) migrant workers -- at least not in the classic sense. I may be approaching this too academically, and perhaps a little education on what you consider temporary would set me straight. I definitely have an open mind, and could be persuaded by some data, but here are my general/initial thoughts -- which you are feel to disregard if they are not supportive of your goal.

We may or may not be able to determine how many poultry workers are or are not temporary in the sense of keeping their jobs for X amount of time (and maybe this is all you need for your purposes?), but regardless of this I am not sure that the poultry industry itself is one based on temporary workers in the same way as I would with much of agriculture...though this may be my own misconception. I think it is quite possible that many poultry workers are

temporary in the sense of not working very long at plants, but this would define virtually any sector of the economy that pays poorly and the work is miserable. In fact, by today's low standards, poultry would represent a step up from say maid service, restaurant work, and construction in that a job in a poultry plant comes with a series of features that we associate with "permanent" employment -- such as relative job security, benefits, vacation, health care. I guess it depends on how you define temporary... At the very least, the option of working "permanently" in a poultry plant is inherently available in a much more real way that it is with picking fruit or working the odd construction job....even if certain things such as low pay, injury, etc. make it difficult to keep a job in a poultry plant over a long period of time.

If turnover rates are the litmus, I think this varies tremendously from region to region, and even from plant to plant. Turnover rates in the poultry industry I think are typically 75% to 100% annually (???), though vary tremendously depending on region and plant. Even turnover rates are tricky. Plants that have high turnover rates often have a significant percentage of workers who are permanent -- who have been their a long time -- who complement the workers who cycle in and out of plants. In addition, at least in areas with more than one plant, workers often move from one poultry plant to another -- this would produce high turnover rates at the plant level, but I am not sure it would mean such a worker is temporary. Likewise, some workers "quit" their jobs, return to Mexico for 4-6 weeks, and then return to the same plant....thus.... thus complicating turnover rates. Similarly, about 10% of all workers who first enter a poultry plant decide immediately that there is no way in hell they are doing that work....again complicating turnover rates.

In NW Arkansas, which I think represents one extreme in the sense that I think a large percentage of poultry workers here are close to being permanent (though a significant percentage are not), my sense is that many of these workers have left migrant agricultural labor and gotten jobs in poultry precisely because poultry work is more stable, the cost of living is cheaper, etc....

Obviously, some good statistics would be immensely helpful as I am basing this a lot on semi-informed anecdotal evidence.

Anyway, I am open to participating in any way but just wanted you to know my initial preconceptions....

Best, Steve

Steve Striffler University of Arkansas Department of Anthropology Old Main, 330 Fayetteville, AR. 72701

Steve,

Your comments are very helpful. I have attached the literature review to this email. As far as an educational perspective from the Migrant Education program we have a few guidelines we follow that are set out in actual law from the Department of Education. In summary they are:

"B1. What is a migratory agriculture worker?

According to section 200.81(c) of the regulations, a migratory worker is 'a person who in the preceding 36 months, has moved from one school district to another, or from one administrative area to another within a State that is comprised of a single school district, in order to obtain temporary or seasonal employment in agriculture activities (including dairy work) as a principal means of livelihood'."

I1. What is the definition of "agriculture activity" for purposes of the MEP?

An "agriculture activity: is:

1. Any activity directly related to production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence…"

K3: "May work that is available year-round be considered temporary?

Yes. Employment that is available on a year-round basis may be considered temporary if working conditions or periods of slack demand make it unlikely that a worker will remain at the job permanently. In this case, the SEA should document the reasons that the work is considered temporary so that an auditor or independent reviewer may understand the basis for the eligibility determination."

We are saddled with the responsibility of proving as best as we can that these workers for whatever reasons (we have tried to document the reasons) will not be at the jobs permanently. The literature review was compiled with the idea that if we look at industry trends we can try to look at is as a whole to see what makes workers come and go. I

would agree with your summary that it varies by region, by plant etc. In the past the federal office has asked for what they called an industrial survey that detailed the different positions in the plant and then provided information regarding employee turnover in each position. This was one of the means to document why workers would qualify for the program. The great challenge is plants do not typically want to disclose this information. Another challenge was that we could only do the survey in the way stipulated or else it could not be considered valid. There was a little breathing room in the law that allowed states to be able to provide their own documentation so that is what we are currently working on and would love to get your feedback as someone that has done research on the industry.

The end result we hope of the literature review and opinion papers is to be able to really look and see from various outside objective reviewers with experience related to the industry, if given the definition and regulations of our program, and the documentation provided in the lit review, if workers at the poultry and meat plants should be served by the migrant education program.

Also to familiarize you with the Migrant Program in a nutshell we provide educational services such as summer school, after school programs, tutoring, mentoring, and advocacy to migrant children and their families across the US. It is a federally funded program that states can participate in through their State Department of Education. All program services are to be supplemental and designed to help migrant children overcome the gaps in their education.

I thank you very much for your interest in the project and your willingness to give us a hand. The Lit review is a PDF file but feel free to mark it up and add any comments that you wish. If anything is not clear I would be willing to provide any information you need. Again thank you!!

Jessica

Jessica,
Not sure what my role is here.....but it seems like you make a really good case that working condition in plants are such that it makes it unlikely workers will remain on the job permanently – that the jobs appear permanent but in fact are

not. As your review suggests, there is certainly plenty of evidence – though perhaps not as statistically rigorous as you might want – demonstrating that the industry is plagued by high turnover rates, and in fact depends on and wants high turnover rates. That would certainly jive with my experiences working in two Tyson plants. I guess it will be a question of how bad the work needs to be, or how high the turnover rates need to be, before the powers-that-be determine that this work is, by definition, "temporary."

As far as Question 4 (local versus migrant labor force), I think there are lots of examples out there of meat companies actively recruiting immigrants – to secure workers who will work for less, are vulnerable etc. So it is not simply that workers randomly migrate to poultry producing regions, but at least initially companies actively recruit them. This seems to speak to the fact that the companies themselves see these jobs as temporary, or at least not long term, in the sense that they recognize that local workers do not consider these jobs to be "permanent," and that the companies in fact do not want workers to stay in the plants for long periods. The case I talk about in my book is the famous one where Tyson actively and illegally recruited undocumented workers first from Mexico and then from Guatemala -- this for a Tennessee plant among others.. But there are no doubt cases as well of companies recruiting documented immigrants.....

I think David Griffith, in his book *Jones's Minimal*, talks about companies actively asking immigrant workers to recruit their relatives from Mexico, etc. I guess the question then is at what point do folks who migrated from outside a particular locale become "locals?"

If you are looking to beef up your sources here are few that might be useful:

Cobb, Russell. 2004. "The Chicken Hangers," *Identify*, Feb. 2.

Goldoftas, Barbara. 2002 [1989]. "To Make a Tender Chicken: Poultry Workers Pay the Price," *Dollars and Sense: The Magazine of Economic Justice* 242. (July/August).

Griffith, David. 1993. *Jones's Minimal: Low-Wage Labor in the United States*. SUNY Press.

Kandel, William and Emilio Parrado. 2004. "Industrial Transformation and Hispanics in the American South: The Case of the Poultry Industry," in *Hispanic Spaces, Latino Places: A geography of Regional and Cultural Diversity*. Ed. By Daniel D. Arreola. University of Texas Press.

Sack, Kevin. 2002. "Under the Counter, Grocer Provided Immigrant Workers," *New York Times*, Jan 14, 2002. [about poultry]

Striffler, Steve. 2005. *Chicken: The Dangerous Transformation of America's Favorite Food*. Yale University Press. (Part II is about the immigrant labor force, including my experience working in a Tyson plant)

Yeoman, Barry. 2000. "Hispanic Diaspora," *Mother Jones* 25, no. 4. [about poultry]

Another interesting person to talk to might be Tim Pachirat. Like myself, he worked in a plant – in his case meat processing. I believe he accepted a job in Political Science at the New School, though he may not have started yet.

But it seems like you've really done a wonderful job.

Good luck! Steve

Steve Striffler University of Arkansas Department of Anthropology Old Main, 330 Fayetteville, AR. 72701

The same letter was send to Donald Stull. Donald D. Stull is professor and past chair of anthropology at the University of Kansas. For almost 30 years, he has conducted basic and applied research throughout the United States. He has authored or coauthored some 40 scholarly articles and chapters and 2 books, produced 3 nationally distributed documentaries, and edited or co edited 4 collections of original essays. From 1988 to 1990, he directed a team of six social scientists in a Ford Foundation study of changing ethnic

relations in Garden City, Kansas. In 1995, Stull received the Omer C. Stewart Memorial Award for exemplary achievement from the High Plains Society for Applied Anthropology. Part of his work has been focused on highlighting the high social costs of low-priced meat in America, Stull cites the quiet decline of North American meatpacking companies since the 1970s into an industry of broken unions, reduced benefits, centralization, emerging pathogens such as E. coli, and underpaid immigrant laborers. Stull bases his work on 20 years of research in the field visiting ranches, farms, feedlots, poultry houses, slaughterhouses, and the homes of injured workers.

Dear Jessica (if I may),

Yes, I do remember you. You may recall that I attended a Migrant Ed gathering in Washington, DC, a year or so ago, at which I and other researchers, industry representatives, and educators were asked to give our opinions on this matter (each group was brought in separately). I assume you have access to the information we provided at that time. I was also contacted about a month ago by John Farrell of the Kansas Migrant Ed Program about something along this line, but he has not gotten back to me. Is your inquiry part of the same project?

I would be interested in seeing the literature you refer to, but I would not be able to review this literature systematically unless I was compensated and allowed sufficient time to conduct the review.

I have not done research inside packing plants since the mid 1990s, so my direct knowledge of current turnover rates is limited, but I have seen nothing to suggest that turnover rates have changed significantly since then. And I continue to actively research and write about the industry. I do have direct knowledge of turnover differential according to department (Kill, Fab). I have in my possession some turnover data by department and job type for a brief period in 1994 for one beef plant, and I could analyze it, but I am not sure it will be worth the fee I would need to charge. I can tell you that turnover does vary by job type and by shift--more dangerous jobs and second and third shifts have higher turnover, and annual rates do exceed 50%. The companies could, of course, argue that my data do not apply to them--and they would be right. Without access to their data on

specific rates of turnover for specific jobs and shifts and plants, you must rely on gross numbers for the plant as a whole--if they will release those numbers.

With the above in mind, I will answer your questions.

1) Yes, many hourly jobs in meat and poultry plants are in my opinion temporary because turnover rates remain in the 5-9% rate per month, depending on how long the plant has been open, which shift the worker is on, and the job s/he holds. New workers are especially vulnerable to voluntary or involuntary termination in the first six months of their employment.

2) My opinions are based on 20 years of field research on beef, pork, and poultry processing in Kansas, Nebraska (beef), Oklahoma (pork), and Kentucky (poultry). I have visited numerous other states and Canadian provinces for short-term research and consulting, and I have reviewed carefully the published literature available on this subject.

3) I have conducted formal and informal interviews with many persons employed in the meat and poultry industry, including managers, hourly workers, union representatives, and government inspectors. I have also conducted extensive field research inside one meat processing plant, owned and operated by one of the industry's leading firms.

I hope my responses are helpful, and feel free to call on me if I can be of further assistance.

Sincerely,

Don Stull

Donald D. Stull
Professor of Anthropology &
Past President, Society for Applied Anthropology
University of Kansas
1415 Jayhawk Blvd., 622 Fraser

Lawrence, KS 66045
(785) 864-2641; (785) 864-5224 (Fax)

The email letter was sent to Lourdes Gouveia., Professor of Sociology and the Director of the Office of Latino/Latin American Studies of the Great Plains at the University of Nebraska at Omaha. She obtained her Ph.D. in Sociology from the University of Kansas. Since her arrival in Nebraska in 1989, she has been studying and writing about the interrelation between the global restructuring of meat processing, the recruitment of Latino immigrant labor, and the implications of these changes for the future of Latino immigrant labor flows and their communities of settlement. She has published numerous articles and co-authored a book on the subject. Among the more recent ones are an article in the journal Great Plains Studies titled, "Global Forces and Latino Population Growth in the Midwest: A Regional and Subregional Analysis," "Latino Immigrants, Meatpacking and Rural Communities: A Case Study of Lexington, Nebraska,"

Dear Jessica:

I am leaving town for a funeral. Just wanted to let you know quickly that I, along with Stull, Griffith, and others, were called by the US Migrant Ed dept to testify about this very same issues about three or more years ago. We told them very clearly that meatpacking was de facto a seasonal and precarious type of employment and it deserved to be considered for migrant ed purposes. They never told us the results, no matter how much I asked for them. The whole thing was incredibly unprofessional. Don't know what else to tell you at this point. Check with Stull too.

Good luck and let me know what else I could do in my limited time,

Lourdes Gouveia, Ph.D.
Director, Office of Latino/Latin American Studies (OLLAS)
Professor of Sociology

University of Nebraska-Omaha 68182
Phone: 402/554-3358 or 554-3835
Fax: 402/554-3557
OLLAS website: www.unomaha.edu/ollas

David Griffith was also sent the email letter. David Griffith is a senior scientist and professor of anthropology at East Carolina University in Greenville, North Carolina. He has written extensively about rural workers in the U.S., Mexico and the Caribbean, including immigrant farm and food processing workers and fishing families. His books are: Jones's Minimal: Low-wage labor in the United States (1993, SUNY Press), Any Way They Cut It: Food processing and small town America (with Don Stull and Michael Broadway, 1995, University Press of Kansas), Working Poor: Farmworkers in the United States (with Ed Kissam, 1995, Temple University Press), The Estuary's Gift: an Atlantic Coast Cultural Biography (1999, Penn State University Press), and Fishers at Work, Workers at Sea: A Puerto Rican Journey through Labor and Refuge (with Manuel Valdés Pizzini, 2002, Temple University Press).

Jessica: A couple of years ago, I was invited to the U.S. Department of Education to discuss this very issue with Mark Grey, Lourdes Gouviea, Don Stull, and others. I would encourage you to get in touch with them as well. Mark is at the University of Northern Iowa, Lourdes at U Nebraska Omaha, and Don at University of Kansas. We never heard from them about the results of those workshops, but I know they also interviewed industry officials and others.

I am in Mexico now and don't have the time or resources to conduct a literature review, but I can give you my opinion, which was the opinion we gave the Dept. of Education: that these jobs are so high-turnover that they constitute temporary jobs for a significant portion of the labor force. Mark Grey has an article about this very subject, published in Human Organization about five or six years ago (he can direct you to the exact reference). Several books and articles on the meat and poultry industries have documented that this turnover rates are very high due to the stress and difficult conditions of the work. I have spoken with families of poultry processing plant workers who tell me that it is impossible to stay in certain jobs in the plant for very long (live-hang and evisceration, for

example), where people develop breathing problems or carpal tunnel syndrome. The reason companies won't provide information to you about this is that it often results in increased scrutiny over plant conditions and bad publicity for the industry. They have been very skillful in dodging regulations designed to cut down on the hazards of the work and on worker turnover--this may be an avenue to pursue, to examine the ways that the industry has fought new regulations about worker safety.

I can provide you with a list of references when I return, if you so desire. Please send me a reminder on November 4th or 5th. Thank you. Best wishes, David

Section Six: In Summary

This paper has been created with the purpose of providing Migrant Education Programs across the country documentation of current trends in the meat and poultry processing industry related to workers and worker turnover. Each state is required to document why temporary agriculture activities qualify. States can use a two-step process to document temporary jobs. The steps are the following

Step One

Look through the tests of temporary defined in the Non- Regulatory Guidance to see if any are applicable to the situation.

1. The employer hires the worker to perform a task that has a clearly defined beginning and end (e.g., digging an irrigation ditch or building a fence) and is not one of a series of activities that is typical of permanent employment.

2. The employer hires the worker for a limited time frame (e.g., for a three-month period).

3. The employer hires additional workers during periods of peak demand (e.g., a poultry processing plant hires more workers in November to handle the increase in turkey production before Thanksgiving).

4. An "industrial survey" establishes that, despite the apparent permanency of the work, the job may be considered temporary. (See section L of this chapter.)

5. The agricultural or fishing work may be permanent but the interviewer has specific reason to believe that the worker does not intend to perform the tasks indefinitely (e.g., the worker states that he plans to leave the job after four months).

Step Two

If none of the tests are applicable, a state can gather documentation related to the specific local company and compare it with what is known nationally and included in the document. States can ask the following questions.

- What data is available to show there is a high degree of turnover?
- Are there frequent lay-offs without pay?
- Are there few or no opportunities for permanent full time employment?
- What are the current working conditions?
- Is this workplace comparable to another that has been shown to be qualifying temporary work?

Comparable workplaces are places that exhibit common characteristics such as the same type of product, size, location, type of management,

employment conditions (unionized-at will), wages and benefits, type of jobs, and employee characteristics.

All data should be documented and compiled to document a state's specific eligibility determination related to temporary jobs in agriculture. States can also gather demographics related information of the specific population working in possibly qualifying industries. A state can gather the following information from data regarding identified families:

- The number of families who continue to work at the plant after 12 months, 18 months, etc.
- The number of students who leave the area.
- The number of new students a district receives each year.

States can also work with local processing plants to try to gather any information possible to show work in the plant is of a temporary nature. Any information gathered should be documented to show why a state determines whether or not a specific industry qualifies. This report has been created to be the foundation of a states documentation regarding processing.

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