

October 17, 2014

Ms. Gina Kouba  
Paperwork Reduction Act Coordinator  
Food Safety and Inspection Service  
USDA, Room 6065  
1400 Independence Avenue SW  
Washington, DC 20250-3700

Desk Officer for USDA  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Washington, DC 20253

SUBJECT: New Information Collection: Poultry Slaughter Inspection  
*79 Federal Register 49566, August 21, 2014*

Dear Ms. Kouba and OIRA Desk Officer for Agriculture:

We are writing concerning the proposed information collection on worker health and safety policies which is described in the new Food Safety and Inspection Service (FSIS) regulation for the New Poultry Inspection System (NPIS). FSIS describes the information collection as an annual

“attestation to the management member of the local FSIS circuit safety committee stating that it maintains a program to monitor and document any work-related conditions of establishment workers.” (*79 Federal Register 49632*)

The FSIS *Federal Register* notice lists the rationale for the attestation and describes a variety of measures and prohibitions about which an NPIS establishment is expected to attest. The FSIS notice, however, does not describe the content or format of the attestation, and does not indicate whether the attestation will be verbal or in writing. For that reason, we are enclosing our recommendation for a USDA form (see attached) which would serve as the annual written attestation required of establishments operating under the NPIS. The seven questions that we propose below will provide the level of specificity necessary to ensure the establishment’s attestation meets the worker health and safety objectives described in the NPIS final rule (*79 Federal Register 49566 (August 21, 2014)*).

We recommend that USDA stipulate a specific date (e.g., October 1) by which the annual attestation must be submitted by poultry processing establishments. The form should remind establishments that the attestation is required for participation in the NPIS and stipulate that failure to complete the attestation will result in USDA making a referral to the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA). Moreover, we urge USDA to partner with OSHA to conduct audits each year of attestations made by a selected fraction of NPIS establishments, including, in future years, establishments new to the NPIS program and establishments that have been in the program for some time. USDA must also establish consequences for fraudulent submissions, including by referring cases to the Department of Justice for prosecution.

FSIS indicates that it will forward the attestations to OSHA (*79 Federal Register 49600*). In order to enhance the quality and utility of the information collected, the attestations should be collected electronically, submitted to OSHA and posted on OSHA’s public website within 20 days of receipt. This

will allow employees, health care providers and others to assess the validity of the establishment's attestation.

We appreciate the opportunity to comment on this FSIS information collection, and we are available to discuss them with you. Please contact Dr. Celeste Monforton at [cmonfort@gwu.edu](mailto:cmonfort@gwu.edu) to schedule a conversation.

Sincerely,

**NAACP**  
**National Council of La Raza**  
**Nebraska Appleseed Center for the Law in the Public Interest**  
**Oxfam America**  
**Southern Poverty Law Center**  
**United Food and Commercial Workers**

**Bill Lucy**  
President Emeritus  
Coalition of Black Trade Unionists

**Celeste Monforton, DrPH, MPH**  
Professorial Lecturer  
Milken School of Public Health  
George Washington University

**Matt Shudtz**  
Senior Policy Analyst and  
Acting Executive Director  
Center for Progressive Reform

Attachment

cc: Congressman George Miller  
Ms. Deborah Berkowitz, OSHA  
Dr. David Michaels, OSHA  
Dr. Daniel Engeljohn, USDA

**Attestation on Worker Health and Safety made by Employers  
Using the USDA/FSIS New Poultry Inspection System (NPIS)**

Full Legal Name of Controlling Company: \_\_\_\_\_

Controlling Company Address: \_\_\_\_\_

Name and Address of Establishment using NPIS: \_\_\_\_\_  
\_\_\_\_\_

Establishment FSIS ID: \_\_\_\_\_

Name/Title/Email/Phone of Contact Person at Establishment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Employer Attestation** (Mark each item Yes or No)

1.  Yes  No This establishment has written policies to encourage early reporting, by employees, of symptoms of work-related injuries and illnesses. (If yes, attach a copy the first time this attestation is made, and thereafter annually if it has changed.)
  
2.  Yes  No This establishment does not have policies, programs or practices that discourage workers from reporting of injuries and illnesses. (A "yes" answer means you do not have them.) (For more information see: "Employer Safety Incentive and Disincentive Policies and Practices," OSHA Memorandum, March 12, 2012, at: <https://www.osha.gov/as/opa/whistleblowermemo.html> )
  
3.  Yes  No This establishment has a method to notify employees of the nature and early symptoms of occupational illnesses and injuries, in a manner and language that workers can understand.
  
4.  Yes  No This establishment has posted in a conspicuous place or places where notices to employees are customarily posted, a copy of the FSIS/OSHA poster encouraging reporting and describing reportable signs and symptoms.

5.  Yes  No This establishment has a system to monitor on a regular and routine basis its logs of employee injury and illnesses, nurse and/or medical office logs, workers compensation data, and any other data on worker injury and illnesses. (If a written policy, attach a copy the first time this attestation is made, and thereafter annually if it has changed.)
6.  Yes  No This establishment has an occupational safety and health management system in place that includes each of these elements: management leadership; employee involvement; worksite analysis; hazard prevention and control; and employee training. (If a written policy, attach a copy the first time this attestation is made, and thereafter annually if it has changed.)
7.  Yes  No This establishment has received a copy of OSHA's "Prevention of Musculoskeletal Injuries in Poultry Processing" (OSHA 3213-12R-2013) and at least one current member of management and all current production supervisors have reviewed it. (OSHA 3213-12R-2013) available at:  
<https://www.osha.gov/Publications/OSHA3213.pdf>

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the information provided on this form and accompanying documentation is true and correct. Falsification of any statements on this form may subject the employer to civil or criminal prosecution (see 18 U.S.C. § 1001.)

Failure to submit annually this attestation will result in USDA making a referral to the U.S. Department of Labor's Occupational Safety and Health Administration.

Signature of Establishment Official: \_\_\_\_\_ Date: \_\_\_\_\_