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**DEATH AND DISABILITY IN THE HEARTLAND:
CORPORATE (MIS)CONDUCT, REGULATORY
RESPONSES, AND THE PLIGHT OF LATINO
WORKERS IN THE MEATPACKING INDUSTRY**

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ABSTRACT—Death and disability remain serious problems in the meatpacking industry, which increasingly depends on Latino workers. Here we examine these problems and the dynamics that heighten and minimize the hazards encountered in meatpacking plants. Drawing from published and unpublished sources, we provide statistical profiles and ethnographic accounts to capture the health and safety risks Latino workers face in the meatpacking plants of Iowa, Kansas, and Nebraska. Guided by recent research in labor market segmentation and the politics of social regulation, we trace the increased risk of injury and illness for Latinos to three intersecting dynamics: corporate conduct and misconduct on the shopfloor, segmented labor markets and limited unionization, and finally, the failure of regulatory agencies to set standards and actively enforce health and safety laws. While these problems occur across the tri-state region, our analysis indicates that the responsiveness of regulatory actors varies by state—and the dynamics that drive inspections and penalties also vary, to some extent, across states. More specifically, regulatory officials in Iowa have historically been more responsive to complaints and accidents, in part due to union pressure. These findings suggest several important lessons for both scholars and labor that are not fully acknowledged in previous research.

Introduction

To the casual observer, conditions in the meatpacking industry have improved dramatically since Upton Sinclair shocked the nation with graphic accounts of death and disability on the shopfloor of Chicago's meat-processing plants. Today, a tour of most meatpacking plants reveals a shopfloor that appears, at first glance, clean and orderly. The heart of the production process, the disassembly line, is at most points surprisingly sanitized. The visitor sees a line of workers dressed in color-coded hard hats, goggles, earplugs, white aprons, and other protective garments. All along the line, men and women carve and cut meat in a steady stream of seemingly smooth back and forth motion reminiscent of Frederick Taylor's idealized vision of workplace efficiency.

Beneath this veneer, however, death and disability remain one of the most serious threats to workers in the meatpacking industry. From 1993 to 1998, 151 work-related deaths were recorded for the meat-products industry nationwide, over 30%, or 48, of these occurring in meatpacking plants (Bureau of Labor Statistics 1998). Disability is even more common, as the rigors of a production process that forces workers to repeat the same motion hundreds of times per day have made cumulative trauma disorders (CTDs) a problem few escape (Broadway 1995; Stull and Broadway 1995).

In the Midwest, Latinos are more likely than others to be "maimed and killed" in meatpacking plants. Segmented labor markets exclude Latino workers from higher-paid, safer jobs, pushing them into the high-risk, low-paid work offered by the meatpacking industry (Griffith et al. 1995; Hackenberg 1995; see also Fink 1995; Frehill 1996). Many sources estimate that from 50% to 95% of the labor force in the meatpacking plants of midwestern states originally came from Mexico and Central America (Austin 1988; Bjerklie 1995; Gouveia and Stull 1995; Stull and Broadway 1995; Walton 1999). For these Latinos, work-related hazards pose one of the most serious obstacles to the better life they seek.

We examine health and safety problems in the meatpacking plants of the Midwest, tracing the way corporate practices and segmented labor markets contribute to high injury and illness rates and the way, in turn, regulatory officials respond. Our analysis has four components. First, we provide a review of the theoretical perspectives and empirical research that guide this analysis. Second, we construct a profile of death and disability in the meatpacking plants of three midwestern states—Nebraska, Kansas, and Iowa—and identify several corporate practices that contribute to these problems. Third, we examine the history of federal regulatory actions that target

the meatpacking industry, emphasizing the dynamics that shape standard-setting and inspections across the tri-state region. Finally, we trace the implications of corporate practices, segmented labor markets, and regulatory politics for efforts to improve health and safety conditions in the meatpacking industry.

Framing the Problem: From the Kill Floor to Capitol Hill

Market Pressures, the Labor Process, and Segmented Labor Markets. In 1970 Congress established the Occupational Safety and Health Administration (OSHA) to force employers to provide all workers a place of employment “free from recognized physical hazards that are likely to cause death or serious physical harm” (cited in Coleman 1998:114). OSHA was given the authority to regulate industry in two important ways. First, the agency was empowered to set health and safety standards that protect workers from hazards encountered on the job. Second, OSHA was given the authority to enforce standards, primarily by inspecting workplaces and levying fines against employers who violate health and safety laws. Despite these mandates, meatpacking remains the most hazardous industry in the United States (Stull and Broadway 1995). In 1998 five persons were killed in meatpacking plants while another 46,800 suffered work-related injuries and illnesses. Although many workers face death and disability on the job, the plight of workers in meatpacking plants is particularly serious. In the last two decades, industrial accidents, injuries, and illness have dropped in most manufacturing industries, in large part due to the adoption and enforcement of health and safety laws and the creation of plant-level committees to monitor work conditions (Wallace 1987; Gray and Scholz 1993). In contrast, the incidence of nonfatal occupational injuries and illness among meatpacking workers increased during much of this period. From 1975 through 1991, the injury and illness rate increased from 31.2 to a high of 45.5 per 100 full-time workers. While these rates have recently declined, worker health and safety problems remain far more serious in meatpacking than in other industries. In 1998 the injury and illness rate remained three times the overall rate for manufacturing, surpassing even other high-hazard industries like construction, mining, and shipbuilding. Meatpacking plants lead all industries in a wide range of work-related health problems, including repetitive motion disorders, which have become the top concern of many public health officials (Stull and Broadway 1995; Bureau of Labor Statistics 1999). In 1998, 993.5 workers for every 10,000 full-time persons employed in meatpacking suffered some type of repetitive stress disorder,

double the rate for 23 other high-hazard industries identified by OSHA (Bureau of Labor Statistics 1999). In many of the 15,900 cases recorded that year, the results will be long-term pain and disability, including the irreversible loss of motion in fingers, arms, hands, shoulders, and backs.

Two distinct research traditions provide insight to the complex processes that contribute to the persistence of health and safety problems in the meatpacking industry: first, ethnographies that focus on particular plants and companies, and second, research in political sociology that focuses on social regulation. Ethnographic studies of the meatpacking industry illuminate the way that market pressures, the redesign of the labor process, and segmented labor markets interact to create these problems (see Griffith et al. 1995). According to these analyses, the hazards workers face in meatpacking plants are rooted in corporate attempts to maximize productivity and profits in an increasingly competitive market. Meatpackers have long complained of slim profit margins and competitive pressures (Bjerklie 1995). On average, the major meatpacking companies report a 1% to 2% profit margin. Corporate executives maintain these slim margins, and the cost-cutting measures they encourage can be traced to a multitude of market pressures few other industries face. Since the 1960s meatpackers have been faced with a declining demand for red meat, growing international competition, and rising consumer concerns about product safety. The only way to survive these pressures, according to management, is to increase productivity and keep labor costs low.

On the shopfloor, these corporate concerns are reflected in several important technological innovations in the labor process that contribute directly to health and safety problems. In the 1960s Iowa Beef Processors (IBP) introduced the "disassembly line," which has since become the heart of the production process at meatpacking plants across the Midwest (Broadway 1995). The disassembly line carries meat from the "kill floor," where cattle are slaughtered, to packaging. With the introduction of this technology, the production process was "deskilled." Work formerly done by highly skilled butchers was broken down into hundreds of smaller operations, all performed by unskilled workers, each responsible for a distinct task. This reorganization of the production process has had several outcomes intended by management. First, deskilling coupled with other deliberate efforts has either broken or severely weakened unions in the meatpacking industry (Bjerklie 1995). Second, productivity has increased markedly as the number of carcasses processed per hour has escalated from 350 to 400 (Stull and Broadway 1995). In the absence of unions, these gains in productivity have

been realized largely at the expense of labor. Productivity increases result not only from the division of labor but perhaps more importantly from the speed of the disassembly line. During the 1980s line speeds increased 50% to 80%, driving up injuries among workers (Stull and Broadway 1995; see also Walton 1999). While high hazard jobs in many industries often pay more, meatpacking executives dropped wages from \$15.00 to \$7.50 an hour even as injuries increased, claiming productivity dividends for themselves (Griffith et al. 1995).

Despite the great risks and minimal rewards of meatpacking work, "segmented labor markets" have provided employers with an abundant supply of immigrant labor poorly situated to contest the corporate practices that fuel rising injury rates (see Gordon et al. 1982; O'Connor 1984; Fink 1995; Frehill 1996; Aponte 2000). In the Midwest, meatpacking plants have turned primarily to Mexican immigrants as well as Central Americans displaced from their own countries by poverty and civil strife (Gouveia and Stull 1995). In some plants, 90% to 95% of the labor force is Latino. Many of these immigrants are undocumented, have few employment options, and may be recruited precisely because they are vulnerable (Walton 1999). The vulnerability of Latino immigrants who work in meatpacking plants is further compounded by the decline of unions. Without union representation, Latino workers have few options but to keep up with the ever-increasing line speeds and quotas imposed by management. In short, workers must "pull full count" or lose their jobs.

The Politics of Regulation. In this context, OSHA represents one of the few lines of defense meatpacking workers have against corporate practices that threaten life and limb. While recent ethnographies provide valuable insight into these corporate practices, they do not adequately explore and explain the failure of regulatory agencies charged with protecting worker health and safety. The politics of production and the apathy of regulatory agencies, in particular, are more fully theorized and explored by recent work in political sociology. According to this research, the failure of regulatory agencies like OSHA reflects the "privileged position" of capital in the political arena (Lindblom 1977). Some scholars claim that regulatory officials have sacrificed health and safety to protect corporate profits because they have been directly "captured" by the industries they are supposed to regulate (Bernstein 1955; see also Calavita 1983; Szasz 1984; Noble 1986). Other scholars claim that regulatory agencies fail to protect worker health and safety because they fear the costs of standards and enforcement will trigger a

decline in business confidence and “capital flight.” States and localities that depend heavily on a few manufacturing industries may be particularly reluctant to impose costly regulations on these firms (Coleman 1998). Finally, the failure of regulatory agencies has been traced to the legal guarantees afforded by liberal democratic states (Wahl and Gunkel 1999). Regulatory agencies like OSHA are required by law to provide all “interested” parties due process, meaning corporations must be afforded several opportunities to informally and formally contest both standards and fines.

Together, these dynamics have worked to limit both standard setting and enforcement, particularly in recent years as regulatory agencies have been pressed to provide “regulatory relief.” Rather than use the “force of law,” officials have increasingly called for “voluntary compliance” with health and safety law. Rather than “punish” industry, officials have been encouraged to foster “cooperation” and consensus building (Tolchin and Tolchin 1983; Stull and Broadway 1995; Domhoff 1998).

While not denying the privileged position of capital, regulatory agencies have on occasion undertaken initiatives that protect worker health and safety at the expense of corporate profits. Several standards that more adequately protect workers against the most serious occupational hazards have been adopted by various agencies, including OSHA. Regulatory agencies have also on occasion levied heavy fines and other punitive penalties, including criminal sanctions, against a number of corporations found guilty of health and safety violations (Noble 1986). Many scholars trace these regulatory initiatives to the mobilization and strategic action of organized labor (e.g., Wallace 1987; Wahl and Gunkel 1999). In the absence of union pressure, conversely, regulatory agencies routinely allow corporate conduct and misconduct that threatens worker health and safety to operate unrestrained.

Meatpacking on the Central High Plains: Data and Methods

Previous research provides important “snapshots” of the way in which these dynamics play out in meatpacking plants across the Midwest but does not provide a systematic analysis of the problem (see Stull et al. 1995). Here we update and extend previous research to more systematically address three sets of questions. To what extent is the problem of death and disability in midwestern meatpacking plants similar to the problem nationally? What corporate practices—legal and illegal—contribute to these problems? Finally, how have regulatory actors responded to these practices and why?

More specifically, does the record of standard-setting and enforcement suggest regulatory agencies are actively working to protect workers in meatpacking plants across the tri-state region? And what role do corporate interests, on the one hand, and worker activism, on the other hand, play in shaping the regulation of these firms?

We draw from several published and unpublished sources to map the dynamics of health and safety in meatpacking plants across the Midwest. These sources include Bureau of Labor Statistics (BLS) reports of occupational fatalities, injuries, and illnesses; rulemaking dockets archived at the OSHA Technical Data Center in Washington, DC; OSHA inspection reports available on-line; and finally, obituaries, newspaper articles, the *Federal Register* (FR), and several other published reports.

We focus on the three midwestern states of Iowa, Nebraska, and Kansas. These states represent an important center of the meatpacking industry. The “big three” (i.e., IBP, Con-Agra, and Excel) are heavily concentrated in this tri-state region (see Bjerklie 1995) and beef-packing’s “golden triangle” resides in Kansas (Gouveia and Stull 1995). Kansas accounts for one-fifth of the national output in beef production while Nebraska and Iowa also contribute significantly to beef production. More importantly perhaps, the introduction of the disassembly line and the revolution in meatpacking that occurred in the 1960s can be traced to Iowa’s leading producer, IBP, Inc. (Broadway 1995).

Kansas, Iowa, and Nebraska are both similar and different in several ways that may shape worker health and safety in the meatpacking industry and regulatory responses to this problem. On the one hand, meatpacking represents an important industry in all three states. Further, “right-to-work” laws in each state hinder the organization of strong unions that might mobilize for more protective standards and greater enforcement (Bensel 1984). On the other hand, economic and political conditions do differ to some extent across states. Nebraska is most dependent on meatpacking for employment; this industry provides 15% of all manufacturing jobs in the state but only 7.4% and 7.5% of manufacturing jobs in Kansas and Iowa, respectively. In addition, meatpacking is less unionized in Nebraska than elsewhere. In Kansas and Iowa, about 40% and 42%, respectively, of the largest meatpacking establishments are union plants while less than 19% percent of Nebraska’s largest plants are unionized (US Bureau of the Census 2000; OSHA 1981-1998; OSHA 1999a). Finally, Iowa has its own state-administered occupational safety and health program while Nebraska and Kansas do not. According to federal guidelines, state-administered

programs “must adopt standards and enforcement requirements that are at least as effective as Federal requirements” (Stull and Broadway 1995). However, many claim programs administered by state governments are often less protective of worker health and safety than federally administered programs, particularly in right-to-work states (Bensel 1984). Our analysis allows us to make comparisons across states to determine if all workers in the meatpacking industry are afforded equal protection regardless of economic and political conditions where they live and work.

Death and Disability in the Meatpacking Industry: Overview of the Problem

On 20 November 1992 Lydia Alvarez-Rios, a 26-year-old woman from Mexico, walked into the Monfort beef plant in Grand Island, Nebraska, to work the second shift. She had joined the ranks of other Latino and Asian immigrants employed at Monfort only two months earlier, ending up in the fabrication division cutting, packaging, and boxing meat. This Friday night she would not walk out. At 11:30 P.M., a 15-foot brick wall in the fabrication division collapsed, toppled by a meat hook dangling from a moving overhead conveyor chain. As the wall collapsed, it pushed a conveyor belt into Lydia as she worked on the Whizzard line boning meat. She died four hours later from injuries sustained in the accident. A second employee, Kharphowne Prachomhoah, was also struck by the wall and suffered contusions to her upper back, right shoulder, and rib area (Dinslage 1992; OSHA 1981-1998 [Inspection Report No. 109321281, open case date: 11-23-1992]).

Seven months later, an ammonia leak at the IBP plant in Council Bluffs, Iowa, added one more victim to the industry death toll. On 30 June 1993 a maintenance worker who was cleaning up the “cut floor” was overcome by ammonia that had been inadvertently released. Within hours, he died of “ammonia irritation and pulmonary complications.” Nine other workers who attempted to rescue the victim were hospitalized for eye, skin, and throat irritation (OSHA 1981-1998 [Inspection Report No. 115057200, open case date: 7-01-1993]).

With these two accidents, the number of work-related fatalities in meat-producing plants across the nation reached 47 in 1992-93 (Bureau of Labor Statistics 1998). On average, 10 more workers lost their lives on the job in meatpacking plants across the country each subsequent year. In the last two decades, 22 of all recorded work-related deaths among meatpacking

workers have occurred in Iowa, Nebraska, and Kansas. In this region, as elsewhere, most meatpacking workers do not suffer the “sudden death” these workers encountered. Many, however, are victims of nearly fatal accidents. Common among these near misses are “accidental” ammonia and chlorine leaks like that at IBP that cause life-threatening chemical burns and asphyxia. Between 1980 and 1998, at least 13 major accidents of this type were recorded and investigated by OSHA inspectors in Iowa, Nebraska, and Kansas. Over 150 workers suffered asphyxia, chemical burns, or other injuries as a result of these accidents; 111 were hospitalized. Other near misses include the long list of accidents that result in amputations and fractures. In Kansas alone, 58 amputations were recorded (Austin 1988). Still other meatpacking workers in the Midwest speak of a “slow death” inflicted by a production process that remains physically demanding and dangerous (Walton 1999). As for the nation, repetitive stress disorders are perhaps the single most common nonfatal illness suffered by workers in meatpacking plants across the Midwest, causing chronic pain and irreversible disabilities for many.

In some ways, reports of death, injury, and illness in the Midwest parallel the national pattern. In other ways, our analysis suggests the problem is more serious. From 1996 thru 1998, 62,800 work-related injuries and illnesses were recorded for meatpacking plants in Kansas, Nebraska, and Iowa (see Table 1). In Kansas and Nebraska, the rate of injury and illness in meatpacking was typically twice the overall rate for manufacturing, as it is nationally. In Iowa, however, the problem appears considerably more serious as the incidence of illness and injury reached 55.9, 51.3, and 58.2, respectively, in 1996, 1997, and 1998, figures that probably reflect a higher incidence of repetitive stress disorders in Iowa’s meatpacking industry.

The dynamics that contribute to death and disability in meatpacking plants across the Midwest are only partly uncovered in previous research. More specifically, we find that many injuries, illnesses, and fatalities are the result of not only corporate conduct but “misconduct” as well (see Clinard and Yeager 1980; Cullen et al. 1987; Coleman 1998). As suggested by others, the drive to increase productivity and minimize labor costs leads to several practices—like speeding up the disassembly line—that directly contribute to these problems (see Walton 1999; Broadway 1995). At the same time, the constant pursuit for greater productivity and profits also seems to repeatedly set in motion practices and decisions that violate health and safety laws and exacerbate the risk workers face.

TABLE 1
NONFATAL INJURIES AND ILLNESSES IN THE MEATPACKING
PLANTS OF IOWA, KANSAS, AND NEBRASKA, 1996-98

	Number of injuries and illnesses			Incidence of injuries and illnesses			Incidence of injuries only		
	1996	1997	1998	1996	1997	1998	1996	1997	1998
Kansas									
Meatpacking	4,100	4,500	4,200	24.5	26.9	23.6	15.7	16.7	13.9
All manufacturing	25,000	30,100	27,800	12.5	14.3	12.9	10.4	11.8	10.4
Nebraska									
Meatpacking	5,600	8,700	4,900	28.1	46.7	25.1	19.7	24.2	15.0
All manufacturing	17,800	22,400	19,300	15.5	20.0	12.6	12.2	14.5	12.6
Iowa									
Meatpacking	9,600	9,100	12,100	55.9	51.3	58.2	24.5	18.2	22.7
All manufacturing	39,400	40,800	43,700	16.0	16.1	16.6	11.8	11.9	12.2
United States									
Meatpacking	47,900	49,900	46,800	30.3	32.1	29.3	19.8	18.7	18.0
All manufacturing	1,520,000	1,921,400	1,834,900	10.6	10.3	9.7	9.2	8.9	8.5

Source: Bureau of Labor Statistics 1996-98.

The circumstances leading to the death of Lydia Alvarez-Rios as well as other work-related fatalities reflect the routinization and role of corporate misconduct perhaps most clearly. In the wake of Rios's death, Monfort spokesperson K. T. Miller insisted, "We care a great deal about our plants and our people" (*Grand Island Independent* 1992). The long history of safety and health violations that preceded this "accident" suggests otherwise. Between 1981 and 1990 the plant at which Rios worked was inspected 24 times and cited 20 times for violations of health and safety law. In October 1990 the plant was charged with 192 violations and fined \$1.1 million for contributing to the death of maintenance worker Richard Skala. Problems persisted and four complaints were filed by workers in September 1992. A month later, Rios was killed. In their investigation of the accident, OSHA officials charged Monfort with the "willful violation" of the Occupational Safety and Health Act, claiming the company "intentionally and knowingly" contributed to the conditions that caused this death. Inspectors

concluded that Monfort was “aware that a hazardous condition [existed], [knew] that the condition violated a health and safety standard and [made] no reasonable effort to eliminate it” (OSHA 1998:11). The death of Lydia Alvarez-Rios, inspectors ruled, could have been prevented through a simple set of work practices, such as providing sufficient clearance between the collapsed wall that caused this fatality and the conveyor belt carrying the meat hooks that toppled the wall.

The role of corporate misconduct in the deaths that have occurred at Monfort’s Nebraska plant is not unique. Violations of health and safety laws also have contributed to work-related fatalities at other meatpacking establishments in the tri-state region. From 1981 to 1998 work-related fatalities also occurred at plants operated by National By-Products, National Beef Company, Val Agri, Excel (formerly MBPXL), IBP, and Farmland Foods (see Table 2). In 15 of these 19 fatal accidents, meatpackers were cited for directly contributing to their employees’ deaths by violating health and safety laws. In several cases, employers were charged with “intentionally and knowingly” contributing to the hazardous conditions that led to these fatalities. Most of the plants where fatalities occurred were “recidivists,” meaning that they had been cited previously by OSHA inspectors for creating hazardous work conditions.

Corporate misconduct similarly has been a contributing factor in most of the “near misses” we uncover—potentially fatal accidents resulting from “major” ammonia and chlorine leaks (see Table 2). Misconduct in these cases often involves a failure to take the precautions health and safety laws dictate when faced with the “warning signs” that often precede these accidents. At a broader level, however, the failure to respond as required seems to reflect one of the central dictums guiding management decisions on the shopfloor: protect the production process from any and all interruptions. This dictum often sets in motion efforts to minimize warning signs, contain the disruptions caused by gas leaks, and “cut corners” when faced with these accidents. The sequence of events that resulted in the hospitalization of 30 workers employed at the John Morrell plant in Sioux City, Iowa, illustrates the dynamics at work:

On March 18, 1986, at approximately 9:30 a.m., employees #1 thru #10 were working at their regular jobs on the cut floor. . . . The cut floor is located approximately 40 feet away from a cooler in which *an ammonia leak had occurred the day before*. . . . Employees #1 through #10 began experiencing chest pains, shortness of breath

TABLE 2
OCCUPATIONAL FATALITIES AND "NEAR MISSES" IN IOWA,
KANSAS, AND NEBRASKA, 1981-98

	No. of fatalities	Number hospitalized for exposure to ammonia or chlorine	Violations of health and safety law contributing factor
<u>Iowa</u>			
1981 Wilson Foods, Cherokee	0	14	Yes
1982 Wilson Foods, Cedar Rapids	0	1	Yes
1985 Cedar Rapids Meats, Inc., Cedar Rapids	0	10	No
Wilson Foods, Cherokee	0	11	No
1986 John Morrell & Company, Sioux City	0	30	Yes
1988 Dakota Pork Industries, Sioux City	0	3	Yes
1989 IBP, Storm Lake	1	0	Yes
1990 Verschoor Meats, Inc., Sioux City	0	10	Yes
Monfort, Marshalltown	0	12	Yes
1993 IBP, Inc., Council Bluffs	1	9	Yes
1994 Beef Products, Inc., Waterloo	0	3	Yes
Farmland Foods, Denison	1	0	Yes
<u>Kansas</u>			
1981 IBP, Inc. Holcomb	0	2	No
MBPXL, Dodge City	1	0	No
1983 National Beef Packing Co., Liberal	2	0	Yes
1985 Val-Agri, Inc., Garden City	1	0	Yes
1986 Excel Corporation, Dodge City	1	0	Yes
1988 National Beef Packing Co., Liberal	1	1	Yes
1991 National Beef Packing Co., Liberal	3	0	Yes
1992 IBP, Inc., Holcomb	1	0	No
IBP, Inc., Emporia	1	0	No
1994 Monfort, Inc., Garden City	1	0	Yes
1995 National Beef Packing Co., Liberal	1	0	Yes
<u>Nebraska</u>			
1982 National By-Products, Inc., Omaha	1	0	No
1986 IBP, Inc., Dakota City	0	5	No
1989 Monfort, Grand Island	1	0	Yes
1990 IBP, Inc., Madison	1	0	Yes
Monfort, Grand Island	1	0	Yes
1992 Monfort, Grand Island	1	0	Yes
1996 Monfort, Grand Island	1	0	Yes
Total	22	111	22 = Yes 8 = No

Source: The authors examined all inspection reports for the meatpacking industry in Iowa, Kansas, and Nebraska for 1981-1998. In some cases, no inspections investigating fatalities or near misses were conducted so that year does not appear in the table. Occupational Safety and Health Administration (OSHA) Inspection Reports (1981-1998).

and difficulty breathing and were sent to the hospital. At 11:00 a.m. the remaining employees were evacuated. *Management told everyone to return to work* at 12 noon. At 12:28 ambulances were again summoned and employees #11 through #29 were sent to the hospital. These employees experienced the same symptoms as employees #1 through #10. Employee #20 stopped breathing on the way to the hospital and once in the hospital, but was revived both times. . . . The ammonia exposure was caused by a broken pipe in the cooler. (OSHA 1981-1998 [Inspection Report No. 101923332, open case date: 3-19-1986]; emphasis added)

In this case, management had several “warnings” of imminent danger but failed to take the actions required by law to adequately protect workers. A similar disregard for health and safety laws is evident in other cases as well, including a more recent incident at an IBP plant in Waterloo, Iowa:

At approximately 9:45 a.m., the scrape surface heat exchangers developed a leak. . . . *From the time the leak occurred until the employees were taken to the hospital, the employees continued to work, periodically going to a dock . . . to get fresh air.* The workplace was never officially evacuated. Employees #1, #2 and #3 complained of shortness of breath, burning mucous membranes, and chest tightness. The employees went to the nurse’s station and subsequently to the hospital, somewhere between 11:00 a.m. and 12:00 noon. (OSHA 1981-1998 [Inspection Report No. 115059982, open case date: 10-27-1994]; emphasis added)

Inspectors charged the company with 11 violations, including failure to evacuate workers from the site.

Corporate misconduct is also a contributing factor in many other injuries and illnesses workers suffer in meatpacking plants across the Midwest. However, the most pervasive health problem among meatpacking workers—cumulative trauma disorders, or CTDs—are the result of corporate practices that do not necessarily cross the fine line between legal conduct and misconduct; they merely reflect the drive for greater productivity and the line speeds set by management to achieve this goal. Several studies conducted in the late 1980s and early 1990s focusing on the causes of CTDs in midwestern meatpacking plants make clear that productivity concerns have routinely led management to set line speeds that far exceed

“safe” limits. The National Institute for Occupational Safety and Health (NIOSH), research arm to OSHA, warns that repetitions in excess of 1,500 to 2,000 per hour have been shown to cause tendon and sheath swelling commonly associated with CTDs (OSHA 1999a). OSHA investigators find these limits are routinely surpassed in many midwestern plants, with many workers along the disassembly line performing from 2,400 to 2,700 repetitions per hour (OSHA 1999a). Manuel de Luna, a former packing plant worker interviewed as part of a recent investigation in Nebraska, succinctly summarizes the sentiments of many workers regarding excessive line speeds: “They’re working the heck out of them [meatpacking workers]. One person is doing the work that two used to do. The way people are treated is real bad” (Walton 1999).

At least three common practices aggravate the health problems caused by the excessive speeds of the production line. First, management often requires long shifts and overtime, scheduling workers for 10-hour days six days a week (Walton 1999; Maurstad 2000:5-6). Second, many employers do not afford disabled workers adequate accommodations so they might recover. Supervisors often fail to provide these workers adequate time off or assign them light duty, forcing many to resume their regular assignments against physician’s orders (Maurstad 2000, “Attachment F”). Third, employers’ willingness to hire undocumented workers and exploit their vulnerabilities compounds the health problems many suffer in the workplace. A Latino worker employed at an Omaha plant notes, “Most supervisors know who is documented and who is not, and they treat them that way. . . . Undocumented workers are afraid to complain. It’s terrible for them” (Walton 1999). Fearful of losing their jobs, many undocumented Latino workers suffer in silence. The result, according to workers compensation attorney Rod Rehm, is that many Latinos employed in meatpacking plants across the Midwest come to work “taped up like football players. . . . It’s called ‘work and hurt’”(Walton 1999).

While serious harm results, most of these corporate practices persist at least in part because they fall in the gray area of health and safety law. NIOSH and other public health advocates certainly advise against excessive line speeds, overtime, long shifts, and other practices that cause and exacerbate CTDs but their recommendations to date are merely advisory rather than binding. Although regulatory agencies claimed ergonomics was “the issue of the 90s,” OSHA has not yet set limits on line speed, overtime, or most other corporate practices that contribute to repetitive stress disorders. Technically, employers who engage in practices that create ergonomic haz-

ards can be cited for violating the general duty clause of the Occupational Safety and Health Act. However, "field inspection staff have been instructed that failure to implement the guidelines is not in itself a violation of [this clause]" (OSHA 1993:1). Ben Bare, OSHA district director for Nebraska, recently acknowledged these limitations in a statement addressing the problems that workers, particularly Latinos, encounter in meatpacking plants. Bare noted that, consistent with federal directives "[OSHA] evaluates production line speed as part of plant inspections . . . but . . . does not issue regulations on line speed in any industry" (Walton 1999).

Public health officials, industrial hygienists, and labor advocates claim that many, if not most, health and safety problems faced by meatpacking workers could be minimized through more aggressive regulatory action. More specifically, these actors urge OSHA to adopt more protective standards and enforce the law more zealously. Next we examine the history of standard setting and enforcement activities that target the meatpacking industry in general and plants in the tri-state region in particular.

Standard-Setting and the Meatpacking Industry

OSHA has long acknowledged the hazardous conditions that pervade meatpacking plants. As early as 1972, the industry was designated one of five that would receive priority attention as part of a broader effort to target workplaces with the highest injury and illness rates (US Department of Labor 1972). While meatpacking remains a high-hazard industry, OSHA has adopted several standards that do in fact provide workers greater protection from some of the most serious threats encountered on the shopfloor. Many of those accidents most likely to result in fatalities are in part prevented by a "lockout/tagout" standard that became effective 3 January 1990. This standard obligates employers to follow a simple precaution that prevents employees from being caught and crushed by the machinery used in meatpacking plants as well as other workplaces. Lacerations and amputations, also the result of working with dangerous machines, have also declined due to "machine guarding" rules adopted by OSHA. Machines that pose a danger to workers, including the many circular saws used in meatpacking plants, must be equipped with guards that prevent inadvertent contact and injury to limbs. Workers are further protected against these types of injuries and others by standards that require employers to provide personal protective equipment like steel gloves, aprons, and hard hats to their employees. Finally, standards that detail the procedures management

should follow when confronted with chemical spills, gas leaks, and other hazardous waste accidents and exposures have reduced the "near misses" and fatalities that would otherwise result. While not all employers consistently comply with these standards, fatalities as well as nonfatal accidents are less common than they would be in the absence of the precautions required by health and safety law.

Notwithstanding the impact of these laws, the meatpacking industry will remain more hazardous than any other industry in the absence of federal regulations protecting workers against CTDs, the most pervasive threat they currently face. On 23 November 1999 OSHA finally published a long-awaited proposal that, if adopted, will force meatpackers to implement a far-reaching ergonomics program that minimizes the risks of CTDs. Specifically, OSHA has detailed a six-point program to reduce these risks. "Job hazard analysis and control" represents the heart of the proposed ergonomics program. Employers are obligated, if the proposal becomes law, to systematically analyze and document the elements of particular jobs and the production processes that cause CTDs. Based on this analysis, employers "must [then] eliminate the . . . hazards [or] reduce them to the extent feasible" (OSHA 1999c), using any combination of "engineering, administrative or work practice controls." The administrative practices recommended by OSHA would most directly counter the corporate practices that cause CTDs in the meatpacking industry, as they include "decreasing production rates, limiting overtime, providing rest pauses to relieve fatigued muscle-tendon groups, increasing the number of employees assigned to a task, using job rotation . . . and providing a sufficient number of standby/relief personnel to compensate for foreseeable upset conditions on the line" (OSHA 1993:5-6).

Employers must also incorporate into their ergonomics programs two other components that are particularly important for meatpacking workers: "employee participation" and "proper medical management." Various forms of employee participation are required, from the development of safety and health committees to a complaint procedure that allows workers to air their concerns without fear of reprisal. Employers must also provide all employees information about the requirements of an ergonomics standard, make clear to employees the process they have established for reporting CTDs, and respond to these reports in a timely manner. Finally, employers are also obligated to implement strategies that afford disabled workers proper medical treatment and the accommodations necessary to recover. Specifically, this includes "prompt access to health care professionals," and perhaps most importantly, "work restriction protection" (WRP). The WRP provision re-

quires employers to provide time off or a temporary reassignment to light duty at 90% and 100% of pay, respectively (OSHA 1999c).

Given its potential impact, this proposal has not surprisingly generated both great enthusiasm and intense opposition. The United Food and Commercial Workers Union (UFCWU), which has organized several midwestern meatpacking plants, has applauded the initiative, noting that "Working Americans have much to be proud of today. . . . Now OSHA can move forward and issue a standard that will help prevent these crippling injuries and will require employers to do the right thing" (OSHA 1999b). This enthusiasm, however, is tempered with a cautious optimism born of the long struggle for an ergonomics standard. As early as the 1980s OSHA acknowledged the high incidence of CTDs in meatpacking plants and promised to develop an ergonomics standard. In a special report prepared for the meatpacking industry, officials claimed that "Finding solutions to the problems posed by ergonomic hazards may well be the most significant workplace safety and health issue of the 1990s," suggesting a commitment to regulatory action (OSHA 1993:1). A year later, however, an ergonomics standard had yet to be developed, prompting more than 30 labor unions led by the UFCWU to formally petition OSHA for an emergency temporary standard to protect workers against the dangers posed by ergonomic hazards (OSHA 1999c). In response, the agency published an advanced notice of proposed rulemaking on 3 August 1992 but then waited seven more years to develop and publish a proposal for an ergonomics standard that would be binding if adopted.

The proposed ergonomics standard published on 23 November 1999 represents an important victory for labor, but several challenges remain in the struggle to secure a federal law that adequately protects meatpacking workers. Corporate resistance is among the obstacles labor and regulatory officials have yet to negotiate. The National Association of Manufacturers (NAM), among others, has been vociferous in its opposition to the proposed ergonomics rule, claiming "We'll use the force of our membership to hold OSHA's feet to the fire to have the science before they regulate" (Associated Press 1999). More pointedly, other trade associations, including the American Meat Institute (AMI), representing approximately 70% of beef producers and packers, claim that the proposal is not necessary or appropriate and that it "will be detrimental to employee safety and workplace productivity" (Dopp 2000:1-3).

Given the guarantees of due process, OSHA is obligated to hold public hearings and review pre- and posthearing statements to provide all interested parties, including NAM, AMI, and other opponents, the opportunity to

comment on the proposed initiative. Public hearings began 13 March 2000 in Washington, DC and moved to Chicago and Portland on 11 April and 24 April, respectively. As in other workplace health and safety cases, corporations opposed to the standard have mobilized en masse to testify at the public hearings. Over 70 corporations represented by more than 100 lawyers, physicians, and other witnesses were scheduled to appear, including the AMI, IBP, and Farmland Industries.

If the ergonomics proposal survives the corporate challenge, the protection it affords workers in the meatpacking plants of the Midwest ultimately depends on the aggressive enforcement of this standard, given that workers' accounts indicate most employers have not voluntarily implemented an effective ergonomics program. Below, we examine patterns of enforcement in the tri-state area over the last decade to determine if workers can count on regulatory agencies to routinely inspect meatpacking plants and fine those companies that violate the law.

Inspections and Penalties in the Meatpacking Industry

In general, our evidence indicates an extremely weak record of enforcement in the meatpacking industry of Kansas, Nebraska, and Iowa. From 1989 thru 1998, OSHA compliance officers conducted only 298 inspections in the entire tri-state region or, on average, 29.8 inspections per year. During this period, meatpackers in Nebraska and Kansas were least likely to be inspected. In Nebraska, only 66 inspections were conducted at 24 of the state's approximately 27 large meatpacking plants. In Kansas, only 48 inspections were conducted at 15 of the state's approximately 17 large meatpacking plants. Only three Nebraska facilities were inspected four times or more in these 10 years: the Monfort plant in Grand Island (15 times), the IBP plant in Dakota City (6 times) and Packerland Packing in Gering (4 times). Kansas's record of inspections is similarly weak. Enforcement has largely focused on two plants, National Beef Packing in Liberal and IBP in Emporia. The Liberal facility, site of several fatalities, was inspected 13 times, while the Emporia plant was inspected 11 times since 1989.

Relative to these numbers, Iowa's enforcement efforts appear substantially stronger at first glance. From 1989 to 1998, 184 inspections were conducted at 43 meatpacking plants. A breakdown of these inspections by type clarifies the dynamics that set Iowa apart from Nebraska and Kansas (see Fig. 1). OSHA distinguishes several types of inspections, including

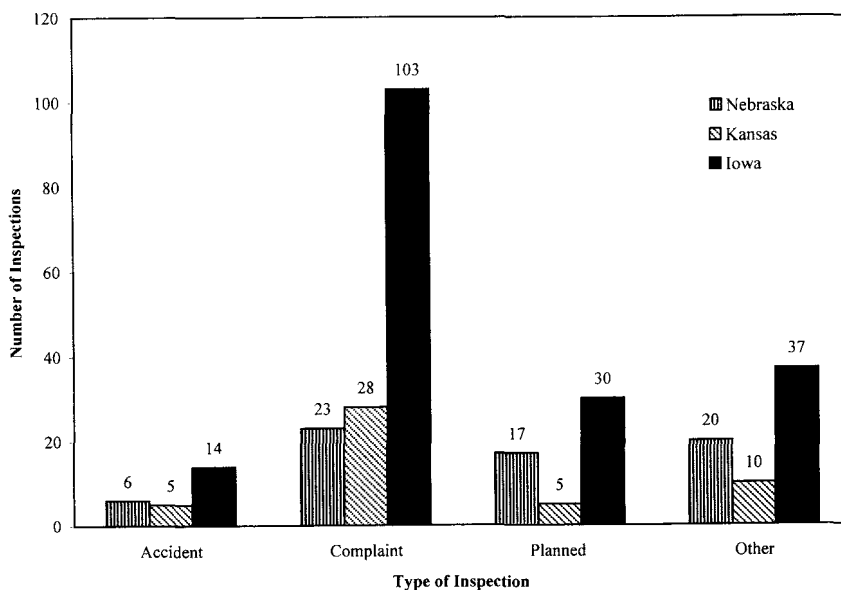


Figure 1. Number of inspections by type and state, 1989-98. Source: Occupational Safety and Health Administration (OSHA) Inspection Reports (1989-98).

planned, accident, complaint, and follow-up. Iowa leads the region in all categories, claiming a particularly substantial lead in complaint inspections.

In part, the level of inspection activity in Iowa as well as Nebraska and Kansas can be traced to the activism of union workers. The role of unions in driving inspections is indicated by the analyses presented in Table 3. First, we find that union plants were more likely than other plants to be inspected more than once during this 10-year period (see Table 3, top). More specifically, 17% of union plants were inspected twice while another 60% were inspected three or more times. In contrast, fully 50% of nonunion plants were inspected only once. Iowa's unionized plants were especially likely to be inspected more than once; 75% of union plants in this state were inspected three or more times while only 25% and 67% of union plants in Kansas and Nebraska, respectively, were inspected this often. Second, a breakdown of inspections conducted in union and nonunion shops by type clarifies the role of organized workers in triggering most inspections from 1989 to 1998 (see Table 3, bottom). More specifically, we find that the

TABLE 3
UNIONS AND INSPECTION ACTIVITY
IN THE TRI-STATE REGION, 1989-98

Plant-Level Analysis of the Number of Inspections by Union Status								
Number of Inspections	Tri-State Region^a		Iowa		Kansas		Nebraska	
	Nonunion	Union	Nonunion	Union	Nonunion	Union	Nonunion	Union
One	50%	23%	59%	13%	57%	50%	33%	17%
Two	21%	17%	15%	13%	0%	25%	39%	17%
Three or more	29%	60%	26%	75%	43%	25%	28%	67%
Totals	100%	100%	100%	100%	100%	100%	100%	100%
	(52)	(30)	(27)	(16)	(7)	(8)	(18)	(6)

Number of Inspections by Type Conducted in Union and Nonunion Plants				
Tri-State Region^b	Planned	Accident	Complaint	Other
Union	23%	36%	67%	72%
Nonunion	77%	64%	33%	28%
Totals	100%	100%	100%	100%
	(52)	(25)	(154)	(67)
Iowa				
Union	23%	43%	85%	84%
Nonunion	77%	57%	15%	16%
Totals	100%	100%	100%	100%
	(30)	(14)	(103)	(37)

Note: Cross tabulations are provided for each state separately but chi-square statistics for state-specific analysis are not reported because the small number (*N*) in some cells makes these tests of significance inconclusive.

^aChi-square, tri-state region cross tabulation = 8.146, *df* = 2, *p* = .017 (two-sided).

^bChi-square, tri-state region cross tabulation = 41.879, *df* = 3, *p* = .000 (two-sided).

majority of inspections—namely, complaint inspections—occur in union shops. In contrast, 77% of planned inspections occur in nonunion plants, which we would expect given that most plants in the tri-state region are not unionized. Similarly, most accident inspections (64%) are conducted in nonunion shops, suggesting that amputations, chemical burns, and other injuries are more common in these plants than in union plants. Union shops, then, account for the majority of complaint inspections not because accidents and injuries occur more often in these plants nor because these plants

are more numerous. Rather, it appears that workers in union shops are more likely to face conditions that are known to cause illnesses (like CTDs) and/or they are more likely to register complaints with OSHA inspectors. Worker health and safety problems and the activism set in motion at the John Morrell plant in Sioux City, Iowa, suggest both factors work together to trigger complaint inspections. From 1989 to 1998 workers at this union plant registered at least 48 complaints, triggering 37 inspections.

While the activism of union workers is important, the higher number of inspections in Iowa also seems to reflect the greater responsiveness of this state-administered program to health and safety problems. The distinct way in which accidents are treated by inspectors across the tri-state region perhaps best indicates this effect. As shown in Figure 1, the number of accident investigations is greater in Iowa than in either Kansas or Nebraska, suggesting that accidents are either more common in Iowa meatpacking plants or regulatory officials are more likely to investigate reported accidents (see also Gray and Scholz 1993). While data for Nebraska are not available, data for Kansas appear to lend credence to the latter position (see Austin 1988). From 1980 to 1988, 58 amputations were recorded by the Kansas Division of Workers' Compensation (Austin 1988), yet OSHA officials did not investigate any of these accidents. In contrast, Iowa compliance officers investigated 45 nonfatal accidents involving amputations during this same period. Under federal laws, Iowa was not obligated to investigate most of these accidents, as OSHA only requires its field offices to investigate "accidents resulting in the hospitalization of three or more employees" (see OSHA 1998:3). Most of the amputations investigated by Iowa inspectors resulted in the hospitalization of "only" one employee.

The punitiveness of enforcement activities across the tri-state region reflects some of the same patterns as the level of inspections but also differs in important ways. Most notably, Iowa officials may inspect meatpacking plants more often than do officials in Kansas and Nebraska, but they report fewer violations, on average, and issue less punitive fines (see Table 4). The less punitive penalties levied against firms in this state may reflect several factors, including fewer serious, willful, and repeat violations, which by law must carry heavier fines than other violations. In fully 37% of Iowa's inspections, no violations of health and safety laws were reported and no fines were levied. In most of these cases, the inspections were triggered by union complaints and the same plant was inspected several times.

However, unionization does seem to provide workers with some leverage when firms are charged with at least one violation of health and safety

TABLE 4
PENALTY AMOUNTS AND TYPE BY REGION AND STATE, 1989-98

Penalty amounts and type	Tri-State Region	Iowa	Kansas	Nebraska
Avg. initial total penalty per inspection	\$15,776	\$6,883	\$38,955	\$23,708
Avg. no. of violations per inspection	4.22	2.77	4.13	8.33
Avg. no. of serious violations per inspection	2.46	1.65	2.88	4.42
Avg. no. of willful violations per inspection	.12	.003	.15	.36
Avg. no. of repeat violations per inspection	.13	.1	.31	.076

Note: Initial total penalties are adjusted for inflation using the Producer Price Index for processed foods and feeds (1982 = 100).

TABLE 5
REGRESSION RESULTS FOR FINES LEVIED
AGAINST VIOLATORS, 1989-98

Independent variables	Dependent variable		
	Total dollar amount of fines levied		
	Iowa	Kansas	Nebraska
Number of fatalities	77,010*** (.403)	224,639*** (.689)	73,864** (.191)
Number of egregious violations (Sum of serious, willful and repeat violations)	4,031*** (.533)	7,877*** (.692)	6,798*** (.829)
Union plant (1 = union, 0 = nonunion)	8,559*** (.132)	-39,043 (-.090)	-10,240 (-.037)
Adjusted R ²	.565	.927	.818

Note: Top number is Unstandardized; Standardized regression coefficients are reported in parentheses; significance for one-tailed test reported. Regressions using the log of fines as the dependent variable yield substantively similar results and are available upon request.

** $p < .01$

*** $p < .001$

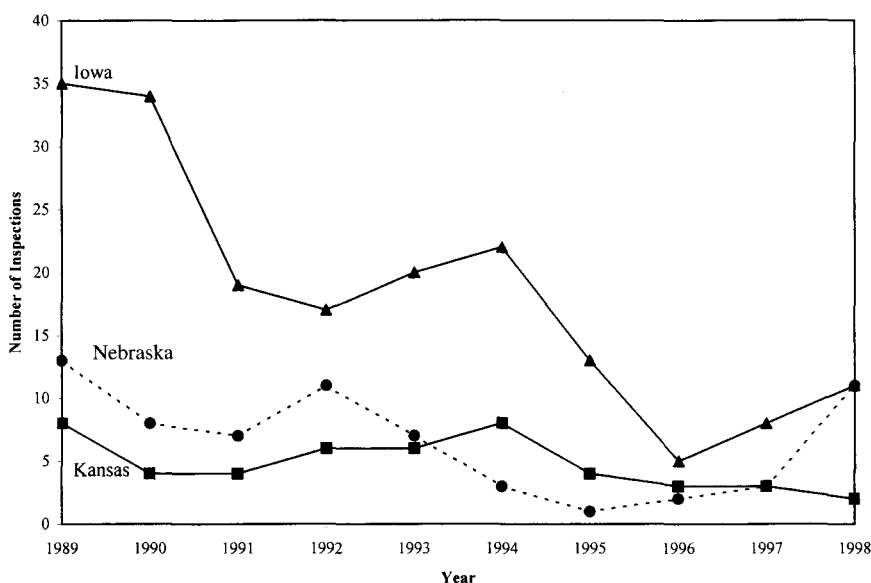


Figure 2. Number of OSHA inspections, 1989-98. Source: Occupational Safety and Health Administration (OSHA) Inspection Reports (1989-98).

law. The advantage provided by unionization is uncovered in the analyses presented in Table 5, which weighs the importance of this factor relative to traditional predictors of regulatory sanctions. As OSHA guidelines dictate, the greater the blameworthiness of firms—as reflected in the total number of serious, willful and repeat violations—the higher the penalties imposed on employers across states. In addition, fatalities drive fines upward in all states, irrespective of the blameworthiness of employers. Beyond this, unionization seems to encourage higher penalties, at least in Iowa. While union plants are less likely to be charged with violations in Iowa, these firms pay a higher price when they are cited for disregarding health and safety law.

If compliance is heightened with regular inspections and punitive sanctions, recent developments should renew concerns about worker health and safety. In the last decade, enforcement has dropped dramatically in Iowa, and declines are also evident in Nebraska and Kansas (see Fig. 2). The extremely weak record of enforcement evident across these states during much of the 1990s is particularly surprising given a highly publicized campaign to “crack down” on health and safety violations in the meatpacking

industry. In 1987 OSHA inspectors charged the Sioux Falls, South Dakota, John Morrell plant and the Dakota City, Nebraska, IBP plant with more than 60 and 40 violations, respectively, of health and safety laws for underreporting injuries and illness, as well other offenses. OSHA proposed a fine of \$690,000 for John Morrell and \$2.6 million for IBP. Both were also forced into historic settlement agreements that required them to implement sweeping ergonomic programs, among other changes (OSHA 1988, 1990). Notwithstanding the importance of these settlements, the crackdown on meatpacking plants evidently was not sustained in any meaningful fashion. Several dynamics may explain this retreat from regulatory enforcement. While workers and their union representatives may be registering fewer complaints, regulatory actors may also have become less responsive to worker complaints as well as perhaps to other situations previously triggering inspections. A recent public statement by Nebraska's OSHA director Ben Bare suggests that limited resources may explain, at least in part, the failure to more effectively monitor compliance even when workers complain of hazardous conditions. Though Bare claims "OSHA has sufficient resources in Nebraska to perform its statutorily assigned tasks," he notes the agency currently has only six inspectors and expects that only two more will join the staff in 2000 (Walton 2000:8A). In the absence of greater resources and worker activism, inspections will remain a rare event for most meatpacking companies, and the loss of life and limb on the production line will remain an all-too-common penalty paid by Latino workers simply trying to carve out a better future.

Conclusion

Death and disability are as serious a problem in the meatpacking plants of the Great Plains region as they are nationally. While other industries have witnessed remarkable declines in work-related injuries and illnesses, conditions in the meatpacking industry have in many ways become increasingly hazardous. In short, a "criminogenic" environment pervades the industry as worker health and safety is routinely compromised by corporate conduct and misconduct (see Friedrichs 1996). Pressed by mounting market pressures, meatpackers have increased the pace of production to speeds that, though legal, are excessive and cause thousands of cumulative trauma disorders each year. At the same time, intense competition for declining markets encourages illegal practices, which further create and exacerbate health and safety problems in this industry. Increasingly, these problems fall

on Latino workers who are poorly situated to contest these corporate practices, largely because many are undocumented and few are unionized.

In this context, the health and safety of Latino workers in meatpacking plants depend heavily on regulatory agencies, but these have largely failed in their statutory obligations. On the one hand, OSHA has proceeded slowly on several important standards, in part because the law guarantees corporations the right to contest regulatory initiatives, and they have repeatedly mobilized to exploit this opportunity. The mobilization of meatpacking companies against the ergonomics standard and the delays this has created perhaps most clearly illustrate the way these dynamics work to block standards that target this industry. Similarly, meatpacking plants in the tri-state region have largely evaded inspections, particularly in Nebraska, which most heavily depends on the industry to provide jobs. While perhaps indicative of the “privileged” position of capital, labor is not completely without leverage in the regulatory arena. Rather, the mobilization and organization of labor has prompted both standard setting and enforcement. Organized labor, for example, pushed OSHA to move forward on the ergonomics standard. Similarly, pressure from union workers has prompted regulatory officials to conduct more inspections than they otherwise would. In Nebraska, where unions are weak, few meatpacking plants are routinely inspected. In Iowa, the number of inspections has been considerably higher due in large part to the activism of union workers over health and safety issues.

Several recent developments reflect important opportunities in the struggle against hazardous conditions in the meatpacking industry. Both the proposed federal standard and the corporate-wide settlements that force employers to implement an ergonomics plan potentially further the interests of labor more so than any other recent initiative. The extent to which these initiatives will actually become realized on the shop floor depends, at least in part, on the mobilization of labor. In recent months, labor has renewed its efforts to organize workers into unions. At the same time, Nebraska’s governor as well as others have endorsed a “workers’ bill of rights” that supports unions and the “fair treatment” of those employed in the meatpacking industry. These developments mark an important crossroads in the political struggle of Latinos and other meatpacking workers in the Great Plains. Through innovative alliances, perhaps workers can finally forge a coalition that successfully secures the basic rights that Sinclair advocated so long ago—namely, the right to labor in a workplace free from hazards that threaten life and limb.

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