



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

JUL 5 2000

The Honorable Elaine Kaplan  
Special Counsel  
Office of Special Counsel  
Suite 300  
1730 M Street, NW.  
Washington, D.C. 20036-4505

Dear Ms. Kaplan:

In a letter dated March 13, 2000, your office forwarded allegations (DI-99-1580) from an anonymous whistleblower alleging that employees of the Food Safety and Inspection Service (FSIS) assigned to Establishment 332, Shapiro Packing, a meat processing plant in Augusta, Georgia, had engaged in conduct contrary to Federal regulations, which allegedly posed a significant risk to the public health.

Specifically, it is alleged that Shapiro Packing runs cattle slaughter operations at 174 head per hour, and that cattle heads are presented for inspection with tongues intact. Based on those specifications, 9 CFR 310.1 (b)(2)(ii) requires seven line inspectors—three for head inspection, three for viscera inspection, and one for carcass inspection. The complainant alleges that for the past several years, various line inspectors have routinely left their inspection stations without arranging for relief coverage, thus causing the plant to operate with fewer than seven line inspectors as required by regulation. The complainant further alleges that the FSIS Inspector in Charge (IIC), Dr. Neil Williams, was aware of such a practice but failed to correct it. Further, it is alleged that the absence of a line inspector posed a significant danger to the public health because the remaining inspectors must work more quickly, and presumably less thoroughly, to perform all inspection tasks on a line which moves at a constant speed.

On April 28 and May 8, 2000, an inquiry into the allegations was conducted at Shapiro Packing by the Athens Circuit Supervisor, Dr. John Floyd. Interviews were conducted with FSIS personnel at the plant. FSIS informs me that the findings were as follows:

It was confirmed that Shapiro Packing runs cattle slaughter operations at 174 head per hour. However, the method of cattle head presentation is tongue-out. 9 CFR 310.1(b)(2) requires slaughter line staffing of six inspectors—two for the head, three for viscera, and one for carcass, not seven, as was alleged.

However, the allegation that food inspectors occasionally left their inspection stations early without the proper relief was found to be true. Such conduct, which had been identified and addressed previously by both the IIC and Circuit Supervisor, continued to be an on-going problem at Shapiro Packing for approximately two years. All inspectors interviewed admitted that they had occasionally left the line early (15 minutes or less) or had to cover two inspection positions for various reasons—short staffing, emergency rest room breaks, rotations between positions, or another inspector leaving early for lunch break or at the end of shifts. All inspectors had been previously counseled by Dr. Williams regarding leaving their stations early, and all were aware of a posted notice dated April 14, 1999, from Dr. Williams about the proper method of relief. However, their conduct continued until approximately one month ago when they ceased this activity after receiving instructions from the Circuit Supervisor. Dr. Williams also acknowledged that all inspectors at Shapiro Packing had left their inspection stations at least once in the past, but that this practice had now been corrected.

Every inspector emphasized that while the line may have been intermittently short staffed, all carcasses and parts received proper and thorough inspection. Each inspector stated that s/he can routinely cover another's adjacent station for brief periods including normal position rotations, when another inspector is performing tasks such as cleaning hands, aprons, or sharpening knives, or for brief absences such as emergency bathroom breaks. If an inspector had any doubt about his/her ability to thoroughly cover two stations, s/he could stop or slow down the chain. If the line was running short staffed (i.e. less than six inspectors), for more than fifteen minutes, the IIC and/or the plant slowed the line speed.

The inquiry revealed that the IIC, Dr. Williams, was issued two letters of instruction by the Circuit Supervisor on September 15, 1998, and July 22, 1999, regarding proper line staffing and coverage. Dr. Williams was instructed to correct the conduct of his inspection staff so that no inspectors were taking breaks or leaving the kill floor without proper relief.

Dr. Williams stated he verbally counseled the inspectors on more than one occasion, and posted a memo on April 14, 1999, on the subject of leaving inspection stations without being relieved. While Dr. Williams issued the memo to all employees informing them that the practice was inappropriate, it is apparent that he failed to take follow-up measures to assure compliance. On May 10, 2000, the Circuit Supervisor gave Dr. Williams a memo proposing to initiate disciplinary action against Dr. Williams for his failure to follow instructions.

FSIS is currently in the process of issuing a formal proposal for disciplinary action against Dr. Williams, and also plans to further caution the inspectors about leaving the line without coverage. Appropriate action is also being taken with regard to correcting the rotation practice, so that rotation takes place only during breaks or when a floor inspector is present to provide coverage. While FSIS acknowledges that corrective action is appropriate to remedy past

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staffing practices, FSIS also believes that at no time did such practice compromise the quality or thoroughness of inspection, nor was the health of the consumer ever put at risk.

If you have any questions concerning the response to this complaint, please contact Mr. Mark Leking, Chief, Employee Relations Branch, FSIS, at (202) 720-5657.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Glickman". The signature is written in a cursive, flowing style with a large initial "D".

DAN GLICKMAN  
Secretary