

IMMIGRANT JUSTICE PROJECT

Southern Poverty Law Center
400 Washington Avenue
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9 February 2006

Via Facsimile

Dir. Roberto Sanchez
Occupational Safety and Health Administration/Alabama
Vestavia Village
2047 Canyon Road
Birmingham, Alabama 35216-1981

RE: Notice of Health and Safety Hazards at Gold Kist, Inc. in Russellville, AL

To Alabama OSHA:

We write this letter on behalf of the workers listed herein to provide Notice of Alleged Safety and Health Hazards ("complaint") at the Gold Kist, Inc., Russellville Poultry Processing Plant ("Gold Kist"), 2045 County Rd. 244, Russellville, AL 35653, (770) 393-4030. This complaint is filed on behalf of the following current workers ("Gold Kist Workers") who request that OSHA keep their names and identities confidential and contact them for interviews outside of work:

<u>Name</u>	<u>Shift</u>	<u>Telephone Number</u>	<u>Address</u>
[REDACTED]	Day	[REDACTED]	[REDACTED]
[REDACTED]	Day	[REDACTED]	[REDACTED]
[REDACTED]	medical leave	[REDACTED]	[REDACTED]
[REDACTED]	Sanitation	[REDACTED]	[REDACTED]
[REDACTED]	medical leave	[REDACTED]	[REDACTED]
[REDACTED]	day	[REDACTED]	[REDACTED]

Southern Migrant Legal Services is the authorized legal representative of [REDACTED] and [REDACTED] for purposes of this complaint.

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The Southern Poverty Law Center's Immigrant Justice Project is the authorized legal representative of [REDACTED] for purposes of this complaint.

Gold Kist Workers have brought these violations to the attention of Gold Kist supervisors, but they have not been remedied. The violations have not yet been raised with any other government agency.

I. OSHA Should Keep Complainants' Names Confidential

Pursuant to 29 C.F.R. § 1903.11, Gold Kist Workers request that OSHA keep their names and identities confidential and contact them for interviews outside of work.

II. OSHA Should Conduct Walk-Around Inspection Accompanied by Employee and Third-Party Representatives

Pursuant to 29 U.S.C. § 657, Gold Kist Workers request that OSHA perform an onsite investigation into these allegations. Advance notice should not be given except as necessary to assure the presence of employee representatives. 29 C.F.R. § 1903.6 (a)(4).

Gold Kist Workers request that the following employees accompany the OSHA officer as employee representatives to aid the inspection, pursuant to 29 U.S.C. § 657(e) and 29 C.F.R. § 1903.8:

- Day Shift: [REDACTED]
- Sanitation Shift: [REDACTED]

Gold Kist workers additionally request that the following third party representatives accompany the OSHA officer to aid the inspection: 29 C.F.R. § 1903.8(c):

- Robyn Robbins, (202) 466-1505 (available to travel from Washington, DC), Ass. Dir. for Occupational Safety and Health, United Food and Commercial Workers, Certified Industrial Hygienist.
- Lazaro Perez, (817) 247-2927 (available immediately in Russellville), Chief Steward in a meat packing plant and member of the Safety Committee for 17 years; expertise in the food industry and particularly safety and health issues.

A third-party health and safety professional is reasonably necessary to ensure an effective and thorough physical inspection of the workplace. See 29 C.F.R. § 1903.8(c). Gold Kist has

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been cited by OSHA for six serious and four other violations in the past four years. Employees have reported these conditions to Gold Kist managers and the conditions have not been remedied. Because of their extensive experience in health and safety practices in the poultry industry, these knowledgeable professionals are reasonably necessary to conduct an effective and thorough physical inspection of the workplace.

III. Description of Hazards

Gold Kist Workers allege violations including, but not limited to, the following:

A. Hazards to All Employees

1. *Blocked and Inadequately Marked Emergency Exits*, violating 29 C.F.R. §§ 1910.36, 1910.37

Approximately 1,270 workers – 600 on the day shift, 70 on the sanitation shift, and 600 on the overnight shift – are potentially exposed to the serious hazard of being trapped in the plant in the event of a fire, ammonia leak, or other emergency requiring evacuation. Emergency exits are routinely blocked by pallets, jacks, and garbage, compromising the safety of the workplace and creating an unreasonable risk of serious bodily harm.

In addition to being blocked, several emergency exits are not properly lighted, so that in the event of a power outage many workers would be unable to locate the exit signs.

2. *Failure to Provide Competent Medical Personnel*, violating 29 C.F.R. § 1910.151

Approximately 1,270 workers – 600 on the day shift, 70 on the sanitation shift and 600 on the overnight shift – are potentially exposed to the serious hazard of medical under-diagnosis by company nurses, who routinely fail to adequately examine and diagnose injuries presented by complaining workers.

The nurses' consistent failure to properly evaluate injuries reported by workers suggests both that the nurses may not have adequate training and that under-diagnosis may be resulting in inaccuracies in the OSHA 300 logs that do not reflect the actual number of work-related, recordable injuries and illnesses.

In order to effectively investigate these concerns, OSHA inspectors should interview the nurses; review resumes and other training of the nurses; request information from Gold Kist on all workers' compensation claims filed by employees; and, investigate whether discrepancies exist between the OSHA 300 logs and the number of medical incidents reported.

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B. Hazards to Line-Shift Workers

1. *Unsafe Floor Conditions*, violating 29 U.S.C. §§ 1910.22, 1910.23

Approximately 1,200 workers – 600 on the day shift and 600 on the overnight shift – are potentially exposed to the serious hazard of slick and slippery metal grates, drain covers not fitting properly on drains, and clogged and blocked drains. Blocked drains, which have caused sewage to back up through the grates, and ill-fitting drain covers have led to an unreasonable risk of serious bodily harm to workers in the plant. While these problems exist plant-wide, they are particularly hazardous on the processing floor, where fat, water, and chicken debris get caught in the drains and the metal grates. In live hang, the drains get clogged and backed up with chicken feathers and other debris, creating an unreasonable risk of tripping, slipping, or falling.

In fact, within the past year at least two workers have suffered severe, traumatic injuries as a result of these unsafe floor conditions. One worker slipped on a wet metal grate in the packing area, breaking three bones in her foot, while another worker suffered a serious knee injury as a result of tripping over an uneven drain cover near the DSI machine.

2. *Failure to Provide Adequate Bathroom Access*, violating 29 C.F.R. § 1910.141

Approximately 1,200 workers – 600 on the day shift and 600 on the overnight shift – are potentially exposed to the serious hazard of being denied timely access to toilet facilities. This problem is particularly acute for line workers, who are often required to wait 20-30 minutes, even in cases of emergency, after requesting a break to use the restroom. Workers report being written up for taking an emergency break after requesting permission from a supervisor and waiting more than 30 minutes without being permitted to use the restroom. Failing to allow proper and legally-required access to bathroom facilities causes serious health consequences, particularly to women workers. See U.S. Department of Labor's April 6, 1998 Letter Interpreting 29 C.F.R. § 1910.141 (attached).

3. *Unsafe Operation of Jacks*, violating 29 C.F.R. § 1910.244

Approximately 1,200 workers – 600 on the day shift and 600 on the overnight shift – are potentially exposed to the serious hazard of being hit or run over by jacks. The high incidence of dangerous jack driving suggests that drivers are neither receiving adequate training in the operation of the machines nor are being adequately monitored to protect the safety of the workforce, thereby exposing employees at the plant to an unreasonable risk of serious bodily harm. In addition, the working environment in the plant is often so loud that the warning horns on the jacks are inaudible, further exacerbating the risk posed to employees throughout the plant.

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4. *Failure to Provide Adequate Gloves*, violating 29 C.F.R. § 1910.138

Approximately 1200 line workers – 600 on the day shift and 600 on the overnight shift – are potentially exposed to the serious hazard of handling poultry without the proper personal protective equipment.

Line workers are given either thin cotton gloves that are easily cut through or heavy gloves that most line workers do not wear because they are too bulky to allow for adequate performance of one's job duties at the current line speed. In live hang in particular, gloves being washed by the company are not clean when given out to workers, creating an unreasonable risk of exposure to fungal infections. At least one worker from live hang has contracted a fungal infection on his hands as a result of Gold Kist's failure to supply adequately cleaned protective gloves.

Gold Kist's consistent provision of unsanitary gloves suggests both that it has not conducted the required hazard assessment aimed at identifying the appropriate personal protective equipment and that it is not providing personal protective equipment that adequately protects employees from the hazards of cuts and exposure to infection.

C. Hazards to Sanitation Shift Workers

1. *Failure to Implement a Safe Lockout/Tagout System*, violating 29 C.F.R. § 1910.147

Approximately 70 workers on the sanitation shift are potentially exposed to the serious hazard of an inadequate lockout/tagout system in the plant. Gold Kist recently re-wired the lockout boxes such that each lockout affects many machines in the same area. Even when workers properly lock out their own area, they run the risk that other workers cleaning a different machine in the same area will unexpectedly reactivate the machines. Workers report this happening on a regular basis. This problem is compounded by inadequate training on the new system and chronic pressure to work quickly and disregard necessary safety measures. This creates an unreasonable risk of serious bodily harm to workers on the sanitation shift and has in fact resulted in injuries to workers at the plant.

In addition, machines are often running while they are being cleaned by the sanitation crew, exposing them to an unreasonable risk of serious bodily harm. Supervisors instruct workers to leave machines running during cleaning so as to maintain a certain level of productivity.

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2. *Failure to Provide Adequate Training*, violating 29 C.F.R. § 1910.147(c)(7)

Approximately 70 workers on the sanitation shift are potentially exposed to serious bodily harm due Gold Kist's failure to provide adequate training. Workers often receive their training on the job and on at least one occasion a worker was "trained" by someone who does not speak the same language as he does. The failure to provide sufficient training in the operation of and duties of the sanitation crew creates an unreasonable risk of serious harm to workers.

3. *Failure to Provide Adequate Ventilation and Respirators to Sanitation Shift Workers*, violation 29 C.F.R. §§ 1910.132, 1910.134

Approximately 70 workers on the sanitation shift are potentially exposed to the serious hazard of unsafe exposure to cleaning chemicals. As a direct result of insufficient ventilation, particularly in the picking room, and Gold Kist's failure to provide ventilators or respirators to employees, sanitation workers are exposed to an unreasonable risk of serious bodily harm. In particular, workers on the sanitation shift have experienced symptoms including hair loss, sleeplessness, severe eye irritation, and respiratory problems. Gold Kist has only provided thin cotton face masks that do not provide adequate protection.

4. *Failure to Provide Adequate Ladders and Scaffolding for Above Ground Cleaning*, violating 29 U.S.C. §§ 1910.27, 1910.28

Approximately 50 workers on the sanitation shift are potentially exposed to the serious hazard of cleaning areas near the ceiling of the plant without adequate protective equipment. Gold Kist's failure to provide the equipment necessary to perform this cleaning function in a safe manner creates an unreasonable risk of serious bodily harm to the workers who clean the ceiling areas. Examples of such protective equipment include ladders and scaffolds that would prevent against workers suffering harmful falls during the time that ceiling areas are being cleaned.

IV. Relief Requested

A. *Walk-Around Inspection and Confidential Off-Site Employee Interviews*

Gold Kist Workers request a walk-around inspection including the authorized employee representatives and the third-party safety and health professionals listed herein.

In addition, Gold Kist Workers each request to confer with OSHA representatives outside of the worksite and that their names and identities not be released to Gold Kist. For this reason, home telephone numbers have been provided to assist OSHA in arranging for confidential off-site meetings.

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Gold Kist Workers request that, in addition to their investigation of the Gold Kist physical plant and operational policies, OSHA representatives investigate implementation of those policies. As Gold Kist Workers will explain to OSHA representatives during the walk-around inspection and worker interviews, Gold Kist supervisors are not implementing policies regarding lockout/tagout, adequate cleaning, and toilet access on the floor of the plant. OSHA should investigate whether direct financial incentives to supervisors based on limited use of hot water and increased line speed, along with chronic understaffing, may explain why the written policies do not adequately reflect health and safety conditions on the plant floor.

OSHA representatives must interview workers to complete an accurate assessment of health and safety conditions at the Gold Kist plant. Recognizing that fear of retaliation may taint responses of any other workers interviewed at the worksite, Gold Kist Workers request that OSHA representatives consult with all other workers in a manner that protects them from retaliation by their employer. To obtain accurate information, investigators must be prepared to conduct worker interviews in their primary language. This is particularly important because fear of retaliation and vulnerability to workplace abuse is more pronounced among workers who are linguistically isolated and unfamiliar with the role of government regulators. Gold Kist Workers advise OSHA that more than fifty percent of the Gold Kist plant is limited-English-proficient ("LEP"). The majority of LEP workers speak Spanish, although a significant minority are indigenous Guatemalans who speak a language called Quiche and are not conversant even in Spanish, let alone English.

B. OSHA Citations

Gold Kist Workers further request that OSHA issue citations for violations of OSHA standards, labeling the violations as both serious and willful.

OSHA has previously cited Gold Kist for serious health and safety violations on two occasions. See Inspection No. 304714934 (6/11/2002) and Inspection No. 306929654 (12/24/2003). Because Gold Kist has already been cited for the following violations, OSHA should cite these repeat violations as serious and take Gold Kist's refusal to remedy its noncompliance into account in assessing penalties:

- 29 C.F.R. § 1910.28(a)(1): Failure to provide adequate scaffolds or ladders for workers engaged in work that could not be done safely from the ground or solid construction;
- 29 C.F.R. § 1910.147(c)(4)(ii): Failure to implement adequate lockout/tagout polices used to control hazardous energy;

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- 29 C.F.R. § 1910.147(e)(1): Failure of workers to inspect the work area to ensure that nonessential items had been removed and that machines were operationally intact;
- 29 C.F.R. § 1910.134(c)(2)(i): Failure to provide voluntary respirators with adequate information on proper usage; and
- 29 C.F.R. § 1910.134(c)(2)(ii): Failure to establish and implement voluntary written respiratory protection program.

Gold Kist Workers respectfully emphasize that the Citation and Notice of Penalty form provided to Gold Kist for posting to the workers be in English, Spanish, and Quiche so that a majority of workers can read it.

An appropriate penalty should be assessed for the serious, willful, and repeated violations in accordance with Section 17 of the Act and 29 C.F.R. § 1903.15.

C. Publication and Disclosure

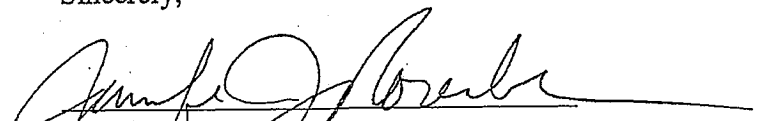
Pursuant to Title VI of the Civil Rights Act of Title VI, 42 USC § 2000d et seq., Gold Kist Workers request that citations required by 29 C.F.R. § 1903.16 be posted in English, Spanish, and Quiche, the languages read by the majority of workers at Gold Kist.

Furthermore, because of Gold Kist's history of violations, Gold Kist Workers request that OSHA require Gold Kist to distribute copies of newly required policies to workers in these three languages.

Finally, Gold Kist Workers request that the results of any and all investigations be communicated to them through their attorneys, including any appeals of citations by Gold Kist. If Gold Kist requests informal conferences regarding citations pursuant to 29 C.F.R. § 1903.20, Gold Kist Workers request to be informed through their attorneys so that they may attend.

Please contact us if you have any questions about this complaint.

Sincerely,


Jennifer J. Rosenbaum
Coordinator of the Health and Safety Project
Staff Attorney
Immigrant Justice Project
Southern Poverty Law Center

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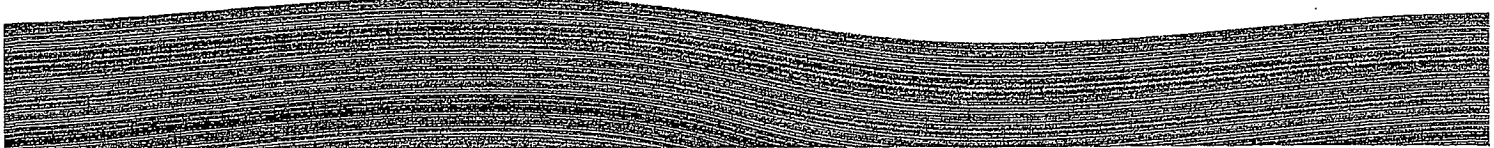
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Standard Interpretations

04/06/1998 - Interpretation of 29 CFR 1910.141(c)(1)(i): Toilet Facilities

[Standard Interpretations - Table of Contents](#)

• **Standard Number:** 1910.141(c)(1)(i)

April 6, 1998

MEMORANDUM FOR: REGIONAL ADMINISTRATORS
STATE DESIGNEES

FROM: JOHN B. MILES, JR., Director
Directorate of Compliance Programs

SUBJECT: Interpretation of 29 CFR 1910.141(c)(1)(i): Toilet Facilities

OSHA's sanitation standard for general industry, 29 CFR 1910.141(c)(1)(i), requires employers to provide their employees with toilet facilities:

Except as otherwise indicated in this paragraph (c)(1)(i), **toilet facilities**, in toilet rooms separate for each sex **shall be provided** in all places of employment in accordance with Table J-1 of this section [emphasis added]

This memorandum explains OSHA's interpretation that this standard requires employers to make toilet facilities available so that employees can use them when they need to do so. The employer may not impose unreasonable restrictions on employee use of the facilities. OSHA believes this requirement is implicit in the language of the standard and has not previously seen a need to address it more explicitly. Recently, however, OSHA has received requests for clarification of this point and has decided to issue this memorandum to explain its position clearly.

Background

The sanitation standard is intended to ensure that employers provide employees with sanitary and available toilet facilities, so that employees will not suffer the adverse health effects that can result if toilets are not available when employees need them. Individuals vary significantly in the frequency with which they need to urinate and defecate, with pregnant women, women with stress incontinence, and men with prostatic hypertrophy needing to urinate more frequently. Increased frequency of voiding may also be caused by various medications, by environmental factors such as cold, and by high fluid intake, which may be necessary for individuals working in a hot environment. Diet, medication use, and medical condition are among the factors that can affect the frequency of defecation.

Medical studies show the importance of regular urination, with women generally needing to

void more frequently than men. Adverse health effects that may result from voluntary urinary retention include increased frequency of urinary tract infections (UTIs), which can lead to more serious infections and, in rare situations, renal damage (see, e.g., Nielsen, A. Waite, W., "Epidemiology of Infrequent Voiding and Associated Symptoms," *Scand J Urol Nephrol* Supplement 157). UTIs during pregnancy have been associated with low birthweight babies, who are at risk for additional health problems compared to normal weight infants (see, Naeye, R.L., "Causes of the Excess Rates of Perinatal Mortality and the Prematurity in Pregnancies Complicated by Maternity Urinary Tract Infections," *New England J. Medicine* 1979; 300(15); 819-823). Medical evidence also shows that health problems, including constipation, abdominal pain, diverticuli, and hemorrhoids, can result if individuals delay defecation (see National Institutes of Health (NIH) Publication No. 95-2754, July 1995).

OSHA's field sanitation standard for Agriculture, 29 CFR 1928.110, based its requirement that toilets for farmworkers be located no more than a quarter mile from the location where employees are working on similar findings. This is particularly significant because the field sanitation standard arose out of the only OSHA rulemaking to address explicitly the question of worker need for prompt access to toilet facilities.

The Sanitation Standard

The language and structure of the general industry sanitation standard reflect the Agency's intent that employees be able to use toilet facilities promptly. The standard requires that toilet facilities be "provided" in every workplace. The most basic meaning of "provide" is "make available." See *Webster's New World Dictionary, Third College Edition*, 1988, defining "provide" as "to make available; to supply (someone with something);" **Borton Inc. v. OSHRC**, 734 F.2d 508, 510 (10th Cir. 1984) (usual meaning of provide is "to furnish, supply, or make available"); **Usery v. Kennecott Copper Corp.**, 577 F.2d 1113, 1119 (10th Cir. 1978) (same); **Secretary v. Baker Concrete Constr. Co.**, 17 OSH Cas. (BNA) 1236, 1239 (concurring opinion; collecting cases); **Contractors Welding of Western New York, Inc.**, 15 OSH Cas. (BNA) 1249, 1250 (same).¹ Toilets that employees are not allowed to use for extended periods cannot be said to be "available" to those employees. Similarly, a clear intent of the requirement in Table J-1 that adequate numbers of toilets be provided for the size of the workforce is to assure that employees will not have to wait in long lines to use those facilities. Timely access is the goal of the standard.

The quoted provision of the standard is followed immediately by a paragraph stating that the toilet provision does not apply to mobile work crews or to locations that are normally unattended, "provided the employees working at these locations have transportation immediately available to nearby toilet facilities which meet the other requirements" of the standard (29 CFR 1910.141(c)(1)(ii) (emphasis supplied). Thus employees who are members of mobile crews, or who work at normally unattended locations must be able to leave their work location "immediately" for a "nearby" toilet facility. This provision was obviously intended to provide these employees with protection equivalent to that the general provision provides to employees at fixed worksites. Read together, the two provisions make clear that all employees must have prompt access to toilet facilities.

OSHA has also made this point clear in a number of letters it has issued since the standard was promulgated. For example, in March 1976, OSHA explained to Aeroil Products Company that it would not necessarily violate the standard by having a small single-story building with no toilet facilities separated by 90 feet of pavement from a building that had the required facilities, so long as the employees in the smaller building had "unobstructed free access to the toilet facilities." Later that year, it explained again, in response to a question about toilet facilities at a U-Haul site, "reasonableness in evaluating the availability of sanitary facilities will be the rule." Again in 1983, OSHA responded to a request for a clarification of the standard by stating, "[i]f an employer provides the required toilet facilities ... and provides unobstructed free access to them, it appears the intent of the standard would be met."

In light of the standard's purpose of protecting employees from the hazards created when toilets are not available, it is clear that the standard requires employers to allow employees prompt access to sanitary facilities. Restrictions on access must be reasonable, and may not cause extended delays. For example, a number of employers have instituted signal or relief worker systems for employees working on assembly lines or in other jobs where any employee's absence, even for the brief time it takes to go to the bathroom, would be disruptive. Under these systems, an employee who needs to use the bathroom gives some sort of a signal so that another employee may provide relief while the first employee is away from the work station. As long as there are sufficient relief workers to assure that employees need not wait an unreasonably long time to use the bathroom, OSHA believes that these systems comply with the standard.

Citation Policy

Employee complaints of restrictions on toilet facility use should be evaluated on a case-by-case basis to determine whether the restrictions are reasonable. Careful consideration must be given to the nature of the restriction, including the length of time that employees are required to delay bathroom use, and the employer's explanation for the restriction. In addition, the investigation should examine whether restrictions are general policy or arise only in particular circumstances or with particular supervisors, whether the employer policy recognizes individual medical needs, whether employees have reported adverse health effects, and the frequency with which employees are denied permission to use the toilet facilities. Knowledge of these factors is important not only to determine whether a citation will be issued, but also to decide how any violation will be characterized.

It is important that a uniform approach be taken by all OSHA offices with respect to the interpretation of OSHA's general industry sanitation standard, specifically with regard to the issue of employee use of toilet facilities. Proposed citations for violations of this standard must be forwarded to the Directorate of Compliance Programs (DCP) for review and approval. DCP will consult with the Office of Occupational Medicine. DCP will approve citations if the employer's restrictions are clearly unreasonable, or otherwise not in compliance with the standard. **(NOTE: See 08/11/00 Memorandum to RAs attached below.)---Added this note**

State Plan States are not required to issue their own interpretation in response to this policy, however they must ensure that State standards and their interpretations remain "at least as effective" as the Federal standard. Regional Administrators shall offer assistance to the States on this issue, including consultation with the Directorate of Compliance programs, at the State's request.

If you have any questions, contact Helen Rogers in the Office of General Industry Compliance at (202) 219-8031/41 x106.

Footnote(1) This decision was later vacated pursuant to a settlement, but the Commission has continued to cite it. See **Secretary v. Baker Concrete Constr. Co.**, supra. The issue in **Contractors Welding** and the other cited cases has been whether the meaning of the term "provide," in various standards requiring employers to provide certain equipment or other materials, is not limited to making something available, but may also mean that the employer must pay for what it provides and must require it to be used. Those broader meanings are not relevant to this issue, however, where the sanitary facilities the employer is required to provide are a physical part of its workplace, and the question is not whether employees must be required to use those facilities, but whether they will be allowed to do so. ([Back to Text](#))

August 11, 2000---**Added this memo**

MEMORANDUM FOR: REGIONAL ADMININSTRATORS

FROM: RICHARD E. FAIRFAX, Director
Directorate of Compliance Programs


SUBJECT: Interpretation of 29 CFR 1910.141(c)(1)(i): Toilet Facilities


On April 6, 1998 we issued an interpretation of 1910.141(c)(1)(i), which requires employers to make toilet facilities available so that employees can use them when they need to do so. A copy of that memorandum is attached.

The 1998 memorandum states that proposed citations for violations of this standard are to be forwarded to the Directorate of Compliance Programs (DCP) for review and approval. Shortly after the interpretation was issued, it was decided that the review and approval was to be at the Regional Office level, but that copies of any citations issued based on the April 6, 1998 interpretation should still be sent to DCP.

This topic continues to generate interest from the public. Early this year we had a Freedom of Information Act (FOIA) request for copies of citations issued. Therefore, please continue to send copies of any citations issued pursuant to the 1998 interpretation to the National Office. If you have any questions, please contact Helen Rogers at (202) 693-1850. The copies should be sent to the following address:

Richard E. Fairfax, Director
Directorate of Compliance Programs
U.S. Department of Labor - OSHA
200 Constitution Avenue, NW Room N-3603
Washington, DC 20210

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Via Facsimile

Dir. Roberto Sanchez
Occupational Safety and Health Administration
Vestavia Village
2047 Canyon Road
Birmingham, Alabama 35216-1981

RE: Notice of Health and Safety Hazards at Gold Kist, Inc. in Russellville, AL

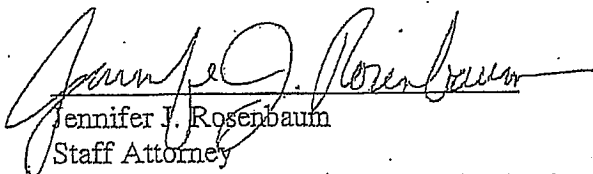
Dear Dir. Sanchez:

This letter accompanies the attached Notice of Alleged Safety and Health Hazards, filed on behalf of workers at the Gold Kist, Inc., Russellville Poultry Processing Plant ("Gold Kist"), 2045 County Rd. 244, Russellville, AL 35653, (770) 393-4030.

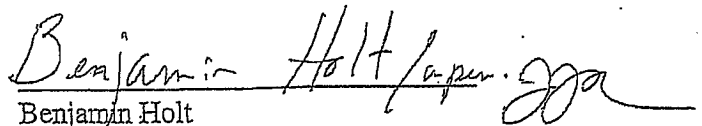
Yesterday, one of our clients informed us of a fatality at Gold Kist. A truck-driver, not an employee of Gold Kist, died due to an apparent heart attack yesterday morning after parking his truck at the plant and receiving emergency medical treatment from a Gold Kist nurse. The nurse was allegedly unable to operate the defibrillator or to provide the basic medical support necessary to respond effectively to this emergency.

Section III.E of the attached Notice of Alleged Safety and Health Hazards sets out our clients' complaints that company nurses regularly fail to properly diagnose and treat Gold Kist employees who suffer on-the-job injuries and sicknesses. Given these complaints, and the unfortunate events of yesterday, we request that OSHA take specific note of Section III.E when conducting its on-site inspection of the Gold Kist plant.

Sincerely,


Jennifer J. Rosenbaum
Staff Attorney

Coordinator of the Health and Safety Project
Immigrant Justice Project
Southern Poverty Law Center



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Staff Attorney
Southern Migrant Legal Services
A Project of Texas RioGrande Legal Aid,
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An LSC-funded Organization