NATIONAL EMPLOYMENT LAW PROJECT

Comments

Comments of the National Employment Law Project

Request for Information: CDC-2017-0015; Docket No. NIOSH 295

Health Risks to Workers Associated with Occupational Exposure to Peracetic Acid

National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services

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To Whom It May Concern:

The National Employment Law Project (NELP) submits the following comments to the 'Request for Information by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS) on the health risks to workers associated with occupational exposures to peracetic acid'. NELP conducts research, education and advocacy to assure that the basic protections afforded by our nation's labor and employment laws extends to all workers, including low wage workers.

NELP welcomes NIOSH's increased attention to the occupational exposure of meat and poultry workers to the highly toxic peracetic acid. As NIOSH stated in this request for information, peracetic acid is a highly corrosive and toxic chemical used in the workplace. Peracetic acid is irritating to the eyes and skin, causing severe rashes, burns and destruction of the eye tissue to exposed workers. The Safety Data Sheets confirm worker accounts that breathing in the mist and vapors can irritate the respiratory system leading to coughing and difficulty breathing. Repeated and prolonged exposure can lead to pulmonary edema and inflammation of the lungs.

Peracetic acid is now widely used in the meat and poultry industry as part of an antimicrobial intervention system. As multiple Congressional Representatives stated in a letter on December 7th, 2016 to the Secretaries of HHS, Labor and the Agriculture, "the U.S. Department of Agriculture's (USDA) shift in food safety emphasis in meat and poultry plants from visual inspection of products has led to a drastic increase in the industry's use of antimicrobial chemical interventions. In response, the industry is not only introducing new antimicrobial chemicals [such as peracetic acid] but is also changing the volume, process and number of times by which chemicals are applied to the food product." (See attached.)

In chicken and turkey plants, for example, the product previously was soaked with peracetic acid only in dip tanks on the slaughter side of the plants, where few workers were present. Now the product is dipped and sprayed many times with peracetic acid in both the slaughter side of the plants as well as the processing side. Thus, this heavier and more widespread reliance plant wide on peracetic acid has resulted in increased exposure to liquid, vapor and aerosolized peracetic acid to tens of thousands of meat and poultry workers nationwide.

From our meetings and discussions with meat and poultry workers and their representatives in plants from Virginia to Texas, we hear repeatedly that meat and poultry workers across the country are suffering from health effects from unprotected exposures to the highly toxic peracetic acid. Over the past two years we have heard increasingly from workers about these health effects. In fact, in some plants it is the first health concern raised by workers in meetings to discuss safety and health – even though they are also exposed to amputation hazards and other dangerous conditions. Clearly because of corporate and government inaction to protect workers from peracetic acid exposure, these workers have become the proverbial canaries in the coal mines.

NELP strongly urges NIOSH, CDC, and HHS to immediately publish a Hazard Alert and guidelines for the meat and poultry industry on how best to protect workers and limit worker exposure to peracetic acid. These guidelines must specify that to protect workers from peracetic acid, this chemical must be used in a contained system (as some plants have already installed). NIOSH should clarify that there must be no open vats and that spraying the chemical on the product as it runs down the conveyor belt must be prohibited, because it exposes workers to deleterious health effects from the chemical vapors and mists. Further, NIOSH must also insist that where there is any worker exposure even in a closed system (maintenance, testing, drainage, holes in the system) ventilation and other protections must be specified and used.

What is most frightening, as NIOSH stated in their request for information, is there is no safe level set for worker exposure to peracetic acid by the Occupational Safety and Health Administration (OSHA). Further, when the Food and Drug Administration (FDA), in coordination with the USDA, approved the expanded use of peracetic acid over the last few years in poultry and meat plants, it did not review any worker safety information, did not request any information on worker exposure or how workers would be exposed in the plant and never requested from OSHA or NIOSH any information on whether safe limits had been established and could be enforced. In fact, this FDA approval process, by only reviewing potential consumer exposure to chemical residues left in the product or effluents discharged from the plant, clearly ignored the health and safety of over 500,000 meat and poultry workers. Ensuring that consumers are protected from chemicals used in the meat and poultry industry should not come at the expense of the wellbeing of our nation's hard working food workers.

When OSHA has looked into complaints about health hazards from poultry workers from peracetic acid exposure in the poultry and meat industry, they found workers were not protected. For example, in a recent (2016) investigation by OSHA in a Texas plant of the largest poultry and meat processing company in the United Sates, the company was cited for failing to protect workers from burns and eye damage from peracetic acid. In these citations, OSHA found the company also failed to train or educate workers about the hazards of peracetic acid, failing to follow one of the oldest OSHA standards on the books (Hazard Communication). They also failed to provide safety equipment for workers working near the dip tanks of peracetic acid—though they were exposed to eye injuries.

In another OSHA 2016 investigation into potential worker hazards of peracetic acid in a poultry plant, this one the result of a complaint from Federal food inspectors, OSHA found that as a result of the complaint the company covered dip tanks of peracetic acid to contain exposures, added exhaust ventilation to protect workers, added sheet metal shield to reduce worker exposure, and also began to monitor for worker exposure. They did all this as a result of the complaint, but still OSHA proposed additional violations for allowing the overflow of peracetic acid tanks into floor drains. (See attached letter from Federal OSHA).

As NIOSH is well aware, it would take OSHA over 150 years to visit every workplace under its jurisdiction just once. OSHA cannot be in every poultry and meat plant to protect workers from hazards because companies are cutting corners on worker safety. Further, FDA and USDA do not even consider the deleterious effect to food workers of the peracetic acid approved for use in these plants. Because of this egregious lack of concern to worker protection from the FDA and USDA, NELP urges NIOSH to issue a Hazard Alert and guidelines on protecting workers from peracetic acid in the meat and poultry industry. Further, NELP urges NIOSH to develop a Memorandum of Understanding with its sister agencies OSHA, the FDA and the USDA, that will enable the agencies to work together to assure that food workers' health and safety is not sacrificed or compromised by the use of any antimicrobials used in the industry.

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