



Conflict and Violence in the Food Safety Workplace:

A Report on Meetings Convened by the Milbank Memorial Fund at
the
Request of the U.S. Department of Agriculture in Fulfillment of a
Cooperative Agreement of September 2000

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FOREWORD

This report presents an action agenda for preventing workplace violence linked to the regulatory environment in the meat, poultry, and egg products industries. Leaders of business, government, labor, and consumer organizations devised this agenda in January 2001 and submitted it to the secretary of agriculture in February.

The Milbank Memorial Fund convened the group that devised the agenda under a cooperative agreement with the Office of the Under Secretary for Food Safety of the United States Department of Agriculture. The text of the cooperative agreement appears as an appendix to this report. The Fund is an endowed philanthropic foundation, established in 1905, that engages in nonpartisan analysis, study, research, and communication on significant issues in health policy. Most of the Fund's work is collaborative, involving strategic relationships with decision makers in the public and private sectors.

The action agenda represents consensus among a remarkable group of people, whose names are listed on the following pages. The Fund is particularly grateful to the co-chairs of the group: Kathryn Higgins, former Deputy Secretary of Labor and currently Vice President for Public Policy at the National Trust for Historic Preservation, and William N. Martin, Chair of the Appropriations - Human Resources Committee of the North Carolina Senate.

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SUMMARY

In 1996 the United States Department of Agriculture (USDA) began to implement substantial changes in the regulation of the meat and poultry industry. The new regulatory policy was mainly the result of two factors. One factor was heightened public expectations about food safety, particularly in the aftermath of a serious outbreak of bacterial food poisoning in the Pacific Northwest in 1993. The other was increased scientific knowledge about food-borne disease and its application to prevention of disease by both USDA and the industry. The new regulatory policy has significantly changed the roles and responsibilities of both meat inspectors and federal compliance officers, as well as the daily operating environment in the industry.

Regulators of the meat and poultry industry are required to be continuously present during production. Since 1996, this unique relationship between regulators and regulated has combined with the new demands and expectations of "science-based regulation" and general societal conditions to create a more stressful work environment for everyone involved. Increased stress also heightened the potential for violence in the workplace in the forms of incivility, perceived threats, and actual physical harm.

The murder of two federal compliance officers and a state investigator at a sausage factory in San Leandro, California, brought these issues tragically home to all connected with the operation and regulatory oversight of the U.S. meat and poultry industry. As part of a multifaceted response to that incident, the Office of the Under Secretary of Agriculture for Food Safety entered into a cooperative agreement with an endowed foundation, the Milbank Memorial Fund, to convene and report on a series of discussions on this topic involving all interested parties.

Principles

These meetings—the first convened to discuss the causes of workplace violence and potential preventive measures—brought together senior officials of the department's Food Safety Inspection Service (FSIS) and of the states, executives of large and small plants, leaders of organizations representing inspectors, compliance officers, plant employees and consumer organizations, and experts in workplace violence, including a staff member from the National Institute for Occupational Safety and Health (NIOSH). Participants achieved swift agreement on a common set of principles.

- The production of safe and wholesome meat, poultry, and egg products is a goal shared by all participants.
- The people who provide and ensure a safe food supply are valued.
- Workplace violence (defined as "any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the worksite"; USDA 2001), regardless of its source or its participants, must be addressed promptly and unambiguously by all parties to provide a safe and secure work environment.
- Conflict must be eliminated, safely managed, or resolved; and early indicators of potential conflict should be promptly recognized and addressed.
- Professional rather than adversarial relationships should be the norm for interactions between the industry and FSIS.
- Accurate and timely reporting, monitoring, discussion, and action on each incident of workplace violence are essential in order to prevent future incidents.
- Consumers and the media need to be made more aware of the complexity, cost, and benefits of providing safe and wholesome meat, poultry, and egg products, now and in the future.

Action Agenda

Following two meetings held in early January 2001, the group reached consensus on the action agenda given below. Some items on this agenda could be implemented immediately, while others would require more resources or significant planning and training.

- Improve the timing and effectiveness of the appeals process for resolving disputes.
- Increase Hazard Analysis Critical Control Points (HACCP) and food safety education and training for industry and department employees in two areas: the scientific basis for food safety controls, and regulatory processes and procedures. A new task force is to begin planning pilot projects and considering circumstances when joint education and training are appropriate.
- Design and implement enhanced workplace violence prevention programs with the following components. A task force is to begin planning pilot projects and considering circumstances when joint

training is appropriate.

- Education and training
 - Early warning
 - Conflict resolution at the earliest and most effective points of intervention
 - Outside expertise
 - Employee involvement
 - Routine meetings among local supervisors
 - Improved data reporting and analysis
 - Increased resources and alternatives available to supervisors and employees to eliminate and reduce conflict
- Adopt the following means of improving the inspection process:
 - Frequent, routine sessions involving circuit supervisors, inspectors, and plant managers
 - Actions to increase consistency in inspection across geographic areas
 - Investment in research and development on objective measurement of compliance
 - Review compliance procedures in plant and non-plant settings:
 - Identify situations in which advance notice may be provided.
 - Even where no advance notice is possible, inform plant managers of the opportunity for additional plant personnel to observe the meeting.
 - Establish an ombudsman.
 - Review and improve industry and agency plans for crisis management after critical incidents and in product recalls.

Current FSIS Actions

USDA officials have already begun to implement related recommendations from an in-house task force established immediately after the California tragedy. Consistent with meeting requirements for public participation in rule-making and policy changes, they told participants in the meeting that USDA will move promptly on the following additional items, which are either under way or planned for 2001.

1. Emphasize the importance of inspectors' meeting every week with plant representatives and ensure that supervisors schedule periodic meetings with plant personnel and inspectors to solve problems early.
2. Enhance consistent application of rules and scientific principles through a new review and correlation activity conducted by the FSIS Technical Service Center.
3. Expedite appeals and responses by using new automated inspection scheduling and reporting software to track appeals from the plant level, through field supervisors and district offices, to headquarters.
4. Complete employee "listening sessions" across the country and fill two new positions to coordinate efforts at preventing workplace violence.
5. Conduct an awareness campaign among police units and associations to explain why inspectors and compliance officers may require law enforcement backup.
6. Provide cellular phones, protective clothing, and new identification cards that more clearly identify the enforcement role for compliance personnel and recognition plaques for police units that assist FSIS in high-risk situations.
7. Recruit for the ombudsman position.

Planned FSIS Actions

1. To equip the workforce to manage conflict and prevent violence, hold work unit meetings for all inspectors; pilot-test training for compliance officers at the Federal Law Enforcement Training Center (to be tested jointly with Department of Transportation HAZMAT investigators); hold four national work

unit meetings for compliance officers; and link into the Food and Drug Administration's fall 2001 satellite broadcast on safety for federal and state officials.

2. Improve agency systems by providing new instructions on what to do when firearms are present in the workplace. Streamline reporting of threats, assaults, and intimidation, and make sure all employees (not just inspectors) document incidents. Develop background and intelligence systems to advise employees of situations that pose risks. Immediately refer for investigation all complaints of harassment or threats and (if the nature of the offense warrants it) support application of civil or criminal penalties or suitable notices of warning, as appropriate.

Initiatives for Professionalism and Violence Prevention

Other agency initiatives under way will support professional dealings and violence prevention:

1. The FSIS Training and Education Committee (TEC 2001), responsible for planning future education and training, will plan joint training with the regulated industries and ways to equip inspection managers with the skills to ensure fair, consistent enforcement actions.
2. The Workforce of the Future initiative, already under way, addresses the scientific and regulatory skills, including communication skills, needed to promote cooperative resolution of problems.
3. The FSIS Next Steps initiative will seek public comments to develop ideas for improving the processes applied by inspectors and compliance officers to resolve disagreements and eliminate sources of friction.

FSIS is also actively considering undertaking workplace violence initiatives with the National Institute for Occupational Safety and Health that can be tested jointly with food industry companies. USDA will identify steps and activities particularly as they relate to assistance from the Milbank Memorial Fund.

INTRODUCTION

This report documents the results of discussions conducted in January 2001 about conflict and violence in the food safety workplace. Although the incidence of violence at work is increasing in both the public and private sectors, the murders of two federal compliance officers and a state investigator at a sausage factory in San Leandro, California, brought this issue tragically home to all those connected with the operation and regulatory oversight of the U.S. meat and poultry industry. As part of a multifaceted response to that incident, the Office of the Under Secretary of Agriculture for Food Safety and the Milbank Memorial Fund convened a series of discussions on this topic.

The discussions had three purposes. First, they would convene under neutral auspices senior decision makers from labor, management, and large and small processors in order to identify, understand, and diminish tensions created by changing regulatory expectations and an increasingly competitive environment. The second purpose was to identify optimal practices and to devise strategies to improve the work environment, relationships, communication, and regulatory results, and hence to improve public health throughout the country. Finally, these discussions were intended to yield a document to inform the department's new leadership and other individuals and groups with interests in workplace violence prevention, particularly in the meat, poultry, and egg products industry.

The report is organized as follows. The next section provides background information to place in context the discussions that took place in January 2001. It describes the incidence of workplace violence in general and as reported by the Food Safety and Inspection Service (FSIS), the events leading to convening of two meetings under the auspices of the Fund, and the factors that participants in the meetings identified as leading to increased tensions in the meat, poultry, and egg products industry. The third section identifies the principles unanimously agreed on by the leaders present at the meetings, which participants soon began to describe as "dialogues." This is followed by the proposed action agenda and a description of subsequent steps to be taken.

BACKGROUND

Homicide is the third leading cause of fatal occupational injury in the United States. Nearly 1,000 workers are murdered each year in the workplace, and 1.5 million assaulted. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (CFOI), workplace homicides in 1999 fell to the lowest level since the fatality census's inception in 1992. Job-related homicides totaled 645 in 1999, a 10 percent drop from the 1998 total and a 40 percent decline from the 1,080 homicides that occurred in 1994, which had the highest count in the eight-year period (Bureau of Labor Statistics 2000). According to data from the National Crime Victimization Surveys (NCVS) for 1992–1996, in each of those years, U.S. residents experienced more than 2 million violent victimizations while they were working. The most common type of workplace violent crime was simple assault, with an estimated average of 1.5 million victimizations occurring each year. On average during the period 1992–1996, while at work U.S. residents also suffered 395,000 aggravated assaults, 51,000 rapes and sexual assaults, 84,000 robberies, and 1,000 homicides (Warchol 1996).

Incidents of workplace violence have been reported in all segments of the economy, in both the public and private sectors. The FSIS convened a workplace violence prevention task force in 1998, and the agency has been collecting information on incidents of workplace violence for several years. The number of incidents reported within the agency increased from 62 in 1999 to 82 in 2000 (Food Safety Inspection Service 2001).

In June 2000, two FSIS compliance officers and a California state inspector were murdered while on duty at a sausage factory in San Leandro, California. The owner of this small plant and retail operation was arrested and charged in the case.

As part of a multifaceted response to the murders of the compliance officers in California, the Office of the Under Secretary for Food Safety entered into a cooperative agreement with an endowed foundation, the Milbank Memorial Fund, to convene and report on a series of discussions on this topic involving all interested parties. (For the text of this agreement, see the Appendix.) The agreement specified the manner in which participants in these discussions would be identified and provided a mechanism to prepare for the initial meeting.

In a conference call meeting on November 22, 2000, an initial group of invitees to the first meeting established the agenda and identified additional participants. (The list of participants appears following the Foreword to this report.) Following consultation, the Fund selected neutral co-chairs: Kathryn Higgins, vice president for public policy of the National Trust for Historic Preservation and former deputy secretary of labor; and Senator William N. Martin, chairman of the Appropriations—Human Resources Committee of the North Carolina Senate.

Participants in the first meeting identified the following potential causes of workplace violence in the meat, poultry, and egg products industry environment:

- The unique regulatory framework for the industry.
- Increased scientific knowledge and public expectations about food safety.
- Societal factors that increase tension in the workplace.

Each of these factors is discussed below.

Unique Regulatory Framework

Since the enactment of the Federal Meat Inspection Act in 1906—the year of publication of *The Jungle*, Upton Sinclair's muckraking exposé of the meatpacking industry—the U.S. Department of Agriculture has operated under a unique regulatory framework. In no other industry are regulators required to be continuously present in order for the regulated facility to operate. The Food Safety and Inspection Service (FSIS) carries out these USDA responsibilities. A central requirement of the 1906 meat inspection law was that federal employees must continuously inspect and find unadulterated every slaughtered animal carcass and processed product sold across state lines. Together, the 1906 law, a 1957 statute requiring similar poultry inspection, and a 1970 law covering egg products resulted in a system of "organoleptic"—smell, touch, and sight—examinations by FSIS inspectors at all businesses that slaughter animals or birds, break eggs for manufacturing, or process resulting meat, poultry, and egg products. More than 7,000 FSIS and 1,300 state inspectors and veterinarians are engaged in this work of in-plant inspection. Each year, they

inspect more than 6 billion poultry carcasses and 125 million livestock carcasses—mostly beef, pork and lamb—before and after slaughter. Enforcement activities are carried out at around 9,000 inspected plants and, if required, at any of several hundred thousand other locations where foods are held, transported, further processed, or sold. Both FSIS and states that have programs equal to federal standards have a small number of compliance officers (COs) who are responsible for monitoring the food chain and preventing, detecting, and documenting violations of law. The close interaction between the regulators and the regulated creates many opportunities for tensions, conflicts, and disagreements to develop.

Increased Scientific Knowledge and Public Expectations about Food Safety

Societal intolerance of problems in the food supply increased in reaction to several significant outbreaks of food-borne illness in the early 1990s. The most prominent involved the death of several children and the hospitalization of hundreds of people in the Pacific Northwest in early 1993 after they ate hamburgers tainted with pathogenic *E. coli* bacteria. This crisis precipitated a substantial revision of the federal approach to the regulatory oversight of meat and poultry (Purdum 1996). The new rules, phased in over several years, had their genesis in the food industry in the 1960s, when the Pillsbury Company initiated a preventive control system called Hazard Analysis Critical Control Points (HACCP), at the request of and in conjunction with NASA. This scientific innovation responded to a concern that any food-borne illness resulting from contamination of astronauts' rations by bacterial and viral pathogens, toxins, and chemical or physical hazards could result in a disaster in space; a simple ailment like diarrhea would cause major problems. HACCP was instituted to minimize this risk by replacing traditional organoleptic monitoring and limited end-product testing with a system of preventive controls to ensure that the foods produced were as close as possible to 100 percent free of bacterial or viral pathogens or other hazards (Center for Food Safety and Applied Nutrition 2000).

The movement toward science-based regulation by FSIS since 1996 placed additional stress on relationships within its unique regulatory framework. The new regulations require plants to develop HACCP plans as well as to design and implement written Sanitation Standard Operating Procedures (SSOPs) and microbial testing programs. These requirements have resulted in a fundamental shift in the role of the regulator from direct involvement in the operations of the plant to regulatory oversight and verification of actions designed and implemented by the industry. Inspectors moved from finding problems and fixing them to determining whether or not the plant's systems result in safe products. Compliance officers in noncompliant plants also face new responsibilities that heretofore were largely outside their daily activity.

The rule changes also brought significant new challenges, responsibilities, and anxieties for the management and staff of large, small, and very small plants. Thus, changing roles and responsibilities, fear of the unknown, and the potential for significant disruption intensified stress for many of the parties involved in the implementation of these changes.

Societal Factors Increasing Tension

Factors in society at large influence the level of workplace violence in every industry. Domestic problems, economic pressures, and other causes of psychological stress cannot be left behind at the plant gate. Regulators, workers, and management cannot prevent these problems from entering the workplace. In addition, a certain segment of the population harbors strong animosity toward authority in general and the federal government in particular.

PRINCIPLES

Participants in the dialogues represented the diversity of interests present in the meat, poultry, and egg products workplace, along with outside experts and other interested parties. They swiftly reached agreement on a common set of principles to guide future action:

- *The production of safe and wholesome meat, poultry, and egg products is a goal shared by all participants.* Despite their differing roles, all participants acknowledged special pride in sharing responsibility for providing American consumers with safe and wholesome products.
- *The people who provide and ensure a safe food supply are valued.* Senior officials in the department

and executives of large and small processors stressed their absolute commitment to providing a safe work environment for their employees.

- *Workplace violence must be addressed promptly and unambiguously by all parties to provide a safe and secure work environment.* All participants endorsed the view that incidents of workplace violence should be dealt with swiftly and seriously. The general consensus of all agency and industry representatives was that there should be zero tolerance of incidents of workplace violence, regardless of their source or whether they involve personnel from USDA, industry, or both.
 - *Conflict must be eliminated, safely managed, or resolved; and early indicators of potential conflict should be promptly recognized and addressed.* Although the representatives recognized that some tension is inherent in the meat, poultry, and egg products workplace, it must be managed so that it does not escalate into violence. Preventive measures to identify and respond to incipient tension should be implemented.
 - *Professional rather than adversarial relationships should be the norm of interaction between the industry and FSIS.* Each of the parties understands and respects the particular responsibilities that the other has in providing safe and wholesome products. Differences must be handled in a professional manner, not an adversarial one. Greater opportunities for education, information, and discussion involving all the various parties help to foster such understanding.
 - *Accurate and timely reporting, monitoring, discussion, and action on each incident of workplace violence are essential in order to prevent future incidents.* The first step in addressing workplace violence is the accurate identification of incidents, which will require improving the current system of reporting to eliminate under- and over-reporting. Reported threats or actual assaults must then be investigated and acted on.
 - *Consumers and the media need to be made more aware of the complexity, cost, and benefits of providing safe and wholesome meat, poultry, and egg products, now and in the future.* Most of the general public and the media take a safe food supply for granted and may become aware of the difficulty of maintaining food safety only in the rare event of a major outbreak of food-borne illness. There is little appreciation for the sophisticated systems that are in place to generate safe products for hundreds of millions of Americans every day.
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ACTION AGENDA

At the conclusion of the meetings, the participants identified a series of potential actions that are likely to reduce the threat of violence and to cope with future incidents that may occur. Items included in this action agenda address issues of workplace violence across the spectrum, including incidents internal to either the agency or the industry, and those that involve agency and industry personnel together. The list includes some suggestions that can be implemented immediately and others that would require more resources or significant planning and training.

Improve the Timing and Effectiveness of the Appeals Process

Quickly resolving appeals of noncompliance reports (NRs) from inspectors can eliminate one source of workplace tension. Inspectors may feel compelled to continue to issue NRs on the same problem until it is resolved. Some inspectors may inappropriately perceive the filing of an appeal as questioning their judgment or authority. Industry managers expect appeals to be considered fairly and expeditiously. Among the actions suggested were: (1) an audit of appeals to determine if either the NR or the appeal is inflammatory; (2) regular reports on the length of time taken to resolve appeals and establishment of benchmark standards for specific times of response to appeals at all levels; and (3) training to improve the writing of NRs by inspectors and of appeals by industry.

Increase HACCP and Food Safety Education and Training for Industry and Department Employees

Distinct from education and training specific to workplace violence prevention (see below), the participants identified a need for improved education and training of personnel in two areas. The first is the scientific basis of food safety. With a greater focus on pathogen reduction, workers in the meat, poultry, and egg products industry and government need education and training in the changing state of knowledge and its

application in slaughter and processing. Second, as the regulatory model evolves, updated training of agency and industry personnel is needed to translate changed expectations and thereby to reduce uncertainty. A new task force drawn from all interested parties could begin planning pilot training projects and considering circumstances where joint education and training are appropriate.

Design and Implement Enhanced Programs to Prevent Workplace Violence

Industry and FSIS should develop and continuously evaluate effective programs to prevent workplace violence, with the following components:

- Ongoing education and training of management and employees.
- A system to detect and address inappropriate behavior and situations before they rise to the level of threats and violence.
- Mechanisms designed to resolve conflicts at the lowest level of the organization.
- Outside expertise, as needed, to provide independent, knowledgeable assistance.
- Involvement of employees in design and implementation.
- Regular meetings between local FSIS officials and plant supervisors.
- Improved data reporting and analysis.
- Increased resources and alternatives available to supervisors and employees to reduce conflict.

The group further suggested that a new task force drawn from the interested parties could begin planning pilot projects and considering circumstances where joint training of industry and FSIS personnel is appropriate. Furthermore, the group supported evaluation of these activities through a collaborative effort with NIOSH, an organization with particular skill in providing technical assistance and input and then evaluating the impact of any changes made.

Improve the Inspection Process

Short-term and long-term modifications in the manner in which inspections are conducted could reduce tensions and increase consistency. The following actions were suggested:

- Frequent, routine sessions involving circuit supervisors, inspectors, and plant managers to discuss the workplace environment. (Examples of such dialogues already under way include quarterly meetings sponsored by the New England Government Relations Committee of the North American Meat Processors [NAMP] association, which bring together New England's FSIS circuit supervisors and managers of NAMP member companies.)
- Actions to increase consistency in inspection across geographic areas.
- Investment in research and development for objective tools to measure compliance. Participants agreed that technology needs to be developed and implemented that more quickly and efficiently monitors and reports on the safety of the final product.

Review Compliance Procedures

The role of compliance officers has likewise changed with the new regulatory model. The participants suggested the examination of procedures employed in both in-plant and non-plant settings. The goal is to reduce unnecessary tension over the involvement of compliance officers. Potential actions include:

- Identify situations in which advance notice of compliance visits may be provided.
- Even where advance notice cannot be provided, inform plant management of the opportunity to allow additional plant personnel to observe the meeting.

Establish an Ombudsman

The appointment of an ombudsman would provide another means of reducing unnecessary tension and mistrust. This office would offer industry the opportunity to petition independently for redress of perceived problems associated with the implementation of the new regulatory system.

Review and Improve Crisis Management Plans

Both industry and FSIS should actively review and update plans to address crises in the event that preventive measures fail and workplace violence erupts. Management at all levels within the industry and FSIS should be prepared to take immediate and appropriate steps, separately and jointly. Similarly, processors of all sizes should evaluate their response plans for occasions when they are confronted with a

recall or other serious regulatory action.

USDA officials have already begun to implement related recommendations made by an in-house task force established immediately after the California tragedy. Consistent with meeting requirements for public participation in rule-making and policy changes, USDA told participants at the meeting that FSIS will move promptly on the following additional items that are either under way or are planned for 2001:

1. Emphasize the importance of inspectors' meeting every week with plant representatives and ensure that FSIS supervisors schedule periodic meetings with plant managers and inspectors to solve problems early.
2. Enhance the consistent application of rules and scientific principles through a new review and correlation activity conducted by the FSIS Technical Service Center.
3. Expedite appeals and responses by using new automated inspection scheduling and reporting software to track appeals from the plant level, through field supervisors and the districts, to headquarters.
4. Complete employee "listening sessions" across the country and fill two new positions to coordinate efforts to prevent workplace violence.
5. Conduct an awareness campaign among individual police units and associations to explain why inspectors and compliance officers may require law enforcement backup.
6. Provide cellular phones, protective clothing, and new identification cards that more clearly identify the enforcement role for compliance personnel and recognition plaques for police units that assist FSIS in high-risk situations.
7. Recruit for the ombudsman position.

FSIS has plans to complete the following actions in 2001:

1. Better equip the workforce to manage conflict and prevent violence by the following stems: hold work unit meetings for all inspectors; pilot-test training for compliance officers at the Federal Law Enforcement Training Center (to be tested jointly with DOT HAZMAT investigators); hold four national work unit meetings for compliance officers; and link into the Food and Drug Administration's fall 2001 satellite broadcast on safety for federal and state officials.
2. Improve agency systems with new instructions on what to do when firearms are present in the workplace. Streamline reporting of threats, assaults, and intimidation, and make sure all employees (not just inspectors) document incidents. Develop background and intelligence systems to advise employees of situations that pose risks. Immediately refer all complaints of harassment or threats for investigation and (depending on the nature of the offense) support application of civil or criminal penalties or suitable notices of warning, as appropriate.

The following agency initiatives, already under way, will support professional relationships and violence prevention:

1. The FSIS Training and Education Committee (TEC 2001), responsible for future education and training activities, will plan joint training with the regulated industries and will address ways to equip inspection managers with the skills to ensure fair, consistent enforcement actions.
2. The Workforce of the Future initiative is now addressing the scientific and regulatory skills, including communication skills, needed to promote cooperative resolution of problems.
3. The FSIS Next Steps initiative will seek public comment to develop ideas for improving the procedures used by inspectors and compliance officers to resolve disagreements and eliminate sources of friction.

FSIS is also actively exploring the possibility of undertaking, in collaboration with the National Institute for Occupational Safety and Health, initiatives against workplace violence that can be tested jointly with food industry companies.

USDA will identify steps and activities particularly as they relate to assistance from the Milbank Memorial Fund.

NEXT STEPS

At the conclusion of the second meeting, the participants unanimously agreed that the meetings had exceeded their expectations. At the same time, they acknowledged the challenge of translating the positive results of the dialogues into long-term reductions in actual and potential acts of workplace violence. In order to begin a further discussion of the principles and action agenda developed through these dialogues, the participants agreed to the following next steps:

- A subset of the group should review and improve the draft report and then send it for final review to the other participants.
 - Industry, consumer, and labor representatives pledged to request Secretary Veneman to accord high priority to addressing workplace violence and especially to preventing it.
 - FSIS staff will examine the action items presented at the dialogues and identify those that can be developed and implemented quickly and those that require budgetary action or changes in law or regulation.
 - The participants will explore mechanisms to achieve these goals:
 - Move these discussions into the public arena.
 - Design, fund, and operate pilot programs.
 - Translate experience from pilot programs to broader regional and national settings.
 - Within six months, participants in this dialogue will meet with representatives of the new federal administration.
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REFERENCES

Bureau of Labor Statistics (BLS). 2000. *Census of Fatal Occupational Injuries (CFOI)*. Updated August 17, 2000. Available at <http://stats.bls.gov/special.requests/ocwc/oshwc/foi/cfnr0006.pdf> (accessed February 16, 2001).

Center for Food Safety and Applied Nutrition, Division of HACCP Programs. 2000. *History of HACCP*. Washington, D.C: U.S. Food and Drug Administration. Available at http://www.webcom.com/mars/haccp/haccp_explain.html#intro (accessed February 16, 2001).

Food Safety Inspection Service. 2001. *Preliminary Second Annual Workplace Violence Prevention Report*. Washington, D.C.

Purdum, T.S. 1996. Meat Inspections Face Overhaul, First in Nearly a Century. *New York Times* (July 7): A1.

U.S. Department of Agriculture. 2001. *The USDA Handbook on Workplace Violence Prevention and Response*. Available at <http://www.usda.gov/news/pubs/violence/wpv.htm> (accessed February 16, 2001).

Warchol, G. 1996. *Workplace Violence, 1992–96*. Bureau of Justice Statistics Special Report NCJ 168634. Available at <http://www.ojp.usdoj.gov/bjs/pub/ascii/wv96.txt> (accessed February 16, 2001).

APPENDIX

COOPERATIVE AGREEMENT

**BETWEEN THE OFFICE OF THE UNDER SECRETARY FOR FOOD
SAFETY
OF THE UNITED STATES DEPARTMENT OF AGRICULTURE
AND THE MILBANK MEMORIAL FUND**

Whereas, the Office of the Under Secretary for Food Safety of the United States Department of Agriculture ("USDA") and the Milbank Memorial Fund (the "Fund"), hereinafter referred to as the "Parties," are jointly interested in problems confronted by employees of Federal regulatory agencies, in general, and in issues involving conflict and violence affecting employees involved in regulation of the food supply, in particular;

Whereas, the Office of the Under Secretary for Food Safety oversees the Food Safety and Inspection Service ("FSIS"), the USDA agency responsible for ensuring that the United States commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labeled and packaged;

Whereas, the Fund is an endowed national foundation that engages in nonpartisan analysis, study, research, and communication on significant issues in health policy and has experience in working with Government officials to help inform discussions of controversial issues;

Whereas, a dialogue regarding food safety, conflict and violence affecting employees involved in food safety regulation, and general problems confronted by employees of Federal regulatory agencies, hosted and supervised by an entity that is not an active participant in the regulation of food safety or in the food safety industry or labor force, will serve a mutual interest of the Parties in furthering the safety of the United States food supply.

Therefore, the Parties agree to the following:

**ARTICLE 1
PURPOSE AND AUTHORITY**

1. The purpose of this cooperative agreement, hereinafter referred to as the "agreement," is to establish a framework for cooperation between the Parties with respect to the conduct of a dialogue regarding food safety, conflict and violence affecting employees involved in food safety regulation, and general problems confronted by employees of Federal regulatory agencies. It is the intent of the Parties to work together in mutually supporting ways to conduct this dialogue.
2. The Parties enter this agreement by authority of section 716 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2000, Pub. L. No. 106-78.

**ARTICLE 2
COORDINATION AND COOPERATION**

1. Cooperation under this agreement shall be in accordance with applicable statutes and regulations, including USDA internal regulations and policies.
2. Each Party shall designate a representative to coordinate cooperation between the Parties with respect to the conduct of the dialogue identified in article 1, section 1.
3. The designated representative of each Party will participate in a conference call to plan a series of meetings that will foster the dialogue identified in article 1, section 1. The Parties agree to identify cooperatively additional individuals to participate in the conference call. The Parties anticipate that these additional individuals may include leaders of the food safety industry and its unions, FSIS officials, officials of the executive branch of the Federal Government, and State legislators. The Parties anticipate that no more than eight individuals, including the designated representatives of the Parties, will participate in the conference call. During the conference call, these individuals will recommend to the Fund potential agenda topics for and potential participants in the series of meetings.
4. If the Parties determine that doing so would facilitate the planning of the series of meetings, the Parties will hold more than one conference call or will conduct other planning discussions with individuals with backgrounds similar to those discussed in the preceding section.
5. The Office of the Under Secretary may suggest agenda topics for and potential participants in the series of meetings. The Fund will make the final determinations as to the agenda for and the participants in the series of meetings; however, the Fund agrees that a reasonable number of USDA

or FSIS officials suggested by the Office of the Under Secretary will be selected to participate in the series of meetings.

6. The Fund will conduct and supervise all meetings held in furtherance of the dialogue identified in article 1, section 1. Employees and officials of the Office of the Under Secretary and FSIS will participate in meetings held in furtherance of this dialogue, but neither they nor any USDA employee or official will be entitled to any greater control over the conduct of these meetings than any other participant who is actively involved in the regulation of food safety or in the food safety industry or labor force. No office or agency of USDA will attempt to obtain consensus advice or recommendations from the participants in these meetings.
7. The Fund will draft and publish at least one document representing Fund analysis of or research regarding the issues discussed during the series of meetings outlined in this article. Any document produced by the Fund pursuant to this agreement will state expressly that the document represents the independent analysis and recommendations of the Fund and is a publication of the Fund, not of USDA or any office or agency thereof.
8. At least 20 working days prior to public release of any document produced pursuant to this agreement, the Fund will provide to the Office of the Under Secretary an advance copy of the document. In order for such a document to present the independent analysis of the Fund, the Office of the Under Secretary will not suggest revisions to the document other than those necessary to correct any misstatements of USDA policies or actions. For the same reason, the Office of the Under Secretary anticipates that the Fund will not allow any active participant in the regulation of food safety or in the food safety industry or labor force to suggest revisions to a document other than those necessary to correct misstatements.
9. The Fund will distribute any document it produces pursuant to this agreement as widely as possible and in both electronic and print formats. The Office of the Under Secretary may suggest methods of distribution for and potential recipients of such a document; however, the Fund will make the final determination as to how the document is distributed.
10. To the extent possible, the Fund will attempt to ensure that, when a document produced pursuant to this agreement is reproduced by the Fund or other persons, it is reproduced in a manner that accurately reflects the content of the document. The Office of the Under Secretary and USDA shall have Fund permission to reproduce, use, prepare works derived from, and authorize others to reproduce any document that the Fund produces pursuant to this agreement.

ARTICLE 3 RESPONSIBILITIES OF THE PARTIES

1. The Fund agrees to:
 - A. Conduct and supervise the series of meetings outlined in article 2.
 - B. Provide analysis, study, and research regarding the topics discussed in the series of meetings.
 - C. Prepare, publish, and distribute at least one document representing Fund analysis of or research regarding the issues discussed during the series of meetings.
 - D. Fund its participation in activities pursuant to this agreement.
 - E. Pay non-Government costs of any meetings held pursuant to this agreement, travel costs for non-Government participants in these meetings, and publishing and distribution costs for any document produced pursuant to this agreement.
2. USDA and the Office of the Under Secretary agree to:
 - A. Participate in the dialogue identified in article 1, section 1, including the series of meetings outlined in article 2, to the extent practicable and in accordance with applicable laws and regulations.
 - B. Fund Departmental participation in activities pursuant to this agreement subject to the availability of funds and in accordance with applicable laws and regulations.

ARTICLE 4 EFFECTIVE DATE, AMENDMENT, AND TERMINATION OF AGREEMENT

1. This agreement will become effective upon signature of both Parties and shall remain in effect for one year.
2. This agreement may be amended by mutual written agreement of the authorized representatives of the Parties.
3. This agreement may be terminated at any time by either Party upon 10 days written notice to the other Party.

Executed by:

CATHERINE E. WOTEKI
Under Secretary for Food Safety
United States Department of Agriculture

DANIEL M. FOX
President
Milbank Memorial Fund

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