

# FACTORY FARM OFFENDER

## TYSON FOODS INC. (TSN)

2210 West Oaklawn Drive  
Springdale, AR 72762-6999  
Phone: 479-290-4000

Web Site: <http://www.tysonfoodsinc.com>

**CEO:** John Tyson, Age: 52, Salary: \$6.44 million

**COMPANIES (dba):** The Pork Group, TyNet Corp., Tyson Breeders, Tyson International Co. Ltd., Tyson Mexican Original, Tyson Poultry, Tyson Foods, Hudson Midwest Foods, Tyson Farms, Tyson Fresh Meats (aka TFM, formerly known as IBP), The IBP Foods Co., Tyson Hog Markets, Madison Foods, PBX, Lakeside Farm Industries, Cobb Breeding Company, Foodbrands America, Forrest City Foods, Wilton Foods, Zemco Industries, and many others not listed here for lack of space. For a complete list please see Tyson's 10-K report.

**FORTUNE 500 RANKING:** 72

**ANNUAL REVENUE:** \$26.02 billion

**NUMBER OF EMPLOYEES:** 114,000

**HEADQUARTERS:** Springdale, Arkansas

**LOCATIONS:** The Company operates slaughterhouses and processing plants in Alabama, Arkansas, Arizona, California, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Additionally, the company has operations in Argentina, Brazil, Canada, China, India, Japan, Mexico, the Netherlands, the Philippines, Puerto Rico, Russia, Singapore, South Korea, Spain, Taiwan, the United Arab Emirates, the United Kingdom, and Venezuela. For a complete list of all Tyson locations, please see Tyson's 10-K report.

**BRANDS/PRODUCTS:** Tyson produces a wide variety of poultry, pork and beef products. They are the largest poultry producer in the world. They have only one brand name: Tyson. In their own words: "The Company's branding strategy focuses on one national protein brand, the Tyson® brand..."

### **POLLUTION VIOLATIONS:**

- **Oklahoma** - On June 19, 2005, the state's Attorney General filed a Complaint in the Northern District Court against Tyson Poultry for allegedly polluting the local river watershed with poultry litter. Tyson has filed motions to dismiss the claims. There are also separate and unrelated charges in Oklahoma against Tyson Foods' hog operations, which are allegedly responsible for numerous sewage waste spills dating back to 1995, including one in July 1999 that caused a massive fish kill. Other documented problems include spraying feces onto neighboring property and mismanaging hog corpses.
- **Portland, IN** - On February 25, 2004, the Indiana Department of Environmental Management issued a Notice of Violation to Tyson for violations of the Clean Air Act. The department requested a penalty of \$195,000 but so far Tyson has paid only \$4,250.

- **Dakota City, NE** - According to the Environmental Protection Agency, in 2004 Tyson Fresh Meats (TFM) violated the Clean Water Act by illegally discharging wastewater pollution.
- **Hinds County, MS** - On December 26, 2002, there was a civil complaint filed against Tyson Foods (also Cargill and Cal-Maine) in the Circuit Court of Hinds County, Mississippi, on behalf of plaintiffs, Hunter McWhorter, a young boy with cystic fibrosis, and Michael Green, who was diagnosed at 15 with chronic myelogenous leukemia. Both conditions may be caused by fungus and arsenic found in chicken litter. Homes and schools in the area near the factory farms were tested for fungus and arsenic and found to have high levels of both. Residents were also found to have a high number of illnesses, which may be caused by fungus and arsenic. The suit alleges that the plaintiffs suffered severe medical conditions from living near land upon which chicken litter from factory farms was spread as “fertilizer.”
- **Mayes County, OK** - On October 23, 2001, a class action lawsuit, R. Lynn Thompson and Deborah S. Thompson, et al. vs. Tyson Foods, Inc., was filed in the District Court on behalf of all owners of Grand Lake O' the Cherokee's lakefront property, alleging Tyson Foods consistently released waste and wastewater into the lake.
- **Rock Island, IL** - In January 1997, the State of Illinois Attorney General filed People vs. IBP, Inc. in the Rock Island Circuit Court alleging that IBP's (now TFM's) operations were violating the state's odor nuisance laws.

#### **OCCUPATIONAL HEALTH & SAFETY VIOLATIONS & LABOR STANDARDS VIOLATIONS:**

- **National** - The U.S. Department of Labor, Occupational Health & Safety Administration (OSHA) assessed Tyson production and processing operations and issued more than 100 violations and fines between 2001 and 2006 for failing to provide employees with a safe work environment.
- **National** - The National Labor Relations Board has repeatedly found Tyson guilty of illegal activities aimed at eliminating unions in its slaughterhouses, including threatening to arrest workers who distributed pro-union materials, promising better wages and benefits if a union was shut down, and firing dozens of workers who supported a union.
- **Texarkana, AR** - In August 2004, Tyson was subpoenaed by the Western District of Arkansas regarding a workplace accident that resulted in the death of an employee at the River Valley Animal Foods rendering plant in Texarkana on October 10, 2003. The workplace fatality had previously been the subject of an investigation by OSHA. On April 9, 2004, OSHA issued citations to Tyson Foods, Inc. and Tyson Poultry, Inc., dba River Valley Animal Foods, alleging violations of health and safety standards arising from the death of the employee due to hydrogen sulfide inhalation. The citations consist of five willful, 12 serious, and two record keeping violations. Since the receipt of the document subpoena, a number of company employees have provided grand jury testimony or informal interviews to government investigators. Federal officials have not yet indicated whether they intend to pursue any action against the company in connection with this investigation.
- **Goodlettsville, TN** - On November 21, 2002, a lawsuit entitled Emily D. Jordan, et al. v. IBP, inc. and Tyson Foods, Inc., was filed in the U.S. District Court for the Middle District of Tennessee. Ten current and former hourly employees of TFM's case-ready facility in Goodlettsville filed a complaint claiming the company violated the FLSA by requiring employees to perform unpaid work on a regular basis. There are more than 500 plaintiffs involved in this case.

- **Blountsville, AL** - On May 9, 2002, a civil complaint was filed against Tyson in the U.S. District Court for the Northern District of Alabama, Elaine L. Chao, Secretary of Labor, United States Department of Labor v. Tyson Foods, Inc.. The complaint alleges that Tyson violated the overtime provisions of the federal Fair Labor Standards Act (FLSA) at the company's chicken-processing facility in Blountsville. Previously, on June 22, 1999, 11 current and former Tyson employees filed the case of M.H. Fox, et al. v. Tyson Foods, Inc. in the U.S. District Court for the Northern District of Alabama, claiming Tyson violated requirements of the FLSA. The suit alleges the company failed to pay employees for all hours worked and/or improperly paid them for overtime hours.
- **National** - In December 2001, the U.S. Department of Justice filed a 36-count indictment against Tyson Foods and six of its executives and managers, charging them with conspiracy to smuggle illegal aliens from Mexico and Central America to work at 15 of its U.S. poultry processing plants. The Department of Justice also alleged that Tyson and its co-conspirators assisted the workers in obtaining fraudulent identification and employment documents.
- **Pennsylvania** - On August 22, 2000, seven Tyson employees filed the case of De Asencio v. Tyson Foods, Inc. in the U.S. District Court for the Eastern District of Pennsylvania, claiming violations of the FLSA and of the state Wage Payment and Collection Law.
- **Pasco, WA** - In 1998, a lawsuit entitled Alvarez, et al. v. IBP was filed in the U.S. District Court for the Eastern District of Washington against IBP (now known as TFM) by employees of its Pasco beef slaughter and processing facility alleging violations of the Fair Labor Standards Act, the Washington Minimum Wage Act and related regulations. There are more than eight hundred plaintiffs involved in this case. On November 5, 2001, a follow-up lawsuit to Alvarez, entitled Maria Chavez, et al. v. IBP, Lasso Acquisition Corporation and Tyson Foods, Inc. was filed in the same court, again alleging the same fair labor and wage violations: that Tyson required employees to perform unpaid work on a regular basis.

#### **HUMANE SLAUGHTER VIOLATIONS & DOCUMENTED ANIMAL ABUSE:**

- **Dardanelle, AR** - In February 2006, a caring Tyson employee exposed severe animal cruelty on Tyson poultry farms. The employee reported that Tyson growers put chickens who are sick or not growing fast enough into large freezers to die, a process that could take several days. Managers at Tyson were aware of this cruel and prolonged method of killing but had done nothing to stop it.
- **Heflin, AL** - A 2005 undercover investigation of a Heflin Tyson Foods chicken slaughter plant found that workers frequently ripped off the heads of conscious birds, imprecise slaughter equipment routinely mutilated chickens, and thousands of birds were scalded to death while completely conscious. Plant supervisors told investigators that it was acceptable for 40 birds per shift to be scalded to death.
- **Grannis, AR** - In January 2003, a former employee of a Grannis Tyson chicken slaughterhouse produced a signed statement alleging extreme animal abuse at the plant. The former worker said he had witnessed birds being blown apart by dry-ice "bombs," large birds having their legs broken to fit into tiny metal shackles, and birds being intentionally scalded to death.
- **Wallula, WA** - Undercover video cameras worn by workers at a Wallula IBP plant (now operated by Tyson) captured cattle being skinned while still conscious. Animal advocates, who arranged the investigation, petitioned the U.S. Department of Agriculture (USDA) and the state of Washington to take action against the plant. The incident eventually led to a call by Congress that the USDA improve its enforcement of the federal Humane Methods of Slaughter Act.

## **FOOD SAFETY VIOLATIONS:**

Tyson has had habitual food safety violations every year since the U.S. Department of Agriculture, Food Safety & Inspection Service (FSIS) monitoring programs began. The following are just a sample of the most recent violations enforced by FSIS:

- **Wilkesboro, NC** - Plant was issued a Notice of Intended Enforcement for Sanitation Standard Operating Procedures (SSOP), Hazard Analysis Critical Control Point System (HACCP) and Sanitation Performance Standards (SPS) violations on September 21, 2005.
- **Lexington, NE** - Plant was issued a Notice of Intended Enforcement for SSOP and HACCP violations on September 16, 2005. Earlier in the year, the plant was issued a violation concerning the Advanced Meat Recovery (AMR) System.
- **Carthage, MS** - Plant was issued a Notice of Intended Enforcement for SSOP, HACCP and SPS violations on September 8, 2005.
- **Goodlettsville, TN** - Plant was issued a Notice of Intended Enforcement for SSOP and HACCP violations on August 26, 2005.
- **Monroe, NC** - Plant was issued a Notice of Intended Enforcement for SSOP and HACCP violations on August 15, 2005.
- **Amarillo, TX** - Plant received Notices of Intended Enforcement for HACCP violations and also a violation concerning the AMR System on July 14, 2005.
- **Shelbyville, TN** - Plant was issued a Notice of Intended Enforcement for SSOP, HACCP and E coli regulatory requirements violations on June 15, 2005.

## **PRODUCT RECALLS:**

- **Hope, AR** - In June 1998, a Tyson's processing plant recalled approximately 126,240 pounds of chicken nuggets and breast fillets that potentially contained pieces of metal wire. The recall was triggered by customer complaints in three states, and affected one national restaurant chain.

## **OTHER:**

- **National** - Despite Tyson's federal violations, the company maintains a close rapport with leaders in the U.S. government. In December 1997, Tyson Foods pleaded guilty to giving former USDA Secretary Mike Espy more than \$12,000 in illegal gratuities. Two top executives were convicted and sentenced to prison terms, but were later pardoned by former President Bill Clinton.
- **Alabama** - In July 1996, a group of cattle farmers filed a complaint titled Henry Lee Pickett, et al. v. IBP, Inc. in the Alabama U.S. District Court alleging that TFM used its market power and "captive supply" agreements to reduce the prices paid by TFM on purchases of cattle in alleged violation of the Packers and Stockyards Act.

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