



PROFIT OVER SAFETY: PRIVATE EQUITY'S LEVERAGED BET ON PACKERS SANITATION

MARCH 2022

PRIVATE EQUITY
STAKEHOLDER
PROJECT

Key Points

- In July 2021, the US Department of Labor’s Occupational Safety and Health Administration (OSHA) cited Packers Sanitation Services Inc, and three other companies in connection with a nitrogen leak that tragically caused the deaths of six workers and injured almost a dozen others at a Georgia poultry processing plant.¹
- OSHA’s 2021 investigation found 17 serious and two repeat violations by Packers at the plant.²
- Packers Sanitation Solutions Inc. has been acquired by four different private equity firms since 2007.
- Blackstone and Leonard Green/ AlInvest extracted hundreds of millions of dollars from PSSI through transactions known as dividend recapitalizations, in which the private equity firms added debt to Packers Sanitation’s balance sheet in order to collect dividends for themselves.
- According to a 2017 report by the National Employment Law Project (NELP) looking at OSHA severe injury data, PSSI stood out as a particularly dangerous workplace with one of the highest numbers of serious injury reports compared to its relatively small number of employees.³
- Since May 2018, when the Blackstone Group acquired the company, OSHA has conducted investigations of at least four amputations and three fatalities of PSSI employees, including one decapitation.⁴
- Many workers in the sanitation industry are immigrants or hold a criminal record and are limited in their choice of workplace. Moreover, vulnerable employees like former felons or those who have newly immigrated to the country are less likely to challenge an employer that disregards safety issues or practices wage theft.⁵

Private equity firms have often taken a low road approach and sought to reduce wages, benefits, and staffing at firms they acquire – with devastating consequences to millions of workers, their families, and their entire communities. The industry manages nearly \$7.4 trillion in assets⁷ and owns companies that employ more than 11.7 million American workers, plus millions more around the world.⁸



Packers Sanitation Services Inc

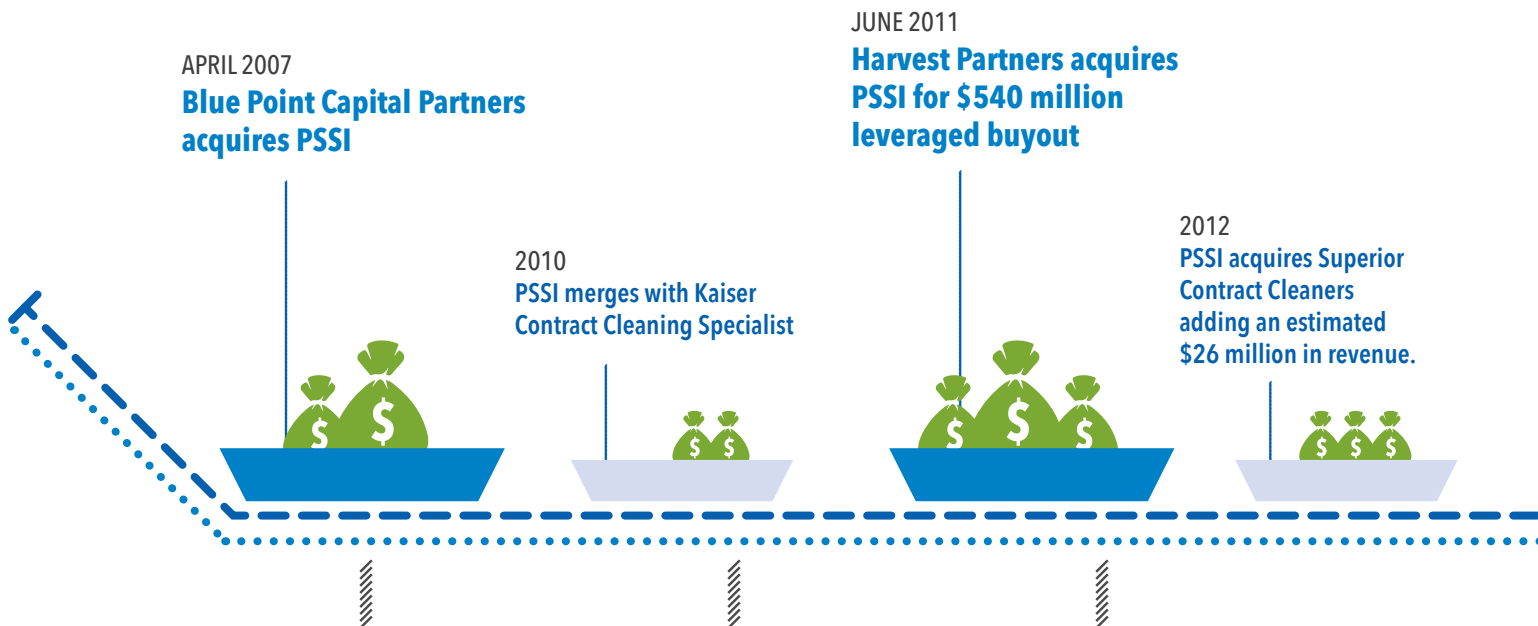
In July 2021, the US Department of Labor’s Occupational Safety and Health Administration (OSHA) cited Packers Sanitation Services Inc, and three other companies in connection with a nitrogen leak that tragically caused the deaths of six workers and injured almost a dozen others at a Georgia poultry processing plant.⁶ PSSI is contesting the charges.

This report details health and safety violations at Packers, which is currently owned by the Blackstone Group, and serves as an example of the destructive impact that can come from the private equity industry.

Packers Sanitation Services Inc (PSSI) was founded in 1973 and provides food safety and sanitation services to food processing plants. PSSI has two main focus areas — Food Safety and Manufacturing Sanitation, which provides personnel to clean large scale manufacturing machinery primarily at food processing plants, and Chemical Innovations which offers a line of 325+ cleaning and sanitizing chemicals designed to be used by PSSI’s sanitation personnel.⁹

Packers Sanitation Services Inc (PSSI), is owned by the Blackstone Group, the largest private equity firm in the world. PSSI has stood out as an exceptionally dangerous workplace based on the high number of serious injuries reported to the Occupational Safety and Health Administration (OSHA). Since May 2018, when Blackstone acquired PSSI, OSHA has conducted investigations of at least four amputations and three fatalities of PSSI employees, including one decapitation, in addition to the 2021 OSHA citations and fines related to the Gainesville, GA nitrogen leak.¹⁰

Private equity firms should ensure that all direct and contracted employees of their portfolio companies have safe working conditions and the training and protective equipment they need to do their jobs safely.



Highly Leveraged: The Private Equity Ownership of PSSI



For its first 34 years, PSSI was privately owned, changing hands between individual owners and smaller investment groups.¹¹ In April 2007, private equity firm **Blue Point Capital Partners** acquired PSSI, and the company has been through a succession of other private equity owners since.

In June 2011, **Harvest Partners** purchased PSSI from Blue Point Capital for an estimated \$540 million through a leveraged buyout.¹² Harvest grew the company by an estimated \$159 million in revenue through the acquisitions of Superior Contract Cleaners in 2012, DCS Sanitation Management in 2013, and CSL, Startkleen and Mossberg Sanitation in 2014.¹³

Leonard Green & Partners and **AlpInvest Partners** acquired PSSI in December 2014 for almost \$1 billion including debt.¹⁴ Leonard Green & Partners and AlpInvest grew the company by an estimated \$42 million in revenue by acquiring Packers Chemical in 2016 and S3 in 2017.¹⁵

In May 2018, **The Blackstone Group** bought PSSI for an undisclosed amount.¹⁶

Blackstone and Leonard Green/ AlpInvest extracted hundreds of millions of dollars from PSSI through

transactions known as dividend recapitalizations, in which the private equity firms added debt to Packers Sanitation's balance sheet in order to collect dividends for themselves. Packers Sanitation paid Leonard Green and AlpInvest a \$340 million in debt-funded dividend in December 2017.¹⁷

Packers Sanitation paid a \$135 million dividend in June 2019 and another \$297 million dividend in November 2020 to the Blackstone Group.¹⁸ The Blackstone Group has since loaded PSSI with \$350 million in debt financing in November 2020, refinanced the company's \$1.1 billion in debt in February 2021, and added another \$185 million in debt financing in August 2021 with some of that money earmarked for the purchase of Safe Foods.¹⁹

According to a Bloomberg Business article titled *"America's Worst Graveyard Shift is Grinding Up Workers"*, aggressive profit-taking and highly leveraged companies may affect worker safety. In the article, David Michaels, head of OSHA during the Obama Administration, suggested that big debt is a potential red flag, asking rhetorically, "Are they reducing the costs to pay debt by pressuring workers to work faster? That's a common danger with highly leveraged companies."²⁰

MARCH 2012
Hayward, CA
**Amputation - Worker
Cleaning Dough Machine
Sustains Finger Amputation**



AUGUST 2012
Robards, KY
**Emphasis:
N:Amputate**



2013
**PSSI acquires DCS
Sanitation Management
adding an estimated
\$58 million in revenue**



2014
**PSSI acquires CSL, Startkleen
and Mossberg Sanitation
adding an estimated
\$75 million in revenue**



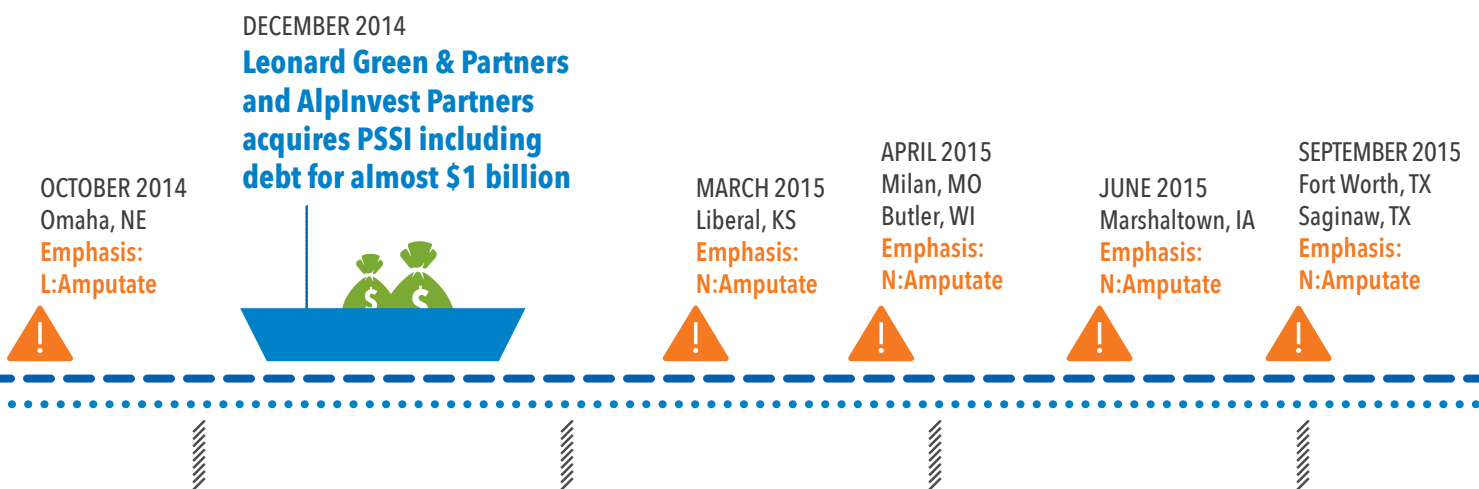
Worker Safety at Packers Sanitation Services Inc (PSSI)

OSHA investigations and news reports have highlighted severe workplace injuries at PSSI, with many of these injuries in poultry processing plants.²¹ In January 2021, PSSI was cited by OSHA for failing to train workers on the hazards of liquid nitrogen at a poultry processing plant. OSHA investigated the plant after six workers from a different company died at the plant due to a nitrogen leak, and another dozen workers were hospitalized.²²

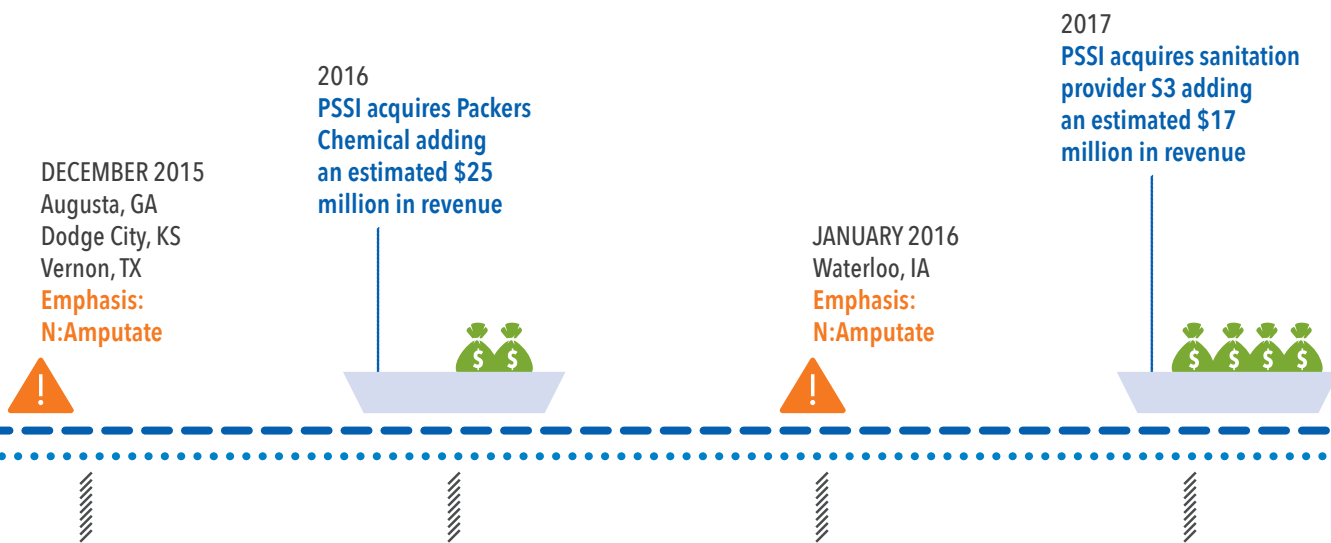
OSHA's 2021 investigation found 17 serious and two repeat violations by Packers at the plant.²³ OSHA defines "serious" as a "hazard, violation or condition such that there is a substantial probability that death or serious physical harm could result."²⁴ Packers Sanitation is contesting the citations and the \$286,720 in initial fines.²⁵

TABLE 1: PSSI OSHA violations related to the 2021 Gainesville, GA Nitrogen Leak²⁶

TYPE	OSHA STANDARD	STANDARD DESCRIPTION
Serious	19100037 A03	Exit routes must be free and unobstructed.
Serious	19100037 B01	Each exit route must be adequately lighted so that an employee with normal vision can see along the exit route.
Serious	19100037 B06	Each exit sign must be illuminated by a reliable light source and be distinctive in color.
Serious	19100146 C04	The employer shall develop and implement a written permit space program that complies with this section.
Serious	19100146 D03 I	Develop and implement the means, procedures, and practices necessary for safe permit space entry operations.
Serious	19100146 D03 VI	Develop and implement the means, procedures, and practices necessary to verify that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry.
Serious	19100146 D05 I	Test conditions in the permit space to determine if acceptable entry conditions exist before entry is authorized to begin.
Serious	19100146 D 05 II	Test or monitor the permit space as necessary to determine if acceptable entry conditions are being maintained.



TYPE	OSHA STANDARD	STANDARD DESCRIPTION
Serious	19100146 D06	Provide at least one attendant outside the permit space into which entry is authorized for the duration of entry operations.
Serious	19100146 E01	Before entry is authorized, the employer shall document the completion of required measures.
Serious	19100146 G01	The employer shall provide training so that employees acquire the understanding, knowledge, and skills necessary for the safe performance of the assigned duties.
Serious	19100147 C04 II B	The procedures shall clearly and specifically outline the scope, purpose, authorization, rules and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance, including specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy.
Serious	19100147 C07 IA	Each authorized employee shall receive training in the recognition of applicable hazardous energy sources and the methods and means necessary for energy isolation and control.
Serious	19100147 F02 I	Whenever outside servicing personnel are to be engaged in activities covered by this standard, the on-site employer and the outside employer shall inform each other of their respective lockout or tagout procedures.
Serious	19101200 H03 I	Employee trainings shall include methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area.
Repeat	19101200 H03 II	Employee training shall include the physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area.
Serious	19101200 H03 III	Employee trainings shall include measures employees can take to protect themselves from hazardous chemicals and procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.
Repeat	19100151 C	Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.



A Dangerous Workplace

Sanitation in food processing, specifically within meatpacking plants, can be dangerous work due to the large machinery used for the processing, and the number of OSHA incident reports related to Packers Sanitation employees demonstrates this danger. According to the National Employment Law Project (NELP) analysis of the January 2015 through September 2016 OSHA severe injury report, PSSI stood out as a particularly dangerous workplace with one of the highest numbers of serious injury reports compared to its relatively small number of employees.²⁸

NELP found that PSSI had the 14th highest number of reported severe injuries, just under AT&T. To put this data into perspective, AT&T had around 280,000 employees in 2015 and 28 severe injuries reported; whereas PSSI had around 17,000 employees and 24 severe injuries reported.²⁹ Additionally, the analysts noted there could be more injuries than reported, “there is strong empirical evidence that these numbers could be an undercount.”³⁰ PSSI’s amputation rate was five times the rate for all manufacturing workers.³¹

According to the U.S. Government Accountability Office (GAO), no one knows how many sanitation workers get

“There are bad jobs, and then there is the worst. Working the line at a slaughterhouse can be awful. Cleaning up what remains is even more horrible.”

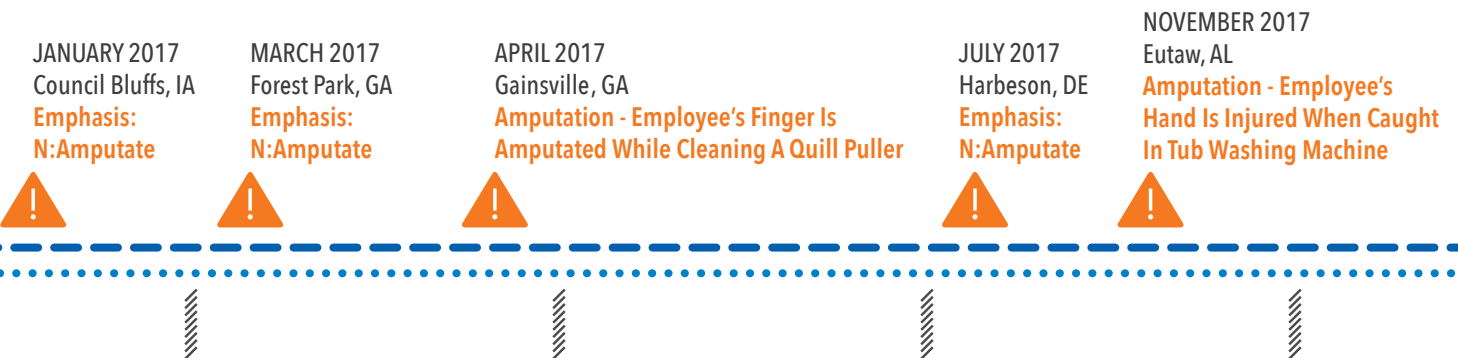
– Jake Rosenfeld, *You’re Paid What You’re Worth, 2021*²⁷

sick and injured on the job. The GAO indicated in their 2016 report *Workplace Safety and Health: Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry* that OSHA did not require plants to report contractors’ injuries, and the highly fragmented sanitation industry uses multiple job codes resulting in a lack of comprehensive data on cleaners’ injuries.³²

PSSI employees have suffered severe occupational accidents in the three years that the Blackstone Group has owned the company, and PSSI has been levied hundreds of thousands of dollars in fines by OSHA during that period (see Table 2).

TABLE 2: Severe Occupational Accidents at Packers Sanitation under Blackstone Ownership³³

OPEN DATE	OSHA INSPECTION #	CITY & STATE	OSHA INCIDENT NOTES
August 27, 2018	1342244.015	Carrollton, TX	At 4:00 a.m. on August 19, 2018, an employee was walking by a conveyor belt when she tripped and fell onto the rollers that flattens the dough for tortillas, crushing her right hand and lower arm. The employee was hospitalized.



OPEN DATE	OSHA INSPECTION #	CITY & STATE	OSHA INCIDENT NOTES
July 23, 2019	1416827.015	Milwaukee, WI	At 4:00 a.m. on July 17, 2019, an employee was cleaning a corkscrew mixing conveyor when the employee attempted to remove a blockage with his right hand. The employee amputated of his index fingertip requiring medical treatment. The employee was not hospitalized."
September 19, 2019	1432319.015	Center, TX	Emphasis: N:Amputate
October 26, 2019	1441485.015	Teachey, NC	On October 25, 2019, an employee was working at a poultry processing plant and was found caught between the auger blade and the chiller wall. The employee was pronounced dead at the scene.
March 4, 2020	1467797.015	Eufaula, AL	At 5:00 p.m. on March 3, 2020, an employee was using a high-pressure water hose to rinse the medium bird chiller while the material conveyor augur was still in operation. The employee leaned in the front portion of the chiller. Then, the employee's upper body was caught by the rotating augur (moving at 1 revolution/10 minute), and the employee was decapitated and killed. There were no guards preventing the employee from accessing the moving portion of the augur.
April 6, 2020	1471841.015	Conley, GA	At approximately 12:45 p.m. on April 4, 2020, an employee was spraying the floor with a water hose and removing floor drain covers to empty drain traps and spray out floor drains. The employee attempted to remove a section of a floor drain cover on which was resting one leg of a Translicer 2000 food slicing machine. When the cover would not come out, the employee attempted unsuccessfully to move the machine. The employee then tried again to remove the drain cover. The machine leg/caster dropped into the drain when the cover was removed. The machine tipped over and fell on the employee, pinning the employee to the floor and killing the employee. OSHA did not levy any fine or cite the employer for violations.
June 12, 2020	1478537.015	Wichita, KS	Emphasis: N:Amputate. OSHA did not levy any fine or cite the employer for violations.
May 25, 2021	1535069.015	Augusta, GA	Emphasis: N:Amputate. Employer is contesting the citations and fine.

DECEMBER 2017
Kuna, ID
Hospitalization - Employee Catches Arm In A Conveyor And Breaks Arm



MAY 2018
Monett, MO
Amputation - Employee Amputates Fingertip While Cleaning Fat Removal Machine



MAY 2018
Blackstone acquires PSSI (and becomes a partner)



In the publication, *Safeguarding Equipment and Protecting Employees from Amputations*, OSHA outlines several ways businesses can mitigate injury and help to create a safe working environment. Powering down processing equipment before maintenance or cleaning and properly installing protective guards, shielding workers from the internal moving parts on equipment workers encounter, is paramount to protecting workers according to OSHA.³⁴

Despite OSHA’s suggestions, some of the PSSI workplace accidents have been due to meat processing machines lacking proper guards, or the machine not being turned off before cleaning.

Last May, NBC News reported that “According to an August [2020] Department of Labor report obtained through FOIA, OSHA inspected PSSI worksites 56 times in the last five years and issued 38 citations. Twenty of the citations were about equipment not being locked out while workers were cleaning it, and five of the citations were due to machines lacking guards.”³⁵

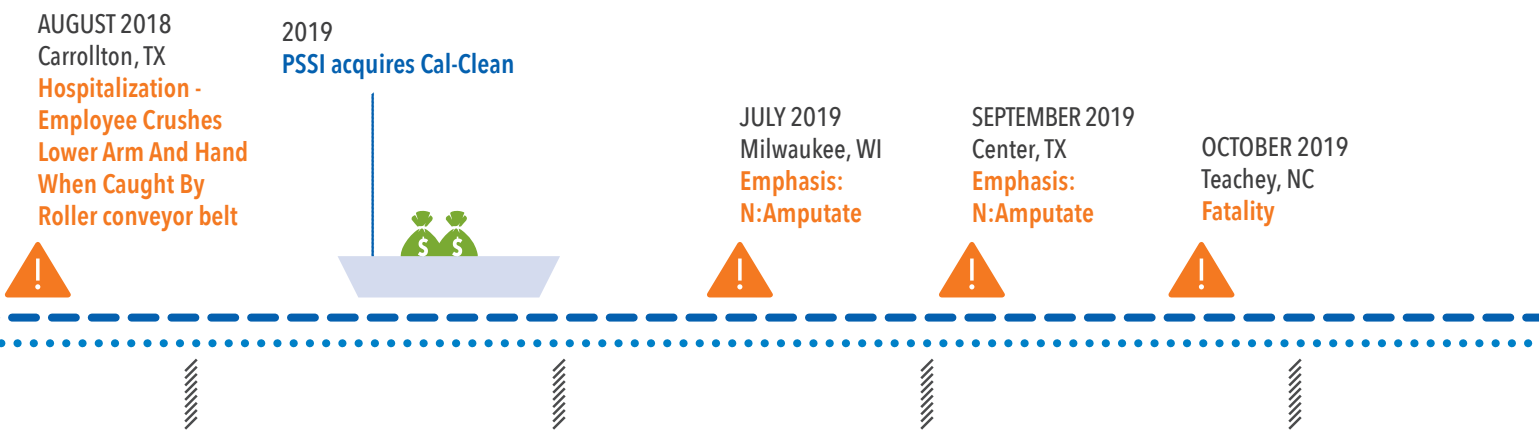
Workers interviewed suggest that rushed production speeds contribute to an increase in workplace accidents, in her 2021 NBC article journalist Amy Martyn explained, “some PSSI workers see a connection between high production speeds at food processing plants and equipment that doesn’t have required safety guards, which is a commonplace violation according to OSHA records and interviews.”³⁶ Furthermore, a longtime PSSI employee suggested cutting back on production might help to lessen these insidious accidents.³⁷ David Greer, a former chicken plant manager,

told Bloomberg that the third shift is more hazardous due to increased automation and not adding to the crew sizes, explaining “These guys are so pressed for time, it creates a big temptation for shortcuts.”³⁸

Packers Sanitation, as a contractor, does not own the processing plants it cleans, nor does it own the equipment it sanitizes, yet takes on the risk of staffing for the dangerous job. According to a Bloomberg Business article about the sanitation industry “*America’s Worst Graveyard Shift is Grinding Up Workers*” outsourcing sanitation labor can benefit large poultry producers,

“The sanitation companies also assume the headaches and risk of staffing positions that only the destitute or desperate will take – very often undocumented immigrants. And they relieve the big producers, including household names such as Tyson and Pilgrim’s Pride Corp., of responsibility for one of the most dangerous factory jobs in American.”³⁹

PSSI may try to protect its customers (i.e. the plant owners) by requiring that employees sign a *Release and Waiver of Liability* as a part of the hiring process according to the 2021 PSSI Employee Handbook.⁴⁰ It is unclear as to exactly how PSSI’s Release and Waiver of Liability fully benefits the company. Waivers of liability do not bar workers compensation claim nor will waivers protect companies from situations in which it demonstrates gross negligence towards a worker’s safety. However, waivers can provide a way for PSSI’s clients to avoid costly litigation.⁴¹

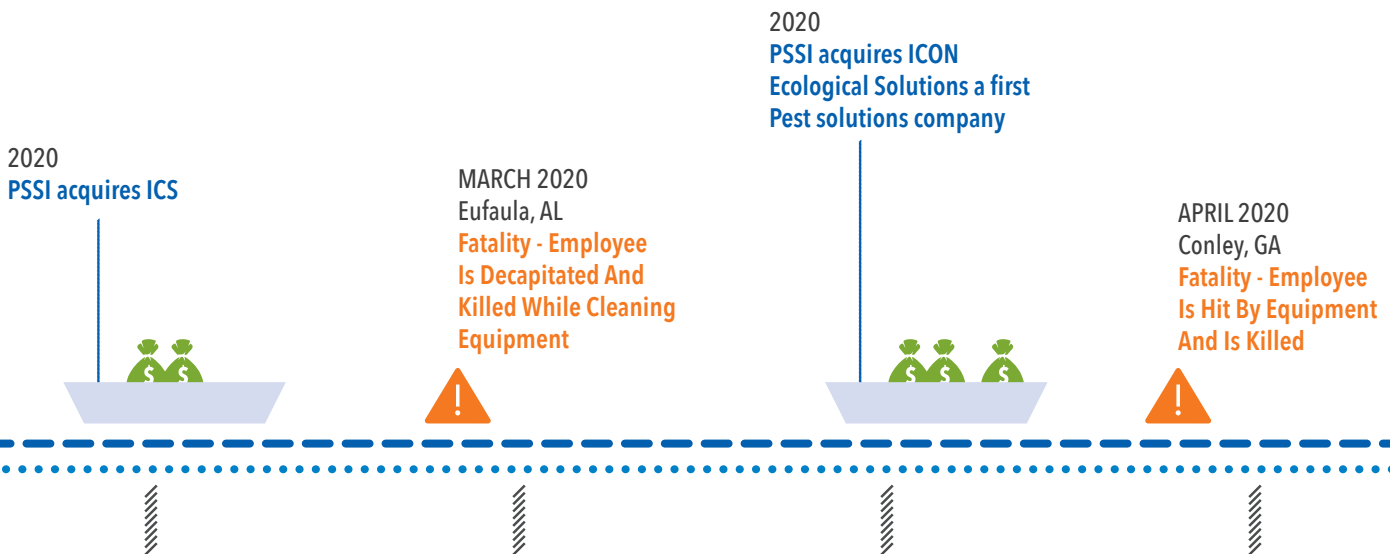


ATTACHMENT B

RELEASE AND WAIVER OF LIABILITY

1. **Release & Waiver:** For and in consideration of being permitted to perform work or services or provide materials at the direction of Packers Sanitation Services, Inc., Ltd. or Packers Sanitation Services, LTD., LLC. (collectively “PSSI”) on the property of independent customers not associated with PSSI, I hereby voluntarily release, discharge, waive and relinquish any and all claims or actions for negligence causing personal injury, death or other damage which I may have against PSSI’s Customer, their officers, directors, agents, team members, insurers, successors and assigns (collectively “Customer”), or which may hereafter accrue to me, as a result of my performance of work or services on the Customer’s property.
2. **Assumption of Risk:** I understand that performance of work or services on the Customer’s property can result in personal harm, loss, damage, injury, or death. I accept these risks on behalf of myself and on behalf of my heirs, executors, and assigns. I understand that PSSI’s Customer does not warrant or guarantee that the physical location of their premises is safe or that any equipment to be sanitized or cleaned is in good and proper working order. It is my sole and personal obligation to ensure that the premises and equipment are safe and appropriate.
3. **Sole and Exclusive Remedy:** I understand that my sole and exclusive remedy for a work-related accident or injury on the premises of a Customer will be through PSSI’s Workers’ Compensation insurance program or through a claim against PSSI as specified by the laws in the State where the services are rendered.
4. **Beneficiary of Agreement:** This Agreement is made solely for the benefit of PSSI’s Customer and no other person shall have any right, benefit or interest under or because of this Agreement, except as specifically provided herein.

“Release and Waiver” PSSI Handbook, 2021⁴⁰



Protecting the most Vulnerable Workers

Many workers in the sanitation industry are immigrants or hold a criminal record and are limited in their choice of workplace.

Sociology Professor Jake Rosenfeld currently at Washington University in St. Louis, highlights this point in his discussion of sanitation cleaning companies “[A] characteristic common to many workers in private collection companies is a criminal record.”⁴³ Moreover, vulnerable employees like former felons or those who have newly immigrated to the country are less likely to challenge an employer that disregards safety issues or practices wage theft. A North Carolina consultant who specializes in meat and poultry sanitation, Tim Cox, told Bloomberg Businessweek the benefit of hiring immigrant workers, “It’s less costly to hire someone with no documentation who doesn’t understand his worker rights than to hire someone who does.” According to Mr. Cox, undocumented workers are less likely to engage in union organizing and are more likely to pass a drug test which most sanitation jobs require.⁴⁴

The Packers Sanitation Services on-site labor must contend with harsh working environments every day.



“Sanitation workers face some of the harshest and most dangerous conditions in American industry, and there’s no outcry because they’re largely low-paid immigrants hidden away on the graveyard shift”

– Deborah Berkowitz, NELP 2017⁴²



JUNE 2020
Wichita, KS
Emphasis:
N:Amputate



MAY 2021
Augusta, GA
Emphasis:
N:Amputate



AUGUST 2021
PSSI acquires Safe
Foods and Strategic
Industries, LLC



Private Equity Labor Accountability

Private Equity owned companies are growing every year, and as they grow so does the number of workers under their purview. Part of being a good community partner is providing workers with the safest work environment possible. For this reason, PESP encourages the Private Equity Industry to adopt a set of workforce guidelines aimed at being better stewards of the community.

Safe Working Conditions

Private equity firms should ensure that all direct and contracted employees of their portfolio companies have safe working conditions and the training and protective equipment they need to do their jobs safely.

A Sustainable Minimum Wage

Increasingly large employers are committing to pay all workers, including tipped workers, at least \$15/hour.⁴⁵ The private equity industry directly employs more than 11.7 million workers, and is large enough to dominate wage markets.⁴⁶ As such, PE firms should commit to pay the equivalent of US prevailing wages (as set by the SCA or the DBA) with a \$15 floor, plus the accompanying fringe benefit rate. Studies have shown that prevailing wages help close racial wealth gaps, lift families out of poverty, and increase productivity while reducing injury rates.⁴⁷

Paid Sick Leave and Affordable Health Care

The majority of food service and retail workers in the United States lack paid sick leave, which is especially disturbing considering that these are also frontline workers who have worked through the pandemic. Private equity firms should ensure that the companies they own protect American workers and the public's health by providing paid sick leave and health care coverage for their employees.

A Commitment to End Occupational Segregation

More than half of Fortune 500 companies now disclose data on the racial and ethnic composition of their workforces, recognizing this is a critical step to ending systemic bias in US employment.⁴⁸ Given the size and diversity of the private equity economic footprint, PE firms should develop recruitment and retention plans for their portfolio companies that lay out concrete goals for hiring BIPOC, LGTBQ+, women, and workers with disabilities, and in the interest of transparency and accountability they should make those plans publicly available.⁴⁹

Protections in the Event of Layoffs

Since private equity-owned companies are prone to bankruptcies and layoffs, private equity firms should commit to provide severance of at least one week's pay per year of employment to laid-off workers.

A Voice at Work

Workers at private equity-owned companies deserve a voice on the job and the ability to organize free from intimidation and harassment. Nonunion workers make only 84 percent of earnings compared to union members (\$958 per week versus \$1,144).⁵⁰ Unionized workforces help level the playing field, particularly for workers of color and during times of unexpected crisis such as during the pandemic.

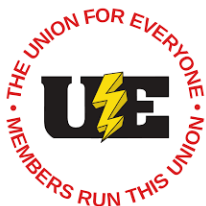
Current organizations who have signed on to the Private Equity workforce guidelines



BREAD
and roses



LiUNA! LOCAL 572



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12. "PitchBook Profile - Packers Sanitation Services." Accessed September 2, 2021. <https://my.pitchbook.com/profile/10503-28/company/profile#deal-history/18566-11T> PSSI "was acquired by Harvest Partners through a \$540 million LBO on June 13, 2011. GE Capital, Senior Secured Loan Program and Ares Capital provided a \$160 million senior secured term loan to support the acquisition of the company by Harvest Partners. GoldPoint Partners also participated".
13. PSSI. "About Us | PSSI Food Manufacturing Sanitation Services." Accessed September 2, 2021. <https://www.pssi.com/>.

- [com/pssi-homepage/about/about-pssi/](https://www.pssi.com/pssi-homepage/about/about-pssi/).According the company website PSSI added Superior Contract Cleaners in 2012 adding \$26M in revenue; DCS Sanitation Management I 2013 adding \$58M in revenue, and CSL, Startkleen and Mossberg Sanitation in 2014 adding \$75M in revenue.
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Sources for Timeline Graphic:

Reported OSHA inspections information for Packers Sanitation Services Inc. since 2007 was gathered from two OSHA databases; "Enforcement Cases with Initial Penalties of \$40,000 or Above | Occupational Safety and Health Administration." Accessed August 18, 2021. <https://www.osha.gov/enforcement/toppenalties>; and "Establishment Search Page | Occupational Safety and Health Administration." Accessed August 18, 2021. <https://www.osha.gov/pls/imis/establishment.html>. USDOL/OSHA Establishment Search Results between January 1, 2018 - August 18, 2021 resulting in 49 results. It should be noted that some inspections may still be open or were incomplete. This list only reflects 12 most serious accidents as reported to OSHA and not a claim of guilt or innocence.

PSSI acquisition of companies was gathered on the Parkers Sanitation Services Inc. website; PSSI. "PSSI | Food Safety and Manufacturing Sanitation Experts." Accessed September 2, 2021. <https://www.pssi.com/> and

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PESP Private Equity Workforce Guideline Signatories logo-graphics:

AFT 2121

Alliance for Fair Food

Asian Pacific American Labor Alliance (APALA), AFL-CIO

Bargaining for the Common Good

Bread & Roses Missouri

Coalition of Labor Union Women (CLUW), AFL-CIO

Communication Workers of America (CWA)

Korean Immigrant Workers Assn (KIWA)

LIUNA Public Employees Local 572

SEIU HCMN

SEIU Local 26

St. Paul Federation of Educators (SPFE)

Teamsters 117

United Electrical

United for Respect

UniteHERE Local 1

UniteHERE Local 11

Green Workers Alliance

