Walmart at the Crossroads

The Environmental and Labor Impact of Its Food Supply Chain

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Food Chain Workers Alliance

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FOOD CHAIN WORKERS ALLIANCE
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The Food Chain Workers Alliance is a coalition of worker-based organizations whose members plant, harvest, process, pack, transport, prepare, serve, and sell food, organizing to improve wages and working conditions for all workers along the food chain. The Alliance works together to build a more sustainable food system that respects workers' rights, based on the principles of social, environmental and racial justice, in which everyone has access to healthy and affordable food.

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I. Introduction: Walmart at the Crossroads

With well over 11,000 stores in roughly 27 countries, Walmart is the world's largest retailer.[1] As stated in the S&P 500 Index, Walmart's market cap is over $275 billion, which indicates the highest possible category of market capitalization.[2] These figures mean Walmart is not only at the top of the food-chain of the retail world in brick and mortar stores, it is also one of the most highly valued publicly traded companies in the world. Foodstuffs currently account for some 55% of Walmart sales, which represents roughly 25% of all groceries sold in the United States.[3] Taken together, **Walmart's influence on both suppliers and distributors in the food chain gives it incredible power in the global food system**. While Walmart and its suppliers have routinely violated its code of ethics, recently the company has demonstrated some willingness to improve its supply chain standards and wages for 600,000 of its U.S. employees. **So far Walmart's commitments to improving standards appear to be mostly a public relations stunt and haven't translated to improvements in conditions for most of its food supply chain. Walmart now has an opportunity to wield its power to the benefit of workers, farmers, communities, and the environment.***

Photo by David Bacon

This report assesses the labor conditions of workers in Walmart's food supply chain as well as the company's environmental impact worldwide. Labor and the environment are the main focuses of this report because they are two key issues that impact us all as consumers and community members. Impacts in these two areas, both positive and negative, are often also intertwined, and many of the case studies in this report lays out this interconnectivity.

Principal among Walmart's "innovations" is a strategically crafted "supply-chain management" philosophy, which gives the retailer an inordinate amount of control over its suppliers.[4] Walmart's

** For more information on Walmart's broader impacts on the food system and supply chains, read Food and Water Watch's reports "Why Walmart Can't Fix the Food System" and "The Economic Cost of Food Monopolies" and read the United Food and Commercial Workers International Union's report "Ending Walmart's Rural Stranglehold."*

supply chain practices have been referred to as "best in market" and lauded as one of the keys to its global success. Part of the company's strategy is to tailor its production practices to regional and international differences in market maturity, requiring suppliers to keep production as inexpensive as each respective market allows.[5] Other factors taken into account when determining the characteristics of a regional supply chain include local political and economic circumstances, the degree of supply chain talent available, and importantly, the cost of both land and labor.[6]

Given the potential for regional variation in supplier practices, Walmart has created a "Responsible Sourcing" code of ethics with which its suppliers should comply. These standards for suppliers include a number of basic thresholds, most of which are already required by federal, state, and/or municipal laws. These standards include labor protections, such as hours of work, pay, and health and safety, as well as environmental policies, such as complying with local and international laws and regulations and reducing pollutants and waste.[7] Walmart also set a goal of purchasing $1 billion worth of "local" food from area farmers by 2015 with specific percentage targets for certain countries, including the U.S.

In theory, Walmart's responsible sourcing code of ethics should help the company regulate its suppliers' compliance with fair labor standards, rules for environmental protection, and goals for purchases from family farmers. In practice, however, our analysis indicates Walmart's "best in market" supply chain strategy leads it to source disproportionately from places with lax local environmental and labor regulations. Walmart is also well-known for pressuring its suppliers to cut prices[8] – **"Walmart squeezing its suppliers is nothing new,"** according to *Fortune*.[9] The price limitations imposed by Walmart create incentives to cut corners, rather than establish high standards, in order to keep Walmart's business. While these practices have been integral in aiding Walmart's global expansion, they underscore the company's priority on profits at the expense of genuine enforcement of its suppliers' compliance with the code of ethics and over its goals for environmental sustainability and local food purchases.

"the company's priority on profits at the expense of genuine enforcement of its suppliers' compliance with the code of ethics and over its goals for environmental sustainability and local food purchases."

This report constitutes a detailed performance analysis of some of Walmart's key suppliers, vis-à-vis its responsible sourcing code of ethics. The data that informs this report was collected during the summer of 2014 through the spring of 2015 by the Food Chain Workers Alliance. The Food Chain Workers Alliance analyzed products sold in a total of 17 Walmart stores throughout the United States, as well as products listed for sale on the company website. Field research was collected on the following food items and sectors:

- **Produce**
  - Mushrooms
  - Blueberries
  - Bananas
- **Packaged and Processed Food**
  - Packaged Lettuce
  - Bread
- **Animal Products**
  - Chicken
  - Seafood
  - Eggs
  - Dairy

Research was also studied on the **food distribution and warehouse industry** and **Walmart's impact on local farmers.**

Research conducted for this report found numerous cases in which suppliers are failing to uphold Walmart's compliance standards and in which Walmart is neglecting to enforce its own standards and goals. **The myriad violations that Walmart's suppliers have committed include illegal dumping of hazardous waste, improper protection of workers from occupational health and safety dangers, violations of workers' freedom of association, and, in some cases, slave and forced labor, both in the United States and abroad.** Walmart has slowly been moving in the right direction to improve its practices on these issues, as evident by the company's recent decision to raise the minimum wage of 500,000 of its direct U.S. store employees to $9 per hour, to start the minimum wage for over 100,000 department managers at $13 per hour, and to sign on to the Coalition of Immokalee Workers' Fair Food Program.[10,11,12] Walmart, nevertheless, has a long way to go before becoming a leader in upholding ethical corporate practices. **Recommendations are given in Chapter VII for how Walmart can improve the safety, fairness, and sustainability of its supply chain.**

II. Walmart's Labor and Environmental Standards for Suppliers and for Local Food Purchases

Labor

Walmart purports to hold both its global and domestic suppliers to an array of compliance standards. The labor standards for suppliers include:[13]

- Compliance with local and national laws pertaining to labor, immigration, health and safety, and the environment
- No slave, child, indentured labor, or human trafficking may be permitted
- Working hours should comply with the law and workers should be provided rest days
- Hiring decisions should be based upon individuals' capabilities in doing the work, and should verify that workers are of legal age and have authorization to work
- Worker compensation should be the equivalent to or higher than legal standards, and compensation should include wages, overtime pay, and benefits
- Suppliers must allow workers to exercise their right to join unions and bargain collectively
- The working environment should protect the health and safety of workers, and suppliers must take any steps necessary to prevent workplace hazards and accidents
- Any housing facilities provided to workers must be safe, clean, and sanitary
- Walmart employees are prohibited from accepting any gifts or contributions from suppliers
- Walmart employees are prohibited from engaging with suppliers in any way that poses a potential conflict of interest
- Suppliers must abstain from any involvement in corrupt practices with public officials or individuals involved in the private sector
- Suppliers must keep current financial records according to standard accounting practices

According to Walmart's website, these compliance standards must be posted in all supplier factories in the language that the workers speak.

Additionally, in 2012 Walmart introduced new labor policies as part of its enhanced global standards to ensure supply chain safety. These new policies include:[14]

- Zero tolerance for unauthorized subcontracting
- Designated employee 'company representatives' who have sufficient knowledge of facility operations to monitor legal compliance
- Fire safety regulations for supplier facilities including multiple exits and fire escape routes, prohibition of locked doors, functional sprinkler systems and audible fire alarms, routine fire safety training, appropriate safety measures for hazardous materials, and a variety of other regulations

Environment

Besides labor standards, Walmart also insists its suppliers follow an extensive environmental code of conduct. The general environmental compliance polices included in this code state:

- Supplier manufacturing facilities should comply with all the laws of the jurisdiction in which it operates, specifically including environmental laws pertaining to waste disposal, air emissions, discharges, toxic substances and hazardous waste
- All supplier procurement of materials must meet international laws and regulations
- Suppliers should be leaders in the implementation of measures for reducing air and water pollutants, energy and water usage, and waste
- Suppliers should have an awareness of significant environmental aspects and impacts, both positive and negative

In addition to general environmental standards, Walmart also provides specific policies for four environmental categories: waste, wastewater and effluent management, air emissions management, and water management. According to Walmart's waste policies, suppliers must:

- Obtain and maintain appropriate permits for onsite waste disposal as required by law
- Deliver hazardous waste for offsite treatment and disposal only to contractors licensed or permitted by appropriate competent authority (if any), which should be verified regularly

- Handle, store and transport hazardous waste in a safe and environmentally (secondary containment) sound manner to control any risks of environmental contamination
- Segregate hazardous and non-hazardous waste
- Maintain waste containers and labels in an appropriate condition
- Maintain waste inventory and tracking records, including the disposal and treatment of both on-site and off-site waste
- Conduct no on-site waste burning or uncontrolled waste land filling
- Provide appropriate waste management training, including the handling and segregation of wastes, to employees

Under the Walmart wastewater & effluents management standards, suppliers must ensure factories:

- Obtain and maintain appropriate permits for wastewater/effluents treatment and discharge, as required by law
- Conduct regular wastewater monitoring (sampling & testing), as required by law
- Strictly comply with wastewater/effluents discharge limits established by competent authorities
- Take necessary corrective actions in the event discharge limits are exceeded
- Have a drainage system in place to convey wastewater to treatment plant and/or final discharge points and a detailed layout or schematic of the drainage system available for review
- Maintain wastewater treatment plant in safe operating conditions to avoid risks to environment and/or human health, if applicable

Walmart's air emissions management policies demand that suppliers ensure factories:

- Obtain and maintain appropriate permits for air emissions as required by law.
- Conduct regular air emissions monitoring (sampling & testing), as required by law
- Strictly comply with any applicable air emissions limits as required by law
- Take immediate corrective actions in the event emission limits are exceeded
- Maintain air emission control equipment on a regular basis
- Establish an inventory of sources related to air emission points

- Maintain an inventory of ODS (ozone depleting substances)
- Seek to expand the inventory of ODS (ozone depleting substances) containment equipment
- Inspect and maintain ODS (ozone depleting substances) containment equipment to prevent the accidental release of substances

Finally, Walmart's water management standards state suppliers must ensure factories:

- Obtain and maintain appropriate permits for water use / extraction as required by law
- Maintain data regarding water use consumption (e.g. water consumption data from water bills and meter readings)[15]

According to Walmart's standards, **"failure to improve environmental performance will result in a factory being banned from producing merchandise for Walmart."**[16]

Local Food

Walmart has also established goals for itself in terms of food purchases from local farmers:

- Walmart pledged in 2008 to buy more local fruits and vegetables.
- In 2010, it announced it would sell $1 billion worth of local food in the following five years from small and medium farms in emerging markets and double sales of local produce in the United States.
  - 9 percent of all food sales in the United States to come from local farmers
  - 30 percent of all food sales in Canada to come from local farmers
  - 50% of all food sales in India to come from local farmers
  - Local food purchases in China to come from one million small farmers

Although Walmart's Standards for Suppliers outline an array of labor and environmental regulations that must be upheld by any entity providing products to Walmart, the research conducted in the following report found numerous cases in which suppliers fail to adhere to Walmart's compliance standards. Our research also casts doubt on whether Walmart is actually fulfilling its own commitment to benefit farmers through its local food purchases.

III. Overview of Walmart's Record on Labor

As mentioned in the introduction to this report, Walmart currently operates over 11,000 stores in 27 countries around the world.[17] This large size allows Walmart to significantly influence a wide variety of retail industry standards, including those related to labor practices. Despite the existence of a labor code of conduct for Walmart's entire supply chain, Walmart and its suppliers have a history of violating labor standards and encouraging practices that are harmful to workers.[18,19,20,21] This section provides an overview of just a few of the abuses workers experience within Walmart's supply chain.

"Demanding such low prices means that Walmart is almost forcing suppliers to pay their workers unfair wages and is compelling farmers to accept an unsustainable price for their products."

Warehouse Workers United protest Walmart (Photo courtesy of the Warehouse Worker Resource Center)

Workers in Walmart's stores and in its food supply chain endure a slew of labor problems, including gender and racial discrimination, unfair treatment of immigrants, low pay and lack of agency in the workplace. Female Walmart employees have sued the company for pay and promotion discrimination that favored male workers.[22] More specifically, at least five regional class action lawsuits have been filed against Walmart for discriminating against female employees in its Walmart and Sam's Club stores.[23] There have been other cases in which Walmart suppliers have been sued for refusing to hire qualified women for positions in their factories.[24] Not only are women paid less and hired less frequently than men in Walmart's supply chain, but women also face sexual harassment in the workplace.[25] The clear biases toward men in Walmart's supply chain suggest that Walmart could utilize more resources to make sure its products are sourced from companies that treat women fairly.

Women, however, are not the only marginalized group to experience discrimination in Walmart's supply chain. Unfortunately, people of color have also encountered racial discrimination while working at the companies that supply food for Walmart.[26,27] According to Title VII of the Civil Rights Act of 1964, it is illegal to treat an employee less favorably based on race and to retaliate against someone who complains about discrimination. More than one of Walmart's suppliers, nevertheless, has been cited for retaliation violations. There have been instances where Walmart supply chain workers have been written up and given suspensions for speaking out against racial discrimination.[28,29,30] These forms of retaliation have led to a range of lawsuits against Walmart suppliers. Walmart should not wait for its suppliers to be sued for not complying with discrimination laws before taking action. Instead, Walmart must ensure that those in its supply chain always adhere to its various codes of conduct, so that discrimination lawsuits do not occur in the first place.

Besides women and people of color, immigrant or non-English speaking workers are also at risk for discrimination and unfair treatment by the companies in Walmart's supply chain. Lack of education, language barriers and an unwillingness to confront authority, among other barriers, lead to many companies taking advantage of immigrant workers. In extreme cases, immigrant workers in the U.S. have been locked into factories and forced to work 16-24 hours per day.[31] Although Walmart claims to coordinate inspections with suppliers, somehow mistreatment of workers goes unnoticed.[32] Walmart fails to follow up with further assessments of workers' rights, indicating that they are unable to adequately address discrimination and labor violations.[33,34]

"Walmart began to use 'its size to extract lower prices from suppliers' as a means of gaining a greater share of the consumer dollar and decreasing its costs."

In addition to discrimination, Walmart's structure and business model are also contributing to labor issues within this company's supply chain. Much of Walmart's business strategy is contingent on its size. Although consolidation of the retail industry began in the early 1980s, the emergence of Walmart as a national grocery retailer helped to accelerate this trend.[35] Walmart began to use "its size to extract lower prices from suppliers" as a means of gaining a greater share of the consumer dollar and decreasing its costs.[36] Demanding such low prices means that Walmart is almost forcing suppliers to pay their workers unfair wages and is compelling farmers to accept an unsustainable price for their products.[37,38] Meat packers, for example, have not been able to recover the market share that they had in the 1980s.[39] Farmers and processors have no choice but to sell their products to Walmart because this company is often the only buyer. According to market research, "in some states, Walmart controls more than 30% of the grocery market in every major region." Moreover, Walmart's share of the grocery market is over 50% in 29 markets nationwide.[40] Walmart's size and drive for consolidation across its supply chain have diminished the control and power that farmers and workers previously had over their livelihood. This lack of power has opened the door to unfair treatment of farmers and workers throughout the Walmart supply chain.

Despite the injustices that occur in Walmart's supply chain, the company does have an established code of conduct that dictates the way suppliers should behave. Unfortunately, Walmart's inability to hold its suppliers accountable to this code of conduct has allowed for numerous cases of discrimination in the workplace. Women, people of color, and immigrant workers, among other groups, often experience various forms of discrimination while working for Walmart and its supply chain. Walmart has taken some initiative to promote diversity and end discrimination in the workplace, but the lack of independent monitoring of suppliers has contributed to numerous labor disputes.

Since Walmart has a wide range of suppliers, it might seem unrealistic to blame the company for the labor violations that occur within its supply chain. Walmart, nevertheless, should take responsibility for its supplier's labor disputes because it controls so much of what transpires within its own supply chain. Walmart's ability to purchase goods in such large quantities has created a level of power over suppliers unmet by many other retailers. The business strategy of buying large amounts of goods and reselling them to customers at a lower price has encouraged suppliers to put unfair demands on their employees to complete orders in an unrealistic timeframe and to produce goods cheaply no matter what the cost. As this report demonstrates, Walmart has continuously failed to protect the rights of workers in its food supply chain, and its inability to enforce a strict code of conduct has unfortunately left multiple individuals in a vulnerable state. A commitment from Walmart to hold its suppliers accountable to a strong labor code of conduct would most likely improve conditions for the vast number of workers in Walmart's supply chain.

IV. Overview of Walmart's Record on Environment

"Walmart has not prioritized holding its suppliers and itself accountable to sustainable environmental practices."

The environmental standards in Chapter II might indicate at first glance that Walmart is deeply dedicated to environmental sustainability. Further research indicates, however, that Walmart has not prioritized holding its suppliers and itself accountable to sustainable environmental practices. In fact, in April of 2014, Walmart was named "**the worst greenwasher of the year**" by Environmental Action and the Green Life, an a consumer protection group.[41] This section gives an overview of Walmart's shortcomings in driving environmental sustainability across its vast supply chain.

Photo by Eurico Zimbres [CC BY-SA 2.5 (http://creativecommons.org/licenses/by-sa/2.5)], via Wikimedia Commons

Walmart's focus on environmental sustainability began when public awareness of the company's mistreatment of employees and violations in the supply chain began to increase in 2005. In that year, five percent of Walmart customers stopped purchasing from Walmart due to their disapproval of the company's practices.[42] In reaction, the CEO of Walmart, Lee Scott, attempted to divert attention away from the company's supply chain violations by pushing forward a new environmental agenda. Scott's improved environmental standards included goals to be "supplied by 100 percent renewable energy… to create zero waste, and to sell products that sustain our resources and the environment."[43]

In practice, Scott's environmental overhaul has not resulted in the improvements he outlined in 2005. As of April 2015, renewable energy accounted for only 16% of Walmart's total energy consumption in the U.S.[44] Kohl's and Starbucks both score better than Walmart in terms of percentage of

"As of April 2015, renewable energy accounted for only 16% of Walmart's total energy consumption in U.S."

energy consumption derived from renewable sources.[45] At 45 metric tons of CO_2 for every million dollars of sales, Walmart's operations are significantly less efficient than competitors like Target and Costco (at 42 and 16 metric tons, respectively). In fact, Walmart ranks 33rd in the list of top industrial polluters, just after Chevron.[46]

Additionally, Scott promised that by 2012 stores built before 2005 would reduce greenhouse gas (GHG) emissions by 20%, a goal which Walmart claims to have reached.[47] Despite supposedly reaching this goal, Walmart has not outlined regulations on the GHG emissions from new stores built since 2005. Given that a new store is built roughly every eight hours somewhere in the world,[48] without regulations, the GHG emissions from these new stores may counteract the reduction of emissions at Walmart's original stores.

"Walmart ranks 33rd in the list of top industrial polluters, just after Chevron."

Additionally, any store that added square footage since 2005 was removed from the program to reduce emissions. This system allowed Walmart to claim success in reaching its 2012 emissions goal, when in reality it may not have actually attained this goal if Walmart included those stores that were removed from the tally.[49]

In another push to reduce GHG emissions, Walmart announced in 2010 that it would cut 20 million metric tons (MMTs) of GHGs out of its supply chain by the end of 2015.[50] As of March 2015, Walmart's website stated that the company has "…eliminated more than 7.575 MMT of GHG emissions" from the supply chain.[51] When measured as part of the overall goal of GHG emissions reduction, this puts Walmart at 38 percent goal completion with just 7 months left in the plan.

Besides attempting to reduce GHG emissions throughout its supply chain internally, Walmart also requires in its environmental standards that suppliers be "leaders in the implementation of measures for reducing air and water pollutants, energy and water usage and waste."[52] Walmart's demand for extremely low prices, however, means suppliers may struggle to test out new strategies that would reduce emissions, due to the fear of

"Walmart's demand for extremely low prices, however means suppliers may struggle to test out new strategies that would reduce emissions, due to the fear of losing their contract with Walmart."

losing their contract with Walmart.[53] A 2012 statement from Walmart confirmed the difficulties suppliers sometimes encounter in finding low-carbon technologies that meet both Walmart's new environmental standards and low price demands.[54]

In the Walmart environmental code of conduct for its suppliers, it emphasizes compliance with laws pertaining to disposal of hazardous and air emissions. Walmart, nevertheless, has been cited repeatedly for violations of the Clean Water Act, Clean Air Act, and the Federal Insecticide, Fungicide, and Rodenticide Act.[55] In the 2000s, Walmart was fined multiple times for violations of federal and state environmental protection laws.[56] In May 2013, the company received a $110 million fine for illegally disposing of hazardous materials in stores all over the United States as a result of three criminal cases brought by the federal Department of Justice and a civil case filed by the U.S. Environmental Protection Agency.[57] Since Walmart cannot even comply with federal and state environmental laws, it raises the question of whether the company is holding its suppliers to its environmental code of conduct.

"Walmart, nevertheless, has been cited repeatedly for violations of the Clean Water Act, Clean Air Act, and the Federal Insecticide, Fungicide, and Rodenticide Act."

Despite the claim that environmental sustainability is a priority, Walmart contributes heavily to staunchly anti-environment candidates through corporate donations and through the Walton Family Foundation.[58] Instead of only touting environmental sustainability as a way to increase competition with other companies and divert attention away from negative environmental and labor reports associated with the company, Walmart must actually hold itself and its suppliers accountable to its environmental standards and sustainability goals.

V. Industry Reports

Along with the environmental and labor standards put forth by Walmart for their suppliers, in 2010, the company introduced a set of Global Sustainable Agriculture Goals. In this report, the company pledged to support local economies, help small and medium farmers expand their businesses, and reduce the environmental impact of farming within a five-year timeline.[59] Research on four different food sectors indicates, nevertheless, that Walmart is not keeping its suppliers accountable to the labor, environmental, and sustainable agriculture standards that its own company put forth and is involved in practices contrary to its Global Sustainable Agriculture Goals.

1. Mushroom Industry

Mushrooms have become an increasingly more important specialty crop over the last few years. Demand for mushrooms has been growing steadily since 2011 and reached a record high at the end of 2013.[60] The value of mushroom sales in the U.S. also increased each year from 2011 to 2014, reaching over $1.1 billion in sales.[61]

"Walmart sources its mushrooms primarily from two companies: Monterey Mushrooms, Inc. and Giorgio Foods, Inc. … these two companies are also the largest mushroom suppliers for the entire nation."

Walmart sources its mushrooms primarily from two companies: Monterey Mushrooms, Inc. and Giorgio Foods, Inc. Monterey Mushrooms is presumed to be the key supplier to stores in Los Angeles, Washington D.C., and Chicago because it occupies more shelf space than Giorgio products and is found in more store locations than Giorgio Mushrooms. Not only are Monterey Mushrooms and Giorgio Foods the top two mushroom suppliers for Walmart, but these two companies are also the largest mushroom suppliers for the entire nation.[62]

Given their respective power in the industry, the two companies cooperate with one another in the production process. For example, Monterey Mushrooms leases a portion of its growing facilities to Giorgio Foods, which then sells the product back to Monterey Mushrooms. They share trucks and personnel and members of both companies sit on each other's boards and committees.[63] This close relationship between Monterey Mushrooms and Giorgio Foods suggests that there is an unfair marketplace for small and mid-size mushroom farms. It is more challenging for these smaller farms to succeed in the market when big corporations collude with one another. Working mainly with larger companies, such as Monterey Mushrooms and Giorgio Foods, demonstrates that Walmart is doing little in the mushroom industry to work toward its sustainability goal of supporting local economies and helping small and medium farmers.

A particular case study in Pennsylvania further demonstrates the negative effect Walmart suppliers have on smaller, independent farmers. Pennsylvania is one of the leaders of mushroom production in the nation, and Berks County, Pennsylvania can specifically be considered a "mushroom hot spot." In the past, Berks County was home to many independent mushroom farmers. In the 1990s, however, processed mushrooms from nations in the Global South gained in popularity due to their low prices, thereby undercutting Berks County's independent farmers who could no longer afford to sell their fresh mushrooms at competitive prices. Congruently, the US demand for fresh mushrooms increased, which gave large, organized corporations like Giorgio Foods a competitive edge. Given the combination of increasing global competition and consolidation of the two biggest mushroom producers, small U.S. farmers have struggled to stay afloat. These challenges have led to 90% of Berks County's output now being produced by Giorgio Foods.[64] This situation in the mushroom industry reflects larger trends in agriculture where it has become standard practice for larger companies to contract out production to a large number of smaller farms around the country. Switching from controlling production to being basically a contract worker can be detrimental to farmers and negatively impact the labor and environmental standards of farms.

The stronghold of Monterey Mushrooms and Giorgio Foods on the mushroom industry and the resulting detriment to the economic welfare of independent farmers is not in line with Walmart's 2010 Global Sustainable Agriculture Goals. Walmart's continued preference for Monterey Mushrooms and Giorgio Foods as their primary mushroom suppliers demonstrates that the company is not upholding their pledge.

A. Supplier 1: Monterey Mushrooms, Inc.

Monterey Mushrooms is based in Watsonville, California. It has 4,000 employees and grows mushrooms in facilities located in four locations of California, and in Texas, Tennessee, Pennsylvania, Illinois, Florida, and Mexico. Additionally, it has one processed product facility in Bonne Terre, Missouri.[65] Given that Monterey Mushrooms is a privately traded company, information about company details, such as revenue and production practices, is not publicly available. Monterey Mushrooms is generally regarded though as the largest mushroom producer in the United States.[66]

i. *Labor*

Although Monterey Mushrooms has adhered to some of Walmart's supplier regulations, this company has also been shown to ignore Walmart's supplier labor code of conduct. Monterey Mushrooms states that it operates in accordance with the USDA-certified Mushroom Good Agricultural Practices (MGAP), Good Manufacturing Practices, and the guidelines of Hazardous Analysis and Critical Control Point Program[67] and thereby follows some health and safety rules. The company, however, has incurred several recorded labor violations.

According to the Occupational Safety and Health Administration (OSHA) database, 16 violations were found at Monterey Mushroom between January of 2009 and May of 2015.[68] There was also an alleged workplace violation at Amycel, a subsidiary of Monterey Mushrooms that provides products and services to mushroom growers. In this case, an Amycel worker filed a discrimination suit with the Equal Employment Opportunity Commission (EEOC) after a Sales Director harassed him by calling him racist and pejorative names like "Osama bin Laden" and "terrorist."[69] These examples of labor violations demonstrate that one of Walmart's main produce suppliers is not complying with its labor code of conduct and should be required to do so.

ii. *Environment*

Besides labor violations, Monterey Mushrooms has also not fully complied with Walmart's environmental code of conduct. The U.S. Environmental Protection Agency (USEPA) database shows that there are five Monterey Mushroom facilities with reports of environmental violations within the last three years.[70] One facility in California was cited several times in 2013 and 2014 for exceeding the maximum limit of coliform, a bacteria found in water.

On the positive side, Monterey Mushrooms uses biodegradable, non-Styrofoam packaging on 90 percent of its U.S. retail packages,[71] and in 2011, it won the Impact Award for Packaging from the Produce Marketing Association for this sustainable packaging. Furthermore, Monterey Mushrooms sells its excess useable compost mix to landscapers, companies, and others as opposed to disposing it.[72] Although Monterey Mushrooms should be applauded for focusing some of their efforts on sustainable practices, Walmart should still hold them accountable for other ways in which they have violated environmental regulations.

B. Profile: Monterey Mushrooms's Dual Relationship with Unions

Monterey Mushrooms California workers are represented by the United Farm Workers (UFW). The UFW has had a union contract with Monterey Mushrooms since 1980, providing represented workers with annual raises, a pension plan, medical benefits, vacation time, funeral/jury duty paid leave, and some of the highest wages in the industry.[73] In 2013, one farmworker recalled being paid $2.27 more per box of mushrooms after coming under UFW representation, compared to the non-contract pay rate of 40 cents per box.[74] Furthermore, Monterey Mushroom's CEO, Shah Kazemi, sits on two UFW committees, the Robert F. Kennedy Medical Plan and the Juan de la Cruz Pension Plan.[75]

Unfortunately, only Monterey's California workers reap the benefits of these wages and conditions. Workers in Monterey's production facilities located in Texas, Tennessee, Pennsylvania, Illinois, Florida, Missouri, and Mexico likely face different workplace realities since they lack union representation. The majority of publicly accessible reports about Monterey Mushrooms tend to focus on the unionized side of Monterey Mushrooms, yet the conditions of non-union workers are rarely discussed. Worker testimonials can provide further insight into the experiences of non-union employees. According to Jeannie Economos, Pesticide Safety and Environmental Health Project Coordinator of the Farmworkers Association of Florida, Monterey's production facilities are "rough working conditions…that is true of most mushroom farms - dark, cool, moist all the time, slippery, intense work, climbing, sometimes long hours."

C. Supplier 2: Giorgio Foods, Inc.

Giorgio Foods, Inc., also referred to as Giorgio Fresh and Giorgio Mushrooms, is the second largest mushroom producer in the United States and has the largest single-site mushroom-growing operation in the country.[76] Using climate-controlled growing houses, Giorgio Foods produces five mushroom crops annually.[77]The company ships mushrooms from three locations: Blandon and Chester, Pennsylvania; and Houston, Texas. Giorgio Foods currently distributes to:[78]

Table 1: States to which Giorgio Foods Distributes Mushrooms

▪ Connecticut	▪ Maryland	▪ Rhode Island
▪ Delaware	▪ Massachusetts	▪ South Carolina
▪ Florida	▪ Michigan	▪ Texas
▪ Georgia	▪ Minnesota	▪ Virginia
▪ Iowa	▪ Missouri	▪ Washington D.C.
▪ Illinois	▪ New Hampshire	▪ West Virginia
▪ Indiana	▪ New Jersey	▪ Wisconsin
▪ Kentucky	▪ New York	
▪ Maine	▪ North Carolina	

Source: Giorgio Fresh Co. website

Information about the company's sales and revenue, however, is not publicly available.

i. *Labor*

Giorgio Foods has seemingly demonstrated a willingness to follow health and safety rules and was even cited by *The Produce News* as having "cutting edge" food-safety initiatives.[79] Research for this report found a serious workplace accident in 2002. A worker was killed at Ontelanunee Mushroom Farm, one of Giorgio's contracted farms, when he fell into the compost-grinding machine.[80]

Since Giorgio workers are not represented by a union, there is less information available about their working conditions. There is an insurance plan for employees, called the Giorgio Foods, Inc. Health and Welfare Plan,[81] but there are no publications regarding who is eligible for the insurance or what the cost is for employees. The lack of officially recorded violations, due to issues with reporting and oversight, means reports of Giorgio's workplace practices are somewhat inconclusive.

ii. ***Environment***

Our research did not find that Giorgio Foods has significant legal environmental violations. However, Giorgio Foods does not fully meet Walmart's standard of being a leader in reducing waste. Although Giorgio Foods uses some environmentally friendly packaging, such as RPET (made from recycled plastic bottles), it still uses foam packaging. Foam packaging is not recyclable in many parts of the country, meaning that Giorgio Foods contributes more waste than it would if it used fully recyclable packaging.

"the second largest mushroom producer in the United States and has the largest single-site mushroom-growing operation in the country."

Alongside the recent growth in the mushroom industry has been increased corporate control, as the two primary suppliers, Giorgio Foods and Monterey Mushrooms, have come to dominate the industry. Despite Walmart's claims to support small and mid-size farms, the increasing reliance on two large suppliers of mushrooms is in contradiction to this assertion. Both companies have incurred multiple environmental and labor violations of Walmart's supplier code of conduct. Despite the oftentimes dangerous nature of agricultural work, many mushroom workers are not represented by a union or other workers organization, and violations often go unreported due to this lack of representation. Both companies discussed in this report have shown some attempts to maintain good environmental practices in their facilities and packaging, yet there are still likely many labor and environment violations that should not go unnoticed. This spotlight on the mushroom industry demonstrates that there is a necessity for Walmart to enforce the code of conduct that they have written for its suppliers.

2. Blueberry Industry

Blueberries are becoming increasingly popular in the United States. The United States Department of Agriculture-Economic Research Service (USDA-ERS) reports that national per capita blueberry consumption increased from 0.26 lbs. to 1.3 lbs. per person between 2000 and 2011. Besides having high rates of blueberry consumption, the U.S. is also the world's largest blueberry producer with 564.4 million pounds, or $850 million worth, of cultivated and wild blueberries in 2012.[82] While Georgia, Oregon, Washington, and New Jersey are four prominent blueberry producer states, Michigan produces the most blueberries, totaling 87 million pounds in 2012. In recent years, the blueberry industry has also increased in other states, such as Florida. In addition to U.S. production, the USDA reports that the U.S. relies heavily on blueberry imports from Mexico and select countries in the southern hemisphere. A 2012 report shows that, between 2007 and 2011, blueberry imports from Chile rose from $92 million to $220 million, while blueberry imports from Argentina rose from $38 million to $40 million.[83]

A farmworker harvesting blueberries in New Jersey (photo courtesy of CATA - the Farmworker Support Committee)

In the fresh berry sector of the U.S. agricultural industry, Naturipe Farms, California Giant, and SunnyRidge Farms are all leading shippers and grower-shippers.[84] Although Walmart might source its blueberries from a variety of suppliers, this industry report will focus on **Walmart's two main blueberry suppliers, Naturripe Farms, LLC and SunnyRidge Farms**.

Blueberry suppliers in general have especially experienced labor issues within the last few years. Due to tighter border control and drug cartel violence, the flow of migrant labor has been restricted, meaning many of these companies who rely heavily on underpaid migrant farmworkers have experienced labor shortages.[85] Additionally, some former low-wage farmworkers have been leaving agricultural work in favor of higher-paying, year-round work. As a result of these labor shortages, many agricultural companies are delaying or canceling crops, transitioning to machine technology, or raising wages in order to attract potential farm workers. Rob Williams of the Florida Migrant Farmworkers Justice Project says, however, that the raised wages do not amount to much because **the industry has a general preference for cheap labor and is reluctant to give additional money to laborers**.[86] Raised wages, therefore, become a last-resort business strategy. Instead, many companies, including California Giant Berry, another Walmart blueberry supplier, resort to other tactics, such as pushing Congress for an immigration overhaul that would "ensure a steady flow of workers and prevent an exodus of newly legalized laborers from the sector."[87]

Although blueberry workers do experience violations of their rights, it is often difficult to find recorded violations because the workers tend to fall under-the-radar and are afraid of the potential for negative backlash if they report abuse. According to Jeannie Economos of the Farmworker Association of Florida, blueberry workers are "some of the most elusive" due to the fact that the labor supply is small, the season is short, and workers migrate often. Even though the elusiveness of the blueberry industry might make it difficult to regulate labor standards, this report shows that **there is evidence of labor violations in the blueberry sector** and Walmart must keep its suppliers accountable to the labor code of conduct.

A. Supplier 1: Naturipe Farms, LLC

Naturipe Farms, LLC is a partnership that formed in 2000 between four prominent berry growers: Naturipe Berry Growers, Munger Farms, Michigan Blueberry Growers (MBG Marketing), and Hortifrut S.A. Between the four companies, Naturipe Farms is able to provide berries, both organic and conventional, year-round from facilities both in North and South America.[88] The large scale of the Naturipe partnership suggests growing consolidation of the U.S. blueberry industry.

Naturipe Farms is privately traded; therefore, there are few public records available on sales history. According to the 2013 Hortifrut S.A. annual report though, Naturipe Farms, LLC had $617 million in sales in 2012.[89] Considering the U.S. had a total of $815 million worth of blueberries produced in that same year, it is clear that Naturipe Farms is one of the largest growers of blueberries.

Table 2: Naturipe Facilities in the U.S. and Canada

• Fayetteville, Arkansas • Maple Ridge, British Columbia • Columbia, Canada • Delano, California • Oxnard, California • Waldo, Florida • Orlando, Florida	• Demotte, Indiana • Alma, Georgia • Manor, Georgia • Franklinton, Lousiana • Holland, Michigan • Grand Junction, Michigan • Puruis, Mississippi	• Ivanhoe, North Carolina • Hammonton, New Jeresey • Pittsgrove, New Jersey • Salem, Oregon • Tyler, Texas • Lufkin, Texas • Burbank, Washington

Source: Naturipe Farms website

i. ***Labor***

Investigations into the practices of Naturipe Farms, LLC as a whole have shown evidence of labor violations, and thus, a need for Walmart to enforce its labor code of conduct. For instance, in 2009, the United States Department of Labor cited a number of blueberry farms and labor contractors in Michigan and New Jersey for child labor.[90] One such farm was Jawor Bros, which sells berries to Naturipe Farms. At Jawor Bros, a parent brought her child to work without the company's knowledge. A representative from Naturipe Farms called it a "one-time incident."[91] Although this occurrence was apparently an honest accident, it indicates a lack of oversight as well as questionable wage and childcare conditions. This instance suggests that a mother would have no other recourse than to take her child to work. During this same investigation, many farms were fined for unsafe housing conditions for migrant workers.[92]

Two of the Naturipe Farms, LLC subsidiaries, Naturipe Berry Growers and Munger Farms, have also been cited for labor violations. In 1996, the United Farm Workers union (UFW) exposed Naturipe Berry Growers for requiring pickers to grow 3-6 acres of strawberries as sharecroppers.[93] Twelve years later, **farmworkers for a Naturipe Berry farm testified of working in "heavy rain and extreme heat" every day of the week, sometimes for 12 hours a day**.[94] Munger Farms has three officially recorded occupational health and safety violations from 2009-2014.[95] In 2007, Munger Farms faced a lawsuit from Global Horizons, a company that supplies seasonal agricultural workers to produce growers in the United States. Global Horizons blew the whistle on

Munger Farms's use of unauthorized workers, claiming the company switched from Global Horizons to J&M Contracting in favor of J&M's tendency to hire low-wage, undocumented workers.[96] These labor infractions prove that one of Walmart's main suppliers is not adhering to the Walmart labor code of conduct.

ii. ***Environment***

A 2014 article discussing two sustainability initiatives, Greener Fields Together and SureHarvest, found that Naturipe Farms had made "notable improvements towards sustainability." For instance, one of Naturipe's California farms has a 100% drip irrigation system, which helps to improve water efficiency.[97] Naturipe Farms also boasts of their sustainable and compostable Earthcycle packaging used for organic berries.[98] Although Naturipe Farms is making some strides with improving sustainability in their organic products, organics represent only a portion of their overall sales. FCWA's field research, moreover, found that there were no Naturipe organic options present in Walmart stores. Consequently, Naturipe Farms, LLC might not be as sustainable and environmentally friendly as they may claim.

A 2010 study at the University of California, Berkeley found that pesticide use was a health issue for farm workers in the Salinas Valley of California. Mothers who were exposed to pesticides during pregnancy birthed children with more mental development issues than those mothers who were not exposed to pesticides. This study did not specifically mention which farms used harmful pesticides; nevertheless, Naturipe Farms, LLC is known to have farms in the area. Tom Amrhein, a Naturipe grower, explains that although many consumers believe organic berries are free of pesticides, Naturipe's product can still have residues of these harmful chemicals. Naturipe Farms, LLC's use of pesticides demonstrates that this company may not be a leader in reducing pollutants as per Walmart's code of conduct. Walmart should enforce its environmental standards on Naturipe Farms, LLC and on its other main suppliers.

B. Profile: Wage Theft in the Blueberry Industry

Munger Farms, one of the subsidiaries of Naturipe Farms, LLC, has also reportedly committed wage theft. In 2009, the United Farm Workers was prepared to press charges against the company after workers were fired without receiving their last paychecks. After a protest, 17 were paid, but 60 workers still awaited their money.[99] One worker, Guillermo Cruz, told his story:

> *We started working at 8 am, and we were asked to pick 5 boxes of blueberries for the day, which is a total of 65 pounds of blueberries. I did everything that I could to meet the quota. Company supervisors were constantly on top of us and yelling at us if we dropped any blueberries on the ground, which made us very nervous and confused on what to do. Workers could not afford to go to drink water or even go to the restroom because of the tremendous fear of losing their jobs. Some workers even worked through their lunch breaks to try to meet the quota. The company would not even allow us to take our third break. Many workers were running and going as fast as they could to try to meet the goal. I was one of the few that was able to make 4 boxes and could not understand why I would be fired if I had done everything in my power to meet the quota. The time we worked we saw crews of 60 workers going and coming because of the tremendous pressure to meet the quota and the company was firing workers every day.*[100]

C. Supplier 2: SunnyRidge Farms/Dole Berry Company

SunnyRidge Farms has been owned by Dole Berry Company since 2011. Dole Berry is a subsidiary of Dole Food, the world's largest producer and marketer of fresh fruits and vegetables, with a revenue of $4.25 billion in 2012.[101,102] SunnyRidge Farms alone has 13 packing and distribution facilities, 1,300 company-owned acres, and 4,000 contract-growing acres.[103] SunnyRidge produces 65 million pounds of blueberries a year.

i. ***Labor***

Although SunnyRidge Farms had no reported OSHA violations from 2009 to May of 2015, its parent company, Dole Berry, had seven violations during this time period.[104] A 2009 International Labor Rights Forum (ILRF) report, moreover, found that **Dole Food is responsible for violating workers' rights globally and denying them "the internationally recognized right to freedom of association."** The company has been accused of supporting organizations that have murdered or threatened over a thousand union activists at Dole's facilities in Colombia. According to the ILRF's report, Dole Food has a track record of undermining independent workers unions, opposing workers' freedom of association, using temporarily subcontracted workers in favor of full-time employees, and outsourcing production under unfair contract terms.[105]

Despite Dole's international crusade against unionization and workers' rights, the UFW was able to win a labor contract for some of the workers at this company. UFW members at Dole Berry get 25-30% more money than pickers at other companies, as well as a good health insurance package with fewer out-of-pocket fees than before.[106] After this win, though, the UFW had a labor dispute with Dole Berry. The company claimed that Dole workers voted to leave the UFW, but the union challenged the vote, saying that Dole had forged worker signatures and unlawfully influenced the vote. In the end, the charges were dismissed and workers ultimately voted 346-175 to stay in the union.[107,108]

SunnyRidge Farms and Dole Food's reported violations and issues with labor organizations show that these companies may not be in compliance with Walmart's labor standards. Walmart must enforce this code of conduct with its suppliers so that the company can ensure the products sold in its stores have been fairly produced.

ii. ***Environment***

A 2012 report revealed that Dole Food faced a lawsuit for misleading customers about its efforts at sustainability. The company was accused of sourcing bananas from a Guatemalan plantation that is known for its devastating environmental and social impacts. At this plantation, the growers installed a dam that drained 1,200 acres of wetlands which resulted in downstream flooding. This flooding destroyed homes, communities, and livelihoods and resulted in sweeping economic losses. Additionally Dole Food has settled 38 other lawsuits relating to pesticide-related worker injuries that occurred over the course of two decades since the pesticide dibromochloropropane (DBCP) was banned in 1977.[109]

Despite Dole's negative environmental track record, the company has attempted to make some steps towards sustainability. In 2011, Dole Berry announced that they were consolidating all their sustainability data into one software system called SoFi. This system allows the company to establish, manage, and meet sustainability objectives worldwide, rather than examining each location separately. Although Dole's recent sustainability efforts are laudable, the many lawsuits against Dole asserting pesticide abuse and worker injury suggest a poor overall environmental and labor record.

Naturipe Farms, LLC and SunnyRidge Farms/Dole Food Company are two companies that demonstrate the problem of worker and environmental violations in the blueberry industry. Blueberry harvesting is challenging agricultural work involving many potential health and safety risks. It is difficult to know the extent of labor violations in the blueberry industry because these instances often go unreported due to fear of job loss, fear of retaliation, intimidation by supervisors, crew leaders, and labor contractors, threats of detention and deportation of undocumented workers, and fear of sexual harassment. Those blueberry workers who have union representation through the UFW enjoy higher wages and healthcare benefits. Receiving these benefits should be the norm for all blueberry workers, given the reported incidents of wage theft, child labor, and unsafe housing conditions at blueberry farms. Walmart must address these labor and environmental violations of its suppliers and make sure that producers in the blueberry industry are meeting the code of conduct that Walmart has provided.

3. Profile: Gerawan Farming, Tree Fruits Supplier

Gerawan Farming sells grapes, plums, peaches, and other tree fruits to Walmart under the brand name Prima.[110] After Gerawan workers voted for the United Farm Workers (UFW) union in a state-conducted secret ballot election, the UFW began to negotiate a union contract with the company in the 1990s. Workers involved in the initial campaign experienced harsh backlash from Gerawan in response to their union activities, including the illegal firing of union supporters and the shutdown of farm labor camps. The following years involved several UFW attempts to bargain with Gerawan, but according to the union, **the company maintained its staunch anti-union stance**.


Photo courtesy of the United Farm Workers Union

To counter the stern resistance to contract bargaining by Gerawan and other agricultural employers, the UFW won passage of California's Mandatory Mediation Law in 2002. This law allows neutral third-party mediators to help negotiate union contracts when growers will not agree to them.[111] At the urging of Gerawan workers, the UFW reinitiated union negotiations with the company in 2004 and again in 2012. When those efforts did not result in a contract, the UFW filed for mandatory mediation in 2013. State prosecutors, subsequently, issued a series of formal complaints, tantamount to indictments, against Gerawan alleging serious, multiple, and repeated violations of state labor laws. According to the Agricultural Labor Relations Board general counsel, the latest complaint charges Gerawan with aiming to decertify the UFW and to "prevent [the union] from ever representing its employees under a [contract]."[112]

A neutral mediator, personally selected by Gerawan, issued a union contract that was approved by the state in 2013. **The company continues to refuse to implement the contract, which constitutes another violation of the law according to state prosecutors.** Gerawan is a prominent supplier to Walmart, yet Walmart has thus far avoided engaging in the campaign in favor of Gerawan workers.

Photo courtesy of the United Farm Workers Union

A few examples demonstrate the unlawful behavior that workers experience at Gerawan Farming. After circulating a picture in which he displayed his support for the union, Gerawan worker Pablo Gutierrez was fired. He says, "I was fired by [Gerawan] for taking a picture. I was talking to my co-workers about the conditions and how eating next to the bathrooms can affect us and the fruit. I believe this was retaliation by [Gerawan]."[113] In 2012, another worker, Blanca Cruz, reported of the unsafe and unsanitary working conditions they are forced to endure: "...we are working very fast… and I stepped into a gopher hole. When I fell into the gopher hole, they notified a foreman. He did not ask about my foot or my hand because when I fell, my hand swelled up. I felt very bad because they did not care about me. A co-worker tied a handkerchief around my hand to help stabilize it, and that is how I worked all day, with one hand."[114]

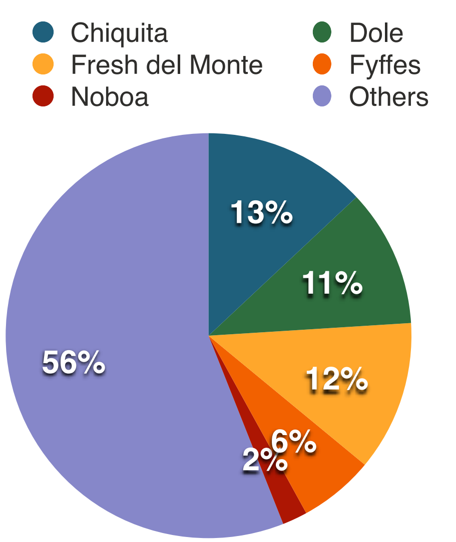
Despite the long battle between Gerawan and the United Farm Workers, and despite repeated official complaints alleging the company's violations of its workers' rights, **Walmart continues to maintain a neutral stance about the dispute, even though its Standards for Suppliers require all vendors to allow workers to exercise their right to join unions and bargain collectively**.

4. Banana Industry

Exploitation of workers in the banana industry has historically been well documented. The major corporations dominating the industry, nevertheless, continue to have troubling labor and environmental records. **Due to direct purchasing by large chains, such as Walmart, and shifts in supply chain practices at the global level, workers currently face barriers to collective bargaining and safe working conditions.**[115] Walmart currently buys 1 billion pounds of bananas yearly, with U.S. sales dominated by produce from Guatemala, Costa Rica, and Ecuador.[116]

Europe and the United States each imported 27 percent of the bananas produced worldwide in 2012, making them the two largest banana importers. 79 percent of bananas are exported from Latin America and the Caribbean, with Asia and Africa producing the remaining bananas that are globally traded. Ecuador alone produces over 30 percent of the world's exported bananas.[117] The most influential companies in banana production in 2013 were Chiquita, Fresh Del Monte, Dole, Fyffes, and Noboa.[118] Although global market share for the top five companies has decreased significantly in the last decade, they still control over 40% of the global market. The U.S. market is even more consolidated with Chiquita supplying 61% of bananas sold domestically.[119]

Figure 1: Market Share of the Largest Banana Companies



Source: Food and Agriculture Organization of the United Nations

Workers across this consolidated industry are consistently underpaid. **On average, workers receive only 4% of the consumer cost of bananas.** In the six largest banana producing countries, average hourly pay ranges from $2.25-$6.00 for non-union workers and $3.50-9.00 for union employees.[120] Many of the largest banana producers are Walmart's top suppliers for this food. **Chiquita, Del Monte, and Dole are three companies in particular that have demonstrated harmful labor and environmental practices.**[121]

FOOD CHAIN WORKERS ALLIANCE

A. Supplier 1: Chiquita

The United Fruit Company was founded in 1899. In a ploy to distance itself from the infamous political manipulations and union busting it was associated with in earlier decades, the company was renamed Chiquita Brands International in 1970.[122] The company employs 16,000 pineapple and banana workers in Latin America. About 14,000 of these employees are covered by labor contracts.[123] Although Chiquita has made gains in improving its labor standards, the company still has issues with mistreatment of workers.

i. *Labor*

Chiquita has been lauded for its high percentage of unionized workers, which came as the result of a major union agreement in 2001 for the region of Latin America. This contract led to an increase in union membership and a decrease in strikes.[124] The U.S. Labor Education in the Americas Project (USLEAP) states that, "Chiquita remains the only transnational banana company with which banana unions have a regional worker rights framework agreement."[125] Since the 2001 union agreement, however, there is rising concern that Chiquita has failed to respond to issues workers have raised through COLSIBA and SITRAINBA,[126] two unions that represent banana workers, in Honduras, Guatemala, Nicaragua, and Costa Rica.[127]

Photo courtesy of International Labor Rights Forum

One such example comes from the Tres Hermanas plantation, a Chiquita supplier located in Honduras. Starting in 2009, workers began raising concerns over their treatment, yet the company ignored the complaints. Workers formed the SITRAINBA union in 2012, hoping to create a unified voice to negotiate with the company. Tres Hermanas refused to bargain with the union, choosing instead to focus on an aggressive anti-union campaign, which has included four unlawful terminations of union supporters.[128] Chiquita is apparently aware of its failure to address the concerns of its workers because in the company's corporate responsibility report, it noted that there has been a "decrease in worker perception of integrity."[129]

Besides ignoring the concerns of its workers, Chiquita has also been connected to advocating for lower labor standards at the governmental level. Chiquita was linked to the 2009 military coup of the democratically elected president of Honduras. Journalist John Perkins, who visited Honduras, wrote, "Everyone I talked with there was convinced that the military coup… had been engineered by two U.S. companies [Chiquita and Dole]." In reaction to President Zelaya's support for a 60% increase in the Honduran minimum wage, both companies are on record for denouncing what they claimed to be a "leftist revolt."[130] *The Los Angeles Times* reported, "what happened in Honduras is a classic Latin American coup," alluding to the many coups that were backed by Chiquita's predecessor, the United Fruit Company, during the 20th century.[131]

Table 3: Average hourly pay for banana plantation workers in six of the largest banana-producing countries.

Country	Non-Union	Union
Ecuador	$2.25	$3.50
Nicaragua	$4.00	$7.00
Guatemala	$4.00	$7.00
Honduras	$6.50	$8.00
Panama	$6.50	$8.00
Colombia	$6.00	$9.00

Source: Diana Rodgers, "Are We Going Bananas? A Few Thoughts on America's Favorite Fruit," *Sustainable Dish*

Chiquita has also been charged with allegations of funding terrorism. In 2008, Chiquita pled guilty to doing business with a Colombian terrorist organization, costing the company $25 million. The organization United Self-Defense Forces of Colombia (AUC) was paid $1.7 million by Chiquita to protect its banana plantations.[132] It was later discovered that AUC had been carrying out massacres of thousands of Colombian civilians, in addition to controlling a large part of the country's cocaine trade.[133]

Chiquita Brands International has a history, both recent and distant, of engaging in a variety of illegal practices. Walmart must insist that Chiquita meets its code of conduct and engages in fair treatment of its workers and not interfere in local political arenas.

B. Supplier 2: Del Monte

In addition to being the world's leading supplier of fresh pineapples, Del Monte also made $1.69 billion from bananas in 2013, accounting for about 46 percent of the company's total revenue. 41 percent of Del Monte's bananas are grown on company-owned farms, while the rest are grown on farms that supply to Del Monte.[134]

Photo courtesy of International Labor Rights Forum

i. *Labor*

Del Monte is one company in particular that has been known to cause further downward pressure on global banana prices. BananaLink, a leading investigative non-profit focused on the banana sector, describes **Del Monte as leading the banana industry's "race to the bottom" in terms of labor rights**. This is evident in Del Monte's practice of laying off entire workforces and then rehiring only those workers that accept extensive wage and benefit cuts. This negotiation method began in 2009 and has since been adopted by Dole. In 2002, Del Monte signed a deal with Asda, Walmart's UK subsidiary, making it Asda's exclusive banana supplier. Working exclusively with Del Monte allowed Asda to put strong downward pressure on banana prices, which affected the already low wages of banana workers in Latin America.[135] As one of Walmart's largest suppliers of bananas, Del Monte needs to be held accountable to Walmart's labor code of conduct.

C. Supplier 3: Dole Food

Dole Food was founded in 1851 as Castle & Cooke and began as a Hawaiian company that produced pineapples. By the 1970s, it had merged with the Standard Fruit Company and had become a major rival of the United Fruit Company (now Chiquita).[136] In 2013, Dole was purchased by billionaire David Murdock, making it a privately held company. Dole is now the world's largest fruit company and the 40th largest food company overall.[137] As of 2012, the last time Dole was publicly held, it was the largest banana brand in the United States and Japan and third biggest in Europe. Dole owns 32,300 acres of plantation in Latin America, in addition to 65,500 acres that it contracts from suppliers. As of 2012, banana sales generated just over $1 billion for Dole.[138]

i. ***Labor***

In recent decades, Dole has often failed to meet Walmart's labor code of conduct. **Dole's alleged support for the freedom of association has been revealed as a false promise** according to the 2006-2009 Dole Smoke-screen reports written by a variety of banana activist groups. The 2006 report described the anti-union harassment and illegal terminations that persisted in five different banana plantations. Between 2005 and 2006, over 100 workers were fired by Dole for their union involvement, and by 2009, none of those five plantations had a union.[139] Lacking a major workers' rights framework agreement, Dole has, in general, had a much smaller percentage of unionized employees than other large banana companies, such as Chiquita.[140] As a result, Dole banana workers are more likely to earn $3-5 a day rather than the higher union wages, which in some cases reach $10 a day.[141]

Dole employees have also spoken out against the company's permanent use of temporary employees. The use of temporary workers absolves Dole from paying the benefits given to direct employees and can limit health and safety whistleblowing and the ability of workers to unionize.[142] Enrique Gallana a banana plantation worker in Ecuador explains, "The temporary worker that gets involved in [unionizing] already knows that he's out… Temporary workers are [hired] so as not to have problems with unions."[143]

Besides unfair labor practices, Dole, has also been known to engage in other types of illegal activities. For example, Dole has also allegedly supported terrorist and paramilitary groups in Colombia. While Chiquita settled for $25 million to resolve the situation outlined above, Dole has not taken any responsibility. It appealed an initial courtroom ruling, and after a plaintiff missed a deadline, the statute of limitations protected the company from further lawsuits.[144]

ii.

iii. ***Environment***

In addition to having issues with labor and illegal activities, Dole has also violated environmental standards. An array of chemicals are normally used to produce commercially grown bananas, yet workers oftentimes report not being given proper protective gear to shield them from pesticides. Even when given masks, workers are unable to wear them for long periods of time, as required, because they restrict breathing in the hot and humid environments common in banana-producing regions. On many plantations, fungicides are sprayed aerially multiple times a day, covering workers in the fields, the lunch area, and if located nearby, the living area of workers.[145] Finally, at a Dole banana plantation in Guatemala, growers implemented a dam system that drained thousands of acres of wetlands and caused subsequent flooding. This incident resulted in huge economic losses for the local residents and in the destruction of workers' livelihood.[146]

Photo courtesy of International Labor Rights Forum

Dole might claim that it is meeting environmental standards; however, a 2006 Bananalink report titled *Behind the Smoke-Screen* and a follow-up report published in 2009 investigated the Environmental Management (ISO 14001) and Social Accountability (SA8000) certifications that many Dole suppliers hold. Dole claims to be certified with ISO 14001 and SA 8000 on all of its plantations, although some have questioned the credibility and value of these certifications. Certifiers are generally for-profit and paid by Dole. ISO 14001 does not guarantee that a company is environmentally sustainable. The certification simply requires a certain management hierarchy to be in place to deal with any environmental wrongdoings. Although SA 8000 focuses on important issues such as child labor, forced labor, health and safety, and freedom of association,[147] the report found that health and safety and freedom of association, in particular, were not effectively addressed.[148]

Companies associated with the global banana industry have long been linked to rampant violations of worker rights and violent political interference. Despite increased pressure on the industry's top producers to respect workers' rights and environmental protections, supplier violations continue to harm banana workers, the environment, and surrounding communities. With Walmart's increasing influence in the global supply chain, the company is now implicated in the banana industry's history of exploitation. The problems found with Walmart's global suppliers highlighted above are characteristic not only of the banana industry, but are systemic throughout the food system. Walmart's increasing dominance over global food production means that the company is in a unique position to force its suppliers to improve their labor and environmental practices and adhere to a strong code of conduct.

5. Packaged Salad Industry

Photo by Cpl. Nicole A. LaVine [Public domain], via Wikimedia Commons

Packaged salad is a relatively new product in the processed foods industry. San Francisco-based Earthbound Farm produced the first packaged salad in 1986 for small-scale regional consumption. The more established company, Fresh Express, began producing packaged salads at a commercial level several years later in 1989. By 1990, Dole and Ready Pac were selling their own versions of packaged salad.[149] In 1995, Bruce Taylor left Fresh Express, which his father had founded, and created Taylor Farms, now the third largest supplier of packaged salads in the U.S.[150] Fresh Express was bought out by Chiquita in 2005,[151] which helped **the industry hit the $3 billion yearly revenue mark in 2010**.[152]

According to research collected by the FCWA in 2014, Walmart's "Marketside" store brand sells numerous varieties of packaged salad, from light Caesar to Ranch Cobb. Through email correspondence, Bob Anderson, the founder of Walmart's "Great Value" store brand, highlighted Walmart's preference to work with suppliers large enough to fill its orders.[153] This comment indicates that Walmart is likely purchasing its Marketside salad greens from a combination of the five largest salad producers. Recalls of Walmart's packaged lettuce from a few of these companies further demonstrate that **these five largest businesses are indeed producers for some of Walmart's store brands**.[154,155,156,157]

The top five packaged salad producers by domestic market share (ranked in order of descending estimated market share) are Fresh Express (owned by Chiquita), Dole, Taylor Farms, Ready Pac, and Earthbound Farm.[158] Fresh Express has somewhere between 2,000 and 4,000 employees and brought in $3 billion in revenue in 2013. This revenue represents 40% of the domestic market for packaged salads.[159] Dole is not too far behind Fresh Express with a 32%

share of the packaged salad industry. Globally, Taylor Farms is the largest producer of processed salad[160] and fresh cut produce.[161] This company employees about 7,000 workers and has production facilities in almost every region of the United States. Ready Pac is not as large as the other three packaged lettuce companies, but still represents a significant portion of the industry. Earthbound Farm is the largest organic produce brand in North America and supplies 60% of organic packaged salad in the U.S.[162,163]

Walmart's packaged lettuce producers are clearly some of the largest in the world. Some of these businesses, however, have violated Walmart's labor and environmental codes of conduct. Walmart must make sure that its packaged lettuce suppliers are meeting the company's environmental and labor standards so that Walmart can truly ensure its products are fair and safe.

A. *Labor*

Two of the five largest packaged lettuce producers, Taylor Farms and Ready Pac, have had the most significant issues with labor. Taylor Farms accrued $80,000 in OSHA penalties from 2008 to 2013 and is currently undergoing a wage theft class action lawsuit.[164] In Tracy, California, Taylor Farms employees are organizing to join the International Brotherhood of Teamsters for more respect on the job, increased wages and benefits, and fair treatment of temporary workers. The two facilities in Tracy employ 900 workers, two-thirds of whom are employed by two temporary staffing agencies, Slingshot and Abel Mendoza. According to workers at Taylor Farms, union supporters are encountering intense retaliation from the company. The Tracy facility stands out as a particularly harsh working environment, especially when compared to the neighboring plant in Salinas, California, where the workers are represented by Teamsters Local 890.[165]

Photo by Noah Lanard

In addition to Taylor Farms, Ready Pac has been cited for several labor violations in the past several years. In 2013, employee Orlando Rodriguez was fired for calling in sick for two consecutive days even though he attributed this illness to the cold conditions in which he worked.[166] The purchase of the Tanimura & Antle (T&A) salad grower in 2004[167] further damaged Ready Pac's labor rights record. T&A received 27 OSHA citations from 2006 to 2013 with at least $49,355 in fines.[168] In 2006, 51 workers filed a class action lawsuit against the company for wage theft. The workers won the suit and were awarded $221,500.[169]

B. *Environment*

Besides labor, many of Walmart's packaged lettuce producers have had food safety problems. **Dole has had two packaged lettuce recalls at Walmart in the last three years.** In 2012, Dole recalled *Marketside Leafy Romaine,* and two years later, this company was forced to remove *Marketside Italian Style Salad* from Walmart shelves.[170,171] Taylor Farms recalled a Marketside baby spinach product in 2013. These recalls indicate that Walmart's packaged salad suppliers are possibly engaging in environmentally dangerous practices and are, therefore, disregarding the Walmart environmental code of conduct.

Although Earthbound Farm has not had any significant product recalls in the past few years, this company has had other issues with the environment. Earthbound Farm is often considered to be one of the worst examples of monoculture farming and was cited in Michael Pollan's *The Omnivore's Dilemma* as the "company that arguably represents industrial organic farming at its best."Industrial farming has often been cited for water and air pollution and incorrect disposal of waste. In January 2014, Earthbound Farm was sold to WhiteWave Foods for $600 million.[172] This sale will put Earthbound Farm under intense scrutiny in the coming years because WhiteWave "has a long record as a bad actor in its treatment of family farmers, both conventional and organic, and taking advantage of the goodwill of organic consumers."[173] Considering Earthbound Farm's industrial practices and the negative reputation of White Wave, Walmart must ensure that it is holding Earthbound Farms and its other suppliers to the company's environmental code of conduct.

Walmart's packaged salad suppliers are some of the biggest companies in the industry, and for years they have been cited for labor violations and two have had food safety recalls. Workers in packaged salad facilities have been forced to work in cold, wet, and often dangerous working conditions and have experienced violations of their health and safety rights, wage theft, and anti-union retaliation at a number of facilities. Further, since several large companies dominate the industry, small-scale farmers – in particular, those who use sustainable farming practices – are suffering a disadvantage. Walmart must enforce its rules to ensure that the products sold in Walmart stores meet its own labor and environmental standards.

C. Profile: Taylor Farms

Photo courtesy of the International Brotherhood of Teamsters

In Tracy, California, the International Brotherhood of Teamsters union is in the midst of a brutal fight for better on-the-job respect, increased wages and benefits, and just treatment of temporary workers. 900 workers are struggling to gain union representation in order to obtain these benefits and they are facing intense retaliation. The two Tracy facilities stand out as a particularly harsh working environment, especially when compared to its neighboring plant in Salinas, California, where the workers have a voice through the Teamsters Local 890.

Among the many labor rights issues at Taylor Farms, the company's almost permanent use of temporary workers through the Abel Mendoza and Slingshot agencies is one that must be highlighted. Almost two-thirds of Taylor Farms' Tracy workforce is staffed by one of these agencies. This staffing method allows Taylor Farms to avoid giving out full-time benefits to workers that have been there for years. Some of these "temporary" employees have been working at Taylor Farms for up to 14 years and most are paid only the minimum wage. On average, **the workers in Tracy earn $3 per hour less than union workers in the same job classifications in Salinas**.[174]

Jose Gonzalez, having worked for Taylor Farms for over a year through the Slingshot agency, reports of those hired through the agencies: "We work directly next to direct Taylor Farms workers and are fully intermingled in every way with those workers. We do the same work, have the same hours, and have the same supervisors as the Taylor Farms workers."[175] Regardless of these similarities, temporary workers are paid less (as parts of their wages go to the employment agency) and are forced to work under the constant threat of being easily replaced.

On March 12, 2012, Victor Borja, a nine-year employee through Abel Mendoza, slipped from a machine and crushed his foot:

Photo courtesy of the International Brotherhood of Teamsters

"Two days later, I received a call from Abel Mendoza's office. A woman informed me that [plant manager] Omar Estrada had told their office that I was laid off… I later asked for something in writing stating why I had been let go, but they told me that they don't operate that way – they don't give anything in writing."[176]

Perhaps the most disturbing part of Borja's story is that this termination did not surprise him. He said his first thought after his fall was that he was going to be fired because he had seen co-workers suffer a full range of injuries, "and one thing always happened. If they reported it, they would get fired." Borja describes a workplace where fear of termination has created an environment where instead of reporting injuries, many workers simply try to fix the problem themselves.

The worker leaders and the Teamsters organizers were able to collect enough signatures on union authorization cards to file for an election through the National Labor Relations Board (NLRB). The vote on whether the workers wanted the Teamsters to be their union representative was held on March 27 and 28, 2014. Right after the vote, in an unprecedented move, the NLRB impounded the ballots since the Teamsters had filed hundreds of complaints of Unfair Labor Practices before the vote. Since the NLRB has a slow process of hearing grievances, most of these complaints about intimidation, threats, and illegal firings have not been resolved. This delay has allowed the company to fire even more union supporters.

Although confronting many challenges, the Taylor Farms workers continue to organize for living wages, benefits, and respect on the job. Their efforts have resulted in some improvements, such as paid sick days for direct-hires (before California state law mandated the provision of paid sick days), transportation between the employee parking lots and the facilities, and some temporary agency employees being hired on as direct employees.

6. Bread and Baked Goods Industry

The bread industry encompasses the production and sale of fresh and frozen bread, cakes, muffins, croissants, and other baked goods. This food sector has annual revenue of $39 billion with an estimated annual growth of 0.2 percent.[177] According to the American Bakers Association (ABA), the lobbying group for the baking industry, **this sector annually contributes 706,870 jobs and $38.5 billion in taxes and has a "direct economic impact" of $102 billion annually on the U.S. economy**.[178,179]

Demand for and consumption of white loaf bread and other processed baked goods has declined in the past five years, while the price of key ingredients like wheat and sugar has risen. Despite the decrease in demand for white bread, analysts project that the bread industry will continue to increase revenue as the price of wheat and sugar stabilizes and companies adapt to meet rising demand for healthier, gluten-free, and other specialty breads.[180]

Besides a shift in demand, there has also been a transformation in the way the industry is structured. The number of key players in the bread industry has shrunk from eight to three in the past decade, which means **this sector can now be considered a consolidated market**.[181] **The largest bread company in the United States is Grupo Bimbo, followed by Flowers Foods.** In 2013, Bimbo Bakeries (the U.S. division of Grupo Bimbo) had 30.7 percent market share, and Flowers Flower Foods represented 18.1 percent share of the industry, together controlling 48.8 percent of the overall bread market.[182] Between 2009 and 2013 alone, Bimbo Bakeries and Flowers Foods purchased three companies that formerly comprised 65 percent of industry sales: Weston, Hostess, and Sara Lee.[183] **According to FCWA field research, these two largest companies in the industry are Walmart's primary bread suppliers**. In fact, Flowers Foods relies on Walmart for more than one-fifth of its business, with 2011 annual sales of nearly $600 million to Walmart.[184]

Walmart's suppliers of bread products, and the bread and baking industry as a whole, have often argued against fair labor practices. Bimbo Bakeries and Flowers Foods, the two companies that supply bread products to Walmart, have leadership roles within the ABA, a group that has had policy priorities ranging from biotechnology to anti-labor issues. Bimbo Bakeries president

Fred Penny is first vice chairman of the ABA board, while Flowers Foods CEO Allen Shiver is second vice chairman of this board. Flowers Foods COO Bradley Alexander is an ABA board member as well. Some examples of ABA encouraging unfair labor practices include opposing federal legislation such as the Employee Free Choice Act and the Employee Misclassification Act, which sought to facilitate worker unionization and strengthen protections for misclassified workers, respectively.[185] The ABA has also lobbied to modify or resist implementation of the Affordable Care Act, especially the requirement for large employers to provide healthcare for employees.[186]

The bread and baking industry has been known to be particularly opposed to fair labor. One of Walmart's suppliers in particular though, **Flowers Foods, has had numerous labor violations**. Walmart must insist its suppliers uphold the company's labor code of conduct, so that these labor violations cease to occur.

A. Supplier: Flowers Foods

Flowers Foods is the second largest bakery in the U.S. and the largest U.S.-owned bakery company.[187] Flowers had sales of $3.75 billion in 2013, operates 46 bakeries in 16 states, and employs 10,500 people, 10% of whom are represented by a union.* Founded in Thomasville, Georgia in 1919, Flowers became a publicly traded company in 1968 and listed on the NYSE in 1982. In 2009, *Forbes* named Flowers the best-managed company in the nation.[188]

Table 4: Brands, licenses, and franchises owned by Flower Foods.

Flowers Foods Company-Owned Brands:		Flowers Foods Franchised/ Licensed Brands:
• Nature's Own • Wonder • Whitewheat • Cobblestone Mill • Tastykake • Bluebird • Merita • Home Pride • Butternut • Mary Jane & Friends • ButterKrust	• Evangeline Maid • Captain John Derst's • Barowsky's • Micasa • Frestillas • Dandee • Country Hearth • Natural Grain • Leo's Foods • Juarez	• Sunbeam • Roman Meal • Bunny • Holsum • Aunt Hattie's • Country Kitchen • Mrs. Freshly's • European Bakers • Broad Street Bakery • Tesoritos

Source: Flower Foods company website

** Union employees are represented by the Retail, Wholesale and Department Store Union (RWDSU); Bakery, Confectionery, Tobacco Workers & Grain Millers International Union (BCTGM); International Association of Machinists and Aerospace Workers (IAM); and the International Brotherhood of Teamsters.*

The company has been characterized as "acquisition hungry" because since 2004, Flowers has steadily acquired a variety of baking companies culminating with the acquisition of Hostess in July 2013.[189] Although Flowers continues to be headquartered in Thomasville, Georgia, it has expanded operations throughout the U.S., with particular concentration in the U.S. South and East Coast.[190]

i. ***Labor***

Flowers has a relatively substantial record of labor violations. **Since 2010, at least 12 unfair labor practices have been filed against Flowers Foods** for actions including interference with worker organizing, discriminating against workers because of union activity, and failure to bargain in good faith.[191] From 2009 to 2014, OSHA cited Flowers for 64 violations in multiple states and issued initial fines in the amount of $154,150 – **these health and safety incidents included amputations of workers' body parts.**[192]

On September 11, 2012, **three direct store delivery workers** from Flowers Baking Company of Jamestown in North Carolina (a subsidiary of Flowers Foods) **filed a federal class action lawsuit against Flowers for their misclassification as independent contractors**. Workers allege violation of federal and state laws and seek overtime, interest, damages, penalties, and attorneys' fees, as well as an end to worker misclassification.[193] The lawsuit is ongoing. Direct store deliveries account for 84% of Flowers total sales[194] and over 100 workers may be included in the class action suit.

In Flowers' direct store delivery system, distributors deliver, stock, and assemble displays of baked goods to customers (primarily groceries, mass retailers, and fast food chains). The three workers who filed the lawsuit worked on average of 50-55 hours per week without overtime pay, distributing baked goods to Walmart, Harris Teeter, Target, and Dollar General. In addition to being denied overtime pay, Flowers distributors allege that as misclassified independent contractors, they also suffered illegal deductions for equipment, insurance, product loss, and product return and unfair exclusion from employee compensation programs, plans, and agreements. For example, Flowers arranged insurance and vehicle financing for distributors and deducted insurance costs from wages. Flowers also deducted product cost from wages if a distributor refused to deliver any increase in product orders that Flowers unilaterally imposed.

In their lawsuit, the workers explain that they were not in fact independent contractors because "distributors' job duties and ability to earn income is tied directly to the sale and promotion of products outside of their control." When they were hired, Flowers "told distributors that they would run their businesses independently, have the discretion to use their business judgment, and have the ability to manage their businesses to increase profitability." According to the lawsuit though, Flowers Foods directly negotiated with retailers to set the terms for:

> *wholesale and retail prices for products; service and delivery agreements; shelf space to display products; product selection; promotional pricing for products; the right to display promotional materials; print advertisements in retailers' newspaper ads; and virtually every other term of the arrangement.*

Flowers also provided "computer equipment, administrative support, warehouse space, advertisements, promotional materials, bakery trays, market advice, strategic development, and virtually every other business necessity."[195] As a result, distributors were not allowed to decide for themselves what products to deliver, how much to deliver, when to deliver, or what products to promote or put on sale. This lawsuit and the other recorded violations demonstrate that Flowers Foods have often treated its workers unfairly.

Flowers Foods is a rapidly growing company. While 10 percent of the company's workforce has union representation, the dozen of unfair labor practice claims and lawsuits that have been filed in the past five years demonstrate that the remaining non-unionized employees are suffering labor violations. These lawsuits include failure to pay overtime wages, misclassification of workers employed as independent contractors, and illegal wage deductions. Furthermore, OSHA has found repeated health and safety violations in a number of facilities. If Walmart enforced its labor code of conduct on its suppliers, then perhaps Flowers Foods and its other suppliers would reduce labor and safety violations.

7. Egg Industry

Eggs are a low-cost source of animal protein and have become widely popular among consumers in the United States. Similar to many of the other industries in this report, the egg industry is undergoing increasing consolidation. While in the past this sector was composed of many small producers, **today's operations are highly centralized and more specialized**. In the early years of American agriculture, many farmers had chickens and collected eggs for their own consumption or for distribution within their community. Today, fewer farmers raise egg-laying chickens, and the farmers that do are the ones that specialize in egg production, meaning they maintain large flocks of layers for sale.[196]

In September 2014, production of shell eggs reached 8.09 billion in the United States. The five largest egg-producing states – Iowa, Ohio, Indiana, Pennsylvania, and Texas – contain approximately 51 percent of all U.S. hens.[197,198] There are currently 16 companies with greater than 5 million hens and approximately 63 businesses have more than 1 million hens. **The companies with more than 1 million birds represent almost 87 percent of total egg production.**[199] Despite increasing production and sales, the egg-producing industry has roughly half as many producers as it did 10 years ago.[200]

Table 5: Top 5 Egg Production Companies

Food Company	Number of Egg-Laying Chickens
Cal-Maine Foods	33 million
Rose Acre Farms	22 million
Moark, LLC	13 million
Daybreak Foods	13 million
Rembrandt Foods	13 million

Source: "Economic Data," U.S. Poultry and Egg Association

Five main companies now dominate the egg production industry. The top five U.S. egg-producing businesses are Cal-Maine Foods, Rose Acre Farms, Moark, LLC, Daybreak Foods, and Rembrandt Foods. Field investigators from the FCWA confirmed that **these companies are, in fact, the biggest suppliers of eggs to Walmart**.[201] These five companies, however, have all violated labor and environmental standards. If Walmart wants to continue to receive eggs from these businesses, it must hold them accountable to the labor and environmental codes of conduct that have already been established.

A. Supplier 1: Cal-Maine Foods

Cal-Maine produces and markets the largest number of shell eggs in the United States. In fiscal year 2014, the company's sales represented about 23 percent of domestic shell egg consumption with approximately 1.014 billion dozens of shell eggs sold that year. Moreover, with about 32.4 million layers, Cal-Maine has the largest total flock of birds in the United States. This company exemplifies vertical integration with operations ranging from production, grading, and packaging to marketing and distribution of shell eggs. The majority of Cal-Maine shell eggs are sold in the Southeast, Midwest, Southwest and Mid-Atlantic regions of the U.S. Some of the products that Cal-Maine produces, markets, and distributes are private label specialty brands for grocery chains. The company's customers include food service distributors, club stores, national and regional grocery store chains, and consumers of egg products. Some of its sales, furthermore, are completed through co-pack agreements.[202,*]

Table 6: Cal-Maine Specialty Egg Brands

Brand	Region
Egg-Land's Best®	Major metropolitan areas, states in the Southeast and South Central area of the U.S.
Land O' Lakes ®	Major metropolitan areas, states in the Southeast and South Central area of the U.S.
Farmhouse®	Southeast and Southwest
4-Grain®	Nationally

Source: Cal-Maine Foods company website

For many years, Cal-Maine has pursued a growth strategy focused on the acquisition of existing shell egg production and processing facilities, as well as the construction of numerous "in-line"[+] shell egg production and processing facilities.[203] This company has accomplished 18 acquisitions both large and small since 1989.[204] Due to Cal-Maine's acquisition strategy, the company's total flock increased from approximately 33.5 million in 2009 to approximately 40.8 million in May 2014. Compared to net sales of about $928.8 million in fiscal year 2009, Cal-Maine has increased sales by more than $500 million in fiscal year 2014.[205] According to Cal-Maine's annual report, 28.2 percent of Cal-Maine's net

**Co-pack agreements are a common practice in the industry where production and processing of certain products are outsourced to another producer.*
+ In-line operations refers to eggs that are "produced and packaged for shipping to retail markets on the farm." On the other hand, "off-line operations produce eggs in one location and transport them to another location for processing."

sales during fiscal year 2014 were from Walmart and Sam's Club.[206] Cal-Maine has approximately 2,645 employees, with the majority working in egg production, processing, and marketing. None of the employees are covered by a collective bargaining agreement.[207]

i. ***Labor***

On June 5, 2013, the U.S. Equal Employment Opportunity Commission (EEOC) reported that Cal-Maine Foods, Inc. violated federal law by "subjecting an African-American employee to racial and sexual harassment and retaliation." The discrimination case occurred in Waelder, Texas, a small town east of San Antonio, at the Cal-Maine Foods production site. The report claims that a Cal-Maine supervisor racially and sexually harassed the black employee and retaliated against him after he reported the incident to company officials and filed a discrimination charge. Judith G. Taylor, the EEOC Supervisory Trial Attorney for the case, remarked, "Every employee deserves to work in an environment free from harassment. It is shocking that in 2013, nearly 50 years after the enactment of Title VII, Cal-Maine fired the victim rather than solving the problem."[208] Cal-Maine Foods agreed to pay $55,000 and provide other relief to settle the suit.[209]

From 2012 to 2013, Cal-Maine was cited for 7 OSHA violations and fined $9,650.[210]

ii. ***Environment***

Cal-Maine Foods was cited numerous times in November 2008 for spilling chicken manure and parts into rivers and streams, including an Ohio incident that killed 49,000 fish in the Stillwater River.[211] Two years later, in response to a massive egg recall, the Food and Drug Administration testified at a congressional hearing that Cal-Maine's facilities had filthy conditions, including "rodent and fly infestations, sick and dead hens, and enormous manure handling problems."[212] This company has been known to allow chicken manure to accumulate at its "farms" and then be disposed of in nearby communities and waterways. Similar environmental problems that involve Cal-Maine have been the subject of a number of articles and investigations.[213,214,215,216]

In November 2010, a Humane Society of the United States undercover investigator was told that the 18 barns at a Cal-Maine facility caged a total of more than one million laying hens, amounting to roughly 10,000 cages in each barn. Only five workers are employed at the facility to monitor these one million hens for illness, injuries, and death. The sheer size of the chicken operation indicates that Cal-Maine might produce eggs without a way to properly dispose of waste. The bird-to-worker ratio suggests that workers may have to deal with unsafe conditions. Cal-Maine's unsanitary facilities and questionable environmental practices negatively affect workers and animals alike and suggest cause for concern with Walmart's egg suppliers.[217]

B. Supplier 2: Rose Acre Farms

Rose Acre Farms was founded in the 1930s with just two 500-bird hen houses and got its start by selling eggs to local grocery stores. In the 1950s, the company began to sell at the Indianapolis Farmer's market and built the first Rose Acre Farms egg-laying house. The business continued to expand throughout the Midwest in the 1960s-1980s, and in the 1990s, the company acquired three new Midwest facilities and expanded into the South. The next decade brought the company five other facilities throughout the Midwest and Southeast United States. Today, Rose Acre Farms has 17 facilities in six states and is the second largest egg producer in the country. The company is still owned by the Rust family.[218]

i. ***Labor***

In 2012, the Justice Department brought a lawsuit against Rose Acre Farms Inc., claiming that Rose Acre participated in discriminatory practices against "work-authorized non-citizens in the employment eligibility verification process."[219] Reportedly in order to confirm employment eligibility, Rose Acre Farms routinely forced newly hired non-U.S. citizens to provide more or different U.S. Department of Homeland Security documents than what is normally required. U.S. citizens, on the other hand, were permitted to present their choice of documentation. In the Immigration and Nationality Act (INA), an anti-discrimination provision excludes employers from assigning additional documentary burdens to legal non-citizen employees during the hiring process. In June 2009, Rose Acre Farms allegedly acquired an electronic employment eligibility verification software system that may have compelled human resource officials to demand certain documents from only non-U.S. citizens.

The lawsuit seeks to reform the policies and procedures for verifying employment eligibility at Rose Acre Farms, prohibit future discrimination by the company, and win monetary damages for those negatively affected by the actions of Rose Acre Farms.[220] This case appears to be still ongoing.

From 2009 to 2013, Rose Acre Farms was cited for 18 OSHA violations, with total initial penalties in the amount of $37,962.[221]

ii. ***Environment***

Besides labor infractions, Rose Acre Farms has also reportedly committed environmental violations. In March 2012, a Rose Acre facility in North Carolina was accused of causing airborne emissions under federal clean-water laws. Rose Acre Farms claimed "the state Division of Water Quality exceeded its authority and imposed impractical requirements on the operation."[222] The company, consequently, filed a lawsuit against the state Department of Environment and Natural Resources.

Photo by David Shankbone [CC BY 3.0 (http://creativecommons.org/licenses/by/3.0)], via Wikimedia Commons

This conflict began in 2004 when Rose Acre Farm received a permit under the federal Clean Water Act. State regulators subsequently determined, however, that "an air quality permit would not be necessary because emissions were not expected to exceed federal standards."[223] Regulators later discovered that ammonia and other pollutants in nearby waterways had dramatically increased. In 2010, the State renewed a five-year water permit for Rose Acre Farms, but insisted the company evaluate whether its hen house ventilation systems spread ammonia into the air, and therefore, into nearby waterways. Rose Acre Farm claimed that since the issue was airborne emissions, the state had no authority under the federal water law to demand an evaluation of possible pollution.[224] This case, which has received a great deal of attention from local environmental groups, is still ongoing.

A Humane Society of United States (HSUS) investigator further discovered environmental violations when he worked at three Rose Acre facilities in Winterset, Stuart, and Guthrie Center, Iowa for 15 days in 2010. Nearly four million laying hens and about one million young hens (pullets) were confined in these factory farms. One worker at Rose Acre Farms claimed, "The manure pit under a pullet shed had not been cleaned in two years."[225] Other workers at the facility have noted that some hens are blinded because of high ammonia levels.[226] This case illustrates the unsanitary and inhumane conditions both workers and animals are subject to in Rose Acre's egg facilities due to less than adequate regulation of production processes.

C. Supplier 3: Moark, LLC

In 1957, Hollis Osborne created Moark Productions, which became Moark, LLC after merging with Land O'Lakes in 2000. Since its beginning, Moark has focused on acquiring a variety of companies.[227] For example, in January 2013, Moark purchased the rights to an existing Eggland's Best franchise for a cash payment of $2.0 million at the close of sale.[228] Moark, LLC also markets eggs using popular brands, such as Land O'Lakes, Eggland's Best, and a number of local and premium labels. **This company became a wholly-owned subsidiary of Land O'Lakes, Inc. in 2006.**[229]

i. *Labor*

From 2010 to 2014, Moark was cited for 21 OSHA violations and fined almost $66,000 in initial penalties.[230]

ii. *Environment*

In November 2005, Moark was involved in an environmental dispute. The *Kansas City Star* reported that Moark, LLC had been operating for years without a state-issued permit. The company repeatedly violated pollution laws, angering many residents in the region. Neighbors near Moark's facilities claimed that chicken manure had turned pristine streams and lakes cloudy. All three of the

Moark facilities in southwest Missouri were found to have continually violated state environmental laws. Since the 1990s, two facilities had been out of compliance with laws at least 17 times each.[231] The Department of Natural Resources and the office of the Attorney General had reached settlement agreements with Moark in 1997, stating that the company "had violated state clean water laws by applying chicken manure on land near streams, improperly discharging water from its production line and discharging stormwater into streams."[232]

After these settlements, Moark reportedly continued to ignore environmental regulations. Instead, Moark proposed to add an additional 2.5 million chickens to its operations. Many local opponents believed that the state had given Moark insufficient punishment for the environmental pollution its facilities create. Missouri residents were so enraged by Moark that they formed the Southwest Missouri Coalition Against Moark Expansion and collected 3,500 signatures to block the company's ability to increase production.[233] Moark's director at the Neosho, Missouri facility argued that the company acted responsibly even though nearby residents often mentioned foul odors.

Our investigations have revealed that the egg industry has many issues with workers' rights and environmental protection. Processing mass amounts of chickens and eggs in order to meet demand can result in serious violations if production is not regulated properly. The main companies that supply eggs to Walmart have specifically proven subpar in their respect for workers' rights, for the environment, and for their surrounding communities. Walmart must demand that its suppliers comply with a strong labor and environmental code of conduct so that eggs are produced in a way that is fair and safe for workers and consumers.

8. Dairy Industry

The dairy industry consists of retail sales of milk, cheese, soy products, spreadable fats, and yogurt, with cheese representing the largest percentage of sales in the industry. Dairy is the primary agricultural business in 11 states—California, Wisconsin, New York, Pennsylvania, Idaho, Michigan, New Mexico, Vermont, Arizona, Utah, and New Hampshire.

Milk is the second largest category of dairy sales in the United States.[234] Historically, supply and demand forces, influenced by federal and state dairy programs, have largely determined the price farmers receive for raw (unprocessed, unpasteurized) milk. The 1996 Federal Agriculture Improvement and Reform Act, however, removed price supports, reformed federal milk marketing orders, and drastically reduced the role of government in regulating dairy markets. This law signaled the end of 63 years of governmental agricultural support policies that were first established during the "New Deal" era by the Agricultural Adjustment Act of 1933. This new law meant the end of government purchase and stock holding of dairy products. The new formula of pricing, where the price class is determined by the end-use of the milk, **increased price fluctuation for dairy farmers and expanded the control of large dairy processors and cooperatives**.

Table 7: United States Dairy Market Category

Category	Value ($million)	% of the market
Cheese	21,817.1	43.5%
Milk	16,574.2	33.0%
Yogurt	6,624.7	13.2%
Spreadable fats	4,001.2	8.0%
Soy Products	1,139.2	2.3%
Total	50,156.4	100%

Source: Marketline, February 2013

Before this law, small and mid-size dairy farms were more able to control prices, and therefore, make a fair living. Now, with variable prices each year, smaller farms are less able to deal with these fluctuations. When prices paid to dairy farmers fall and their costs of production remain constant or increase, small and mid-size dairy farms cannot compete with larger ones and are squeezed out of the market. For the entirety of the 2000s, the value of production minus operating costs* has been between $4 and $8 per hundredweight (cwt) sold, and **dairy farmers, on average, have operated in the negative between -$1 and -$4** per cwt. Consequently, in 2014, the non-profit organization Family Farm Defenders reported, "A farmer gets roughly $2 for every $4.69 gallon of milk. The other $2.69 goes to buyers, processors, and middlemen in the dairy industry, and retailers – like Walmart."[235] In May of 2015, Joel Greeno, president of Family Farm Defenders wrote in an article, "The exodus of dairy farmers continues unabated as the price paid to dairy farmers drops – to about $15 a hundredweight or $1.50 a gallon, a record low. **Dairy farmers are now being paid 40 percent less for their milk than a year ago.**"[236] **In the past decade alone, roughly 52,000 dairies have been lost.**[237]

These changes have played a role in how firms and businesses in the industry have evolved. The trend towards mass production in the dairy industry means "**farms with more than 500 milking cows now account for 63 percent of the milk supply in the United States**,[238] up 39 percent from a decade ago."[239] A combination of the enactment of the 1996 Federal Agriculture Improvement and Reform Act and other federal interventions, such as changes to antitrust laws, has facilitated large dairy farms becoming more prominent in the industry.

The prominence of agribusiness is not a new phenomenon. Around the turn of the twentieth century, two laws were enacted so that various sectors in the agricultural industry could stay competitive. The two main laws that govern agricultural monopolies are antitrust law, which includes the Sherman Antitrust Act of 1890 and the Clayton Act of 1914, and the 1921 Packers and Stockyards Act.[240] When Ronald Reagan became president, however, the Department of Justice "narrowed the scope of th[e]se laws to promote primarily 'consumer welfare,' based on 'efficiency considerations.'"[241] This seemingly slight change in wording meant that the goal of the antitrust law would no longer be to promote competition by maintaining open markets and considering various social, political, and economic factors.[242] In addition to the transformation of the antitrust law, the dismantling of parity – a system in which the price dairy farmers received was directly connected to the price of production – in the 1980s further narrowed competition in the dairy industry.[243]

** Operating costs excludes labor, opportunity costs, taxes, insurance, general overhead, and capital recovery of machinery.*

In 2010, the Obama administration decided to have the Departments of Justice and Agriculture lead "the most high-level examination of agriculture in decades" in 2010.[244] These five full-day hearings in Iowa, Alabama, Wisconsin, Colorado, and Washington D.C. sought to "investigate the poultry, dairy, cattle, and seed industries, as well as to look at the discrepancy between the price consumers pay for food and the price farmers receive for producing it."[245] At the Wisconsin workshop on dairy, some farmers "complained about a paucity of processors in certain areas of the country", and others described market consolidation in processing, manufacturing, and retailing.[246] One Vermont dairy farmer argued, "As a result [of] consolidation, there are fewer markets for my milk."[247] Overall, testimonies at these hearings illustrated that the level of consolidation that now exists in the dairy industry negatively affects farmers, workers, and the environment.

Photo by Smartshiva [CC BY-SA 3.0 (http://creativecommons.org/licenses/by-sa/3.0)], via Wikimedia Commons

Large retailers, such as a Walmart, have played a significant role in this system of consolidation. John Wilson, Senior Vice President of the cooperative Dairy Farmers of America (DFA) testified that the four cooperatives that merged to create DFA did so "in a world of consolidating retailers and consolidating processors...in order to help themselves."[248] Multi-national corporations such as Walmart are now such large buyers that they are able to cut prices paid to large dairy processors such as Land O' Lakes, which in turn means that only the largest dairy farms are able to absorb the price race to the bottom.[249]

Four of Walmart's main dairy suppliers – Nestlé S.A., Dean Foods, Schreiber Foods, and Land O' Lakes – in particular, have been involved in many cases of farmer and worker mistreatment, as well as in lawsuits related to environmental damage.

A. Supplier 1: Nestlé S.A.

With more than 12 million tons of fresh milk equivalents,[250] from more than 30 countries, **Nestlé is the largest milk company in the world in terms of sales value**.[251] A German pharmacist living in Switzerland founded Nestlé in 1867 with one of the first prototypes of infant formula.[252] In 2014, Nestlé had $96.1 billion in global sales for all of its products, not just milk, with much of its operations occurring in the United States.[253]

Although Nestlé sells a variety of dairy products, it is not a milk producer. The company only owns a few cows and typically buys milk and milk substitutes directly from farmers or suppliers before processing it into Nestlé products. Popular Nestlé products sold at Walmart include Coffee-mate, Nesquik, Carnation, Media Crema, Milo, Assorted Miniature, La Lechera, Butterfinger, Carlos V, and Wonka Mix-ups. **Violations found in Nestlé's food supply chain range from child labor abuse and mistreatment of its farmers to retaliation against workers for joining strikes**, among many more.

i. ***Labor***

Nestlé has traditionally had a relatively good relationship with the unions already representing a small number of its domestic workforce.[254] However, overall, **Nestlé appears to be systemically involved in conflicts with unions**,[255] despite its policy on freedom of association. This policy states that the company must refrain from "any action restricting the employee's right to be, or not to be, affiliated with a union."[256]

In one example of Nestlé's conflict with unions, in 2012, human rights activists from the European Center for Constitutional and Human Rights and the Colombian trade union, SINALTRAINAL, filed a lawsuit under the Swiss court system against Nestlé alleging the company´s involvement in the murder of a Colombian union leader.[257] In Indonesia, management at the Nescafé factory in Panjang fired 53 of the 87 members of SBNIP (Nestlé Panjang Workers Union) after the union took industrial action in support of their collective bargaining demands in 2011.[258]

Nestlé's issues with labor do not only concern workers in its factories; it also includes small-scale farmers. The company's focus on increasing its share of markets has created devastating consequences for small-scale farms. In Pakistan, Nestlé has practically established a monopoly of the Ultra High Temperature (UHT) milk[259] market, and in Peru, Nestlé controls around 80 percent of milk production.[260] This market control has allowed Nestlé and Parmalat to force at least 50,000 small-scale dairy farmers out of their supply chains. Many small farms went out of business as a result of Nestlé buying Brazil's milk cooperatives during the 1990s.[261]

Besides directly putting small farmers out of business, Nestlé has cut its own costs by increasing the cost burden on farmers. In Brazil, one way Nestlé increased farm costs is by demanding that farmers install milk refrigeration tanks on their property. The smallest tanks need at least 100 liters of milk per day to be filled, but the typical farm produces only 50 liters per day. Most small-scale farmers could not afford to install the coolers. The excluded producers attempted to market their milk to smaller processors and cooperatives and to use informal markets. However, the market dominance of Nestlé and other multinational corporations meant that smaller processors were quickly going out of business. This phenomenon, along with reduced farmer access to alternative milk marketing channels due to the rise in UHT consumption, led to many farmers losing their milk income altogether.[262]

ii. ***Environment***

Although not directly related to dairy, Nestlé has recently come under criticism for its bottling of water in drought-stricken California. The company buys water at the same rate as California residents and then sells the bottled water "at one hundred times the profit."[263] Nestlé denies, however, that its water bottling operations contribute to the drought.[264] However, bottled water has a negative impact on the environment beyond whether it is contributing to the drought in California or not. It takes 1.39 liters of water to produce 1 liter of bottled water, in addition to the three liters of water required to produce the plastic for a half-liter bottle.[265]

This is not the first time that Nestlé has faced opposition to its extraction of water in order to profit from selling bottled water, as, in the past 20 years, residents from Texas and Florida to Wisconsin and Michigan have fought against Nestlé obtaining water rights.[266]

B. Supplier 2: Dean Foods

Dean Foods is another one of Walmart's main suppliers that has encouraged massive corporate consolidation in the food chain and violated labor and environmental standards. Dean Foods was founded in Illinois in 1925 and has been a public company since 1961. Currently, there are 90 different subsidiaries under Dean Foods. **The company has also created a "strategic alliance" with Land O'Lakes** so that it can use the Land O'Lakes brand name.[267] Net sales in 2013 for Dean Foods were $9 billion and net profit was $813 million.[268, 269] In May 2015, Dean Foods announced a new national brand of milk called DairyPure.[270]

Table 8: Popular Dean Foods brands by region/ state

Region	Brands
California	• Alta Dena • Berkeley Farms • Model Farms
Midwest	• McArthur Dairy
Mid-Atlantic	• Deans
Southeast	• Barber's • Brown's Dairy • Mayfield • Pet • Oak Firm
Northeast	• Garelick Farms • Tuscan • Swiss
Mountain	• Meadow Gold
National	• Swiss • Fruit Rush • Trumoo

Source: Dean Foods company website

The variety of acquisitions and strategic alliances in which Dean Foods is involved demonstrates its contribution to the consolidation of the dairy industry. In 2001, Suiza bought Dean Foods Company for about $1.5 billion in cash and stock. This deal merged the two biggest dairy processors in the United States. When Dean Foods acquired Suiza, the company promised that it "would not enter into a long-term exclusive dealing contract with Dairy Farmers of America (DFA), the largest dairy cooperative, in areas of the country where DFA would achieve dominance."[271] This promise, however, did not last long. After the merger, Dean Foods "refused to deal with independent milk producers who had traditionally been its direct suppliers. Instead, these high-volume, high-quality producers were forced to submit to DFA."[272,273]

Walmart, including its subsidiaries such as Sam's Club, is the largest customer of Dean Foods. **Approximately 19 percent of net sales for Dean Foods came from Walmart in 2013.** In its 2013 annual report, Dean Foods acknowledged, "**Price concessions to large format retailers have negatively impacted**, and [can] continue to negatively impact, [sic] **operating margins and profitability**."[274] In fact, when Walmart transferred a significant portion of its business to other suppliers in the first half of 2013, Dean Foods experienced a 7 percent decline in fluid milk sales.[275] Ultimately, this price depression trickles down to farmers and makes them less able to earn a stable living. This close relationship between Dean Foods and Walmart indicates that if Walmart were to hold its supplier to labor and environmental standards, the dairy company would most likely comply.

i. ***Labor***

Dean Foods is highly unionized in the U.S. with the International Brotherhood of Teamsters representing workers at many of its dairy processing facilities.

Dean Foods, however, provides an example of this industry's negative impact on another segment of food labor – dairy farmers. In 2009, a group of dairy farmers filed a lawsuit against Dean Foods Company and Dairy Farmers of America (DFA), claiming that these two entities monopolized milk distribution in the Southeast and drove down the prices that DFA's own farmer-members receive for their products.[276] In the lawsuit, the farmers sought $1.2 billion in damages.[277] Dean Foods settled the lawsuit for $145 million in the summer of 2012, and DFA followed with a settlement of $158.6 million in January 2013.[278] Dairy farmers in the northeast region of the United States also filed a lawsuit against Dean Foods and DFA in 2009. A settlement for this case has still not been reached.[279]

C. Profile: Spotlight on a Dairy Farmer

Photo courtesy of the National Family Farm Coalition

Joel Greeno's family has a long history of dairy farming. His family moved to Monroe County, Wisconsin in 1872 and has lived there ever since. As far back as Joel can remember, the members of his family have had two professions: farming and construction. Growing up on a dairy farm was challenging, yet rewarding, for Joel and he would not have traded his childhood for any other type of experience.

As a child, though, Joel was unaware of the financial hardships his parents endured. Eventually, Joel's parents were foreclosed upon and lost everything. The difficulty of losing their business was exacerbated by the reactions of friends and family who no longer wanted to associate with them. People began to avoid Joel's family because losing one's farm was too scary and too close to home. Every family knew that there was a strong possibility this situation could happen to them next. Joel remarked, "There is no way to describe the level of humiliation of going through that."

After Joel's parents lost their farm, they moved to his property. When Joel originally bought his land, the house on the property had been abandoned for quite some time. Over the years, people had stolen everything from the house, including cabinets and plumbing. His sister and her husband had to make substantial improvements to the property in order for it to be livable.

At the moment when Joel's family was ready to move in with him, his farm was not fit for milking cows. It was January in Wisconsin, his barn had no roof, and he only had 30 days to move his parents' cows and milking system to the farm. Joel, consequently, had to immediately begin to build the top of the barn in temperatures reaching at least negative five degrees. In the end, Joel and his family successfully moved all of the equipment and animals to his property and the farm was able to flourish.

Over the course of 20 years, Joel and his family were able to turn the farm into **a strong member of the Scenic Central Milk Producers, the 30th largest milking cooperative in the**

United States. In fact, Joel was one of the first 16 patrons of the cooperative, and at one point, he helped to organize the interim board.

The circumstances that Joel and his family experienced speak to the difficulties of rural life in the United States. Joel feels that perhaps others in this country do not understand the sacrifices that farmers make to produce food for them. **Scenic Central Milk Producers is the best paying co-op in Wisconsin and even provides retirement plans and Christmas bonuses.** Moreover, since its formation on July 1, 1999, the cooperative has never been in debt and has never wasted the farmers' money. In spite of these benefits, Scenic Central could still not stop the exodus of dairy farmers from the co-op. Joel thinks that there might actually be only one or two of the original sixteen cooperative members left in the organization. The co-op has been shipping more milk, but has not been adding new producers. Joel reasons that since there are barely any small to mid-size dairy farms left, Scenic Central is constantly witnessing the attrition of smaller farms and the addition of larger ones.

Joel says that the main reason that the number of dairy farms is shrinking is that **farmers do not actually receive a price that sustains dairy farming**. He argues that it is impossible for a dairy farm to survive if the farmers are receiving less than the cost of production for their milk. Many of the owners of larger farms do not care about pricing structure, because concentrated animal feeding operations (CAFO) are often a tax write off for other corporations and businesses and are not intended to be a "profit maker." According to Joel, "when you have ex-basketball players, lawyers, and executives owning farms, it isn't because they're making a living with a dairy farm. It's just a convenient tax shelter." This system puts all the dairy farmers attempting to make a living at an extreme disadvantage, and thus, partly explains why so many of the small scale dairy farms are disappearing.

Two years ago when Joel fell ill, he had to make the difficult decision of whether to keep his dairy farming business. Although he had support from the bank to continue dairy farming, he and his family decided against it. **Joel still grows some organic hay and raises a few heifers and young stock from his original farm; however, he is no longer a dairy farmer.** After recovering from his illness, Joel took a job as a level 1 CCE technician at an Ocean Spray® factory. Even though Joel's heart is still very much with the dairy industry, he does note that with his new job, "At the end of two weeks, you have a paycheck and not a debt – so that's a big difference."

D. Supplier 3: Schreiber Foods

Schreiber Foods was founded in 1945 in Green Bay, Wisconsin. It is the largest employee-owned dairy company in the world and is ranked the 124th largest corporation in United States by *Forbes* magazine.[280] Schreiber Foods currently has plants in seven different states—Texas, California, Pennsylvania, Arizona, Utah, Wisconsin, and Missouri.

i. *Labor*

Some of the workers at Schreiber Foods are represented by the Teamsters union. However, the workers in Tennessee do not have the protection of a union, and in 2009, Schreiber Foods workers there brought a lawsuit against the company for not being paid when sanitizing equipment and changing in and out of uniforms. Schreiber Foods employees sought reimbursement for the unpaid wages and "liquidated damages in an amount equal to the unpaid overtime wages."[281] According to the suit, these violations had gone on for "several years."[282]

ii. *Environment*

In addition to labor violations, Schreiber Foods has endangered the environment surrounding its factories. In direct violation of Walmart's environmental standards, a Schreiber Foods cheese-making plant was found polluting water and sewer systems in Shippenburg, Pennsylvania in 2012. Borough and water authority officials immediately demanded an explanation for why a leak from a Schreiber plant water line, expelling an estimated 150 gallons per minute of waste, was left uncorrected for days.[283] This incident is another example of a Walmart supplier creating environmental damage and not being held accountable by Walmart to its environmental code of conduct.

E. Supplier 4: Land O'Lakes

Land O'Lakes, Inc. is an American food and agriculture cooperative with business in more than 60 countries worldwide and in every state of the U.S.[284] In 1921, the organization was incorporated as the Minnesota Cooperative Creameries Association.[285] The cooperative joined the fluid milk business in 1950-1951. By 1952, Land O'Lakes had made its first acquisition of another dairy company. This emphasis on consolidation meant that in 1967, Land O'Lakes made 37 mergers and acquisitions. Since 1982, Land O'Lakes, Inc. has acquired or formed an alliance with many major companies, such as Midland Cooperatives and Atlantic Dairy Cooperative.[286]

Today, Land O'Lakes has about 3,600 producer-members, 850 member-cooperatives, and 10,000 employees. The company often exceeds $14 billion in net sales and $306 million in net earnings annually, making it number 194 on the Fortune 500 list of businesses.[287] Some of the Land O'Lakes employees are represented by the Teamsters union. Land O'Lakes is one of Walmart's principal suppliers of dairy products and has been cited more than once for environmental violations.

i. ***Environment***

In March 2009, a local Pennsylvania newspaper reported that Land O'Lakes had contaminated Mountain Creek and Yellow Breeches Creek in the town of South Middleton. Land O'Lakes was permitted by the state Department of Environmental Protection to release treated wastewater into a small stream that flows between the two now-contaminated creeks. Since Land O'Lakes purchased the dairy plant in 1997, however, there have been half a dozen violations mostly involving stream contamination. In July 2008, all of the fish, turtles, and other aquatic life in nearby Masland's 13-acre pond died due to industrial spills connected to Land O'Lakes.[288] In response to the 2008 incidence, Land O'Lakes agreed to pay a $55,152 civil penalty to Department of Environmental Protection for violations of the Clean Streams Law in February 2009.

Walmart's dairy suppliers are some of the largest companies in the world. Large retailers like Walmart have contributed to this consolidation in the dairy industry, which our research has indicated has overall not been to the benefit of the environment, workers, and farmers. In some cases, Walmart's dairy suppliers have been accused of hindering their workers' right to collectively bargain and not paying employees their owed wages. Companies, such as Dean Foods and Nestlé, have been cited as the cause for small-scale farmers going out of business. Walmart must holds its suppliers accountable to labor and environmental codes of conduct and its goal of purchases from small to mid-size farms.

9. Chicken Industry

The poultry industry consists of fresh, frozen, and processed chicken and turkey, as well as other birds. While the extent of corporate consolidation in this sector is not as great as that in the beef and pork industries, a few major companies are responsible for the vertical and horizontal integrations, acquisitions, and mergers within the past decades.[289] These actions have proliferated the existence of monopsonies, a market condition where there is only one buyer along a supply and market chain. As of today, **the poultry industry consists of over 300 companies with combined annual revenue of $52 billion**. The 50 largest companies, the largest of those supplying Walmart, hold more than 90 percent of the wealth.[290] This concentration of power indicates that there is a growing consolidation in the poultry industry.[291,292] In 2012, the four largest companies processed 57.1 percent of all broilers (as chickens for consumption are called) in the U.S.[293] When 84 percent of beef slaughter is controlled by just four companies though, the poultry sector, in comparison, is not as consolidated.[294]

Photo by איתמר ק., ITamar K. [Public domain], via Wikimedia Commons

Without a supply management system, such as the one in Canada, this relative lack of concentration creates a new set of issues. One of the main problems with this system is the inability to create a price floor. Large companies will try to limit supply to stabilize price, but then in response, the small and medium-size companies that still exist ramp up production in order to capture market share, thereby lowering prices again.[295] This lack of price floor is one of the biggest obstacles to gaining higher wages and stronger health and safety standards for poultry processors. One of the main issues in the poultry industry, thus, is the absence of a fair supply management system.

Another significant problem in the poultry industry is the existence of an abusive contract system. **Over 95 percent of broiler chickens in the United States are produced under contract.**[296] Contract-farming is a system in which "integrators," such as Tyson and Perdue, hire independent growers to raise chickens for them. The growers never own the birds, however, and the agribusinesses have complete control over the most important aspects of how the animals are raised.[297] **Growers borrow between $500,000 and $2 million to pay for the chicken "houses" that are required by many of the integrators.**[298] The chickens that the growers raise "reach slaughter and processing weight in about six or seven weeks, but loans taken out to build henhouses can last for more than a decade, making many chicken growers entirely dependent on a series of flock-to-flock contracts to repay their debts."[299]

Large chicken companies often mislead growers about how much they are going to earn and about the true costs of production.[300] In addition to the hidden costs of production, the wages growers receive are based on a system called **tournament pay**. This method of payment means that "no matter how hard the farmers work, half of them will be below average and make less money than" what the company initially promised.[301] Even worse, the ranking of each farmer is mostly determined by the birds that s/he receives, an aspect of the growing process over which the farmer has no control.[302] If a farmer decides to speak out against these unfair practices, the company can decide to cancel his contract.[303] Consolidation, vertical integration, and company-specific growing requirements means that it can be challenging for a farmer to sell his chickens to a different company if his contract is terminated.[304] Farmers often stay silent when integrators mistreat them because if they speak up, they risk bankruptcy.[305]

This consolidation of the market, the contract growing system, and the lack of supply management policy have forced the majority of the poultry sector to adapt **industrial methods of raising animals**.[306] The poultry industry has converted almost exclusively to the factory method of mass-producing livestock in "warehouses" in order to lower production costs. The external costs of converting to industrial factory production is an increase in poor animal welfare, environment violations, and labor exploitation.

Chickens for consumption, called broilers, are often raised in settings without sunlight or adequate space to move around.[307] Broilers are breeds of chicken specially chosen for their ability to grow at three times faster than the normal rate of 18 weeks, and therefore, to meet the market demand.[308,309] This fast growth results in health complications for the animals, such as the inability to walk and respiratory failure, that lead to high mortality rates.[310] The drive to meet market demand also means that birds are often slaughtered in a cruel manner.[311]Animals are slaughtered on hooks for efficiency; however, past cases have reported that birds that do not die from this initial electrocution often experience a painful death as their throats are slit and they are thrown into water while still alive.[312,313]

"approximately 300,000 people employed in chicken processing plants nationwide and another 60,000 in feed mills, hatcheries, distribution centers, corporate headquarters, and other locations."

Besides animal welfare, **other environmental issues plague the poultry industry**. The waste treatment at processing sites often raises serious environmental concerns. Although poultry manure is typically used as litter for farm animals or as manure for other agricultural farming, cases have shown that many poultry farms and factories have been illegally dumping untreated waste, either animal or industrial waste, into open water, causing health and environmental damages.[314]

In addition to animal cruelty and environmental problems, the poultry industry also has many labor issues. According to the U.S. Poultry and Egg Association, there are "approximately 300,000 people employed in chicken processing plants nationwide and another 60,000 in feed mills, hatcheries, distribution centers, corporate headquarters, and other locations."[315] This figure includes roughly 29,500 family farmers who are independently contracted with major companies. About 95 percent of broilers are produced on these farms, with the remaining 5 percent raised on company-owned, integrated farms.[316] In May 2014, the U.S. Department of Labor's Bureau of Labor Statistics estimated the average hourly wage for production workers in poultry slaughter and processing plants to be $11.76 nationwide.[317] While some poultry companies offer retirement, health insurance, and other benefits, poultry workers often have significantly weaker labor standards than workers in the beef and pork sectors. Common violations at poultry processing plants include wage theft, health and safety hazards, and even death at work sites.

Walmart is one company that has a large stake in the poultry industry. In the 2014 ISE Walmart index report, food, beverages, and agricultural products topped Walmart's total sales at 58.99 percent.[318] Poultry products, such as fresh chickens, have a considerable impact on Walmart's overall business. According to the company's website, **the top poultry brands sold at Walmart include Tyson, Pilgrim's Pride, Perdue, and Foster Farm**. Frozen poultry items, canned chicken, and deli meat are dominated by brands, such as Koch Foods, Hormel, Jennie-O Turkey, and Walmart's own brand, Great Value. The number of brands offered at Walmart might suggest that there is a diversity of product options; nevertheless, there are actually only a handful of major corporations that are key poultry suppliers to Walmart.[319] Following is a more in-depth look at three of Walmart's largest poultry suppliers.

A. Supplier 1: Tyson Foods, Inc.

Tyson Foods, Inc. is the world's second largest processor of meat and poultry and was the world's ninth largest food producer in 2013.[320,321,322] Established in 1935, Tyson currently employs 124,000 people at more than 300 different types of facilities worldwide.[323] In addition, the company also contracts with 5,000 family farms.[324,325] The majority of Tyson's processing plants are located in the southern and midwestern regions of the United States and the company's headquarters are located in the South.[326] While Tyson's largest meat packing facility is their beef production plant in Nebraska, the company slaughters and packages 41 million chickens at its 57 processing plants every week.[327] Tyson is a chicken supplier to a variety of major restaurants and retailers other than Walmart, including KFC, Taco Bell, McDonald's, Burger King, and Wendy's. Tyson is also a major supplier to the federal government, receiving $4.2 billion in federal contracts from 2000 through 2012.[328]

In the past decade, Tyson has been a party in several cases of horizontal integration. It has merged with brand-name companies like Jimmy Dean and Sara Lee (the frozen pastry division), in addition to chicken companies such as Holly Farms, Weaver Chicken, and Tasty Chicken.[329] In the summer of 2014, Tyson won the bid for Hillshire Farm against Pilgrim's for over $8 billion dollars.[330]

This merger resulted in revenue growth in Tyson's stock and overall sales.[331] As of 2014, Tyson owned a total of 26 brands. The company reports that its stake in overall production of chicken in the U.S. market is 22 percent, followed by Pilgrim's at 17 percent and Perdue at 7 percent.[332]

i. ***Labor***

Some of Tyson's employees are represented by a union, and their wages and working conditions are better than those of non-union Tyson workers. Overall, however, Tyson's labor record is very poor. OSHA and the EPA have investigated and cited Tyson for labor rights violations and inadequate safety measures at multiple facilities.[333,334] From 2007 to 2012, Tyson was cited for 161 OSHA violations for a total of almost $7.2 million in penalties and was also responsible for the death of 11 workers in that time period.[335] One example is a fatal incident at Tyson's Nebraska processing site in 2012, and following this tragedy, OSHA charged Tyson a fine of $121,720 for repeated safety violations at the company's New York plant in 2013.[336,337,338] On more than one occasion, Tyson has been charged with, and agreed to pay for, depriving workers of their rightful compensation for time spent putting on and taking off personal protective equipment as required by law.[339]

"From 2007 to 2012, Tyson was cited for 161 OSHA violations for a total of almost $7.2 million in penalties and was also responsible for the death of 11 workers in that time period."

ii. ***Environment***

In addition to labor violations, Tyson has also been involved in harmful practices regarding the environment. In June 2003, the company admitted to illegally dumping untreated wastewater from its poultry processing plant in Missouri. This case resulted in Tyson pleading guilty to 20 felony violations of the federal Clean Water Act and paying $7.5 million in fines.[340] In addition to this case, there have been other environmental violations in which Tyson mishandled chemical use at its facilities. In 2013, Tyson reached a settlement with the U.S. Environmental Protection Agency to pay a $3.95 million penalty "to address threats of accidental chemical releases after anhydrous ammonia was released during incidents at facilities in Kansas, Missouri, Iowa, and Nebraska, resulting in multiple injuries, property damage, and one fatality."[341]

Another environmental problem plaguing Tyson, and the rest of the poultry industry, is antibiotic use in chicken production. Antibiotics in the poultry industry is an environmental concern because the over-utilization of this drug may eventually lead to the proliferation of antibiotic-resistant bacteria in chickens and consumers.[342] In 2008, Tyson was sued for false advertisement when it became known that the company was labeling products as "Raised without Antibiotics" that were produced with chickens that had been injected with antibiotics as unhatched eggs and that had been consuming feed filled with the drugs.[343] This case eventually led to a legal settlement, and in May 2008, a federal judge ordered Tyson to stop using the label. Tyson has since announced that it will stop using human antibiotics in chicken production by September of 2017.[344]

Besides the issue of antibiotic use, Tyson's food safety and slaughtering methods have also raised environmental concerns. The Humane Society of United States, an animal rights advocacy group, states in its 2009 article that "Tyson's U.S. slaughterhouses kill chickens using a cruel and outdated method that involves shackling fully-conscious birds upside-down, electrically shocking them into paralysis, cutting their throats while they are conscious, and sometimes even drowning them in tanks of scalding water."[345] These harmful practices, along with the other labor and environmental violations, indicate that the method Walmart is using to monitor Tyson, and its other suppliers, is failing. As one of Walmart's largest poultry suppliers, Tyson Foods should be held accountable to a strong labor and environmental code of conduct.

B. Supplier 2: Pilgrim's Pride/JBS S.A.

Founded in 1946, **Pilgrim's Pride is the second largest chicken producer in the U.S.**[346] While Pilgrim's net sales totaled $8.1 billion in fiscal year 2012, the company narrowly escaped bankruptcy several years earlier. In 2009, the company was on the verge of default when the Brazilian food giant, JBS S.A., acquired Pilgrim's and helped it to stay afloat. JBS S.A. currently owns a 75 percent stake in Pilgrim's Pride and is the largest meat processing company in the world.[347,348] Following the acquisition, Pilgrim's relocated its U.S. headquarters to Greeley, Colorado.[349] The company produces fresh, frozen, and value-added chicken products to retailers like Walmart, Publix, and Costco, as well as to restaurant chains like KFC, Burger King, Wendy's, and Chick-fil-A. Pierce Chicken, formerly ConAgra Foods and Hester Industries, is a division of Pilgrim's Pride and is best known for its brand-name Wing Dings, Wing Zings, and various other prepared food products.[350]

According to the company website, Pilgrim's Pride employs approximately 38,000 people and has the capacity to process more than 36 million birds per week for a total of more than 9.5 billion pounds of live chicken annually.[351] Additionally, over 4,000 contract growers supply poultry for the company's operations in the U.S. and Mexico.[352] Pilgrim's is vertically integrated, meaning that Pilgrim's production, processing, marketing, and distribution are all conducted internally. In the United States, Pilgrim's currently operates 25 processing plants and 8 cook plants in 12 southern states and owns 26 feed mills and 30 hatcheries that supply to these plants.[353] While Pilgrim's offers a wide range of product types, its primary sales come from fresh chicken, which in 2010 accounted for 49.9 percent of the company's total chicken sales in the United States.[354] The company also sells prepared chicken products, including pre-cut chicken meat, delicatessen products, and formed nuggets and patties, which accounted for 39.9 percent of the total sales in 2010.[355] Its primary end markets are foodservice and retail channels, as well as selected export markets to Mexico, Eastern Europe, Russia, and the People's Republic of China.[356]

i. ***Labor***

Some of Pilgrim's Pride employees are represented by a union, and these workers have better wages and working conditions than non-union workers. However, overall, serious health and safety violations are an issue with Pilgrim's Pride's poultry processing factories. From 2008 through 2014, Pilgrim's Pride was cited for 105 OSHA violations and fined over $874,000.[357]

Pilgrim's Pride has also had confrontations with immigration offices. In 2008, U.S. Immigration and Customs Enforcement (ICE) raided Pilgrim's plants in several states after receiving information about a possible case of identity theft. Officials charged 91 out of 311 immigrants arrested from the raid.[358] Many immigrant workers were detained, but curiously "no civil or criminal charges, including charges that Pilgrim's knowingly hired these employees or conspired to hire them, [were] filed against the company in any of these cases."[359] Many poultry companies seek to hire undocumented immigrants for their plants because fear of immigration officers makes this group less susceptible to unionization and more amenable to intimidation.[360]

ii. ***Environment***

Much like other poultry companies, Pilgrim's Pride has been cited for improper handling of hazardous chemicals. After receiving health and safety citations in Texas, Florida, and Alabama, in 2013, a Pilgrim's Pride Arkansas plant failed to pass OSHA's inspection for control of highly hazardous chemicals.[361,362,363] OSHA proposed $170,000 in penalties for nine serious, one willful, and one repeat violation in this inspection.[364]

In addition to environmentally harmful practices regarding chemicals, the lack of consideration for animal welfare at Pilgrim's facilities has also been the subject of environmental concern. According to a review of USDA records by the Animal Welfare Institute and the Farm Sanctuary, Pilgrim's Pride is said to operate three of the nine "worst chicken plants for animal cruelty."[365]

C. Supplier 3: Perdue Farms, Inc.

Perdue Farms is the third* largest American producer of broilers chickens, behind Tyson Foods, Inc. and Pilgrim's Pride Corporation.[366,367] Established in 1920 as a local chicken farm, Perdue remains a family-owned and -operated business. The company operates production and processing facilities in 15 states and works with 2,200 contracted poultry farmers.[368] The Perdue Farms division processes and packs more than 3 billion pounds of chicken and turkey each year. The company sells poultry and pork in the U.S., and in foreign countries, through retail and restaurant chains mostly located in the eastern region of the United States.

i. ***Labor***

In regards to working conditions at Perdue's facilities, OSHA has reported that Perdue forces its workers to conduct regular tasks without protection, demonstrating a lack of adherence to health and safety standards and a failure to ensure workers' bodily welfare. Other OSHA violations cited Perdue

** Sources conflict on whether Perdue Farms or Sanderson Farms is the third largest producer of broiler chickens.*

for repeated safety violations in which workers were subjected to serious burns and hospitalization.[369] **In 2002, Perdue paid out $10 million to over 60,000 workers who were part of a class-action lawsuit for wage and hour violations**; this was in addition to a $10 million settlement for the same issue that Perdue reached with the Department of Labor.[370]

Table 8: List of Perdue Subsidiaries

Subsidiary	Responsibility
Heritage Breeders, LLC	Developing breeds used by Perdue and other lines of stock for sale to other poultry companies
Venture Milling	Creates proteins for livestock
Perdue Fats and Proteins, LLC	Sells pet and animal feed ingredients
Perdue BioEnergy, LLC	Works in the field of renewable energies
Perdue AgriRecycle	Transforms poultry litter into organic fertilizer products
Coleman Natural Foods	Produces “no antibiotics ever” products
Harvestland	Produces “no antibiotics ever” products

Source: Perdue Farms, Inc. company website

ii. ***Environment***

In terms of the environment, **Perdue has been criticized for contributing to pollution in Chesapeake Bay**.[371,372] In 2010, the Assateague Coastal Trust sued Perdue for violating the Clean Water Act by allegedly allowing excessive chicken manure to run into the bay. The environmental group had difficulty establishing that the waste runoff was from Perdue chicken houses, so the case was later won by Perdue in October 2012.

Additionally, Perdue has been accused of poor animal welfare practices at its facilities, which suggests further environmental concern. In 2010, the Humane Society of the United States filed a lawsuit against Perdue for violating a New Jersey consumer fraud law by applying the labels "purely all-natural" and "humanely raised" to its products. The plaintiffs argued that these labels contradict the inhumane conditions in which Perdue chickens are raised. Perdue appealed to have the case rejected in federal court, but this appeal was dismissed.[373] In April 2013, The Humane Society filed a similar lawsuit in Florida.[374] Both of these cases were settled with Perdue and the Humane Society succeeded in getting the “Humanely Raised” label removed from Perdue packaging. In response to the settlement, Perdue issued a statement claiming that the labels are not misleading in anyway and that the company is committed to “treating animals with respect and [sic] ensur[ing] their health and safety.”[375]

Walmart’s three primary poultry suppliers have all committed similar labor and environmental violations and have been accused of inhumane treatment of animals for food production. Walmart should hold its poultry suppliers accountable to its labor and environmental codes of conduct. Growers must also be able to receive a fair contract from integrators that protects them against retaliation. Walmart should support fair contracts and implement an independent third party monitoring system to help ensure poultry suppliers are following a strong labor and environmental code of conduct.

10. Seafood Industry

Seafood is an increasingly important source of protein for the world's population. **In 2010, it accounted for almost 17 percent of global consumption of animal proteins.**[376] Global sales of fresh and canned seafood, moreover, reach almost $370 billion annually.[377] Besides providing a common source of protein, the seafood industry also creates many jobs. **An estimated 10-12 percent of the world's population depends on fisheries and aquaculture for their livelihoods**.[378] Unfortunately, high consumption of fish has endangered some of these jobs.

As consumption has increased, so has global fish production. For the past five decades, fishing has increased steadily at an average annual rate of 3.2 percent, which is quite a high rate when compared to the average annual population growth of 1.6 percent.[379] One negative result of this increase in fish production and consumption is overfishing. In 2011, the Food and Agriculture Organization (FAO) of the United Nations estimated that almost 29% of fish stocks around the world were overfished.[380] **This over-harvesting can damage ecosystems and the environment as well as create job losses.**

Photo courtesy of International Labor Rights Forum

Another alarming consequence of overfishing is an increasing reliance on forced labor. As fish stocks become scarcer due to overfishing, ships travel farther distances for longer periods of time. This added cost increases the incentive to cheat employees or outright purchase slaves. Fishing ships increasingly spend years at a time at sea, and workers have no access to land or authorities if their labor rights are violated. The added time at sea also keeps horrific working conditions – wage theft, inhumane working hours, squalid conditions and even murders – out of sight, while workers have almost no possibility of escape. **The U.S. State Department has found that 51 countries have forced labor on fishing vessels in their waters.**[381]

Dorms for workers in Thailand's shrimp industry (Photo courtesy of the International Labor Rights Forum)

As demand for seafood has increased worldwide, national chains have rushed to capitalize on the opportunity for greater sales. Walmart in particular has become one of the fastest growing seafood retailers in the United States.[382] This growth, nevertheless, has made it difficult for Walmart to keep its suppliers accountable to labor and environmental standards. **Walmart receives much of its seafood from various suppliers in Asia, where wages are dramatically lower and fishery management is less developed.** Numerous non-governmental organizations, media organizations, and even U.S. government officials have reported that "**human trafficking, forced and child labour and human rights abuses are widespread in Asia and Africa's marine fisheries**."[383]

Several recent in-depth media investigations into Thailand's seafood industry have put a spotlight on forced labor, human trafficking, and child labor in both seafood harvesting and processing. Valued at over $7 billion, the seafood industry in Thailand produces an estimated 4.2 million tons of seafood every year.[384] 90 percent of this product is for international trading, with the United States buying half of all Thailand exports.[385] Despite this apparent success, according to Mark Lagon, former U.S. State Department ambassador for trafficking in persons, "the Thai fishing industry is rife with forced labor, both on the high seas and within seafood processing and packing plants."[386]

Walmart has appeared in two of these investigations. In June 2014, after a six-month investigation, *The Guardian* found that Thailand-based seafood exporter **Charoen Pokphand** (**CP**)

Foods, one of the region's largest food conglomerates, bought fishmeal for its farmed shrimp "from some suppliers that own, operate or buy from fishing boats manned with slaves."[387] The media outlet reported that "**large numbers of men bought and sold like animals and held against their will on fishing boats off Thailand** are integral to the production of prawns (commonly called shrimp in the U.S.)" that are sold in global supermarkets such as Walmart, Carrefour, Costco and Tesco.[388] In 2015, the Associated Press also reported extensively on forced labor and slavery in Thailand's seafood fisheries and processing industries.[389] The AP report found hundreds of men, many locked in cages, trafficked to Indonesia from Burma on Thai vessels to fish. This fish winds up on store shelves and in everyday items like cat food.

Table 9: List of seafood social initiatives in which Walmart participates.

Social Initiative	Details
Project Issara (directed by Anti-Slavery International)	Supports a multi-lingual migrant worker hotline and outreach assistance programs to address human trafficking in Thailand
National Retail Federation and National Fisheries Institute Working Group	Influences the Thai government's seafood management standards
International Justice Missions (IJM)	Designs and tests a way to gather intelligence on human trafficking in Thailand that will lead to greater enforcement

Source: Walmart corporate website

A. *Labor*

According to seafood sustainability guidelines available on Walmart's website, Walmart is "committed to finding for our customers safe, affordable, and sustainable seafood that does not negatively affect global communities or the environment."[390] To show its commitment to seafood sustainability, the company is involved in a number of social initiatives.

Whatever the benefits of these social programs, it is in no way a reflection of Walmart fulfilling its obligations to the workers who catch and process the seafood on its shelves. In fact, in the 2014 *Carting Away the Oceans* report produced by the NGO Greenpeace, Walmart was ranked #12 of 26 companies surveyed, significantly below rival Target and several other much smaller grocery chains, primarily because it has shown itself unwilling to dig into its own supply chain. "**Walmart has still failed to commit to chain-of-custody traceability or to avoiding Illegal, Unreported and Unregulated (IUU) seafood products.** It has neither taken proactive stances internally, nor delved into the political arena by supporting active legislation on these very issues. Given the size of the retailer, this is problematic."[391]

Walmart's sustainability guidelines do stipulate that all its suppliers of seafood must be "third-party certified as sustainable using Marine Stewardship Council (MSC), Best Aquaculture Practices (BAP)"[392] or involved in a couple of other listed sustainability initiatives. However, MSC and the other initiatives Walmart lists, with the exception of BAP, are environmental-only standards that do not assess human rights violations in seafood supply chains. BAP is a certification organized and implemented by the trade group Global Aquaculture Alliance, which includes producers, importers, retailers, and restaurant chains including Walmart. **Although BAP does include social standards, Walmart has shown that it is unwilling to address issues when social issues arise out of BAP-certified facilities.**

In 2013, the International Labor Rights Forum (ILRF) and Warehouse Workers United released a report documenting violations of child labor and workers' rights laws at Walmart supplier **Narong Seafood** in Thailand.[393] Some of the problems included underage workers, non-payment of legally owed wages, falsified documents and excessive fees charged to migrant workers.[394] The factory had undergone BAP inspections, but ILRF's interviews with workers uncovered some serious flaws. One worker reported that the auditors "just look[ed] around the factory and sp[oke] mostly to the management." Workers also reported that managers selected the workers to be interviewed by auditors or Labor Ministry officials and instructed them on how to answer questions. One interviewee said that workers do "not dare to tell the true situation at the factory." Workers also reported that on the days that monitors visited the factory, workers were told by management to "wear [their] uniform[s] neatly" and "work more slowly and systematically than on other days."*

After the report on Narong Seafood appeared in several media articles, Walmart said it had stopped sourcing from Narong a year earlier, as a result of its auditing process, despite USDA identification numbers that indicated Walmart purchased shrimp from the facility.[395] Interviews with

** According to the ILRF, Walmart claimed that it had actually discontinued use of Narong Seafood before the research was conducted because its own audit of the factory raised red flags, but registration numbers with the Food and Drug Administration and shipping records contradict this claim.*

ILRF confirmed that the USDA had opened an investigation into the case to determine if the numbers had been manipulated by either Narong, Walmart, or some third party. Findings of the investigation were not public at the time that this report was written. The Global Aquaculture Alliance (GAA) also responded to the media coverage, sending an auditing team to the facility shortly after the report was released.[396] GAA reported that it found no compliance issues in the follow-up audit. Importantly, Walmart never released the findings of the original audit that raised concerns, and the GAA did not address any of its auditing procedures called into question during the investigation.

Cases of modern-day slavery and forced labor are not isolated to Asia. In the U.S., immigrant guest workers with H2-B visas at **C.J.'s Seafood in Louisiana** went on strike to protest extreme and unlawful working conditions in June 2012. These circumstances included being forced to work 16-24 hours in a row, being locked into the factory, being threatened with beatings unless work was completed faster, and being threatened with injury to their families in Mexico if they complained to any government agencies.[397] The average wage at this factory was also found to be 42 percent less than legally required.[398] The U.S. Department of Labor fined C.J.'s Seafood $34,000 and determined the company owed $76,608 in back pay to 73 workers for underpayment of wages and was liable for an additional $70,014 in liquidated damages, $32,120 in civil damages for overtime violations, and $35,000 for willful H-2B violations.[399] After this situation came to light, Walmart suspended C.J.'s Seafood as a supplier.

"These circumstances included being forced to work 16-24 hours in a row, being locked into the factory, being threatened with beatings unless work was completed faster, and being threatened with injury to their families in Mexico if they complained to any government agencies."

Walmart claims that it is concerned about these extensive problems in the seafood supply chain and says it has an independent audit process to hold suppliers accountable to its code of conduct.[400] The exploitation of workers that continues in Walmart's seafood supply chain, however, underscores that this system has failed. Walmart should increase supply chain transparency and establish third-party monitoring that includes workers and their organizations as a means of improving the labor conditions in its seafood supply chain.

B. ***Environment***

Besides troubling labor conditions, Walmart's seafood supply chain also includes environmental problems. **Walmart is the largest importer of farm-raised shrimp in the U.S.**[401] Although Walmart argues that since June 2012, it has only carried seafood certified sustainable, continuing to sell farm-raised shrimp and seafood raises many environmental concerns. One negative aspect of farmed seafood is that fish, chemicals, and fish waste from seafood farms can be flushed into the open ocean, which potentially introduces non-native fish and harmful substances into the ecosystem. Seafood farms can also lead to the destruction of natural ecosystems, such as mangroves, when these ecosystems are removed to make room for aquaculture. Furthermore, fish and shellfish raised on farms are fed fishmeal made from "lesser fish," which can deplete the stock of this food for many other species in the oceanic food chain.[402] In terms of environmental health, fish from factory farms can also contain higher levels of contaminants than wild fish, which can in turn cause cancer.[403]

Walmart's strong willingness to buy farmed seafood has contributed to the presence and growth of harmful aquaculture worldwide. The company should decrease its purchases of farm-raised shrimp and other seafood in an effort to protect ecosystems around the world.

"Fish from factory farms can also contain higher levels of contaminants than wild fish, which can in turn cause cancer."

Seafood is one of the fastest growing sources of protein in the world. One of the consequences of this growth, however, has been multiple labor and environmental violations. There have been many cases throughout the world where workers in the seafood industry have been living and working in slave-like conditions. Much of the farmed seafood industry that has proliferated threatens to damage ecosystems and overall environmental health. Although Walmart has made some effort to create a sustainable seafood supply chain, exploitation of workers and environmental concerns in this supply chain have still persisted. Walmart must hold its seafood suppliers accountable to a strong labor and environmental code of conduct by implementing third-party monitoring that includes workers and by enforcing increased transparency.

11. Warehouse & Food Distribution Industry

Since Walmart has a global supply chain, the company requires a variety of transportation methods to ensure goods arrive properly at its stores worldwide. Walmart's products move through numerous distribution networks via logistics contractors and warehouses located in various regions around the globe. Warehouses are usually located in logistically strategic areas, such as near shipping yards or airports. Walmart does not own the majority of these warehouses; instead, many are owned by different corporations that have been contracted by Walmart. Although Walmart supposedly controls its warehouse suppliers through inspections and regulations, each corporation, each warehouse, and perhaps even each floor manager has its own way of doing business.

According to MWPVL International, a logistics and distribution consulting firm, Walmart's labor strategy is to outsource warehouse management and product distribution to third-party logistics companies that often use temporary staffing agencies to hire warehouse employees. These temporary agencies do not provide workers with basic health and safety resources, holidays, vacation time, sick pay, or many of the other benefits to which Americans are accustomed.[404] Temporary workers have little job security and are often forced to work under extremely unhealthy and hazardous conditions. **By using these logistic companies, Walmart is able to remove its trademarked name from accusations that it is mistreating workers.**[405]

Schneider Logistics and United Natural Foods, Inc. (UNFI) are two examples of Walmart warehouse and distribution contractors that have been found in violation of the most basic labor standards. UNFI in particular has also been cited for environmental concerns. The labor and environmental violations found within Walmart's logistics and distribution system illustrate the need for a third-party monitoring system that includes workers and for increased transparency of its suppliers.

A. Supplier 1: Schneider Logistics

In 2012, Schneider Logistics operated two Walmart import distribution warehouses. One was located in Mira Loma in Southern California, and the other was outside of Chicago, Illinois in Elwood.[406] With almost 10,000 trucks, over 8 million square feet of warehouse space, and billions of dollars in yearly revenue,[407] Schneider Logistics seems to be an excellent example of a model warehouse management company. This logistics firm has been named Walmart's Intermodal Carrier of the Year multiple times, and, specifically in 2010, Schneider was honored by the Voluntary Interindustry Commerce Solutions Association as the best third-party logistics provider for its collaboration with Walmart.[408,409,410] Ken Braunbach, Walmart's senior director of carrier relations, has even noted "the company's overall dedication to customer service, operational excellence and ability to provide creative quality in the industry."[411] Absent from all of these reported accolades, however, is any mention of how Schneider Logistics treats its workers.

i. ***Labor***

In October 2011, California warehouse workers named Schneider Logistics in a class action lawsuit for the treatment they received at the company's Mira Loma warehouse.[412] The workers alleged that **they were "illegally underpaid, denied required overtime compensation, and retaliated against when they complained."**[413] Many "labored under a complicated and confusing piece-work system, didn't get mandatory rest and meal breaks, and sometimes were required to report to the warehouses but then were sent home without pay."[414] According to court documents, "the Schneider facilities were fully dedicated to Walmart's business."[415] **In May of 2014, more than 1,800 people who worked at three Schneider facilities in Mira Loma from 2001 to 2013 won a $21 million settlement against Walmart and Schneider Logistics** to compensate for unpaid wages, interest and penalties.

Photo courtesy of Warehouse Worker Resource Center

Although Walmart has routinely praised Schneider Logistics, it is clear that this company violated labor standards. Walmart must monitor its warehouse contractors more closely to ensure that all workers are being treated fairly.

B. Supplier 2: United Natural Foods, Inc.

United Natural Foods, Inc. (UNFI) is a multi-billion dollar food distribution company headquartered in Rhode Island. For fiscal year 2014, UNFI net sales increased by 12 percent from $6.06 billion to a record $6.79 billion.[416] Distributing over 80,000 natural, organic, and specialty products from 4,000 suppliers across the globe, **the company claims to be "North America's largest distributor of natural, organic, and specialty products."**[417,418] UNFI often distributes products from well-known organic and natural brands such as Horizon Organic, Clif Bar, Amy's Kitchen, Annie's Organics, and Stonyfield Organic.

The company was formed through a merger of two regional distributors in 1996. Its distribution operation now includes six main units: UNFI, UNFI Canada, Trudeau Distributing Company, Tony's Fine Foods, Albert's Organics, and Select Nutrition, including Honest Green.[419] The 32 distribution centers controlled by UNFI serve the US, Canada, Asia, the Caribbean, Latin America, Bermuda, South Africa, and Australia.[420] Approximately 452 (about 5.2 percent) out of 9,700 full and part-time employees are covered by collective bargaining agreements at UNFI facilities in New Jersey, Washington, Massachusetts, Iowa, and Connecticut.[421]

As the leading distributor of organics, the company services a variety of grocery outlets, including Whole Foods Market (its primary customer), Safeway, Giant Eagle, Walmart's Neighborhood Market stores, and food co-ops. According to UNFI's website, it "was ranked by *Fortune* in 2006–2010 and 2012 as one of its 'Most Admired Companies,' winner of the Supermarket News 2008 Sustainability Excellence Award, recognized by the *Nutrition Business Journal* for its 2009 Environment and Sustainability Award, and chosen by *Food Logistics Magazine* as one of its 2012 Top 20 Green Providers."[422] Despite its awards for "sustainability," UNFI has not proven to be a sustainable employer. This socially conscious company has been cited for labor and environmental violations.

i. ***Labor***

In December 2012, UNFI was the subject of a report by the the non-profit organization International Labor Rights Forum (IRLF). This investigation was sparked by a request from the International Brotherhood of Teamsters, a union which had charged UNFI with serious labor rights violations.[423] The ILRF assessed UNFI's behavior against the core standards of the International Labor Organization (ILO)*, but focused primarily on ILO Conventions 87 and 98, which protect workers' right to freedom of association.

Photo courtesy of the International Brotherhood of Teamsters

The report notes that "…UNFI's conduct is not unusual among U.S. companies waging aggressive antiunion campaigns. Indeed, **UNFI's tactics are strikingly similar, for example, to those used by Walmart in its efforts to prevent unionization by its employees**, as documented by Human Rights Watch."[424] These practices "nevertheless violate international labor standards, which call for employers to allow workers' comparable access to information concerning unionization."[425] One worker stated, "I think that the situation is bad; if they find out you are organizing, they start to watch you very carefully; they are looking to call you out for any small reason."[426]

The worker's perception may have been correct as the ILRF "…heard allegations that UNFI had orchestrated the termination of several union supporters, justifying the dismissals on pretextual grounds related to work performance."[427] In one particular situation reported by an employee, "a supervisor told the worker in a conversation regarding unionization, 'It would be better if you kept quiet. **There are three people who have complained about what is happening here and they have all been fired**.'"[428]

The report concluded that UNFI had engaged in serious violations of workers' rights to the freedom of association at both of its facilities in Moreno Valley, California and Auburn, Washington.

** The ILO is the agency of the United Nations charged with defining and protecting the rights of workers.*

The ILRF found that "the violations were carried out in response to efforts by workers to press for improved working conditions through participation in trade unions." The report further notes **serious worker and human-rights violations** that included illegal firing of workers, threats of violence, mandatory anti-union meetings, threats of job loss, and threats to replace workers with people found through temporary agencies, among other abuses.

After the report was released, UNFI truck drivers from its Moreno Valley facility voted on July 19, 2013 in an election supervised by the National Labor Relations Board (NLRB) on whether they wanted the Teamsters to be their union representative. UNFI contested the vote, however, so the ballots were not counted for over a year until the NLRB ordered a vote count. **On September 3, 2014, the NLRB issued a complaint against UNFI for violating U.S. labor law by intimidating and interrogating warehouse workers who were trying to form a union at its Moreno Valley distribution center.**[429]

A month later, the ballots were finally counted by the NLRB, and Moreno Valley UNFI drivers officially became members of the Teamsters union. Despite the successful election, UNFI still refused to recognize the union. **On February 10, 2015, the federal government found that UNFI unlawfully refused to bargain with the Teamsters union at its Moreno Valley facility.** This conduct would be troubling by any employer, but "it is all the more so because UNFI has represented itself to the public as a company that operates according to principles of social responsibility…"[430] Because of UNFI's illegal scare tactics and refusal to recognize the union contract, UNFI warehouse workers in Moreno Valley still do not have protection and benefits from unionization and collective bargaining.

ii. ***Environment***

As a supplier of organic and natural products, being "green" is an obvious fit for UNFI. Its mission statement explains that the company's wish is "to be an outstanding partner in the communities where [it] work[s], supporting them economically, and making meaningful contributions to the quality of life." UNFI strives "to use [its] strengths to support socially responsible initiatives that protect the environment and foster stewardship of the land."[431] The company claims to meet its goals by granting money to non-profits "committed to organic and sustainable agriculture," by promoting green causes, such as saving Monarch butterflies and supporting labeling of genetically modified foods (GMOs), and by reducing greenhouse gas emissions and water usage intensity in its operations.[432,433,434]

Some of UNFI's actions, however, run counter to its environmentally friendly claims. Environmental groups targeted UNFI when the company decided to build a distribution center in Montgomery, New York. In March 2014, the Organic Consumers Association (OCA), a non-profit 501(c)3 charitable organization that represents more than 1 million consumers, noted that "…UNFI's decision to turn farmland and wetlands into 33 acres of warehouse and parking lot has raised the ire of environmental and consumer groups. **Rather than locate the Montgomery building in one of the town's many vacant warehouses available for revitalization, UNFI chose prime farmland, in an area that includes wetlands** and is ringed by the Beaverdam Brook River."[435] Alexis Baden-Mayer, Political Director of the OCA, commented, "Will UNFI live up to organic principles? Or is the company becoming another Walmart?"[436] This example illustrates that even though UNFI would like to convey an image of greenness, the company still engages in practices that are harmful to natural environments.

> **"Will UNFI live up to organic principles? Or is the company becoming another Walmart?"**
> **- Alexis Baden-Mayer, Political Director of the Organic Consumers Association**

Although the warehouse and food distribution industry is a bit different from some of the food sectors mentioned in this report, it is a key part of Walmart's supply chain and one in which workers are abused and the environment is harmed. Drivers and warehouse employees are routinely underpaid, threatened, and denied the right of association in the logistics and distribution companies that Walmart hires. It is time for Walmart to take responsibility for the labor and environmental violations that exist within its distribution system.

VI. The Impact of Walmart's Local Food Purchasing Policies on Farmers

The local foods industry is a $4.8 billion sector.*[437] According to the 2008 Food, Conservation, and Energy Act, for food to be considered a local product, it must come from within 400 miles of its origin or from the state in which it is produced. Although still a small segment of agricultural sales, recent findings by the United States Department of Agriculture (USDA) suggest that there is a growing market for local foods, especially in metropolitan areas where consumers are willing to pay more for these types of items.[438] Consumers have been increasingly willing to support local farmers who sell through direct-to-consumer arrangements, such as farmers markets and community supported agriculture (CSA), and direct-to-institution partnerships, such as farm to school and farm to hospital programs. As such, grocery retailers are responding to the growing demand for local foods by committing to offer these options to their consumers. For example, 7 of the top 10 grocery retailers advertise their commitment to offering local foods on their websites.[439] While small farms account for 81 percent of all farms reporting local food sales, large farms (those with gross annual sales over $250,000) captured 93 percent of the value of local food sales through intermediate channels.[440]

Reflecting these trends, **Walmart pledged in 2008 to buy more local fruits and vegetables**. **In 2010, Walmart announced it would sell $1 billion worth of local food in the following five years from small and medium farms in emerging markets and double sales of local produce in the United States.** The plan to increase local food in Walmart stores includes four main targets:

- 9% of all food sales in the United States to come from local farmers
- 30% of all food sales in Canada to come from local farmers
- 50% of all food sales in India to come from local farmers
- Local food purchases in China to come from one million small farmers[441,442]

According to Walmart, small and medium farms must be less than 50 acres to qualify for the local purchasing policy in emerging markets. In the United States, however, the food is marketed as local only if it is bought in the same state it is sold; there are no size criteria.

** This figure reflects direct-to-consumer sales and local food sales through intermediary channels (e.g. direct to grocer/retailer).*

Former Walmart President and CEO Mike Duke claimed the reason that the company was making these commitments was because, "We'll grow local economies by helping farmers expand their businesses and get more income for their products. At the same time, we'll make a difference across a range of environmental issues and ensure a more sustainable food supply for the demands of a growing global population."[443] Despite such claims, many question whether Walmart's commitment to sustainability benefits farmers or whether this case is simply another example of corporate greenwashing.[444,445,446]

Given Walmart's global ambitions, the impacts of its local food purchasing policy will be felt not only by farmers in the United States, but also by those in China, India, Nicaragua, and Honduras. A look at scientific literature and journalist accounts raises a number of issues that should **caution against the claims that Walmart's commitment to increasing local food sales benefits farmers**.

A. *Walmart's Relationship to Small Farmers in the United States**

Whether a behemoth such as Walmart can "scale-down" to meet the decentralized and place-specific values central to the local food ethic remains to be seen.[447] At the time Walmart announced its Heritage Agriculture Program, it explicitly stated it wanted to reduce "food miles," a convenient framing that meets both the concerns of many local food advocates and the imperative to maximize profit through logistical innovation. There is significant doubt, though, that this profit-driven logistical transition benefits small farmers, another segment of labor in the food chain.

"The implication for farmers is that they receive inconsistent prices for their produce depending on whom they work with"

The first issue with Walmart's goals to purchase local food concerns scale. Walmart requires consistently high volumes of food to fill its shelves and keep prices low; yet, the company claims that it does not want to be more than 25 percent of a small farm's business. This desire creates dilemmas for farmers wanting to grow to meet the company's sophisticated logistical demands.[448,449] Producers have also found that Walmart has inconsistent practices for buying local produce. Some farmers sell directly

** Also see the section on Dairy for another example of Walmart's influence on corporate consolidation in its food supply chain and therefore its negative impact on farmers.*

to a store through produce managers, while others sell to category managers responsible for a single fruit or vegetable that is then sold throughout the state. The implication for farmers is that they receive inconsistent prices for their produce depending on whom they work with, and in some instances, when the person they work with leaves the company, their replacement is no longer interested in buying from a farmer or a cooperative.[450]

Another issue is that in the process of cutting out intermediaries in order to allow farmers to sell directly to Walmart, commercial relationships are strained between small farmers and the large growers/packers that helped small farmers learn the practices necessary to sell to Walmart. Meanwhile, **Walmart engages in divide-and-conquer tactics** meant to squeeze the most out of large growers and packers, by encouraging them to bring low-cost small growers into their network, at the same time that it encourages small growers to sell directly to Walmart.[451]

Finally, **small farmers are worried about additional costs that they may face if they decide to sell to Walmart**. Walmart often requires specific food safety audits from its suppliers. The high costs of these audits usually represent a greater percentage of daily costs of operation for smaller farms than for larger ones, which means that the prices a large farm is willing to take will be lower than that of a small farm.[452] This disparity leads to large farms squeezing smaller operations out of the market, especially when you consider that nearly 70 percent of small family farmers operate on negative profit margins compared to only 18 percent of large and 13 percent of very large farms.[453]

Some farmers have personally spoken out about Walmart's new commitment to local foods. One Canadian farmer, who spoke on the condition that his/her identity remain anonymous, thought that transparent answers are needed to a range of questions including:

1. Is this simply a honeymoon or is it a true long-term relationship? Basically, are Walmart's marketers cashing in on a trend and then dumping the suppliers once they figure out how to co-op that trend by selling lower cost facsimiles of small farmer produce? Or are they serious about building a profitable market for small farmers which ultimately means transparency for shoppers?
2. Are the farmers being charged shelving fees?
3. Are the farmers forced to join promotions and discount programs?

4. Does the price they receive, after all promotions and discounts, cover their cost of production, pay them a decent wage and provide for living wages for any workers they may employ?

Unfortunately, Walmart has not provided many answers to these questions.

Walmart has made some attempts to help small farmers to expand their ability to sell products to larger retailers such as Walmart. As part of Walmart's Heritage Agriculture Program, The Sustainable Agriculture Consortium for Historically Disadvantaged Farmers Program (SACH) was designed to carry out an experiment with five 1890 Land-Grant Universities and five farmer-based southern cooperatives.[454] The goal of this program was to educate small-scale farmers on how to develop their farms to sell to Walmart.[455] The program had some successes. However, these achievements might not be representative of what might happen if the program was expanded. Without the collective negotiating power that comes from farmers pooling resources into cooperative arrangements, such as with SACH, there is a greater chance that farmers will be exploited and run out of business.

There have been **a number of recorded instances displaying Walmart's lack of loyalty to its suppliers**, such as dumping them when they want to cut costs or refusing to fulfill its obligations to buy from a supplier if a distribution center has already met its quota.[456] Walmart's need for high volumes of food also compels the company to reproduce practices predicated on economies of scale, which requires buying from large farming operations that tend to produce one or two crops. This model of bringing small farmers into Walmart's supply chain, which is predicated on state and federally funded organizations subsidizing Walmart's ability to purchase from these farmers, moreover, raises concerns about how the company maximizes its own profit by tapping public resources.[457]

B. *Walmart's Relationship to Small Farmers Overseas*

As Walmart increases sales of local foods and brings more small farmers into its supply chain, new problems are created for these producers. The company declared that at of the end of 2013, it had sourced $4 billion worth of local food from 1.2 to 1.4 million small and medium-sized farms in "emerging markets." Walmart also claims to have trained 307,332 farmers and farm workers, of whom 43 percent are women.[458] The company has created programs, such as the Central American Direct Farm Initiative, to encourage purchasing from small farmers in countries like Honduras and Nicaragua.

Many of the initiatives that bring small farmers into Walmart's supply chain, however, enable multinational corporations to enter into these countries with the purpose of developing the agricultural sector in their favor and not necessarily for the benefit of local farmers.

In Honduras, the United States Agency for International Development (USAID) and the Millennium Challenge Corporation, along with many non-governmental organizations (NGO), provided farmers with infrastructure, such as irrigation equipment and processing facilities, as well as training, in order to meet Walmart's requirements.[459] Farmers do not receive guaranteed contracts with Walmart though, so those farmers who have a lower production capacity and are unable to meet food safety standards are dismissed, thereby exacerbating the economic marginalization of the small-scale farmers. This problem is compounded by the fact that the NGOs that organize producer associations, which represent and buy from small farmers to sell to Walmart, face cooptation by the company and end up representing the commercial interests of Walmart more than the aid and development need of farmers.[460]

"Farmers do not receive guaranteed contracts with Walmart though … exacerbating the economic marginalization of the small-scale farmers"

A number of these concerns exist in Nicaragua as well. Evidence suggests that while selling to Walmart increases assets for producer households, only those farmers with geographic proximity, transport options, and access to sufficient water experience these benefits.[461] Although the opportunity to sell to Walmart can sometimes help small farmers, many farmers are excluded from this market. This exclusion creates a bifurcated agricultural sector that can lead to a farmer exodus from the land. If Walmart decides not to renew a contract with one of these small producers, the farmers might not be able to stay in business because either they have already made chain-specific investments that make it difficult to transition to another buyer or they are restricted by Walmart from selling produce elsewhere.[462] **In short, claims that Walmart is advancing sustainable development through sourcing its products from local farmers need to be taken with a grain of salt.**

VII. Conclusion and Recommendations

Research on 11 different food-related industries in Walmart's supply chain as well as the corporation's impact on local farmers demonstrates that the company can do much to improve its operations and the conditions for workers, farmers, and the environment in its food supply chain.

Specifically, this report finds violations of the following labor and environmental standards for suppliers. Walmart's business model is based on using its size to extract the lowest price from suppliers.[463] This creates the conditions to force suppliers to cut costs, which often means cutting wages for workers, lowering prices to farmers, and externalizing costs on to the environment and the communities surrounding the suppliers' business.

Although Walmart says it holds its suppliers accountable to these standards, including banning a supplier if standards are not met, our analysis indicates that Walmart is not fulfilling this promise as the companies in this report continue to supply food to Walmart despite having committed violations of Walmart's code of conduct.

Violated Walmart's Labor Standards by Suppliers Profiled in This Report:

- Compliance with local and national laws pertaining to labor, immigration, health and safety, and the environment
- No slave, child, indentured labor or human trafficking may be permitted
- Working hours should comply with the law and workers should be provided rest days
- Hiring decisions should be based upon individuals' capabilities in doing the work, and should verify that workers are of legal age and have authorization to work
- Worker compensation should be the equivalent to or higher than legal standards, and compensation should include wages, overtime pay, and benefits
- Suppliers must allow workers to exercise their right to join unions and bargain collectively
- The working environment should protect the health and safety of workers, and suppliers must take any steps necessary to prevent workplace hazards and accidents
- Any housing facilities provided to workers must be safe, clean, and sanitary

- Suppliers must abstain from any involvement in corrupt practices with public officials or individuals involved in the private sector

Violations of Walmart's Environmental Standards by Suppliers Profiled in This Report:

- Supplier manufacturing facilities should comply with all the laws of the jurisdiction in which it operates, specifically including environmental laws pertaining to waste disposal, air emissions, discharges, toxic substances and hazardous waste
- Suppliers should be leaders in the implementation of measures for reducing air and water pollutants, energy and water usage, and waste
- Suppliers should have an awareness of significant environmental aspects and impacts, both positive and negative
- Deliver hazardous waste for offsite treatment and disposal only to contractors licensed or permitted by appropriate competent authority (if any), which should be verified regularly
- Handle, store and transport hazardous waste in a safe and environmentally (secondary containment) sound manner to control any risks of environmental contamination
- Obtain and maintain appropriate permits for wastewater/effluents treatment and discharge, as required by law
- Take necessary corrective actions in the event discharge limits are exceeded
- Obtain and maintain appropriate permits for air emissions as required by law
- Strictly comply with any applicable air emissions limits as required by law
- Take immediate corrective actions in the event emission limits are exceeded
- Obtain and maintain appropriate permits for water use / extraction as required by law
- Strictly comply with any applicable air emissions limits as required by law

Additionally, Walmart has pledged to buy more local fruits and vegetables and, by 2015, to sell $1 billion worth of local food from small and medium farms in emerging markets and double sales of local produce in the U.S. with the goal to benefit farmers. Based on our research, it seems doubtful that Walmart can truly claim that its commitment to increasing local food sales overall benefits farmers. In fact, Walmart's business model has led to more consolidation of food suppliers and the growth of large growers, which has been to the detriment of independent and small food businesses and farmers.

Given the findings discussed in this report, we recommend improvements in the following areas, in addition to calling on Walmart to actually enforce its existing labor and environmental standards and fulfill its goals for local food purchases.

Recommendations for Walmart – Supply Chain

1. Improve supply chain transparency. Suppliers should be required to identify the names and addresses of all factories, farms, fishing vessels, or other entities that contribute to the product being purchased before a supplier contract is awarded. Walmart should make this information public to allow workers' organizations to identify goods in Walmart's supply chain.
2. Create an independent, third-party monitoring entity that includes workers, workers' organizations, and environmental justice organizations in governance, oversight, and on-the-ground monitoring and whose role and function is separate and distinct from the Walmart Corporation. This monitoring entity would:
    a. Verify supplier compliance with Walmart's labor and environmental standards
    b. Recommend supplier contract amendments and cancellations to Walmart
    c. Conduct random, unannounced inspections and interview workers about whether workplace conditions are safe for them to speak openly
    d. Make findings public
    e. Provide a confidential mechanism for worker grievances, separate from any grievance mechanism that the supplier establishes, that includes whistleblower protection and restitution for workers whose rights are violated
3. Ensure that the farmers, ranchers, and fishers included in its supply chain receive long-term contracts and are paid a fair price for what they raise or harvest that reflects their cost of production and includes labor at a fair wage

4. Require that suppliers pay at least $15 per hour to their employees in the U.S. and comparable living wages in other countries, provide paid sick days and other benefits, and respect workers' right to freedom of association and collective bargaining.
5. Prevent labor contracting abuse by requiring that any costs incurred for recruiting workers be borne by the employer, not the workers. Ensure that all workers have access to a contract that clearly outlines conditions of employment in a language they can understand, with regular pay stubs that itemize and explain any deductions.
6. Establish a complaint-driven investigation and remediation process that allows any person or organization to flag when a contractor or subcontractor is failing to comply with the terms of the supplier contract.
7. Ensure that exploited workers have access to appropriate remedies and support services and are not left in situations that expose them to further exploitation.
8. Mandate that antibiotics can only be used for sick animals. Add standards for the humane treatment of animals that also require improvements in the conditions of how animals are raised because these conditions currently encourage the routine use of antibiotics.* These improved conditions should include an enriched environment, more space, better sanitation, more natural lighting, and an end to practices that selectively breed animals for extreme levels of production.
9. Prioritize purchasing food from farmers and fishers that use sustainable agriculture and aquaculture practices, such as organic, biodynamic, non-toxic bio-intensive integrated pest management, farm diversification, and small-scale farming/fishing.

Recommendations for Walmart – Its Own Operations

Labor:

1. Respect the rights of Walmart workers to organize and speak out. End illegal retaliation.
2. Instate a $15 per hour minimum wage at its U.S. facilities and comparable living wages at its other stores around the world.
3. Revise scheduling practices to offer full-time status to any associate who wants a full-time position who has worked at Walmart for over one year.

** Although Walmart announced in May of 2015 that it would ask its suppliers to adopt animal welfare standards and ask them to limit the use of antibiotics for sick animals, the guidelines are voluntary and do not include everything in our recommendations.*

4. Establish a 40-hour minimum for associates with full-time status.

Environment:

1. Make a real investment in renewable energy.
2. Stop paving fields and forests for new stores.
3. Make a rapid and significant reduction in the use of coal as an energy source.

Recommendations for Policy Makers

Government oversight and enforcement should be modernized to end the downward pressure on labor and environmental standards in the global supply chain. The President or Congress should create a Blue Ribbon Commission of experts representing all stakeholders in the food supply chain to:

a. Investigate the extent to which large supermarket chains like Walmart are abusing their buyer power in food supply chains, identify such abuses, and make policy recommendations to curtail any abuses identified
b. Create a Suppliers' Bill of Rights, that:
    i. Identifies and prohibits specific unfair practices that constitute buyer power abuse by large supermarkets against suppliers;
    ii. Allows suppliers to file confidential complaints against perceived buyerpower abuses; and
    iii. Creates an independent adjudicator, with subpoena power, to receive, investigate, and prosecute complaints filed by suppliers.
c. Consider other antitrust and regulatory reforms to curtail buyer power abuse, including but not limited to, recommendations on how to bolster antitrust regimes at an international level to curtail buyer power abuses in global food supply chains.

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