



## EXCLUSIVE: Yated Interview with Rabbi Menachem Genack, Chief Executive Officer and Rabbinic Administrator, OU Kosher



September 17, 2008



The following is an exclusive interview with Rabbi Menachem Genack, Rabbinic Administrator of OU Kosher, conducted by Rabbi Yitzchok Hisiger of Yated Ne'eman. As it was too late to appear in this week's Yated, at the suggestion of Rabbi Genack, the interview is being presented here to YWN readers:

**Q:** Reports last week stated that the Orthodox Union has said it would consider withdrawing its kashrus certification of Agriprocessors, in Postville, Iowa, unless new management is hired, after Iowa's attorney general filed criminal charges against Agriprocessors for knowingly employing underage workers.

Are the reports true and what is the reasoning behind the OU's decision?

**A:** This story is not just a local story related to one plant. It has become a national story. It's been on the front page of the New York Times, presidential candidates have spoken about it, Barack Obama has spoken about it. It puts it into everyone's eyesight. After the federal raid back in May, the OU had two requests of the Rubashkins who own the Agriprocessors plant. One request was that they put in place a new compliance officer to make sure that the company is running in consonance with all state and federal laws and regulations. To that end, they appointed James Martin, a former Senior Federal U.S. Attorney, to serve as Chief Compliance Officer and oversee all of these issues. In addition, they hired a former OSHA (Occupational Safety & Health Administration) representative. In our opinion, these were both very good appointments, on a public relations basis, and, more importantly, in terms of making sure that the plant is indeed in compliance.

The second thing we requested was that they appoint a new CEO, to manage the plant and put in place a management team. This did not and does not mean to exclude the Rubashkins by any means; they own the company. However, they have been besieged from all sides. Some of the allegations are wrong, some might be valid, and many are certainly not valid, but they were being paralyzed by all these things swirling around them and they didn't have the capacity to move the company forward. They desperately needed someone to come in and present a new face to talk to the world, to deal with the public, to put procedures in place, and move forward past these allegations.

Since then, the OU has been talking to the Rubashkins on a constant basis to retain a new management team. We told them then that if criminal charges - state or federal - and the federal investigation is still in progress - are filed, we have to have a position in terms of kashrus generally, for the well-being of kashrus - not just the OU - that we are in control of the situation and that we can move forward. They've been looking for a new CEO, but, for whatever reason, haven't put one in place yet.

Our goal in this is not, by any means, to close down Agri. Our goal is to make sure that people have a favorable view of what's happening there and shechita in general. In addition, our goal is very much to be helpful to the Rubashkins to move from the status quo - where the company is now - to a new reality, which can only be helpful to them.

Now, there is no question that the government's initial action in terms of the raid in May was completely unprecedented. The government - and this was reported in the New York Times, so it is not a chiddush - had never before taken illegal workers themselves and put them in jail; they usually just deported them. What they did this time was put them all in jail for five months. This, in itself, was terrible. They denied these people due process, as many of them didn't understand English well and didn't understand the court procedures. The government put on pressure and raised the ante in an unprecedented way on the owners as well. This past week, they arrested two HR (Human Resources) employees at Agri as the US Attorney tries to build a case.

We can't just wait until the next charges come, and the Rubashkins themselves cannot wait until that happens. Therefore, as we said, this was meant to move them to the next stage to retain a new CEO, which I think they themselves acknowledge they need. I am quite confident that at the end of this period of a few weeks, we will see a new CEO in place, someone who will be mutually agreeable to everybody - to us, to the federal government, to the company - who can help them through what is obviously a very difficult period, not only for them, but for the perception of kashrus in general.

The story, unfortunately, has been playing out on the national level. It is a chillul Hashem and we have to try to mitigate it. The end result of the OU's action is meant not to pull our supervision from Agri, but that Agri should have a new management team in place to confront all of the issues and to make sure they are moving ahead. The OU's intention is only to preserve the prestige of kashrus and the dignity of the company.

Many of the charges written in the papers - especially the more lurid ones - are almost certainly untrue. There is no meth factory in the middle of the plant. We don't believe that there was any rabbi or anybody involved in abusing a worker - someone charged that a worker's eyes were duct-taped - as there are no medical records of any of that. Many of these charges are completely untrue.

The fundamental issue is whether Agri was complicit in hiring illegal workers. We should understand that this issue has a national context. They are focusing only on this company, and of course we can't ignore that, but the issue of illegal workers is not an Agri story, it's a national story. The United States currently doesn't have a clear national policy vis-à-vis illegal workers, and there are 13-1/2 million illegal immigrants in the country. Many of these companies - meat companies and others - have illegal workers and some of the companies don't even know about it. Two years ago, the world's second-largest meat processing company, Swift & Company, was raided by the federal government and they closed down six of their plants because of the many illegal workers there. So this is in no way unique to Agri and people are unfortunately viewing it as such. During the Swift raid, the government didn't take any action against the workers, except for deporting them, and took no action against the company management. Agri has been caught in the vortex of a sudden change in federal immigration policy and enforcement.

We have to respond to these problems, however, because for us, at least for the OU, our constituency is not just frum families living within frum communities. We want to make sure that people have a good perception of kashrus beyond that. There is a movement, which is a positive but still in an early stage, of non-Orthodox Jews coming back to kashrus and the OU has been inundated with emails of the distress that they have with the disarray and the charges in relation to Agri.

**Q:** Why did this happen to Agri and not to any other company? Why are they focused on Agri?

**A:** I believe there are two reasons. One is because Agri was in the crosshairs after the story with PETA four years ago and also because of the UFCW's attempts to unionize the plant.

What we said in the newspapers is not that we insist that Agri unionize; we have no position on the matter. What we suggested was a dialogue. The company has to determine on its own whether or not it wants to unionize, and what the advantages to doing so might be.

Everything that we've done, in terms of the OU, is meant to mitigate the chillul Hashem, but in the end to make this a stronger, better company that people can respect and have confidence in. I am confident and fairly certain that within the coming weeks we will see a new CEO who will be helpful in facing the issues that may be coming not so far down the line and strengthening the functioning and image of the company.

Our goal is only to make Agri stronger. The Rubashkins, fundamentally, are good people. They are known to be baalei chessed. They genuinely care about kashrus. They sell to communities where they are the only kosher supplier, and they do this often where there is no profit, and often even at a loss, just to ensure that kosher meat is available in those areas. We want to maintain that and we want to help them.

The actions the OU took this past week, though painful, were absolutely essential. They were really based on a public position taken by the OU for over a five-month period that simply could not be ignored or else people wouldn't take us seriously and because we were concerned about the chillul Hashem that's out there.

Our position was publicly stated in the New York Times five months ago. We don't want to act precipitously, because we don't want to disrupt the market and we don't want to hurt the company, but we really want the company to get to a different place. Those who are familiar with the company internally and have been speaking to them all know that this is the right action. I will say that the family, as well, knows that it is the right action. Sometimes, when things are swirling around you, there is a lot of emotional investment that gets in the way of making the decision and taking the next step that is required.

***To clarify, is it true that you are negotiating to bring unions into the plant? Do you feel that unions will rectify the situation?***

I think some people have misunderstood our position. To make it clear, we don't think that OU plants necessarily have to be unionized. We don't have a position about that. After all, only one-third of meat plants in the United States are unionized. Ultimately this is a decision in the purview of each company. But the ultimate decision lies with the company and its labor force to make this determination.

***What do you feel about the Heksher Tzedek program started by a group of Conservative rabbis aiming to monitor and certify working conditions in kosher food production?***

There has been a lot of discussion about this. We don't agree with the Heksher Tzedek for the following reason which has been our stated position. Parenthetically, we don't want the Orthodox position to be perceived as insensitive to ethical issues, animal welfare, tzaar baalei chaim, etc., because all of these issues, which we should be proud of, are rooted in the Torah. The principle of halon es sechar sochir was just in this past week's parsha. Tzaar baalei chaim is a Jewish principle. However, we don't believe that it is the responsibility of the OU or any kashrus agency to be the arbiters of those issues, because they are all covered by different federal and state laws and regulations. State and Federal agencies - the USDA, OSHA, FDA, and the EPA, which handles environmental issues - have the authority and expertise to handle these issues. We don't. The Heksher Tzedek notion sets what will ultimately be very arbitrary and amorphous rules about what is considered appropriate standards.

As I said on radio, one of their standards is that the companies should pay their workers above medium or average wage of that given industry. Does this mean that any company that is paying their employees less than that is unethical? Does that mean that if a company has to pay above the medium wage that half the companies of the United States - the half under the average - are automatically unethical? That simply defies logic. We will not put in place such standards.

We supervise plants throughout the globe. We rely on the local - state or federal - authorities to manage these issues. We don't have the ability or the expertise to do it. Our focus is on what we know - the Shulchan Aruch, the halachos of kashrus.

***Is it the responsibility of a kashrus group to worry about a company's legal affairs? Why should you be different than, say, the USDA which also certifies plants but doesn't get involved with other issues?***

That is not correct. Actually, the USDA does get involved in other issues. In fact, part of the defense of the Rubashkins is that this plant has 20 USDA inspectors. They are the agents of the federal government.

People ask, how come your mashgichim didn't notice these violations? Well, the USDA inspectors didn't notice some of these things either. So either these things never happened or they aren't so easily perceptible.

If a person is an illegal alien, for example, what they do is come with false documentation and they present it to the company. I am almost certain that this is what happened in terms of the government's claim that there were children below 18 working in the Agri plant. I am certain that the Rubashkins didn't know about it, as these workers come with false documentation, and it is not only their name that is false, but their ages as well. So how would they know what the ages of these employees are?

Nevertheless, we have a responsibility to our community to make sure that people view us - not the OU, but the Orthodox Jewish community - as the caring, responsible people we in fact are. So it is not something that we can simply ignore and say that it is unimportant, when it is a major national issue that we've been struggling with for a very long time. We can't just deal with the world as we'd like it to be. We have to deal with the situation as it is.

Allow me to add that shechitah is under attack around the globe, in other areas as well. There are very few slaughterhouses that are available. One of the tremendous assets that we have is Dr. Temple Grandin, Ph.D., Professor of Animal Science at Colorado State University and one of the most accomplished and well-known adults with autism in the world. She is known worldwide for her work on the design of livestock handling facilities. In North America, almost half of the cattle are handled in a center track restrainer system that she designed for meat plants. She was a friend of Agriprocessors and we brought her down to the plant. She came and gave advice to the plant, which quieted down the PETA attack at the time. Later, the company didn't maintain that relationship or maintain her standards and she criticized the plant. That's unfortunate, because she was not only an ally for us in terms of the shechitah at Rubashkin, but an ally for us in terms of shechitah in general, because she said that she thought that shechitah, when properly done, is a humane fashion of slaughter. This is a woman who has the most credibility in this area. It is regarding these kinds of things that we have to make sure that the situation doesn't atrophy and that we are on top of it and maintain these relationships. For that, we need a new CEO to be on top of all these issues.

But, as we stated, our goal is not to have the OU leave the plant, but to have the plant running properly and be able to respond to the whirlwind around them.

***In general, are you proud of the state of kashrus today in America? What are you most proud of in the OU?***

There are always things that we can do better, but we should understand that the kashrus system that has been created in the United States - and obviously the OU has played a major role, but it is not exclusively the OU - is something really remarkable. The idea behind the OU kind of system, and the other supervisions which follow, is that people can keep kosher and get products any place in the United States with no additional cost. The only area where there are additional costs are basically cheeses and meats. You can go to any supermarket and you'll see so many different hechsheirim on hundreds of thousands of products, which it makes it much easier to be a Jew in the United States.

Rav Yacov Lipschutz once related to me something that I think is a wonderful quote. He said that Rav Soloveitchik once told him that when you see the OU symbol on a product, it speaks to the vitality of the American Jewish population.

That having been said, it is a very fragile system, and one that we can only have in America.

Lord Immanuel Jacobowitz, the Chief Rabbi of Great Britain, once asked me how to create such a system in Great Britain. I told him that he won't be able to do so for two reasons. First of all, there is an entire overlay of anti-Semitism in Europe. Secondly, there isn't a large enough market there that makes it worthwhile for companies to do it.

The perception that companies have of 'kosher' is critical to their willingness to buy into it. It is very fragile, as I said, because why should every major company have a hashgacha? Part of it is very leveraged. They want to sell to pockets of Jewish populations that care about kashrus, like New York, Chicago, Florida, parts of California, and so on. But we have to always recognize that this is a little bit of a mofeis, a miracle, that this system has grown, and we have to protect it because it can just as easily collapse.

This is also part of the cheshbon with the Agri story. We have to be careful for lots of reasons what the perception of Orthodox Jews is.

We grew up with kashrus supervision, which is why many take it for granted. The beginning of kashrus supervision began back in 1925, when the first OU supervision took place. Rabbi Rosenberg became the administrator of the OU in 1950, I believe, and he really built it up with Rav Leizer Silver and others to get basic ingredients under supervision, so that they could build a chain further. It just kept on growing.

We are in places where some years ago it would have been unimaginable for OU Kosher to operate - China, Turkey - a Moslem country - even Tibet! Our rabbinic field representatives roam the world for OU Kosher. Our rabbinic coordinators, here in New York, are in constant

contact with them, going over not only business details but halacha as well. We have Rav Belsky and Rav Schachter as our poskim. We are deeply involved in kashrut education on many levels – from very young school children to distinguished rabbonim and rebbaim who want to strengthen their kashrut skills. In August, our ASKOU program provided hands-on kashrut training to dozens of rabbis and advanced students. It was just announced that our ASKOUTreach program is going to do a live kashering demonstration for the Satmar Yoroh Deah Kollel in Monroe, NY. That's an incredible development!

And it should be understood that the OU is not just kashrus, but indeed, OU Kashrus helps fund NCSY, which is, with the exception of Chabad, by far the largest kiruv organization in the world; Yachad, which gives a Jewish experience to developmentally disabled Jews from all over the spectrum, from chareidi to non-observant; and the Job Board program, which has found employment for hundreds, many of them long-term unemployed.

So there is much more going on in the kashrus world – and at OU kashrus – than Agriprocessors. That is why we are working so closely with the company to get it on the right track, so that we can devote full attention to our basic mission – to bring the highest level of kashrus to the Jewish people all over the world.

(YWN / Yated Ne'eman NYC)

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## 8 Comments »

1. let the OU stop giving a hechser on plants in china where the masgichim have complained of workers being brutally mistreated but the OU gets the check and continues

so why all the fuss about agri

*Comment by the truth hurts – September 17, 2008 @ 1:19 pm*

2. RABBI GENACK:

You are a Kashruth certifying agency. You have no business injecting yourself into a political union battle, and using the threat of removing your certification as a club to compel Rubashkin to knucke-under to union demands.

This is a perversion of your mandate that you have been entrusted by the Jewish community.

*Comment by deepthinker – September 17, 2008 @ 1:49 pm*

3. I'm sure the Star-K or the O-K or some other agency will be more than happy to pick up the slack and sieze the opportunity. The OU has once again proven itself to be liberal, leftest, and pro-union. It wasn't too long ago that the OU had "no opinion" on splitting Yerushalayim and giving part of it away to Arab enemies, CV'S!

*Comment by Moshe Kapora – September 17, 2008 @ 2:21 pm*

4. i hope that rabbi genack relizes what he has done to onther jew and he can stand before hashem on rosh hashana with a clear and whole hart

*Comment by gevald – September 17, 2008 @ 2:51 pm*

5. The point is.....

If you can't trust them to keep the laws of the land, even when they are under tremendous pressure and understand the consequences, then how in the world can you trust them to abide by your policies for Kashrus?!?

Kashrus only works together with the trust of the of the managers of the business!!

*Comment by anonymouschochom – September 17, 2008 @ 3:00 pm*

6. chill out on the Union thing. Basically, if the plant has bad management, it makes it hard to verify the kashrus. Also, this is a headline issue - they could v.easily pull the supervision, but that would let down the public who trust the OU more than some heimish/shady supervision.

*Comment by UKbloke – September 17, 2008 @ 3:04 pm*

7. RABBI GENACK:

In the interests of fair play, The "OU" needs to clarify its position to the media. Their perception is that there is something "not kosher" at

Agriprocessors and that the "OU" will be removing its hechsher in consonance with the views of the so-called "Hechsher Tzedek". If the "OU" is only concerned about "Chillul Hashem" don't add to it...do something about it in a positive sense to correct the misconception in the media. Realize though...despite what you feel as positive efforts, it has translated to negative efforts in the frum community. The word in Boro Park and Flatbush is that the "OU" is throwing the Rubashkins under the bus.

*Comment by Mottel1 — September 17, 2008 @ 4:30 pm*

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8. I think Rabbi Genack should look at his own house - I was an OU shochet - paid daily, no benefits, no vacation, no job security. It was terrible!

*Comment by Furhatone — September 17, 2008 @ 4:59 pm*

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