

**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-81,009]

**Birds Eye Foods, LLC; Fulton, NY  
Plant; A Wholly-Owned Subsidiary of  
Pinnacle Foods Group LLC; Including  
On-Site Leased Workers From W L  
Staff Svces., Inc. and Bems Holdings,  
Inc.; Fulton, New York; Amended  
Certification Regarding Eligibility To  
Apply for Worker Adjustment  
Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 21, 2011, applicable to workers and former workers of Birds Eye Foods, LLC, Fulton, NY Plant, a wholly-owned subsidiary of Pinnacle Foods Group LLC, including on-site leased workers from W L Staff Svces., Inc., Fulton, New York (subject firm). The Department's notice of determination was published in the **Federal Register** on January 12, 2012 (77 FR 1951).

At the request of the State Workforce Office, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of frozen vegetable (in three types of cardboard box and plastic packaging: Steamfresh®, Box Sauce, and XL Poly), frozen complete bagged meals (vegetable, protein, starch, and sauce), and frozen fruit products.

The subject firm reports that workers from BEMSA Holdings, Inc. were employed on-site at the Fulton, New York location of Birds Eye Foods, LLC. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers. Based on these findings, the Department is amending this certification to include workers leased from BEMSA Holdings, Inc. working on-site at the Fulton, New York location of Birds Eye Foods, LLC.

The amended notice applicable to TA-W-81,009 is hereby issued as follows:

"All workers of Birds Eye Foods, LLC, Fulton, NY Plant, a wholly-owned subsidiary of Pinnacle Foods Group LLC, including on-site leased workers from W L Staff Svces., Inc. and BEMSA Holdings, Inc., Fulton, New York, who became totally or partially separated from employment on or after February 13, 2010, through December 21, 2013, and all workers in the group threatened with total or partial separation from employment on the date of certification

through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended."

Signed in Washington, DC this 9th day of May, 2012.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance .*

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**DEPARTMENT OF LABOR****Employment and Training  
Administration****Notice of Determinations Regarding  
Eligibility To Apply for Worker  
Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA-W) number issued during the period of *April 30, 2012 through May 4, 2012*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are

produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) there has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) a significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who

received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

#### **Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

| TA-W No.      | Subject firm   | Location                   | Impact date       |
|---------------|--|----------------------------|-------------------|
| 81,384 .....  | MTD Consumer Group, Inc., Industrial Plastics Division, MTD Products, Inc., Ameritemps.                                  | Valley City, OH .....      | March 2, 2011.    |
| 81,445 .....  | Worley Parsons, Worley Parsons Corporation, Gas Unlimited and The Mergis Group, etc.                                     | Pasadena, TX .....         | March 22, 2011.   |
| 81,457 .....  | Shaw's Supermarket, Supervalu, Inc., Accounts Payable Department   | West Bridgewater, MA ..... | January 16, 2012. |
| 81,466 .....  | Gates Corporation, Tomkins Ltd., Industrial and Automotive Group, Manpower.  | Charleston, MO .....       | March 29, 2011.   |
| 81,468 .....  | Acuity Brands Lighting, Inc., Sizemore Staffing Leased Workers .....   | Cochran, GA .....          | May 1, 2012.      |
| 81,468A ..... | Randstad Staffing, Working On-Site at Acuity Brands Lighting, Inc. ....  | Cochran, GA .....          | March 30, 2011.   |
| 81,478 .....  | Supermedia, LLC, Supermedia, Inc., Information Technology Division   | Middleton, MA .....        | March 29, 2011.   |
| 81,483 .....  | EMD Millipore Corporation, EMD Chemicals Division, Merck KGAA, Greentree, Ajilen and EMD Temps, etc.                     | Gibbstown, NJ .....        | April 15, 2012.   |
| 81,483A ..... | Gloucester County Maintenance and Securities Security Services, EMD Millipore Corp., EMD Chemicals Division, Merck KGAA. | Gibbstown, NJ .....        | March 6, 2011.    |
| 81,497 .....  | Eastman Kodak Company, Color Paper Testing Lab .....   | Rochester, NY .....        | April 11, 2011.   |
| 81,517 .....  | Lane Furniture Industries, Inc., Technical Support IT Group, Yash & Prozgroup, Furniture Brands Int'l.                   | Tupelo, MS .....           | April 4, 2011.    |
| 81,524 .....  | FT Material Solutions, Inc., Aerotek, UI Wages Were Reported Through Ferrotec, etc.                                      | Fairview, OR .....         | April 17, 2011.   |
| 81,540 .....  | Rock Creek Athletics, Inc., 203 6th Avenue West, Neff Motivation, Inc.   | Grinnell, IA .....         | April 24, 2011.   |
| 81,540A ..... | Rock Creek Athletics, Inc., 727 6th Avenue West, Neff Motivation, Inc.   | Grinnell, IA .....         | April 24, 2011.   |

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

| TA-W No.      | Subject firm   | Location           | Impact date    |
|---------------|--|--------------------|----------------|
| 81,489 .....  | Swift Spinning, Inc., East Columbus Plant, Swift Spinning, LLC ..... | Columbus, GA ..... | April 6, 2011. |
| 81,489A ..... | Swift Spinning, Inc., CYD Plant, Swift Spinning, LLC .....           | Columbus, GA ..... | April 6, 2011. |

#### **Negative Determinations for Worker Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility

criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or

(b)(1), or (c)(1) (employment decline or threat of separation) of section 222 has not been met.

| TA-W No.     | Subject firm   | Location        | Impact date |
|--------------|--|-----------------|-------------|
| 81,493 ..... | Wynn Oil Company, ITW, Leased Workers from Select Staffing ..... | Azusa, CA ..... |             |

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

| TA-W No.     | Subject firm                        | Location             | Impact date |
|--------------|-------------------------------------|----------------------|-------------|
| 81,355 ..... | Sanmina—SCI, Medical Division ..... | Huntsville, AL ..... |             |

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

| TA-W No.     | Subject firm   | Location            | Impact date |
|--------------|--|---------------------|-------------|
| 81,314 ..... | Northwest Hardwoods, Inc., On-Site Leased Workers of Manpower ..       | Tacoma, WA .....    |             |
| 81,317 ..... | Dana Holding Corporation, Power Technologies Group Division, Manpower. | Milwaukee, WI ..... |             |
| 81,346 ..... | Epicor Software Corporation .....                                      | Irvine, CA .....    |             |
| 81,357 ..... | Tri-Fab Associates, Inc .....  | Fremont, CA .....   |             |
| 81,460 ..... | Brown Shoe Company, Inc .....  | Sikeston, MO .....  |             |

#### Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as

required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of

workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

| TA-W No.     | Subject firm  | Location            | Impact date |
|--------------|---|---------------------|-------------|
| 81,378 ..... | II-VI, Inc., Infrared Optics-Saxonburg Division ..... | Saxonburg, PA ..... |             |

The following determinations terminating investigations were issued because the petitions are the subject of ongoing investigations under petitions filed earlier covering the same petitioners.

| TA-W No.     | Subject firm                | Location              | Impact date |
|--------------|-----------------------------|-----------------------|-------------|
| 81,530 ..... | Allied Tube & Conduit ..... | Morrisville, PA ..... |             |

I hereby certify that the aforementioned determinations were issued during the period of April 30, 2012 through May 4, 2012. These determinations are available on the Department's Web site [tradeact/taa/taa-searchform.cfm](http://tradeact/taa/taa-searchform.cfm) under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888-365-6822.

Dated: May 11, 2012.

**Elliott S. Kushner,**  
*Certifying Officer, Office of Trade Adjustment Assistance.*

**Editorial Note:** This document was received at the Office of the Federal Register on Friday, October 12, 2012.

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#### DEPARTMENT OF LABOR

##### Employment and Training Administration

##### Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II,

Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 2012.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 2012.

The petitions filed in this case are available for inspection at the Office of