

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