



OSHA Regional Instruction

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 19-03 (CPL 04) | **EFFECTIVE DATE:** December 31, 2018

SUBJECT: Local Emphasis Program for Floating Seafood Processors

REGIONAL IDENTIFIER: Region 10

ABSTRACT

- Purpose:** To renew policy and procedures to be followed when making programmed safety or health local emphasis inspections on floating seafood processors.
- Scope:** This Instruction applies to the Anchorage Area Office.
- References:** OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.
- OSHA Instruction CPL 02-00-160, Field-Operations Manual, dated August 2, 2016.
- OSHA Memorandum for Regional Administrators, Subject: “Establishment-Targeting Lists for Emphasis Programs”, dated November 13, 2014.
- OSHA Memorandum for Regional Administrators, Subject: “Procedures for Local and Regional Emphasis Programs”, dated December 3, 2014.
- Cancellations:** OSHA Regional Notice 17-03 (CPL 04), dated December 31, 2017.
- Expiration Date:** This OSHA Instruction will expire December 31, 2021, but may be renewed.
- State Plan Impact:** None.
- Significant Changes:** None.
- Action Offices:** Anchorage Area Office and Office of Enforcement Programs.

Originating Office: Office of Enforcement Programs

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By and Under the Authority of:

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EXECUTIVE SUMMARY

This Instruction provides the framework for a local emphasis program to reduce and/or eliminate hazards associated with seafood processing in Alaska.

TABLE OF CONTENTS

I. PURPOSE	ERROR! BOOKMARK NOT DEFINED.
II. SCOPE	ERROR! BOOKMARK NOT DEFINED.
III. ACTION OFFICE.....	ERROR! BOOKMARK NOT DEFINED.
IV. REFERENCES	3
V. CANCELLATION.....	4
VI. EXPIRATION.....	4
VII. POLICY.....	4
VIII. BACKGROUND	4
IX. PROCEDURE.....	4

I. Purpose. This Instruction renews the policy and procedures to follow when making programmed safety or health local emphasis inspections on floating seafood processors.

II. Scope. This Instruction applies to the Anchorage Area Office.

III. Action Offices. Anchorage Area Office

IV. References:

OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.

OSHA Instruction CPL 02-00-160, Field-Operations Manual, dated August 2, 2016.

OSHA Memorandum for Regional Administrators, Subject: “Establishment-Targeting Lists for Emphasis Programs”, dated November 13, 2014.

OSHA Memorandum for Regional Administrators, Subject: “Procedures for Local and Regional Emphasis Programs”, dated December 3, 2014.

- V. **Cancellation.** OSHA Regional Notice 17-03 (CPL 04), dated December 31, 2017
- VI. **Expiration.** This OSHA Instruction will expire December 31, 2021, but may be renewed.
- VII. **Policy.** The Area Director shall use this Instruction for inspection selection and scheduling for both safety and health. This inspection scheme will be used for programmed safety and health inspections in the floating seafood processor industry. Only floating seafood processors located on navigable waters will be affected. Floating processors are defined as any vessel or contrivance floating on navigable waters of the United States, whether permanently or temporarily affixed to the bottom, which processes for human or animal consumption, crab, shrimp, salmon, or any other types of seafood product or by-product.
- VIII. **Background.** This LEP supports the DOL 2018-2022 Strategic Plan, Strategic Objective 2.1, to secure safe and health workplaces, particularly in high-risk industries. Decline in any injury, illness, and fatality rates: There were no fatality investigations in FY 2015, FY 2016 or FY 2017. The State of Alaska's injury and illness data for 2017 does not contain injury rates for NAICS 3117, Seafood Product Preparation and Packaging. The State's 2015 data only reported injury rates for NAICS 311, Food Manufacturing. In 2017, the Food Manufacturing industry in Alaska demonstrated a TRC rate of 9.6 and a DART rate of 6.1. The Federal data for 2017 shows the Food Manufacturing industry had a TRC rate of 4.5 and a DART rate of 3.1. The Federal data in 2017 also shows injury rates for NAICS 3117, Seafood Product Preparation and Packaging with a TRC rate of 7.0 and a DART rate of 4.6. The TRC rate in 2017 for all private sector industries was 3.1 and the DART rate was 1.6. This indicates that the injury and illness rates amongst fish processors in Alaska are higher than the national injury and illness rates for the industry and for all private sector employers. Current national scheduling systems do not adequately provide for regular programmed inspections in seafood processing operations. The purpose of this Instruction is to provide an inspection scheduling system to cover this high hazard industry. This Instruction establishes a Local Emphasis Program (LEP) for seafood processing operations.
- IX. **Procedures.** The following procedures shall be followed for the scheduling and inspection of work sites under this program:
- A. **Outreach.**
- This LEP has been in place for more than 24 years and outreach is a continual effort through meetings with local industry organizations. The Anchorage Area Office will provide updated information to employers on topics such as the OSHA standards that apply to seafood processing, how to implement a safety and health program, and details about the LEP.

B. Inspection Targeting.

1. Due to the mobility of the processing units and the large geographical area involved, it is required that the Area Director prepare a listing of specific geographical areas that are known to accommodate these floating processors. Geographical areas will be harbors, bays, inlets, and other bodies of navigable waters where seafood processing has been known historically to take place.
2. The Area Director, prior to the start of any inspection activity, will contact the Commercial Fisheries Division of the Alaska Fish and Game Department and obtain the “intent to operate” documents issued by that department to companies operating processing units. Regulations of the Fish and Game Department require that all processors obtain “intent to operate” permit before they can purchase and process any catch.

These permits are issued to a particular processor for the length of the fishing season under consideration. A fishing season for a particular product (such as salmon) is usually restricted to a certain geographical area for a certain length of time. When the season ends fishing is no longer allowed in that area. The Alaska Fish and Game Department may or may not open up other geographical areas for fishing, using the same process described above.

While permits are given to processors to operate within a specified fishing season, they do not specify where that processor must anchor in order to process. However, processors will always be in close proximity to the fishing grounds having the most activity. Therefore, the Area Director shall utilize all available information to determine which cove, bay or inlet the processors are operating in and concentrate inspection resources in that area.

3. When specific processors have been identified through the documents supplied by the Fish and Game Department, the Area Director will go through the permits and prepare a listing of the processors that will be working the area under consideration.
4. This procedure will be conducted at the beginning of each particular fishing season (i.e., crab, salmon, shrimp, etc.).

C. Inspection Scheduling.

1. At the beginning of a particular fishing season, the Area Director will list all geographical areas (i.e., bays, coves, inlets, etc.) identified through the process described above.
2. From the office’s program plan, the Area Director will decide how many inspections will be conducted in SIC 2092/NAICS 311712 for the season under consideration.

3. The Area Director will consolidate the list of processors developed under Paragraph IX.B.. The compliance officer will then be directed to a particular geographical area (i.e., cove, inlet, etc.) and will conduct inspections of all accessible processors in the area.
4. At the completion of the first inspection, the compliance officer will move seaward to the next processor and conduct a complete inspection. This procedure will continue until the CSHO conducts all inspections assigned to that area or is recalled by the Area Director. Since processors anchor on a first-come-first-serve basis, they, themselves, will be the deciding factor as to the order of inspections. Compliance officers will only have to follow the anchoring arrangement set by the processors to comply with the provisions of this system.
5. All inspections assigned to a particular fishing season will be completed before moving on to another season (and their related geographical areas) unless the season with the inspection cycle terminates. If the season closes before all planned inspections are conducted, then those remaining inspections will be dropped.
6. Upon the completion of one harvest season, the Area Director shall proceed to the next season where the same procedures outlined in Paragraph IX. will be followed.
7. Due to the fact that floating processors rarely maintain complete accident and injury records on board, records review procedures will not be conducted.

D. Special Instructions.

1. Inspection Record Coding: Inspections conducted under this program shall be coded as “Programmed Planned” with the LEP designation “FISH.” Unprogrammed inspections (i.e. Complaints, Referrals from Outside OSHA, Fatalities/Catastrophes, Employer reported hospitalization or amputation) of fish processors shall be classified as “Unprogrammed” and coded under this local emphasis program designation of “FISH”.
2. Evaluation Procedures: At the end of the fiscal year an evaluation of the program through that date will be made.

The Area Director will be asked to provide input concerning special problems that may have surfaced during the year; recommendations to improve the LEP; and recommendations to renew or not renew the LEP.

The Office of Enforcement Programs shall review the input and prepare an evaluation to be submitted to the Regional Administrator at the midpoint and completion of the LEP.