



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: KCM-CPL-04-00-005

SUBJECT: Nebraska Local Emphasis Program (LEP) for Meat Processing Industries

REGION: Kansas City (KCM)

SIGNATURE DATE: September 24, 2024

EFFECTIVE DATE: October 1, 2024

ABSTRACT

- Purpose:** This Instruction continues a Local Emphasis Program for programmed safety inspections of general industry establishments in North American Industry Classification System (NAICS) 3116, Animal Slaughtering, and Processing.
- Scope:** This Notice applies to the Omaha Area Office.
- References:**
- OSHA Instruction CPL 02-00-170, Enforcement Exemptions and Limitations under the Annual Appropriations Act, July 18, 2024, or successor guidance.
 - OSHA Instruction CPL 02-01-065, Process Safety Management of Highly Hazardous Chemicals, January 26, 2024
 - OSHA Instruction CPL 02-00-164 Field Operations Manual (FOM), April 14, 2020, or successor guidance.
 - OSHA Instruction CPL 04-00-002 Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
 - OSHA Instruction CPL 02-00-025 Scheduling System for Programmed Inspections, January 4, 1995
- Cancellations:** This instruction cancels CPL 02-16-05E, Nebraska Local Emphasis Program (LEP) for Meat Processing Industries, October 1, 2019.
- State Impact:** No Impact
- Action Offices:** Omaha Area Office
- Originating Office:** Kansas City Regional Office
- Contact:** Assistant Regional Administrator for Enforcement Programs

2300 Main Street, Suite 10030
Kansas City, Missouri 64108
(816) 283-8745

By and Under the Authority of:

Billie A. Kizer, MPH, CSP
Regional Administrator

Executive Summary

This Instruction continues a Local Emphasis Program for programmed safety inspections of general industry establishments in North American Industry Classification System (NAICS) 3116, Animal Slaughtering and Processing.

The intent is to encourage employers to address hazards, evaluate facilities to determine compliance with all relevant OSHA requirements, and help employers correct hazards, thereby reducing potential injuries, illnesses, and deaths for their workers.

Significant Changes

This instruction cancels CPL 02-16-05E, Nebraska Local Emphasis Program (LEP) for Meat Processing Industries, October 1, 2019.

Table of Contents

I.	Purpose.....	1
II.	Scope.....	1
III.	References.....	1
IV.	Cancellations.....	2
V.	Action Offices.....	2
VI.	Federal Program Change.....	2
VII.	Significant Changes.....	2
VIII.	Expiration Date.....	2
IX.	Background.....	2
X.	Inspection Scheduling/Site Selection.....	3
XI.	Inspection Procedures.....	5
XII.	OIS Coding.....	6
XIII.	Outreach.....	7
XIV.	Program Evaluation.....	7

I. Purpose.

This Instruction continues a Local Emphasis Program (LEP) for programmed safety inspections of Nebraska Meat Processing Industry establishments. This potentially affects all North American Industry Classification System (NAICS) 3116 establishments with more than ten (10) employees within the jurisdictional boundaries of the Omaha Area Office.

II. Scope.

This Instruction applies to general industry establishments within the Omaha Area Office's jurisdiction.

III. References.

- A. OSHA Instruction [CPL 02-00-170](https://www.osha.gov/sites/default/files/enforcement/directives/cpl-02-00-170.pdf), Enforcement Exemptions and Limitations under the Annual Appropriations Act, July 18, 2024, or successor guidance; <https://www.osha.gov/sites/default/files/enforcement/directives/cpl-02-00-170.pdf>
- B. OSHA Instruction [CPL 02-01-065](https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-01-065.pdf), Process Safety Management of Highly Hazardous Chemicals, January 26, 2024; https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-01-065.pdf
- C. OSHA Instruction [CPL 02-00-025](https://www.osha.gov/enforcement/directives/cpl-02-00-025), Scheduling System for Programmed Inspections, January 4, 1995; <https://www.osha.gov/enforcement/directives/cpl-02-00-025>
- D. OSHA Instruction [CPL 02-00-164](https://www.osha.gov/enforcement/directives/cpl-02-00-164), Field Operations Manual, April 14, 2020, or successor guidance; <https://www.osha.gov/enforcement/directives/cpl-02-00-164>
- E. OSHA Instruction [CPL 04-00-002](https://www.osha.gov/sites/default/files/enforcement/directives/CPL_04-00-002_0.pdf), Procedures for the Approval of Local Emphasis Programs (LEPs), November 13, 2018; https://www.osha.gov/sites/default/files/enforcement/directives/CPL_04-00-002_0.pdf
- F. OSHA Instruction [CPL 03-00-021](https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-021.pdf), PSM Covered Chemical Facilities National Emphasis Program, January 17, 2017; https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-021.pdf
- G. OSHA Memorandum from Francis Yebesi to Regional Administrators, [Establishment-Targeting Lists for Emphasis Programs](https://www.osha.gov/memos/2014-11-12/establishment-targeting-lists-emphasis-programs), November 12, 2014; <https://www.osha.gov/memos/2014-11-12/establishment-targeting-lists-emphasis-programs>
- H. United States Environmental Protection Agency, Enforcement, and Compliance History Online (ECHO), retrieved from <https://echo.epa.gov> (current version); <https://echo.epa.gov/>

IV. Cancellations.

This Regional Instruction cancels CPL 02-16-05E, Nebraska Local Emphasis Program (LEP) for Meat Processing Industries, October 1, 2019.

V. Action Offices.

OSHA compliance personnel shall follow the procedures contained in this instruction when conducting outreach and enforcement activities.

- A. Responsible office. The Omaha Area Office is responsible for the functions covered by this instruction.
- B. Action Office. The Omaha Area Office is affected by this Instruction and is expected to act.
- C. Information Offices. The Kansas City Region Area Offices need to be notified of the issuance of this directive. The Omaha Area Office is directly affected.

VI. Federal Program Change.

This Instruction has no impact on State Plans. However, they are encouraged to adopt a similar program.

VII. Significant Changes.

This Regional Instruction cancels CPL 02-16-05E, Nebraska Local Emphasis Program (LEP) for Meat Processing Industries, October 1, 2019.

VIII. Expiration Date.

This Notice expires on September 30, 2029.

EXCEPTION: Any inspection initiated before September 30, 2029, may continue.

IX. Background.

Historically, fewer worker safety problems existed in the meat processing industry; however, processes have possibly changed in recent years. Injury and illness data indicate hazardous conditions exist in meat processing facilities.

The most current Nebraska injury and illness data (2022) from the Bureau of Labor Statistics (BLS), shows the Days Away, Restricted or Transferred (DART) rate for animal slaughtering and processing is 3.0% [NAICS 31-33]. This rate is significantly higher than the private industry sector's DART rate of 1.3% [NAICS 31-33]. Furthermore, the Total Recordable Case Rate (TCIR) for NAICS 3116 is 1.7% higher (4.7) than the private industry sector's (i.e. NAICS 311-339) TCIR rates (3.0). Furthermore, the 2022 BLS employment data for Nebraska shows that NAICS 3116 has higher employment (around 25,000) than any other Manufacturing sector in NAICS 31-33.

**Nebraska Non-Fatal Occupational Injuries and Illnesses by Selected Private Industry
(2022 Numbers in Thousands)**

Injury Illness Characteristic	Private Industry Number	Private Industry Rate	Animal Slaughtering and Processing Number	Animal Slaughtering and Processing Rate
Total cases	20.2	3.1	7.8	6.4
Cases with days away from work, job transfer, or restriction	11.6	1.8	6.4	1.9
Cases with days away from work	8.2	1.2	4.5	1.9
Cases with job transfer or restriction	3.4	0.5	1.9	1.0
Other recordable cases	8.6	1.3	1.3	0.7

The LEP increases the probability of inspecting establishments in a high-hazard industry, within the jurisdiction of the Omaha Area Office, which has more than ten employees and has not received a comprehensive OSHA safety inspection within the previous five (5) calendar years.

The Area Office will evaluate meat-processing facilities to determine whether employers comply with OSHA requirements and ensure employers protect employees from animal slaughtering and processing hazards.

The Omaha Area Office evaluated FY 2023 meat industry inspection data from the OSHA Information System (OIS) database. The Omaha Area Office conducted fifteen (15) inspections resulting in 29 Serious, Willful, or Repeat violations. FY 2023 meat industry inspections under this program averaged 2.0 violations per inspection.

This instruction will help employers attain workplace safety and health excellence. This instruction will help OSHA maintain a strong, effective enforcement presence through physical worksite and facility inspections, issuing appropriate citations and penalties, and reducing identified hazards. These efforts continue to assist OSHA in meeting the goals of the Department of Labor’s Strategic Plan following the Department of Labor’s Strategic Plan. The LEP addresses OSHA’s Strategic Objective 2.1: “Secure safe and healthful workplaces, particularly in high-risk industries”.

Inspection Scheduling/Site Selection

Selection of establishments for programmed inspections: The Area Office shall follow procedures outlined in paragraph B. below following the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum: [Establishment – Targeting Lists for Emphasis Programs](#).

- A. Master List. Using a recent Dun & Bradstreet employer list, the Office of Statistical Analysis (OSA) will prepare a master list (a.k.a. Primary List) of Nebraska establishments in the 3116 NAICS code (meat processing industry) with more than ten (10) employees. OSA will assign random numbers to establishments. The resulting random list of establishments will be re-ordered sequentially by increasing numbers and comprise the Master List. Inspection of all Master List establishments (a.k.a. Primary List) is required before initiating inspections on a secondary list. Secondary lists will be generated following OSHA Instruction CPL 02- 00-025, Scheduling System for Programmed Inspections.
- B. Adding Sites. The Omaha Area Office will add establishments to a secondary list whenever the Area Office becomes aware of a previously unknown establishment within the identified NAICS codes.
- C. Additional information sources allowing an office to discover previously unknown establishments within identified NAICS codes include a revised Dun & Bradstreet employer list and the EPA Enforcement and Compliance History Online (ECHO), <https://echo.epa.gov/>
- D. The Area Office will alphabetically order any establishments remaining on the secondary list. The Area Office will notify the Office of Statistical Analysis (OSA) that the Area Office has added establishments. The OSA will re-randomize the list when notified by the Area Office.
- E. Randomization. The Area Office shall follow randomization protocols outlined in OSHA Memorandum: Establishment – Targeting Lists for Emphasis Programs and paragraphs A and B of this program.
- F. New Master List. The Omaha Area Office may generate a new Master List (as described above) at any time within the effective dates of this program without interfering with the completion of a currently active list considering remaining available establishments on the previously generated list and available OSHA resources. In addition, the Omaha Area Office must complete any cycle begun but not completed (See paragraph X.G. below), before generating a new Master List within the effective dates of the program.
- G. Inspection Cycles. The Omaha Area Office shall generate inspection cycles from the master list. Each cycle will consist of at least six (6) establishments sorted by the assigned random number from lowest to highest. The Area Office must complete each inspection cycle before generating another cycle from the Master List. An establishment may be carried over to another cycle for any reason outlined in CPL 02-00-025 Scheduling System for Programmed Inspections, paragraph B.1.b.(1)(e).1. Within a cycle, establishments may be scheduled and inspected in any order that makes efficient use of available resources. Before initiating each inspection in a cycle, the Omaha Area Office will make deletions following CPL 02-00-025 Scheduling System for Programmed Inspections, as noted below. Subsequent cycle generation occurs similarly using cycles of six establishments each.

- H. Deletions. Following OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, any establishments within NAICS codes 3116 that had a comprehensive safety inspection within the previous five (5) calendar years will be removed from the cycle list before initiating inspections in the inspection cycle. Deletion criteria in Paragraph B.1.b.(1)(b)6.d., will be applied to the list of establishments except deletion criteria S# and I#.

X. Inspection Procedures

Inspections shall be scheduled following the [Field Operations Manual](#) (FOM).

A. Inspection Scope

1. Each establishment scheduled for inspection shall receive a comprehensive safety inspection, as defined by the FOM Chapter 3, paragraph III.A. unless it meets deletion criteria described in CPL 02-00-025, Scheduling System for Programmed Inspections, paragraph, B.1.b.(1)(b)(6)b. A comprehensive safety inspection shall include an evaluation of safety hazards associated with cleaning. Meat-processing employers usually maintain a separate work shift for facility cleaning. Cleaning workers may be site employees or employees of a contracted cleaning company (NAICS 561720).
2. CSHOs inspecting any establishment in NAICS 3116 shall assess all health hazards such as, but not limited to, noise, chemical exposure, and respiratory hazards. A CSHO may make a health referral if it is determined that a violation of an OSHA health standard may exist.
3. The CSHO will determine if the establishment operates under the New Swine Inspection System (NSIS). Establishments in the NSIS are required to provide OSHA with an attestation stating that the establishment maintains a program to monitor and document work-related conditions. Those establishments required to provide attestation should also display the OSHA-Food Safety and Inspection Service (FSIS) poster. The CSHO will review attestations and posters.
4. The Omaha Area Office used Calendar Year (CY) 2022, U.S. Bureau of Labor Statistics national data to find case rates per 10,000 full-time workers of nonfatal injuries and illnesses. Statistics indicate that when comparing five categories related to overexertion-related incidents (selected nature of the injuries), the rate for food manufacturing (NAICS 311) in all five categories exceeds the private industry rate. Specifically, rates in this industry for sprains, strains, tears; carpal tunnel syndrome; tendonitis; multiple traumatic injuries and disorders with sprains and other injuries; soreness, and pain exceeded rates for Private Industry. Therefore, every CSHO conducting a comprehensive inspection in any establishment in NAICS 3116 shall assess at least three years of OSHA 300 logs and refer possible ergonomic-related hazards to a CSHO trained to conduct ergonomic evaluations.

5. Inspections conducted under the Meat Processing Initiative also address process safety management (PSM) when 29 CFR 1910.119 applies to the establishment. Any CSHO with Level 3 team member training and experience will evaluate the five items detailed in paragraph XI.C.1.d. of CPL 03-00-021 PSM Covered Chemical Facilities National Emphasis Program and make a referral where a potential violation of 29 CFR 1910.119 is found. If the facility has not been inspected under OSHA Instruction CPL 03-00-021, PSM-Covered Chemical Facilities National Emphasis Program, a concurrent inspection following that NEP may be conducted at the Area Director's discretion.

B. Programmed Inspections.

Some establishments selected for inspection under the Meat Processing Initiative may be under one or more other OSHA initiatives [i.e., National Emphasis Program (NEP) or Local Emphasis Program (LEP)]. Programs based on hazards, such as amputations, hexavalent chromium (from welding stainless steel), or other NEP/LEP hazards may be conducted concurrently with the Meat Processing Initiative inspection.

Whenever the Omaha Area Office schedules an establishment for inspection under this program and the establishment is on another emphasis program list, the Omaha Area Office will schedule the inspections concurrently. Compliance officers (CSHOs) will enter all applicable codes in the OIS.

C. Unprogrammed Inspections.

For establishments within NAICS 3116, any unprogrammed safety or health inspection or investigation will be expanded to a comprehensive safety inspection if the establishment is already included in a generated (but not yet completed) inspection cycle. If a complaint is received by the Area Office, the Area Director shall determine if an inspection will be conducted following Chapter 9 of the FOM.

XI. OIS Coding.

The Area Office will identify all inspections conducted under this program in the OIS following the current data entry instructions.

Programmed inspections conducted under this Instruction shall be marked "Planned", "Local Emphasis Program", and "MEATINDUSTRY".

The Area Office will code programmed inspections as, "No Inspection" if upon arrival it is determined that the establishment does not qualify for an inspection (e.g., ten or fewer employees, the establishment is out of business, etc.) The office must delete the establishment from the list.

Unprogrammed inspections related to a complaint, referral, imminent danger, or a fatality catastrophe will be coded as required in the FOM. In addition, the designation "MEATINDUSTRY" will be recorded in the Local Emphasis Program menu.

All consultation activities (requests, visits, and compliance assistance) conducted at sites with covered NAICS will be coded with "MEATINDUSTRY," in the Local Emphasis Program menu.

Inspections will be marked "program-related" on the "Inspection Type" tab if the inspection is related to another conducted inspection.

XII. Outreach.

The Omaha Area Office issued a news release before initiating inspection activity under this program. The news release informed affected industries of the program's existence. The Omaha Area Office also conducted outreach activities to raise awareness of meat processing industry hazards and share program elements with stakeholders. The Omaha Area Office regularly schedules meetings with advocacy groups for the meat industry, including Nebraska Appleseed and Heartland Worker's Center.

State Consultation Programs will be encouraged to participate in Omaha Area Office outreach.

Information about the program will be available to any audience during Omaha Area Office outreach, providing possible connections to affected industries. Omaha Area Office will continue to inform employers and workers of educational resources that offer potential hazard prevention information such as the following:

- [OSHA Safety and Health Topics: Meat Packing;](https://www.osha.gov/SLTC/meatpacking/index.html)
<https://www.osha.gov/SLTC/meatpacking/index.html>
- [OSHA Ammonia Refrigeration eTool,](https://www.osha.gov/SLTC/etools/ammonia_refrigeration/index.html)
https://www.osha.gov/SLTC/etools/ammonia_refrigeration/index.html
- [OSHA Lockout Tag-out eTool,](https://www.osha.gov/dts/osta/lototraining/index.html)
<https://www.osha.gov/dts/osta/lototraining/index.html>
- [OSHA Machine Guarding eTool,](https://www.osha.gov/SLTC/etools/machineguarding/index.html)
<https://www.osha.gov/SLTC/etools/machineguarding/index.html>
- [OSHA eTools, eMatrix, Expert Advisors, and v-Tools Index,](https://www.osha.gov/dts/osta/oshasoft/index.html)
<https://www.osha.gov/dts/osta/oshasoft/index.html>

XIII. Program Evaluation

The Area Office will provide a program report of this REP to the Regional Office no later than midway through the life of the program as well as the completion of the program. At a minimum, the report should respond to the requirements of CPL 04-00-002, Section VIII, E.