



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-16-05D | **EFFECTIVE DATE:** October 1, 2018

SUBJECT: Meat Processing Industry Local Emphasis Program (LEP)

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: To continue a locally directed 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 Instructions: CPL 02-00-160, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, CPL 02-02-045 (REVISED), and CPL 03-00-021

Cancellation: CPL 02-16-05C

State Impact: No Impact

Action Offices: Omaha Area Office

Originating Office: Kansas City Regional Office – Enforcement Programs

Contact: Assistant Regional Administrator for Enforcement Programs
(816) 283-8745

By and Under the Authority of:

[for] Kimberly A. Stille
Regional Administrator

Executive Summary

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

Significant Changes

This Regional Notice cancels OSHA Regional Notice CPL 02-16-05C, December 4, 2017, Meat Processing Industry Local Emphasis Program.

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I. Purpose.

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

II. Scope.

This Notice applies to general industry establishments within the jurisdictional boundaries of the Omaha Area Office.

III. References.

- A. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), dated August 2, 2016, (or current version).
- B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.
- D. OSHA Instruction CPL 02-00-051J, Exemptions and Limitations Under the Current Appropriations Act, dated April 25, 2018 Appendix A, change effective January 10, 2017 (or current version).
- E. OSHA Instruction CPL 02-02-045 (REVISED), Process Safety Management of Highly Hazardous Chemicals--Compliance Guidelines and Enforcement Procedures, September 13, 1994.
- F. OSHA Instruction CPL 03-00-021, PSM Covered Chemical Facilities National Emphasis Program, January 17, 2017.
- H. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.
- I. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014
- J. United States Environmental Protection Agency, Enforcement and Compliance History Online (ECHO), retrieved from <https://echo.epa.gov> (most current version)

IV. Cancellation.

This Regional Notice cancels OSHA Regional Notice CPL 02-16-05C, December 4, 2017, Meat Processing Industry Local Emphasis Program.

V. Action.

The Regional Administrator and Omaha Area Director ensure the Omaha Area Office adheres to the procedures established in this Notice in the scheduling of programmed inspections.

VI. Expiration Date.

This Notice will expire on September 30, 2019

VII. Background.

Historically, there have been worker safety problems in the meat processing industry. Although processes may have changed in recent years, the injury and illness data still shows hazardous conditions in these facilities.

The most current injury and illness data (2016) from the Bureau of Labor Statistics (BLS) for Nebraska clearly enumerates that for animal slaughtering and processing [i.e., North American Industry Classification System (NAICS) 3116], the Days Away, Restricted or Transferred (DART) rates is 400% (6.4) higher than any other Manufacturing sector's, [i.e., NAICS 311-339] DART rates (1.6). In addition, the Total Recordable Case Rates (TCIR) for NAICS 3116 is 270% (9.2 higher than any other Manufacturing sector's, [i.e., NAICS 311-339] TCIR rates (3.4).

The TCIR for NAICS group 3116 (animal slaughtering and processing) in Nebraska is 270% (9.2) higher than the all-private industry TCIR rate of (3.4) for the DART rates for targeted industry, as reported by BLS for CY 2016.

Number and rate⁽¹⁾ of nonfatal occupational injuries and illnesses by selected industry, Nebraska, private industry, 2016 (Numbers in thousands)				
Characteristic	Private industry⁽²⁾⁽³⁾⁽⁴⁾		Animal slaughtering and processing	
	Number	Rate	Number	Rate
	2016	2016	2016	2016
Injuries and Illnesses				
Total cases	22.4	3.4	2.6	9.2
Cases with days away from work, job transfer, or restriction	11.0	1.6	1.8	6.4
Cases with days away from work⁽⁵⁾	5.9	0.9	0.4	1.3
Cases with job transfer or restriction	5.1	0.8	1.4	5.1
Other recordable cases	11.4	1.7	0.8	2.8
Injuries				

Number and rate⁽¹⁾ of nonfatal occupational injuries and illnesses by selected industry, Nebraska, private industry, 2016 (Numbers in thousands)				
Characteristic	Private industry⁽²⁾⁽³⁾⁽⁴⁾		Animal slaughtering and processing	
	Number	Rate	Number	Rate
	2016	2016	2016	2016
Total cases	20.4	3.1	1.4	5.1
Illnesses				
Total cases	2.0	30.6	1.1	411.1
Illness categories				
Skin disorders	0.2	2.4	(6)0.0	(6)-
Respiratory conditions	(7)0.0	0.6	(6)0.0	(6)-
Poisoning	(7)0.0	0.3	(6)0.0	(6)-
Hearing loss	0.3	4.0	0.2	63.4
All other illness cases	1.6	23.2	0.9	342.7

Furthermore, the 2017 BLS employment data for Nebraska shows that NAICS 3116 has the highest employment (around 11,090) than any other Manufacturing sector in NAICS 31-33.

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

The Omaha Area Office will evaluate meat-processing facilities to determine whether employers are in-compliance with all relevant OSHA requirements, to help employers come into compliance, and to ensure that employers protect employees from the hazards related to animal slaughtering and processing.

This directive will encourage strong, fair, and effective enforcement by the physical inspection of worksites and facilities, the issuance of appropriate citations and penalties, and the abatement of identified hazards. These efforts continue to assist OSHA in meeting the goals of the Department of Labor's Strategic Plan. In accordance with the

Department of Labor's Strategic Plan, this LEP addresses OSHA Strategic Objective 2.1: "Secure safe and healthful working conditions for America's workers."

VIII. Outreach.

The Omaha Area Office conducted outreach activities to raise awareness of the hazards associated in the meat processing industry and to inform stakeholders and employers of the elements of the LEP. The Omaha Area Office is actively working with meat processors in the State of Nebraska through meetings where the employers share best practices and OSHA personnel discuss standards and case studies. These meetings are in conjunction with employers from across the State as well as the Nebraska Safety Council out of Lincoln, Nebraska; National Safety Council, Omaha Chapter; and the Great Plains Safety and Health Organization. The Omaha Area Office has regularly scheduled meetings with advocacy groups for the meat industry including Nebraska Appleseed and the Heartland Worker's Center.

Prior to the initiation of inspection activity under the LEP, the media received a news release. The news release informed the affected industries of the existence of the program. Information about this program will be available during Omaha Area Office staff outreach, to any audience, providing possible connections to the affected industries.

The Omaha Area Office will continue to inform employers and workers of educational resources, such as listed below that give them information on potential hazards prevention:

- OSHA's safety and health topics webpage - Meat Packing
<https://www.osha.gov/SLTC/meatpacking/index.html>
- https://www.osha.gov/SLTC/etools/ammonia_refrigeration/index.html - Ammonia Refrigeration
- <https://www.osha.gov/dts/osta/lototraining/index.html> - Lockout Tag-out
- <https://www.osha.gov/SLTC/etools/machineguarding/index.html> - Machine Guarding
- <https://www.osha.gov/dts/osta/oshasoft/index.html> - eTools Page

State Consultation Programs will be encouraged to participate in local outreach efforts performed by the Omaha Area Office.

IX. Inspection Targeting.

- A. Using the most recently available Dun & Bradstreet employer list, the Office of Statistical Analysis (OSA) will prepare a Master List (a.k.a. Primary List) of establishments based on all of the NAICS 3116 codes (meat processing industry) with more than ten (10) employees and located in Nebraska. The OSA will also assign random numbers to the establishments. This list of establishments will make up the Master inspection list. Inspection of all Master List establishments (a.k.a. Primary List) is required before initiating inspections on any secondary list generated in accordance with OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections.

- B. Add establishments to a secondary list whenever the Omaha Area Office becomes aware of a previously unknown establishment, within any of the identified NAICS codes. Place in alphabetical order any establishment remaining on the secondary list. Assign random numbers using the most current version of Microsoft Excel's Random Sample Function, i.e., RANDBETWEEN function in Microsoft Excel. To prevent duplicate random numbers generation for multiple records for each file opening, the OAO will highlight, copy, and paste into a blank worksheet, the entire worksheet as "Values (V)". The new worksheet will have each random number saved as a value not a formula, allowing the worksheet opening without the possibility of changing the already assigned random numbers.
- C. Additional information sources that allow an office to become aware of a previously unknown establishment within any of the identified SIC/NAICS codes include a revised Dun & Bradstreet employer list and the EPA Enforcement and Compliance History Online (ECHO), <https://echo.epa.gov>.
- D. Without interfering with the completion of a currently active list and based on the available site locations on this previously generated list and on available OSHA resources, a new Master List (as described above) generation at any time within the effective dates of this program. In addition, the OAO must complete any cycle (See paragraph X. below) begun, but not completed, before the generation of a new Master List within the effective dates of this program.

X. Inspection Scheduling.

Inspection scheduling shall be in accordance with CPL 02-00-160, Field Operations Manual (FOM), Chapter 2, IV. through VI.

A. Inspection Cycles.

Generation of inspection cycles is from the Master List. Each cycle will consist of at least six (6) establishments sorted by the assigned random number from lowest to highest. Inspection cycle completion is required before further cycle generation from that list. An establishment may be carried over to another cycle for any of the reasons set forth in CPL 02-00-025, paragraph B.1.b.(1)(e).1. Prior to initiating each inspection in a cycle, the OAO will make deletions pursuant to the deletions policy set forth in CPL 02-00-025, as noted below. Subsequent cycle generation is in the same manner using cycles of six establishments each.

B. Deletions.

In accordance with OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, and for establishments within NAICS codes of 3116, an establishment that has had a comprehensive safety inspection within the previous five (5) calendar years will be removed from the list prior to initiating inspections in each inspection cycle.

Deletion criteria in OSHA Instruction CPL 02-00-025, Paragraph B.1.b.(1)(b)6.d., will be applied to the list of establishments with the exception of deletion criteria S# and I#.

C. Other Programmed Inspections.

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

Whenever the OAO schedules an establishment for inspection on this Meat Processing Initiative, and on the current cycle of an NEP/LEP plan, the OAO will schedule the inspections at the same time. Safety compliance officers (CSHOs) will apply all applicable OIS codes to the inspection.

D. Unprogrammed Inspections.

For establishments within NAICS 3116, any unprogrammed safety or health inspection or investigation such as a complaint, referral, fatality, etc., will be expanded to a comprehensive safety inspection for any establishment that is already included in a generated (but not yet completed) inspection cycle.

XI. Scope of Inspection.

- A. Each establishment scheduled for inspection shall receive a comprehensive safety inspection, as defined by CPL 02-00-160, Chapter 3, and III.A. unless it meets the deletion-criteria as described in paragraph, X.B. Meat-processing employers usually maintain a separate work-shift for cleaning the facility. Cleaning workers may be Meat Product establishment employees or may be contract cleaning company (NAICS 561720) workers. A comprehensive safety inspection will also evaluate safety hazards associated with these cleaning crews.
- B. Every CSHO, conducting a comprehensive inspection in any establishment in NAICS 3116 shall assess all health hazards such as, but not limited to, noise, chemical exposure, and respiratory protection. Make a referral if the CSHO determines that a violation of OSHA health standards may exist.
- C. The Omaha Area Office used Calendar Year (CY) 2016 U.S. Bureau of Labor Statistics national data to find case rates per 10,000 full-time workers of nonfatal injuries and illnesses (https://www.bls.gov/iif/oshwc/osh/os/snr08_00_2016.xlsx). 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 rate in those same categories for all Private Industry. Specifically, the rates for sprains, strains, tears; carpal tunnel syndrome; tendonitis; multiple traumatic injuries and disorders with sprains and other injuries; soreness, and pain in this industry exceeded the rates for Private Industry. Therefore, every CSHO, who conducts a comprehensive inspection in any establishment in NAICS 3116 shall assess at least three years of OSHA 300 logs. Make a referral, to a CSHO trained in ergonomic evaluations, when the CSHO determines ergonomic related hazards may exist.
- D. Inspections conducted under this Meat Processing Initiative also address process safety management (PSM) where 29 CFR 1910.119 applies to the establishment. Such inspections must be part of a comprehensive safety inspection. However, CSHOs with less PSM training can evaluate compliance as detailed in Paragraph I.

3. of OSHA Instruction CPL 02-02-045 (REVISED), *Process Safety Management of Highly Hazardous Chemicals -- Compliance Guidelines and Enforcement Procedures*. Make a referral where the CSHO determines a violation of 29 CFR 1910.119 may exist. If the facility has not already been inspected using the OSHA Instruction, CPL 03-00-021, *PSM-Covered Chemical Facilities National Emphasis Program*, a concurrent inspection using that NEP may be conducted at the Area Director's discretion.

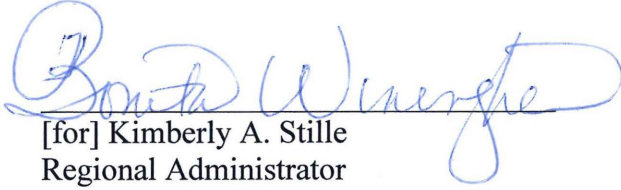
- E. Indicate on the Inspection Type tab when "program related" inspections are conducted.

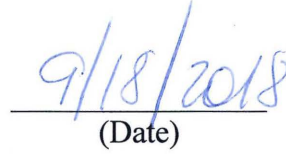
XII. Recording in OIS.

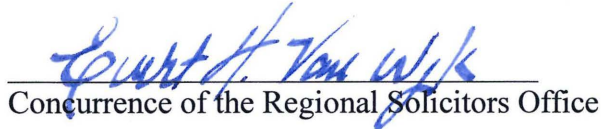
- A. Apply current instructions for completing the appropriate inspection classification in the OIS system when recording inspections conducted under the LEP as follows:
 - 1. Programmed inspections conducted under this local emphasis program shall be marked "Planned", "Local Emphasis Program", and "MEATINDUSTRY".
 - 2. When it is discovered upon arrival at a worksite scheduled for an LEP inspection that the establishment should have been deleted from the list (e.g., ten or fewer employees, establishment is out of business, etc.), "No Inspection" shall be recorded.
 - 3. Code unprogrammed inspections related to complaints or referrals requiring inspection, imminent danger, and fatality catastrophe as normally required in the FOM. In addition, record the designation "MEATINDUSTRY" in the LEP space.
 - 4. Code with "MEATINDUSTRY," in the Local Emphasis Program field, all consultation activities (requests, visits, and compliance assistance) conducted at sites in the NAICS codes included in this LEP.

XIII. Evaluation.

No later than October 30 of each year that this program remains in effect, the Omaha Area Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.


[for] Kimberly A. Stille
Regional Administrator


(Date)


Concurrence of the Regional Solicitors Office


(Date)

Distribution:

- Regional Solicitor
- Directorate of Enforcement Programs
- Regional Administrator
- Deputy Regional Administrator
- Assistant Regional Administrators
- Area Directors
- Supervisory Investigator
- Field Review Program Coordinator

Appendix A – Outreach Contact Letter

(Date)

Dear Employer,

Despite efforts of the Meat Processing Industry in the past years to address workplace hazards, the Meat Processing Industry continues to yield occupational injury and illness rates, which exceed the national injury and illness indicators for general industry. Similar trends in Nebraska were identified, therefore, the Occupational Safety and Health Administration's (OSHA) Omaha Area Office is presently implementing an initiative to reduce the number of injuries sustained in the Meat Processing Industry.

Design of this initiative is to decrease the number of injuries and illnesses sustained by employees of meat processing establishments in the State by facilitating the exchange of safety and health information between OSHA, the members of the industry, and other stakeholders. Together, OSHA and participants of these exchanges will assist all members of the Meat Processing Industry to recognize the benefits of a well-implemented, comprehensive safety and health program through outreach and partnership efforts.

It is OSHA's intent that employers will voluntarily take the steps necessary to develop strategies and programs to prevent costly injuries and illnesses in the workplace. Such strategies may include hiring an outside safety and health consultant, talking with a workers compensation insurance carrier, or contacting the State's workers' compensation agency for advice. Workers in a facility are an invaluable resource to help identify hazards and to recommend means to address these hazards. When organized labor represents of facility workers, the union representatives can be an additional resource in the identification of hazards and suggesting appropriate solutions.

The Nebraska Workers' Compensation Court determined that between 2005 and 2014 in the State of Nebraska, occupational injuries and illnesses cost all industry about 261 million dollars and an average of over \$5000 per injury. These costs have increased over the years. The 2013 Bureau of Labor Statistics (BLS) data for Nebraska clearly enumerates that for animal slaughtering and processing [North American Industry Classification System (NAICS) 3116], the Days Away, Restricted or Transferred (DART) rates are 72% higher than any other Manufacturing sector, NAICS 31-33. In addition, the Total Recordable Case Rates (TCIR) for NAICS 3116 is in the top four manufacturing industry sectors. By forging information exchanges dedicated to reducing injuries and illnesses in the Meat Processing Industry, we fully anticipate a subsequent reduction in both direct and indirect costs associated with work place injuries and illnesses. The ultimate goal of OSHA is to ensure a safe and healthful workplace for all employees. We encourage employers to help accomplish this goal.

The Omaha Area Office is ready and willing to facilitate the organization of an industry group. This group can consist of not only managers and safety professionals from the Meat Processing Industry but also with State and local safety and health organizations and other stakeholders affiliated with the Meat Processing Industry. In February 2000, a similar outreach effort facilitated

by the Omaha Area Office created a group that met every other month for a “lunch and learn” session. Speakers provided information on topics such as ergonomics, hearing conservation, personal protective equipment, accident investigation techniques, developing an effective disciplinary policy, confined space entry, and calculating the return on investment of safety programs. Participants could talk candidly about successes and obstacles in the development of their safety programs and could provide guidance and assistance to each other, informally and through mentoring relationships.

An excellent way for employers with 250 or fewer workers to address safety and health in their workplaces is to ask for assistance from OSHA’s consultation program. A state agency administers and operates this program separately from OSHA’s enforcement program. The service is free and confidential, and there are no fines even with identified problems. Designed for small employers, the consultation program can help employers identify hazards in the workplace and find effective and economical solutions for eliminating or controlling them. In addition, the OSHA State consultant can assist employers in developing and implementing a safety and health management system for their workplace.

OSHA will also conduct random, programmed inspections of establishments included in the Meat Processing Industry as a part of this initiative. If the employer has developed and implemented a written health and safety program, which provides for appropriate management commitment and employee involvement; worksite analysis for the purpose of hazard identification; hazard prevention and control measures; and safety and health training, the Agency will consider this as strong evidence of the employer's good faith to safety and health. This is consistent with the OSHA policy published in the Federal Register on July 28, 2000, which also addresses OSHA’s treatment of voluntary employer safety and health audits and other related information.

In order to provide you with a better understanding of the initiative, we have enclosed a copy of the Regional Directive, which describes the implementation of the initiative in detail. You may contact this office for any questions you may have regarding this program or any other safety and health related matters. We are a full service area office.

Sincerely,

Area Director

Enclosure