



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-16-05A

EFFECTIVE DATE: October 1, 2016

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 03-00-014

Expiration: September 30, 2017

Action Offices: Omaha Area Office

Originating Office: Kansas City Regional Office

Contact: Enforcement Programs (816) 283-8745

By and Under the Authority of:

Kimberly A. Stille
Regional Administrator

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- I. Purpose. This Notice is 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. Action. The Regional Administrator and Omaha Area Director shall ensure that the procedures established in this Notice are adhered to in the scheduling of programmed inspections.
- IV. Expiration. This Notice will expire on September 30, 2017 and may be renewed based on the program's evaluation at that time.
- V. 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 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, dated May 28, 1998, Appendix A, change effective January 29, 2016 (or current version).
 - E. OSHA Regional Notice CPL 02-11-06G, Workers Compensation Local Emphasis Program, October 1, 2016, (or current version).
 - F. OSHA Instruction CPL 02-02-045 (REVISED), Process Safety Management of Highly Hazardous Chemicals--Compliance Guidelines and Enforcement Procedures, September 13, 1994.
 - G. OSHA Instruction CPL 03-00-014, PSM Covered Chemical Facilities National Emphasis Program, November 29, 2011, (or current version).
 - 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.

- VI. 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 2014 Bureau of Labor Statistics (BLS) data 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 are 76% (7.0) higher than any other Manufacturing sector's, [i.e., NAICS 31-33] DART rates (3.8). In addition, the Total Recordable Case Rates (TCIR) for NAICS 3116 is in the top four manufacturing industry sectors.

Furthermore, the 2011 BLS data for Nebraska shows that NAICS 3116 has the highest employment (around 25,000) than any other Manufacturing sector in NAICS 31-33.

This LEP is meant to increase 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.

Meat processing facilities will be evaluated to determine whether the employers are in compliance with all relevant OSHA requirements, to help employers come into compliance, and to ensure that employees are protected 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. This strategy will affect all of the Strategic Plan measures in OSHA's performance measures for Strategic Objective 2.1 in the 2014-2018 DOL Strategic Plan and OSHA's performance measures for Strategic Objective 3.2 in the 2014-2018 DOL Strategic Plan.

DART rates for targeted industry, as reported by BLS for Calendar Years (CYs) 2013 and 2014 (Nebraska):

Number and rate of nonfatal occupational injuries and illnesses by selected industry, All U.S., private industry, (Numbers in thousands) - Animal slaughtering and processing								
Characteristic	2013				2014			
	Private industry		Animal slaughtering and processing		Private industry (2)(3)(4)		Animal slaughtering and processing	
	Number	Rate	Number	Rate	Number	Rate	Number	Rate
Injuries and Illnesses								
Total cases	24.7	3.8	2.2	8.9	2953.5	3.2	27.4	5.5
Cases with days away from work job transfer or restriction	11.7	1.8	1.5	6.2	1580	1.7	18.5	3.7
Cases with days away from work	6.7	1	0.2	1	916.4	1	5.1	1
Cases with job transfer or restriction	4.9	0.8	1.3	5.2	663.6	0.7	13.4	2.7
Other recordable cases	13	2	0.7	2.7	1373.5	1.5	8.9	1.8
Injuries								
Total cases	22.7	3.5	1.1	4.6	2809.8	3	20	4
Illnesses								
Total cases	2	31.2	1.1	428.5	143.7	15.3	7.4	149.8
Illness categories								
Skin disorders	0.2	3.1	0.0	-	21.8	2.3	0.2	3.5
Respiratory conditions	0.1	1.7	0.0	-	12.1	1.3	0.1	1.8
Poisoning	0.0	-	0.0	-	1.5	0.2	0.0	-
Hearing loss	0.3	4.8	0.2	95.1	18.2	1.9	1.7	34.1
All other illness cases	1.4	21.5	0.8	328.2	90.1	9.6	5.5	110.2

- VII. Outreach. The Regional and Omaha Area Office will conduct outreach activities intended to reach as many employers and stakeholders as is practicable. Outreach activities will be conducted to raise awareness of the hazards associated in the meat processing industry 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, a news release was distributed to the media. The news release informed the affected industries of the existence of the program. Information about this program will continue to be made available during speeches by the Omaha Area Office staff to any audience with possible connections to the affected industries.

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

- 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 Tagout
- <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.

VIII. Inspection Targeting.

A. Establishments in the Meat Processing Industry.

1. 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 that have more than ten (10) employees and are located in Nebraska. The OSA will also assign random numbers to the establishments. This list of establishments will make up the Master inspection list. All establishments on the Master List (a.k.a. Primary List) will be inspected before initiating inspections on any secondary list that is generated in accordance with OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections.

2. Whenever the Omaha Area Office becomes aware of a previously unknown establishment within any of the identified SIC/NAICS codes, the establishment shall be added to a secondary list. Any establishment remaining on the secondary list will be placed in alphabetical order. A random number will be assigned using the most current version of Microsoft Excel's Random Sample Function, i.e., RANDBETWEEN function in Microsoft Excel. To prevent duplicate random numbers from being generated for multiple records each time the file is opened, the entire worksheet is highlighted, copied, and pasted into a blank worksheet as "Values (V)". The new worksheet will have each random number saved as a value not a formula, which will allow the worksheet to be opened without the possibility of changing the already assigned random numbers.
3. 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), <http://echo.epa.gov>.
4. 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) may be generated at any time within the effective dates of this program. In addition, any cycle (See paragraph IX. below) begun but not yet completed before the generation of a new Master List must be completed within the effective dates of this program.

IX. 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. Inspection cycles will be generated from the Master List. Each cycle will consist of at least six (6) establishments sorted by the assigned random number from lowest to highest. Each inspection cycle must be completed before another cycle is generated 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, deletions will be made pursuant to the deletions policy set forth in CPL 02-00-025, as noted below. Subsequent cycles shall be generated 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 both 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 may be selected for inspection under this Meat Processing Initiative and also 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), the Workers Compensation LEP, or other similar NEP/LEP can be run concurrently with this Meat Processing Initiative.

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

- D. 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.

X. Scope of Inspection.

- A. Each establishment scheduled for inspection shall receive a comprehensive safety inspection, as defined by CPL 02-00-160, Chapter 3, III., A., unless it meets the deletion criteria as described in paragraph VIII. B. above. 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, who conducts a comprehensive inspection in any establishment in NAICS 3116 shall also make an assessment of any health hazards such as, but not limited to, noise, chemical exposure, and respiratory protection. If the CSHO determines that a violation of OSHA health standards may exist, a health referral shall be made.
- C. The Calendar Year (CY) 2013 national data from the U.S. Bureau of Labor Statistics (Incidence rates per 10,000 full-time workers of nonfatal injuries and illnesses) (<http://www.bls.gov/iif/oshwc/osh/case/ostb4374.pdf>) indicates that, when comparing 5 categories (selected nature of the injuries) related to overexertion-related incidents, the rate for Food Manufacturing (NAICS 311) in all 5 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; and soreness, 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 also make an assessment of at least three years of OSHA 300 logs. If the CSHO determines that an ergonomically-related hazard may exist, a referral to a CSHO trained in ergonomic evaluations shall be made.
- D. Inspections conducted under this Meat Processing Initiative will address process safety management (PSM) where 29 CFR 1910.119 applies to the establishment being inspected. 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*. If such a CSHO determines that a violation of 29 CFR 1910.119 may exist, a referral shall be made. If the facility has not already been inspected using the OSHA Instruction, CPL 03-00-014, *PSM-Covered Chemical Facilities National Emphasis Program*, a concurrent inspection using that NEP may be conducted at the Area Director's discretion.
- E. Where "program related" inspections are conducted, they will be so indicated on the Inspection Type tab.

XI. Recording in OIS.

- A. Current instructions for completing the appropriate inspection classification in the OIS system shall be applied 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. Unprogrammed inspections related to complaints or referrals requiring inspection, imminent danger, and fatality catastrophe investigations will be coded as normally required under CPL 02-00-159. In addition, the designation "MEATINDUSTRY" will be recorded in the LEP space.
4. All consultation activities (requests, visits and compliance assistance) conducted at sites in the SIC/NAICS codes included in this LEP will be coded with "MEATINDUSTRY" in the Local Emphasis Program field on the appropriate forms.

XII. 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.

 Kimberly A. Stille
 Regional Administrator

 (Date)

Concurrence of the Regional Solicitor's Office:

 (Signature)

 (Date)

Distribution:
 Regional Solicitor
 Directorate of Enforcement Programs
 Regional Administrator
 Deputy Regional Administrator
 Assistant Regional Administrators
 Area Directors
 Supervisory Investigator
 Labor Liaison
 Field Review Program Coordinator

Appendix A – Outreach Contact Letter

(Date)

Dear Employer,

Despite the efforts of the Meat Processing Industry in 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 have been identified in Nebraska. 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.

This initiative was designed 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. If the facility workers are represented by organized labor, 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. This program is administered by a State agency and operated separately from OSHA’s enforcement program. The service is free and confidential, and there are no fines even if problems are found. 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