



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-16-06A

EFFECTIVE DATE: October 1, 2016

SUBJECT: Poultry Processing Industry Region-wide Local Emphasis Program (LEP)

REGIONAL IDENTIFIER: Region VII

ABSTRACT

- Purpose:** To initiate a locally directed Region-wide Local Emphasis Program for programmed safety inspections of general industry establishments in North American Industry Classification System (NAICS) 311615.
- Scope:** This Notice applies to all Region VII Federal Enforcement Offices.
- References:** OSHA Instructions: CPL 02-00-160, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, CPL 02-02-045 (REVISED), CPL 03-00-016, and CPL 03-00-014
- Expiration:** September 30, 2017
- State Impact:** State Plan Programs are strongly encouraged to adopt this program.
- Action Offices:** Region VII Regional and Area Offices
- 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 continues a Region-wide Local Emphasis Program (LEP) for programmed safety inspections of Poultry Processing Industry establishments. This would potentially affect all establishments in North American Industry Classification System (NAICS) 311615 with more than ten (10) employees within the jurisdictional boundaries of Region VII. This LEP will provide the administrative authority to evaluate the employers' workplace(s) at all programmed, unprogrammed, or other limited-scope inspections pertaining to poultry processing operations to ensure that employees are being properly protected. Where applicable, all unprogrammed inspections will be expanded to include all areas required by this emphasis program.
- II. Scope. This Notice applies to general industry establishments within the jurisdictional boundaries of all Federal Area Offices in Region VII.
- III. Action. The Regional Administrator and Area Directors 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), 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, January 4, 1995.
 - D. OSHA Instruction CPL 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, May 28, 1998, Appendix A, change effective January 29, 2016 (or most current version).
 - E. Inspection Guidance for Poultry Processing Establishments. OSHA Memorandum, October 28, 2015.
 - F. Ergonomic Hazard Alert Letter Follow-up Policy. OSHA Directive CPL 02-00-144, April 11, 2007.
 - G. OSHA Regional Notice CPL 2-15-01B, Region-wide Local Emphasis Program (LEP) for Powered Industrial Trucks and Other Material or Personnel Handling Motorized Equipment in Construction, General Industry, and Maritime, October 1, 2016, (or current version).
 - H. OSHA Instruction CPL 02-02-045 (REVISED), Process Safety Management of Highly Hazardous Chemicals--Compliance Guidelines and Enforcement Procedures, September 13, 1994.

- I. OSHA Instruction CPL 03-00-014, PSM Covered Chemical Facilities National Emphasis Program, November 29, 2011, (or current version).
 - J. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3 2014.
 - K. Memorandum from Francis Yebesi to Regional Administrators, Establishment - Targeting Lists for Emphasis Programs, November 12, 2014.
 - L. Cartwright MS, Walker FO, Blocker JN, Schulz MR, Arcury TA, Grzywacz JG, Mora D, Chen H, Marin AJ, Quandt SA. *The prevalence of carpal tunnel syndrome in Latino poultry-processing workers and other Latino manual workers*. Journal of Occupational Environmental Medicine, 2012; 54(2):198-201.
 - M. Musolin K, Ramsey JG, Wassell JT, Hard DL, Mueller C. *Evaluation of musculoskeletal disorders and traumatic injuries among employees at a poultry processing plant*. National Institute for Occupational Safety and Health, Health Hazard Evaluation, Report No. 2012-0125-3204, March 2014. <http://www.cdc.gov/niosh/hhe/reports/pdfs/2012-0125-3204.pdf>.
 - N. Ramsey JG, Musolin K, Mueller C. *Evaluation of carpal tunnel syndrome and other musculoskeletal disorders among employees at a poultry processing plant*. National Institute for Occupational Safety and Health, Health Hazard Evaluation, Report No. 2014-0040-3232, March 2015. <http://www.cdc.gov/niosh/hhe/reports/pdfs/2014-0040-3232.pdf>.
 - O. de Perio, MA, Niemeier, RT, Levine, SJ, Gruszynski, K. & Gibbins, JD, *Campylobacter infection in poultry-processing workers, Virginia, USA, 2008-2011*. Emerging Infectious Disease, 2013, 19(2), 286-288. doi: 10.3201/eid1902.121147 Retried from http://wwwnc.cdc.gov/eid/article/19/2/12-1147_article
- VI. Background. Workers employed in the poultry industry face many serious hazards that can lead to serious injury, illness and death, including dangerous equipment, musculoskeletal disorders, high noise levels, exposure to infectious pathogens and hazardous chemicals such as ammonia, chlorine, and antimicrobial agents. Poultry workers suffer serious injuries. Specifically, according to the 2014 Bureau of Labor Statistics (BLS) data, injuries that require a day or more away from work or restricted activity to recuperate [Days Away, Restricted or Transferred (DART)] for poultry workers (NAICS 311615) occur at almost double the DART rate of workers in private industry, i.e., 2.9 vs. 1.7. In addition, the Total Recordable Case rate (TCIR) for NAICS 311615 is 34% (4.3) higher than Private Industry (3.2).

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

Number and rate of nonfatal occupational injuries and illnesses by selected industry, All U.S., private industry, (Numbers in thousands) - Poultry Processing								
Characteristic	2013				2014			
	Private industry		Poultry Processing		Private industry		Poultry Processing	
	Number	Rate	Number	Rate	Number	Rate	Number	Rate
Injuries and Illnesses								
Total cases	3007.3	3.3	9.9	4.5	2953.5	3.2	9.8	4.3
Cases with days away from work job transfer or restriction	1572.7	1.7	6.6	3	1580	1.7	6.7	2.9
Cases with days away from work	917.1	1	1.5	0.7	916.4	1	1.5	0.6
Cases with job transfer or restriction	655.6	0.7	5.1	2.3	663.6	0.7	5.3	2.3
Other recordable cases	1434.6	1.6	3.3	1.5	1373.5	1.5	3.1	1.3
Injuries								
Total cases	2855	3.1	7.6	3.4	2809.8	3	7.4	3.2
Illnesses								
Total cases	152.3	16.6	2.3	104.2	143.7	15.3	2.4	103.5
Illness categories								
Skin disorders	26	2.8	0.0	2.1	21.8	2.3	0.0	2
Respiratory conditions	13	1.4	0.1	3	12.1	1.3	0.0	1.6
Poisoning	1.6	0.2	0.0	-	1.5	0.2	0.0	-
Hearing loss	18.1	2	0.5	20.8	18.2	1.9	0.5	21.7
All other illness cases	93.5	10.2	1.7	78.4	90.1	9.6	1.8	78.2

Musculoskeletal disorders (MSDs) are of particular concern and continue to be common among workers in the poultry processing industry. MSDs are injuries to the nerves, tendons, and muscles, which result in disorders such as, carpal tunnel syndrome, tendonitis, epicondylitis, and "trigger finger." The elevated risk of carpal tunnel syndrome (CTS) among workers in the poultry industry has been found in a survey of worker occupational conditions (Cartwright et al. 2012) and in recent health hazard evaluations (HHEs) conducted by scientists at the National Institute for Occupational Safety and Health (NIOSH), (Musolin et al. 2014, Ramsey et al. 2015). The NIOSH studies, conducted at two different poultry processing plants, found very high prevalence rates of CTS among workers (42% and 34%, respectively).

In addition, literature suggests the likelihood of substantial under-reporting of worker injuries and illnesses by poultry industry employers. Ramsey et al. (2015) noted that, although 64 workers had conditions that met their case definition of CTS, only four CTS cases were reported by the employer on the OSHA 300 log. Similarly, scrutiny of the first aid logs of two other poultry plants that OSHA has recently inspected suggests that many cases involving medical treatment as defined by Part 1904 have gone unrecorded on the employers' OSHA Form 300.

Further, workers in the sanitation operations in poultry processing facilities (usually during the late shift) are tasked with one of the most hazardous jobs at establishments that manufacture food and are an integral part of poultry processing. The daily sanitation or clean-up crew has the responsibility of cleaning all product contact surfaces throughout the plant to comply with requirements of the Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture. The sanitation crew must remove all guards and blades to thoroughly clean equipment surfaces. The clean-up operations require the application of cleaners to the surfaces and physical scrubbing of the equipment. Sanitation crews are potentially exposed to a variety of hazards including: amputation hazards; cuts and lacerations; struck-by, struck against, and caught in equipment; slips, trips, and falls; electrical shock; and biological and chemical hazards.

This LEP is meant to increase the probability of inspecting establishments in this high hazard industry, within the jurisdictional boundaries of all Federal Area Offices in Region VII, which have more than ten employees and have not received a comprehensive OSHA safety inspection within the past five years.

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.

- VII. Outreach. The Regional and Area Office conducted outreach activities intended to reach as many employers and stakeholders as practicable.

Outreach activities were conducted to raise awareness of the hazards associated in the poultry processing industry to inform stakeholders and employers of the elements of the LEP.

Prior to the initiation of inspection activity under the LEP, a region-wide news release was developed by the Regional Office and distributed to the media. The news release informed the affected industries of the existence of the program. In addition, information about this program will continue to be made available during speeches by staff of all Region VII Federal Area Offices to any audience with possible connections to the affected industries. This outreach may continue after the initiation of inspection activity. An Outreach Contact Letter (Appendix A) was provided to employers and other stakeholders to inform them of the initiative.

Employers and workers will be informed of educational resources, such as listed below, that gives them information on potential hazards and how to prevent them:

- OSHA's safety and health topics webpage, [Poultry Processing](#).

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

VIII. Inspection Targeting.

A. Establishments in the Poultry Processing Industry.

1. Using the most recently available Dun and Bradstreet employer list, the Office of Statistical Analysis (OSA) will prepare a Master List (a.k.a. Primary List) of establishments based on NAICS 311615 code that have more than ten (10) employees for each Region VII Federal enforcement Area Office. 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 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 an office becomes aware of a previously unknown establishment within the identified SIC/NAICS code, a secondary list shall be developed and the establishment shall be added to that list. Additional information sources allowing an office to become aware of a previously unknown establishment within any of the identified SIC/NAICS codes include a revised Dun and Bradstreet employer list and the EPA Enforcement & Compliance History Online (ECHO), <http://echo.epa.gov>. Any establishment 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. 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 on the Master List or the secondary list (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 five (5) 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 at least five 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 311615, 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 inspection cycles.

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

- C. Other Programmed Inspections. Some establishments may be selected for inspection under this Poultry Processing Initiative and also under one or more other OSHA initiatives (National Emphasis (NEP) or Local Emphasis (LEP) Programs). Programs based upon particular hazards, such as amputations or hexavalent chromium (from welding stainless steel), the Region-wide Local Emphasis Program (LEP) for Powered Industrial Trucks and Other Material or Personnel Handling Motorized

Equipment in Construction, General Industry, and Maritime, or other similar NEP/LEP can be run concurrently with this Poultry Processing Initiative.

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

- D. For establishments within NAICS 311615, 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 IS. B. above. Poultry processing employers usually maintain a separate work-shift for cleaning the facility. Cleaning workers may be poultry processing 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 safety compliance officer (CSHO), who conducts a comprehensive inspection in any establishment in NAICS 311615, 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. Musculoskeletal disorders (MSDs) are of particular concern and continue to be common among workers in the poultry processing industry. Therefore, every CSHO, who conducts a comprehensive inspection in any establishment in NAICS 311615, shall also make an assessment of at least five 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 Poultry 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 "POULTRY7".
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 "POULTRY7" will be recorded in the LEP space.
4. For all inspections meeting the definitions of the guidance provided in Inspection Guidance for Poultry Slaughtering and Poultry Processing Establishments, OSHA Memorandum October 28, 2015 (for NAICS Code 311615), code in OIS "N-02-Poultry".
5. All consultation activities (requests, visits and compliance assistance) conducted at sites in the SIC/NAICS codes included in this LEP will be coded with "POULTRY7" 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 Kansas City Regional 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

Company Name

Address

City, State Zip Code

Dear Employer:

Despite the efforts of the Poultry Processing Industry in past years to address workplace hazards, the Poultry Processing Industry continues to yield occupational injury and illness rates which exceed the national injury and illness indicators for general industry. Therefore, the Occupational Safety and Health Administration's (OSHA) Federal Area Offices located in Kansas, Missouri, and Nebraska are presently implementing an initiative to reduce the number of injuries sustained in the Poultry Processing Industry.

This initiative was designed to decrease the number of injuries and illnesses sustained by employees of poultry processing establishments 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 Poultry 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.

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 Poultry 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. More information on hazards and means of control in the poultry industry are available at <http://www.osha.gov/SLTC/poultryprocessing/index.html>. 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