



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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| DIRECTIVE NUMBER: 13-22 (CPL 04) | EFFECTIVE DATE: November 26, 2013 |
| SUBJECT: Local Emphasis Program for Floating Seafood Processors | |
| REGIONAL IDENTIFIER: Region 10 | |

ABSTRACT

- Purpose:** To establish policy and procedures to be followed when making programmed safety or health local emphasis inspections on floating seafood processors.
- Scope:** This Notice applies to the Anchorage Area Office.
- References:** OSHA Instruction CPL 02-00-150, Field-Operations Manual, April 22, 2011.
OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.
- Cancellations:** OSHA Regional Notice 13-02 (CPL 04), February 20, 2013.
- Expiration Date:** This OSHA Notice will expire December 31, 2014, but may be renewed.
- State Plan Impact:** None.
- Significant Changes:** None.
- Action Offices:** Anchorage Area Office and Office of Federal and State Operations.

Originating Office: Office of Federal and State Operations

Contact: Steve Gossman
Assistant Regional Administrator
Federal and State Operations

By and Under the Authority of:

David L. Mahlum
Acting Regional Administrator

EXECUTIVE SUMMARY

Seafood processing operations have historically had a high incidence rate of serious injury. The 2011 BLS injury and illness rate in seafood processing operations, as demonstrated by the Total Recordable Cases (TRC) rate, for the appropriate NAICS code (311712) covered by the LEP, was 6.8 per 100 equivalent full time workers. This rate was 94 percent above the national TRC average of 3.5 injuries and illnesses per 100 equivalent full time workers among private industry employers. Additionally, according to Bureau of Labor Statistics 2011 data, the average DART and DAFWII rates for all private industry employers were 1.8 and 1.1 per 100 workers, respectively. The DART and DAFWII rates for the fish processing industry (NAICS code 311712), according to BLS 2011 data, were 4.3 (DART) and 2.4 (DAFWII), which are 138 percent and 118 percent above the national averages, respectively.

Current national scheduling systems do not adequately provide for regular programmed inspections into seafood processing operations. The purpose of this Notice is to provide an inspection scheduling system to cover this segment of the high hazard industry. This Notice establishes a Local Emphasis Program (LEP) for seafood processing operations.

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- I. Purpose.** This Notice transmits the policy and procedures to be followed when making programmed safety or health local emphasis inspections on floating seafood processors.
- II. Scope.** This Notice applies to the Anchorage Area Office.
- III. Action Offices.** Anchorage Area Office
- IV. State Plan Impact.** None.

V. **Cancellation.** OSHA Regional Notice 13-02 (CPL 04), February 20, 2013

VI. **References.**

A. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.

B. OSHA Instruction CPL 02-00-150, Field Operations Manual, April 22, 2011.

VII. **Policy.** The Area Director shall use this Notice for inspection selection and scheduling for both safety and health. This inspection scheme is to be used for programmed safety and health inspections into the floating seafood processor industry. Only floating seafood processors located on navigable waters will be affected. Floating processors are defined as any vessel or contrivance floating on navigable waters of the United States, whether permanently or temporarily affixed to the bottom, which processes for human or animal consumption, crab, shrimp, salmon, or any other types of seafood product or by-product.

VIII. **Procedures.** The following procedures shall be followed for the scheduling and inspection of work sites under this program:

A. Inspection Targeting.

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

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

While permits are given to processors to operate within a specified fishing season, they do not specify where that processor must anchor in order to process. However, processors will always be in close proximity to the fishing grounds having the most activity. Therefore, the Area Director shall utilize all available

information to determine which cove, bay or inlet the processors are operating in and concentrate inspection resources in that area.

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

B. Inspection Scheduling.

1. At the beginning of a particular fishing season, the Area Director will list all geographical areas (i.e., bays, coves, inlets, etc.) identified through the process described above.
2. From the office's program plan, the Area Director will decide how many inspections will be conducted in SIC 2092/NAICS 311712 for the season under consideration.
3. The Area Director will consolidate the list of processors developed under Paragraph VIII.A.3. The compliance officer will then be directed to a particular geographical area (i.e., cove, inlet, etc.) and will conduct inspections of all accessible processors in the area.
4. At the completion of the first inspection, the compliance officer will move seaward to the next processor and conduct a complete inspection. This procedure will continue until the CSHO conducts all inspections assigned to that area or is recalled by the Area Director. Since processors anchor on a first-come-first-serve basis, they, themselves, will be the deciding factor as to the order of inspections. Compliance officers will only have to follow the anchoring arrangement set by the processors to comply with the provisions of this system.
5. All inspections assigned to a particular fishing season will be completed before moving on to another season (and their related geographical areas) unless the season with the inspection cycle terminates. If the season closes before all planned inspections are conducted, then those remaining inspections will be dropped.
6. Upon the completion of one harvest season, the Area Director shall proceed to the next season where the same procedures outlined in Paragraphs VIII.A.2 and VIII.A.3 will be followed.
7. Due to the fact that floating processors rarely maintain complete accident and injury records on board, records review procedures will not be conducted.

C. Special Instructions.

1. Inspection Record Coding: Inspections conducted under this program shall be coded on the inspection record with the LEP designation “FISH.”
Unprogrammed inspections of fish processors shall also be classified and coded under this local emphasis program.
2. Evaluation Procedures: At the end of the fiscal year an evaluation of the program through that date will be made. This LEP will be evaluated in accordance with the guidelines in Appendix A of CPL 04-00-001, Procedures for Approval of Local Emphasis Programs and Experimental Programs.

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

The Office of Federal and State Operations (FSO) shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review by November 15 of each year. On the approval of the Regional Administrator, the evaluation report will be submitted to the Directorate of Enforcement Programs no later than November 30.