



# OSHA Regional Instruction

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** 21-02 (CPL 04) | **EFFECTIVE DATE:** December 31, 2021

**SUBJECT:** Local Emphasis Program for Floating Seafood Processors

**REGIONAL IDENTIFIER:** Region 10

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## ABSTRACT

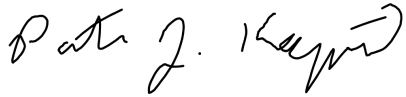
- Purpose:** This instruction renews the policies and procedures to be followed when making programmed safety or health local emphasis inspections on floating seafood processors.
- Scope:** This instruction applies to the Anchorage Area Office.
- References:**
- OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.
  - OSHA Instruction CPL 02-00-164, Field-Operations Manual, dated April 4, 2020.
  - OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs", dated November 13, 2014.
  - OSHA Memorandum for Regional Administrators, Subject: "Procedures for Local and Regional Emphasis Programs", dated December 3, 2014.
- Cancellation:** OSHA Regional Instruction 19-03 (CPL 04), dated December 31, 2018.
- Expiration Date:** This OSHA Instruction will expire December 31, 2026, but may be renewed.
- State Plan Impact:** None.
- Significant Changes:** None.

**Action Offices:** Anchorage Area Office and Office of Enforcement Programs

**Originating Office:** Office of Enforcement Programs

**Contact:** Assistant Regional Administrator  
Office of Enforcement Programs

By and Under the Authority of:

A handwritten signature in black ink, appearing to read "Patrick J. Kapust". The signature is written in a cursive style with a large initial "P" and a stylized "K".

Patrick J. Kapust  
Acting Regional Administrator

## Executive Summary

This instruction renews the framework for a local emphasis program to reduce and/or eliminate hazards associated with seafood processing in Alaska.

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**I. Purpose.**

This instruction renews the policies and procedures to be followed when making programmed safety or health local emphasis inspections on floating seafood processors.

**II. Scope.**

This instruction applies to the Anchorage Area Office.

**III. Action Offices.**

Anchorage Area Office

**IV. References:**

OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.

OSHA Instruction CPL 02-00-164, Field-Operations Manual, dated April 4, 2020.

OSHA Memorandum for Regional Administrators, Subject: “Establishment-Targeting Lists for Emphasis Programs”, dated November 13, 2014.

OSHA Memorandum for Regional Administrators, Subject: “Procedures for Local and Regional Emphasis Programs”, dated December 3, 2014.

**V. Cancellation.**

This instruction cancels OSHA Regional Instruction 19-03 (CPL 04), dated December 31, 2018.

**VI. Expiration.**

This OSHA Instruction will expire December 31, 2026, but may be renewed.

**VII. Policy.**

The Area Director shall use this instruction for inspection selection and scheduling for both safety and health inspections. This inspection procedure will be used for programmed safety and health inspections in the floating seafood processor industry. Only floating seafood processors located on navigable waters will be inspected. 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 crab, shrimp, salmon, or any other types of seafood product or by-product for human or animal consumption.

## **VIII. Background.**

This LEP supports the Occupational Safety and Health Administration (OSHA) Fiscal Year 2022 Agency Management Plan, Agency Theme 1, Assure Safe and Healthful Workplaces, including the agency's theme to protect the most vulnerable workers in high hazard industries, by targeting industries with higher than average illness and injury rates.

There were no fatality investigations in the seafood processing industry in 2019, 2020, or 2021 in the State of Alaska. The State of Alaska's injury and illness data for 2019 does not contain injury rates for NAICS 3117, Seafood Product Preparation and Packaging. The State's 2019 data only reported injury rates for NAICS 311, Food Manufacturing. In 2019, the Food Manufacturing industry in Alaska demonstrated a TRC rate of 8.2 and a DART rate of 5.5. The Federal data for 2019 shows the Food Manufacturing industry had a TRC rate of 4.0 and a DART rate of 2.8. The Federal data in 2019 also shows injury rates for NAICS 3117, Seafood Product Preparation and Packaging with a TRC rate of 6.9 and a DART rate of 4.8. The TRC rate in 2019 for all private sector industries was 3.0 and the DART rate was 1.6. The Resource Development Council for Alaska, Inc. is "a statewide trade association comprised of individuals and companies from Alaska's fishing, forestry, mining, oil and gas, and tourism industries." "The RDC's purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources." (Reference akrdc.org) The RDC reports the seafood industry is one of the largest employers and economic drivers in Alaska, directly employing 58,700 people, which includes 26,000 processor jobs. Annual seafood harvest in Alaska is consistently between 5 to 6 billion pounds, accounting for about 60 percent of the total U.S. seafood harvests. The ton average 2017-2018 harvest value was \$2 billion, and the first wholesale value was approximately \$4.7 billion. The U.S. is the largest single market for Alaska seafood, followed by China, Japan, Europe, South Korea, and Canada.

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

## **IX. Procedures.**

The following procedures shall be followed for the scheduling and inspecting work sites under this program:

### **A. Outreach**

This LEP has been in place for more than 27 years and outreach is a continual effort through meetings with local industry organizations. Through meetings with the seafood processing employers and various safety meetings and conferences held in Alaska, the Anchorage Area Office will provide updated information to employers on

topics such as the OSHA standards that apply to seafood processing, how to implement a safety and health program, and details about this LEP.

## B. Inspection Targeting

1. Due to the mobility of the processing units and the large geographical area involved, the Area Director must 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. 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.).

## C. 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 IX.B. 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 for that inspection cycle terminates. If the season closes before all planned inspections are conducted, the 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 Paragraph IX 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 on board the vessel; however, the CSHO is expected to collect three years of injury and illness records for each employer/vessel.

#### D. Special Instructions

##### 1. Inspection Record Coding

Inspections conducted under this program shall be coded as "Programmed Planned" with the LEP designation "FISH." Unprogrammed inspections (i.e. Complaints, Referrals from Outside OSHA, Fatalities/Catastrophes, Employer reported hospitalization or amputation) of fish processors shall be classified as "Unprogrammed" and coded under this local emphasis program designation of "FISH".

##### 2. Evaluation Procedures

At the end of the fiscal year, an evaluation of the program through that date will be made.

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 Enforcement Programs shall review the input and prepare an evaluation to be submitted to the Regional Administrator at the midpoint and completion of the LEP.