



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-16-05E | **EFFECTIVE DATE:** October 1, 2019

SUBJECT: Nebraska Local Emphasis Program (LEP) for Meat Processing Industries

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Instruction continues a 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 Instruction applies to the Omaha Area Office.

References: OSHA Instruction CPL 02-00-163 Field Operations Manual (FOM), September 13, 2019, or the most current version at the time of the inspection opening conference

OSHA Instruction CPL 04-00-002 Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018

OSHA Instruction CPL 02-00-025 Scheduling System for Programmed Inspections, January 4, 1995

OSHA Instruction CPL 02-00-051 Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998, or successor guidance

OSHA Instruction CPL 02-02-045, Process Safety Management of Highly Hazardous Chemicals-Compliance Guidelines and Enforcement Procedures (REVISED), September 13, 1994.

Cancellations: This instruction cancels CPL 02-16-05D, Nebraska Local Emphasis Program (LEP) for Meat Processing Industries, October 1, 2018.

State Plan Impact: None

Action Offices: Omaha Area Office

Originating Office: Kansas City Regional Office

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By and Under the Authority of:

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EXECUTIVE SUMMARY

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

The intent is encouraging employers to take steps to address hazards, evaluate facilities to determine compliance with all relevant OSHA requirements, and help employers correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

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- I. **Purpose.** This Instruction continues a Local Emphasis Program (LEP) for programmed safety inspections of Meat Processing Industry establishments in Nebraska. This potentially affects 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 Instruction applies to general industry establishments within the Omaha Area Office's jurisdiction.
- III. **Expiration.** This Instruction will expire on September 30, 2024.
- IV. **Action.** OSHA compliance personnel shall follow the procedures contained in this instruction when conducting outreach and enforcement activities.
- V. **References.**
 - A. OSHA Instruction CPL 02-00-163, Field Operations Manual (FOM), dated September 13, 2019, or the most current version at the time of the inspection opening conference.
 - B. OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
 - C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.
 - D. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, dated May 28, 1998 and Change dated December 18, 2018 (Appendix A), or most 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.
 - G. OSHA Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014
 - H. United States Environmental Protection Agency, Enforcement and Compliance History Online (ECHO), retrieved from <https://echo.epa.gov>, (most current version)
- VI. **Cancellation.** This Regional Instruction cancels CPL 02-16-05D, Nebraska Local Emphasis Program (LEP) for Meat Processing Industries, October 1, 2018.
- VII. **Action Offices.** Omaha Area Office
- VIII. **Background.** Historically, fewer worker safety problems existed in the meat processing industry. Processes possibly changed in recent years; however, injury and illness data indicates hazardous conditions exist in meat processing facilities.

The most current injury and illness data (2017) from the Bureau of Labor Statistics (BLS) for Nebraska, shows the Days Away, Restricted or Transferred (DART) rates for animal slaughtering and processing is 3.2% higher (at 5.1) than the private industry sector's DART

rate (1.6), [NAICS 31-33]. The Total Recordable Case Rate (TCIR) for NAICS 3116 is 2.3% higher (at 7.0) than the private industry sector's, [i.e., NAICS 311-339] TCIR rates (3.0).

Number and rate of nonfatal occupational injuries and illnesses by selected industry, Nebraska, private industry, 2017 (Numbers in thousands)				
Characteristic	Private industry		Animal slaughtering and processing	
	Number	Rate	Number	Rate
	2017	2017	2017	2017
Injuries and Illnesses				
Total cases	20.5	3.0	2.1	7.0
Cases with days away from work, job transfer, or restriction	10.6	1.6	1.5	5.1
Cases with days away from work	5.8	0.9	0.3	1.1
Cases with job transfer or restriction	4.7	0.7	1.2	4.0
Other recordable cases	9.9	1.5	0.6	1.9
Injuries				
Total cases	18.7	2.8	1.2	4.0
Illnesses				
Total cases	1.7	26.0	0.9	301.1
Illness categories				
Skin disorders	0.1	2.1	0.0	-
Respiratory conditions	0.0	0.7	0.0	-
Poisoning	-	-	0.0	-
Hearing loss	0.2	3.1	0.1	48.5
All other illness cases	1.3	19.9	0.7	248.8

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

The LEP increases the probability of inspecting establishments in a high hazard industry, within the jurisdiction of the Omaha Area Office, which has more than ten employees and has 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 OSHA requirements, to help employers come into

compliance, and to ensure employers protect employees from hazards related to animal slaughtering and processing.

The Omaha Area Office evaluated FY 2019 Meat Industry inspection data from the OSHA Information System (OIS) database. The Omaha area office conducted eight (8) inspections resulting in 84.8% of those inspection having Serious, Willful, or Repeat violations. Severe Injury Reports accounted for two of the eight inspections. The average violation per Meat Industry inspection under this LEP in FY 2019 was 5.0.

This instruction will help employers attain workplace safety and health excellence as OSHA maintains a strong, effective enforcement presence through physical inspection of worksites and facilities, issuance of appropriate citations and penalties, and abatement of identified hazards. These efforts continue to assist OSHA in meeting goals of the Department of Labor's Strategic Plan. In accordance with the Department of Labor's Strategic Plan, the LEP addresses OSHA Strategic Objective 2.1: "Maintaining a Strong Worker Safety Enforcement Program."

IX. Inspection Scheduling and Site Selection.

- A. Using a recent Dun & Bradstreet employer list, the Office of Statistical Analysis (OSA) will prepare a Master List (a.k.a. Primary List) of Nebraska establishments based on all NAICS 3116 codes (meat processing industry) with more than ten (10) employees. OSA will assign random numbers to establishments. The 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 the identified NAICS codes. Place in alphabetical order any establishment remaining on the secondary list. The area will notify the Office of Statistical Analysis (OSA) that the Area Office has added establishments. The OSA will then re randomize the list when notified by the area office.
- C. The Area Office shall follow procedures set forth in paragraph a. and b. above in accordance with the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum: Establishment – Targeting Lists for Emphasis
- D. Additional information sources allowing an office to discover previously unknown establishments within identified SIC/NAICS codes include a revised Dun & Bradstreet employer list and the EPA Enforcement and Compliance History Online (ECHO), <https://echo.epa.gov>.
- E. Without interfering with completion of a currently active list, and based on available site locations on the previously generated list and available OSHA resources, the Omaha Area Office may generate a new Master List (as described above) at any time within the effective dates of this program. In addition, the Omaha Area Office must complete any cycle begun but not completed (See paragraph X. below), before generating a new Master List within the effective dates of the program.

F. Inspection Cycles.

The Omaha Area Office generates inspection cycles from the Master List. Each cycle will consist of at least six (6) establishments sorted by the assigned random number from lowest to highest. The Area Office must complete an inspection cycle before generating another cycle from the Master 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 Omaha Area Office will make deletions pursuant to the deletions policy set forth in CPL 02-00-025, as noted below. Subsequent cycle generation occurs in the same manner using cycles of six establishments each.

G. Deletions.

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

X. Inspection Procedures. Inspections will be conducted in accordance with this Instruction and the Field Operations Manual.

Inspection scheduling shall be in accordance with OSHA Instruction CPL 02-00-163 Field Operations Manual (FOM), September 13, 2019, or the most current version at the time of the inspection opening conference

A. Inspection Scope.

1. Each establishment scheduled for inspection shall receive a comprehensive safety inspection, as defined by CPL 02-00-163, Chapter 3, and III.A. unless it meets deletion criteria as described in paragraph, IX.F. Meat-processing employers usually maintain a separate work-shift for facility cleaning. Cleaning workers may be Meat Product establishment employees or may be contract cleaning company (NAICS 561720) employees. A comprehensive safety inspection evaluates safety hazards associated with cleaning crews.
2. CSHOs 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. A CSHO may make a health referral if it is determined that a violation of OSHA health standards may exist.
3. The CSHO will determine if the establishment is operating under the New Swine Inspection System (NSIS). Establishments in the NSIS are required to provide an attestation stating that the establishment maintains a program to monitor and document work-related conditions of establishment workers, to OSHA. Those establishments that are required to provide attestation

should also display the OSHA-Food Safety and Inspection Service (FSIS) poster. The CSHO will review attestations and posters.

4. The Omaha Area Office used Calendar Year (CY) 2017, U.S. Bureau of Labor Statistics national data to find case rates per 10,000 full-time workers of nonfatal injuries and illnesses. Statistics indicate, 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 the same categories for all Private Industry. Specifically, 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 rates for Private Industry. Therefore, every CSHO, conducting a comprehensive inspection in any establishment in NAICS 3116 shall assess at least three years of OSHA 300 logs and must make a referral to a CSHO trained in ergonomic evaluations, when the CSHO determines ergonomic related hazards may exist.
5. Inspections conducted under the 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*, then make a referral where it is determined 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.

B. Programmed Inspections.

Some establishments selected for inspection under the 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 run concurrently with the Meat Processing Initiative.

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

C. Unprogrammed Inspections.

For establishments within NAICS 3116, any unprogrammed safety or health inspection or investigation 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. OIS Coding.

- A. The Area Office identifies inspections under this LEP within the OIS and follows current instructions for completing the appropriate inspection classification boxes on the OIS Inspection Form:
- B. The Area Office will identify inspections conducted under this LEP in OIS and follow current instructions for completing the appropriate inspection classification boxes on the OIS Inspection Form:
 - 1. Programmed inspections conducted under this Instruction shall be marked “Planned”, “Local Emphasis Program”, and “MEATINDUSTRY”.
 - 2. The office will code “No Inspection” if they arrive at a worksite for a scheduled inspection under this Instruction and discover that the establishment does not qualify for an inspection (e.g., ten or fewer employees, establishment is out of business, etc.). The office must delete the establishment from the list.
 - 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 Local Emphasis Program menu.
 - 4. Code all consultation activities (requests, visits, and compliance assistance) conducted at sites in the NAICS codes included in the LEP with “MEATINDUSTRY,” in the Local Emphasis Program menu.
 - 5. Indicate on Inspection Type tab “program related” when related inspections are conducted.

XII. Outreach. The Omaha Area Office conducted outreach activities to raise awareness of hazards associated with the meat processing industry and inform stakeholders and employers of the LEP elements. The Omaha Area Office regularly schedules meetings with advocacy groups for the meat industry, including Nebraska Appleseed and Heartland Worker’s Center.

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

Omaha Area Office will continue to inform employers and workers of educational resources, such as listed below which give information on potential hazard 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 Omaha Area Office.

- XIII. Program Report.** No later than midway through the life of the program and completion of the program, the Area Office will provide a program report of this LEP to the Regional Office. At a minimum, the report should respond to the requirements of CPL 04-00-002, Section VIII, E.