



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 04-05-2201 | **EFFECTIVE DATE:** April 19, 2022

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**SUBJECT:** Local Emphasis Program for Food Manufacturing Industry

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**REGIONAL IDENTIFIER:** Region V

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## ABSTRACT

**Purpose:** This Notice establishes a Local Emphasis Program (LEP) for the purpose of scheduling and conducting inspections within the Food Manufacturing industry.

**Scope:** Area Directors shall use the procedures described in Paragraph VIII of this Notice as the basis for developing and implementing inspection activity in those facilities that produce and manufacture food products.

**References:** [CPL 02-00-164 - Field Operations Manual \(FOM\)](#), April 14, 2020

[CPL 04-00-002, Procedures for Approval of Local Emphasis Programs](#), November 13, 2018

[CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995

[CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act](#), May 28, 1998

Bureau of Labor Statistics (BLS). Nonfatal Cases Involving Days Away from Work: Selected Characteristics (2011-2020). Retrieved March 3, 2022, from <https://data.bls.gov/cgi-bin/dsrv?cs>

Bureau of Labor Statistics (BLS). Nonfatal Cases Involving Days Away from Work: Selected Characteristics (2011-2020). Retrieved March 3, 2022, from <https://data.bls.gov/PDQWeb/cs>

**Action Offices:** This Notice applies to the Appleton, Eau Claire, Madison, and Milwaukee, Wisconsin Area OSHA Offices.

**Originating Office:** Appleton Area Office

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By and Under the Authority of

William J. Donovan  
Regional Administrator

## EXECUTIVE SUMMARY

Wisconsin workers employed in the food manufacturing industry face many hazards that can lead to serious injury, illness, and death. Ineffective or absent guarding on production machinery and deficiencies in Hazardous Energy Control methods and training can expose employees to serious injuries such as fractures, amputations, cuts, lacerations, punctures, or even thermal and chemical burns. More than 700 establishments and an estimated 19,000 employees in Wisconsin fall under the food production North American Industry Classification System (NAICS) codes beginning with 311.

In examining data from the Bureau of Labor and Statistics (BLS) for those private Wisconsin companies with a primary NAICS code in the 311xxx range during 2011-2020, it was determined that food manufacturing injury rates were consistently elevated when compared to the averages for all private Wisconsin companies engaged in manufacturing, with NAICS codes between 311xxx-339xxx. Using the most recent BLS data available (2020), food manufacturing industries had rates exceeding the average for all private manufacturing NAICS codes in Wisconsin with respect to some of the most important metrics pertaining to injury and illness rates: Total recordable cases<sup>1</sup>; Cases involving days away from work, job restriction or transfer<sup>1</sup>; Fractures; Amputations; Cuts, lacerations, punctures; Heat (thermal) burns; and Chemical burns and corrosions<sup>2</sup>.

The intent of this Local Emphasis Program is to encourage employers to take steps to identify, reduce, and eliminate hazards associated with exposure to machine hazards during production activities, and off-shift sanitation, service, and maintenance tasks. Furthermore, given that many food manufacturing facilities utilize temporary or seasonal labor, this LEP will help Wisconsin Area OSHA Offices meet the Deputy Secretary's goal of, "*serving the most vulnerable workers, those facing barriers to employment, and workers in contingent jobs or other jobs that heighten their economic insecurity and vulnerability.*"

OSHA Region V proposes to accomplish this initiative through outreach, education, training, and enforcement activities. Outreach activities will include letters to employers, training sessions with stakeholders, electronic information-sharing activities, public service announcements, and news release broadcasts. Enforcement activities will begin not earlier than three months after outreach is initiated and will include, but not be limited to, the inspection and review of production operations, and working conditions; injury and illness records; safety and health programs; and hazardous energy control methods, to identify and correct workplace hazards at all applicable inspection sites.

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<sup>1</sup> Bureau of Labor Statistics (BLS). Nonfatal Cases Involving Days Away from Work: Selected Characteristics (2011-2020). Retrieved March 3, 2022, from <https://data.bls.gov/cgi-bin/dsrv?cs>

<sup>2</sup> Bureau of Labor Statistics (BLS). Nonfatal Cases Involving Days Away from Work: Selected Characteristics (2011-2020). Retrieved March 3, 2022, from <https://data.bls.gov/PDQWeb/cs>

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**I. Purpose.**

This Instruction establishes a Local Emphasis Program (LEP) to reduce injuries and fatalities related to workers' exposures while engaged in food production activities. This LEP will provide the authority to evaluate the employers' workplace(s) at all programmed, un-programmed, or other limited-scope inspections pertaining to food production operations to assure employees are being properly protected. OSHA Area Offices have the authority to conduct inspections for all referral and complaints, formal or non-formal, which contain allegations of potential worker exposure to serious hazards associated with operating food production machinery or performing service, maintenance, and sanitation tasks on food processing and ancillary equipment. Area Offices shall incorporate this LEP into the scheduled or ongoing inspection upon a determination of hazards or injuries/illnesses covered by this emphasis program.

**II. Scope.**

This Regional Instruction applies to the Appleton, Eau Claire, Madison, and Milwaukee, Wisconsin Area Offices, and covers establishments in the following North American Industry Classification System (NAICS) codes:

**TABLE 1: Industry Coverage**

<b>NAICS</b>	<b>Description</b>
<b>3114xx</b>	<b>Fruit and Vegetable Preserving and Specialty Food Manufacturing</b>
311411	Frozen Fruit, Juice, and Vegetable Manufacturing
311412	Frozen Specialty Food Manufacturing
311421	Fruit and Vegetable Canning
311422	Specialty Canning
311423	Dried and Dehydrated Food Manufacturing
<b>3115xx</b>	<b>Dairy Product Manufacturing</b>
31151x	Dairy Product (except frozen) Manufacturing
311511	Fluid Milk Manufacturing
311512	Creamery Butter Manufacturing
311513	Cheese Manufacturing
311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing
311520	Ice Cream and Frozen Dessert Manufacturing
<b>3116xx</b>	<b>Animal Slaughtering and Processing</b>
311611	Animal (except Poultry) Slaughtering
311612	Meat Processed from Carcasses
311613	Rendering and Meat Byproduct Processing
311615	Poultry Processing

NOTE: NAICS codes listed above that end with “xx” include all industries within the 4-digit Industrial Classification.

**III. References.**

- A. [CPL 02-00-164 - Field Operations Manual \(FOM\)](#), April 14, 2020
- B. [CPL 04-00-002, Procedures for Approval of Local Emphasis Programs](#), November 13, 2018
- C. [CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995
- D. [CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act](#), May 28, 1998
- E. Bureau of Labor Statistics (BLS). Nonfatal Cases Involving Days Away from Work: Selected Characteristics (2011-2020). Retrieved March 3, 2022, from <https://data.bls.gov/cgi-bin/dsrv?cs>
- F. Bureau of Labor Statistics (BLS). Nonfatal Cases Involving Days Away from Work: Selected Characteristics (2011-2020). Retrieved March 3, 2022, from <https://data.bls.gov/PDQWeb/cs>

**IV. Cancellations.**

None

**V. Expiration.**

This Notice expires on April 30, 2027.

**VI. Action Offices.**

Participating Area Directors will use the procedures described in Paragraph VIII of this Instruction as the basis for developing and implementing inspection activity at those establishments covered under this LEP.

## VII. Background.

Wisconsin workers employed in the food manufacturing industry face many hazards that can lead to serious injury, illness, and death. Ineffective, or absent, guarding on production machinery and deficiencies in hazardous energy control methods and training can expose employees to serious injuries such as fractures and amputations. More than 700 establishments and an estimated 19,000 employees in Wisconsin fall under the food production North American Industry Classification System (NAICS) codes beginning with 311.

A review of recent injury and illness data obtained from the Bureau of Labor Statistics (BLS), indicated that Food Manufacturing facilities in Wisconsin have shown higher levels of injuries during that time period when compared to an average for all private Wisconsin companies engaged in manufacturing with NAICS codes between 311xxx-339xxx. Specifically, the rates of amputation and fracture-based injuries, as well cuts, lacerations and punctures have shown to be higher than in all private manufacturing NAICS. In addition, injuries and illnesses due to chemical and thermal burns (associated with production but also maintenance and sanitation processes) also show rates in excess of the manufacturing super sector rates. In 2020, food manufacturing industries had rates exceeding the average for all private manufacturing in Wisconsin with respect to Total recordable cases; Cases involving days away from work, job restriction or transfer<sup>1</sup>, Fractures; Amputations; Cuts, lacerations, punctures; Heat (thermal) burns; and Chemical burns and corrosions<sup>2</sup>.

**TABLE 2: Private Manufacturing Rates in Wisconsin in 2020**

<b>Category</b>	<b>Food Manufacturing Rates (NAICS 311xxx)</b>	<b>Manufacturing Rates (NAICS 31-33)</b>
Total recordable cases <sup>1</sup>	4.6	3.7
Cases involving days away from work, job restriction or transfer <sup>1</sup>	3.5	2.2
Fractures <sup>2</sup>	17.1	10.9
Amputations <sup>2</sup>	5.6	3.8
Cuts, lacerations, punctures <sup>2</sup>	13.4	9.8
Chemical burns and corrosions <sup>2</sup>	6.1	1.4
Heat (thermal) burns <sup>2</sup>	3.7	2.0

During this same time period, the Appleton, Eau Claire, Madison and Milwaukee, WI OSHA Area Offices have initiated 488 inspections within the facilities falling under the 311xxx Food Manufacturing NAICS code. Inspections resulted in the abatement of hundreds of serious hazards which were addressed in 657 violations issued to food manufacturers. Of the violations issued to the employers, 170 fell under the hazardous energy control (29 CFR 1910.147) standard and 91 fell under machine guarding

standards (29 CFR 1910.212-219). The combined 261 violations, related to hazardous energy control and machine guarding, accounted for approximately 40% of all violations issued to food manufacturing companies during that time period. An examination of the accident investigations completed as part of inspection activity during that time frame indicated that 78 amputations and 17 fractures occurred from exposure to moving machine parts. In addition, three fatalities can be attributed to failures of machine guarding or hazardous energy control for the same time period.

Based on BLS data from CY 2020, the NAICS codes covered by this LEP were identified as private manufacturing industries in the NAICS food manufacturing sector 31 with any injury and illness rates equal to, or higher than the corresponding average rates for all private manufacturing. For additional information, see TABLE 1: Industry Coverage and TABLE 2: Private Manufacturing Rates in Wisconsin in 2020.

Specifically, NAICS 3114xx, Fruit and Vegetable Preserving and Specialty Food Manufacturing, has fractures rates of 13.9 per 10,000 full-time workers which are higher than the corresponding private manufacturing rates. Similarly, NAICS 3115xx, Dairy Product Manufacturing, has fractures rates of 28.1, cuts, lacerations, and punctures rates of 11.7, chemical burns and corrosions rates of 13.6 and heat (thermal) burns rates of 6.4 per 10,000 full-time workers, that are higher than the corresponding private manufacturing rates. Lastly, NAICS 3116xx, Animal Slaughtering and Processing, has fracture rates of 15.0, amputations rates of 16.1, and cuts lacerations and punctures rates of 22.2 per 10,000 full-time workers that are higher than the corresponding private manufacturing rates. Injury and illness rates for the covered NAICS are summarized in TABLE 3: Rates for Selected Food Manufacturing Industries.

**TABLE 3: Rates for Selected Food Manufacturing Industries**

<b>Category (2020 rates)</b>	<b>Wisconsin Private Manufacturing (NAICS 31-33)</b>	<b>Fruit and Vegetable Preserving and Specialty Food Manufacturing 3114xx</b>	<b>Dairy Product Manufacturing 3115xx</b>	<b>Animal Slaughtering and Processing 3116xx</b>
Fractures <sup>2</sup>	10.9	13.9	28.1	15.0
Amputations <sup>2</sup>	3.8			16.1
Cuts, lacerations, punctures <sup>2</sup>	9.8		11.7	22.2
Chemical burns and corrosions <sup>2</sup>	1.4		13.6	
Heat (thermal) burns <sup>2</sup>	2.0		6.4	



## **VIII. Inspection Scheduling.**

- A. Selection and Scheduling of Complaints and Referrals. Area Offices will conduct inspections for all complaints and referrals in industries covered by this LEP that allege employee exposure to hazards associated with operating food production machinery or performing service, maintenance, and sanitation tasks on food processing and ancillary equipment, during production or while performing service, maintenance, and sanitation activities. The inspection will address all complaint items and all aspects of potential employee exposure to hazards.

When OSHA is notified of any Imminent Danger, Fatality/Catastrophe, Complaints or Referrals in any of the industries covered by this Instruction, whether or not they fall within the scope of the LEP, Area Offices shall incorporate this LEP into the scheduled or ongoing inspection. Refer to the general procedures in FOM Chapter 9, Complaint and Referral Processing, and Chapter 11, Imminent Danger, Fatality, Catastrophe, and Emergency Response, for additional information.

- B. Programmed Inspection Lists. Each Area Office will prepare a master inspection list in accordance with the CPL 02-00-025, Scheduling Systems for Programmed Inspections. The National Office may provide a random number of establishments on a list and provide the list to Area Offices, for the purposes of this LEP.

All selected establishments, regardless of size, will be inspected, subject to any enforcement limitations under the Appropriations Act per CPL 02-00-051.

- C. Cycle Generation. Cycles will be prepared in accordance with CPL 02-00-025, Scheduling System for Programmed Inspections. All establishments in a cycle must be opened before any establishment from a new cycle can be inspected. The establishments within the cycle may be inspected in any order.

- D. Additions. Based on their familiarity with local industries, Area Offices may add to the master inspection list any establishments that are covered by this LEP. If establishments are added to the master inspection list, the list must be re-randomized prior to use. The Area Office may return the modified list to the National Office for assignment of new random numbers or the Area Office may assign new random numbers to the list using the RANDBETWEEN function in Microsoft Excel.

- E. Deletions. Based on their familiarity with local industries, Area Offices shall delete from the master inspection list any firms known to be out of business. Additionally, establishments that have received a comprehensive safety inspection within 24 months prior to the creation of the current inspection cycle will be deleted from the

inspection list. This timeframe will be calculated using the previous inspection's opening conference date.

- F. Data Collection. Area Offices will collect data from OSHA 300 logs for the previous three calendar years plus the current year from all establishments inspected under this program that are required to maintain them. The data, which will include the totals from all the columns of the 300 log and the total hours worked by all employees for these years, will be used to assist in the evaluation of the program.
- G. Strategic Plan. Area Offices shall conduct inspections under this program each fiscal year that this program is active. The inspections conducted under this LEP will be incorporated into each Area Office's overall strategic operating plan.

## **IX. Inspection Procedures.**

### **A. Scope.**

The scope of inspections conducted under this LEP shall generally be safety inspections focusing on evaluating machine guarding hazards associated with points of operation, ingoing nip points, and moving or rotating parts of food processing equipment. The inspection scope will also cover any deficiencies in the employer's hazardous energy control program associated with servicing, maintenance, setup, and sanitation of equipment, including thermal injuries from contact with hot or cold equipment. Additionally, these inspections will address hazards associated with chemical burns from corrosives, such as those utilized during the sanitation process. The scheduling of inspections under this LEP will be conducted in accordance with Paragraph VIII, and may be expanded to address additional hazards based on information gathered by CSHOs during the inspection process, in accordance with Chapter 3 of the [FOM](#).

When possible, inspections conducted under this LEP will be combined with other programmed and unprogrammed inspections. This LEP may be combined with other existing initiatives, such as National Emphasis Programs, Regional Emphasis Programs or Site-Specific Targeting.

### **B. Procedures.**

Upon entering the establishment, the Compliance Safety and Health Officer (CSHO) shall verify the NAICS code of the establishment. If the NAICS code is not one of

those covered in this LEP, CSHOs shall exit the facility and code the OSHA Information System (OIS) Inspection form “No Inspection.”

At the start of each inspection, CSHOs shall review the OSHA 300 injury and illness logs for injuries indicative of a machine guarding or hazardous energy control program deficiencies. CSHOs shall evaluate the employer’s hazardous energy control program, including written procedures, authorized and affected training and the annual periodic inspection of control procedures. The evaluation of the hazardous energy control program will also include a review of the sanitation operations.

CSHOs shall conduct a walk around of the facility and observe employee interaction with food production machinery. CSHOs shall evaluate the machinery for any guarding deficiencies, which leave employees exposed to in running nip points, catch points, sheer points, pinch points or other moving parts. CSHOs shall also assess the potential for contact with hot or cold equipment (e.g., such as those used for sterilization or refrigeration) or corrosive chemicals (typically used during the sanitation process) that could result in injuries. CSHOs shall also note any observed service or maintenance activity and evaluate the tasks for compliance with applicable standards. Because most sanitation activities take place during second or third shift, CSHOs shall also focus on those activities including hygiene/disinfection and maintenance that occur outside normal production schedules. Evaluation of such activities may require follow-up inspections during non-production work shifts and/or inclusion of other contractors on premises in the inspection process, in accordance with established agency procedures.

#### **X. CSHO Protection.**

Inspections under this LEP are to be conducted by CSHOs who have received training on the LEP. CSHOs shall attempt to document the presence of potential hazards prior to initiating the walk around portion of the inspection, and shall make appropriate personal protective equipment (PPE) selections, relying on information obtained during the opening conference, from previous inspection activity at similar sites, safety data sheets, and/or previous exposure monitoring surveys.

Area Directors shall ensure that CSHOs have the necessary PPE to conduct the inspection, including but not limited to, hard hats, safety glasses, hearing protection, safety boots, and respiratory protection. CSHOs shall not place themselves in potentially hazardous situations, such as entry into permit-required confined spaces or activities that would require the performance of hazardous energy control. In such cases, necessary information should be sought in another manner, such as private employee interviews, witness statements, engineering drawings, manufacturing specifications/manuals, etc. Supervisors shall ensure CSHOs comply with all related requirements developed as part of the [ADM 04-00-003, OSHA Safety and Health Management System](#).

Where applicable, CSHOs shall follow policies outlined in Chapter 27 of the OSHA Technical Manual, Exposure Monitoring, and will conduct self-sampling when they are potentially exposed to hazardous chemicals. A list of hazardous chemicals is included in Appendix A to Chapter 27.

## **XI. Program Elements.**

CSHOs shall evaluate the following safety and health program elements and hazards during all compliance inspections conducted at the covered NAICS sites under this LEP. The compliance inspections cover all portions of the employer's operations at the site.

### **A. Machine Guarding.**

CSHOs shall evaluate all machinery utilized by employees for production of food products or used by maintenance personnel, or maintenance activities for compliance with standards, including but not limited to the following: [29 CFR 1910.212](#), [29 CFR 1910.213](#), [29 CFR 1910.215](#), [29 CFR 1910.217](#) and [29 CFR 1910.219](#).

### **B. Control of Hazardous Energy.**

CSHOs shall evaluate the employer's hazardous energy control program for compliance with [29 CFR 1910.147](#). CSHOs will utilize [CPL 02-00-147](#) *The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures* when conducting their evaluation.

### **C. Other Hazards.**

CSHOs shall review the injury and illness records for the past three years for trends that may identify a common hazard at the workplace. Conditions and hazards may vary from facility to facility depending on work operations. However, a variety of hazards may be common industry-wide, including:

- i. Noise
- ii. Hazardous Chemicals
- iii. Refrigeration Chemicals (e.g. carbon dioxide, ammonia)
- iv. Personal Protective Equipment
- v. Process Safety Management (PSM)
- vi. Powered Industrial Vehicles (PIV)

- vii. Electrical
- viii. Falls
- ix. Walking Working Surfaces
- x. Permit Required Confined Space (PRCS)
- xi. Combustible Dust
- xii. Struck-by hazards
- xiii. Bloodborne Pathogens
- xiv. Emergency evacuation plans and procedures
- xv. Temporary Labor Camp conditions

## **XII. OIS Coding.**

Current instructions for completing Inspection, Complaint, Fatality, and Referral Forms shall be applied when recording inspections under this LEP.

- A. The Inspection Report for any inspection expanded or scheduled under this LEP shall be marked as “**FOODMAN**” in the Local Emphasis Program field.
- B. All other enforcement activities (i.e., complaints, referrals, etc.) conducted under this LEP shall be marked as “**FOODMAN**” in the Local Emphasis Program field.
- C. Compliance Assistance interventions conducted under this LEP shall be marked as “**FOODMAN**” in the Local Emphasis Program field.
- D. All other applicable OIS codes shall be applied, as appropriate.

## **XIII. Evaluation Procedures.**

The Appleton Area Director shall submit program reports at the midpoint of the program and at the expiration. The program report will include a brief description of program activities and results, analysis of factors listed in [CPL 04-00-002](#) (formerly CPL 2.102), Appendix A, as well as recommendations regarding the continuation of this Local Emphasis Program. In addition, the following factors should also be included.

- a. The number of inspections where food production facilities were evaluated and total number and percent of violations that are serious, willful, or repeat.
- b. The number of serious or other-than-serious violations for the following unique hazards to the industry:

- i. Machine Guarding (1910.212-1910.219)
  - ii. Control of Hazardous Energy (1910.147)
- c. The number of hazard alert letters issued.
- d. Annual number of fatalities, hospitalizations, amputations, and serious incidents at food production facilities.
- e. The number of unprogrammed activities concerning food production facilities conducted annually.
- f. The number of employees covered during enforcement and outreach activities.
- g. Narrative that describes the impact that outreach activities may have had for employers and employees.
- h. Abatement measures implemented, if novel and innovative.

#### **XIV. Outreach Activities.**

Prior to the initiation of the enforcement of this LEP, each covered Area Office will implement outreach programs that support the efforts of the Agency in meeting the goals of the LEP. These outreach efforts should take place at least three months before the initiation of enforcement. Such programs may include:

- A. Targeted presentations, speeches, meetings, and/or training sessions with employers/stakeholders.
- B. Letters/mailings to employers, professional associations, local safety councils, apprenticeship programs, local hospitals, and occupational health clinics.
- C. News releases through local newspapers, safety councils, and/or Safety & Health organizations.
- D. Use of current social media methods such as twitter and e-mail contacts.
- E. OSHA Area Offices may leverage existing Partnerships and Alliances with groups representing employers and workers in the affected industries to share

successes and technical information concerning effective means of controlling and reducing worker exposures to machine hazards.

- F. Encourage small businesses to contact OSHA's On-Site Consultation Program. OSHA's On-Site Consultation Service offers free and confidential advice to small and medium businesses in all States across the country, with priority given to high-hazard worksites.
  
- G. OSHA's compliance assistance resources for this industry include:
  - i. Control of Hazardous Energy (Lockout/Tagout) eTool and Safety and Health Topics Page
  - ii. Noise and Hearing Conservation eTool and Safety and Health Topics Page
  - iii. Respiratory Protection eTool
  - iv. Eye and Face Protection eTool
  - v. Machine Guarding eTool
  - vi. Hazard Exposure and Risk Assessment eMatrix
  - vii. Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace