



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 04-05-2202 | **EFFECTIVE DATE:** October 3, 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

Illinois Occupational Surveillance Program (IOSP). Aggregated, De-Identified First Report of Injury Data from the Illinois Workers' Compensation Commission (IWCC) for Food Processing Workers for 2019 and 2020.

Illinois Department of Employment Security (IDES). Labor Market Information (LMI). Quarterly Census of Employment & Wages (QCEW). Statewide 3 Digit Series for 2019 and 2020. Retrieved June 8, 2022, from: <https://ides.illinois.gov/resources/labor-market-information/qcew.html>.

Ohio Bureau of Workers' Compensation (BWC): Aggregated, De-Identified Injury Claim Rates per 1,000 Employees for Food Processing Workers for 2019.

Ohio Department of Job and Family Services (ODJFS). Office of Workforce Development. Bureau of Labor Market Information (LMI). Total Wages, Employment and Establishments as Covered Under the Ohio and Federal Unemployment Compensation Laws by North American Industry Classification System (NAICS) Industrial Sector. State of Ohio Annual 2019. Retrieved June 8, 2022, from:  
[https://ohiolmi.com/\\_docs/QCEW/annual\\_n/2019\\_RS20311N.pdf](https://ohiolmi.com/_docs/QCEW/annual_n/2019_RS20311N.pdf)

**Action Offices:** This Regional Instruction applies to the Illinois (Chicago North, Chicago South, Naperville, Peoria, Fairview Heights) and Ohio (Toledo, Cleveland, Columbus, Cincinnati) OSHA Area Offices.

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By and Under the Authority of



William J. Donovan  
Regional Administrator

## EXECUTIVE SUMMARY

Illinois and Ohio 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. In Illinois, approximately 1,800 establishments<sup>1,2</sup> and 83,000 employees<sup>1,2</sup> were covered under the food production North American Industry Classification System (NAICS) codes beginning with 311 between 2019 and 2020. In Ohio, approximately 59,900 employees<sup>3</sup> and nearly 1,088 establishments<sup>4</sup> were covered by the food production North American Industrial Classification System (NAICS) codes beginning with 311 in 2019.

OSHA examined private sector Illinois Workers' Compensation Commission aggregated data of First Reports of Injury (FROI)<sup>1</sup> and Ohio Bureau of Workers' Compensation injury claim aggregated data<sup>3</sup> which was tabulated by four (4) digit NAICS codes, as well as Illinois<sup>1</sup> and Ohio<sup>3</sup> private sector summary employment information for 2019 and 2020. All data available to OSHA had establishment and employee information, and any other identifiers removed, in order to maintain confidentiality.

In examining injury rates (per 1,000 workers) for those private sector Illinois and Ohio companies with a primary NAICS code in the 311xxx range during 2019-2020, it was determined that food manufacturing injury rates were consistently elevated when compared to the averages for all private companies engaged in manufacturing, with NAICS codes between 311xxx-339xxx. Food manufacturing industries had injury rates exceeding the average for all private manufacturing NAICS codes with respect to important metrics pertaining to injury and illness rates including fractures; amputations; cuts, lacerations, punctures; heat (thermal) burns; and chemical burns.

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

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<sup>1</sup> Illinois Occupational Surveillance Program (IOSP). Aggregated, De-Identified First Report of Injury Data from the Illinois Workers' Compensation Commission (IWCC) for Food Processing Workers for 2019 and 2020.

<sup>2</sup> [Illinois Department of Employment Security \(IDES\). Labor Market Information \(LMI\). Quarterly Census of Employment & Wages \(QCEW\). Statewide 3 Digit Series for 2019 and 2020. Retrieved June 8, 2022, from: https://ides.illinois.gov/resources/labor-market-information/qcew.html.](https://ides.illinois.gov/resources/labor-market-information/qcew.html)

<sup>3</sup> Ohio Bureau of Workers' Compensation (BWC): Aggregated, De-Identified Injury Claim Rates per 1,000 Employees for Food Processing Workers for 2019.

<sup>4</sup> [Ohio Department of Job and Family Services \(ODJFS\). Office of Workforce Development. Bureau of Labor Market Information \(LMI\). Total Wages, Employment and Establishments as Covered Under the Ohio and Federal Unemployment Compensation Laws by North American Industry Classification System \(NAICS\) Industrial Sector. State of Ohio Annual 2019. Retrieved June 8, 2022, from: https://ohiolmi.com/docs/QCEW/annual\\_n/2019\\_RS20311N.pdf](https://ohiolmi.com/docs/QCEW/annual_n/2019_RS20311N.pdf)

food manufacturing facilities utilize temporary or seasonal labor, this LEP will help Illinois and Ohio Area OSHA Offices meet the goal established by the Agency's Deputy Secretary of, "*servicing 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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## I. Purpose.

This Instruction establishes a Local Emphasis Program (LEP) to reduce injuries and fatalities related to workers' exposures to hazards from ineffective or absent guarding on production machinery and deficiencies in Hazardous Energy Control methods and training, 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 Illinois and Ohio OSHA Area Offices (Chicago North, Chicago South, Naperville, Peoria, Fairview Heights, Toledo, Cleveland, Cincinnati and Columbus), and covers establishments in the following North American Industry Classification System (NAICS) codes:

**TABLE 1: Industry Coverage**

<b>NAICS</b>	<b>Description</b>
<b>3113xx</b>	<b>Sugar and Confectionery Product Manufacturing</b>
311313	Beet Sugar Manufacturing
311314	Cane Sugar Manufacturing
311340	Nonchocolate Confectionery Manufacturing
311351	Chocolate and Confectionery Manufacturing from Cacao Beans
311352	Confectionery Manufacturing from Purchased Chocolate
<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
<b>3119xx</b>	<b>Other Food Manufacturing</b>
311911	Roasted Nuts and Peanut Butter Manufacturing
311919	Other Snack Food Manufacturing
311920	Coffee and Tea Manufacturing
311930	Flavoring Syrup and Concentrate Manufacturing
311941	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing
311942	Spice and Extract Manufacturing
311991	Perishable Prepared Food Manufacturing
311999	All Other Miscellaneous Food Manufacturing

**NOTE:** NAICS codes listed above that end with “x” 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. Illinois Occupational Surveillance Program (IOSP). Aggregated, De-Identified First Report of Injury Data from the Illinois Workers’ Compensation Commission (IWCC) for Food Processing Workers for 2019 and 2020.
- F. Illinois Department of Employment Security (IDES). Labor Market Information (LMI). Quarterly Census of Employment & Wages (QCEW). Statewide 3 Digit Series for 2019 and 2020. Retrieved June 8, 2022, from: <https://ides.illinois.gov/resources/labor-market-information/qcew.html> .

G. Ohio Bureau of Workers' Compensation (BWC): Aggregated, De-Identified Injury Claim Rates per 1,000 Employees for Food Processing Workers for 2019.

H. Ohio Department of Job and Family Services (ODJFS). Office of Workforce Development. Bureau of Labor Market Information (LMI). Total Wages, Employment and Establishments as Covered Under the Ohio and Federal Unemployment Compensation Laws by North American Industry Classification System (NAICS) Industrial Sector. State of Ohio Annual 2019. Retrieved June 8, 2022, from: [https://ohiolmi.com/\\_docs/QCEW/annual\\_n/2019\\_RS20311N.pdf](https://ohiolmi.com/_docs/QCEW/annual_n/2019_RS20311N.pdf)

**IV. Cancellations.**

None

**V. Expiration.**

This Notice expires on September 30, 2027.

**VI. Action Offices.**

Participating Area Offices 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.**

OSHA examined aggregated, de-identified, private sector injury data, employment, and establishment information available from several sources, including but not limited to Illinois FROI and employment data<sup>1</sup> for 2019 and 2020 and Ohio injury claim and employment data<sup>3</sup> for 2019. OSHA verified employment and establishment information the Illinois' Department of Employment Security (IDES) Labor Market Information (LMI)<sup>2</sup> and Ohio's Department of Job and Family Services (ODJFS) Bureau of Labor Market Information (LMI)<sup>4</sup>. Where applicable, OSHA calculated the covered injury rates (per 1,000 employees) using provided employment information. All aggregated data available to OSHA had establishment and employee information or identifiers removed, in order to maintain confidentiality.

OSHA found that select subsectors in the food manufacturing sector (i.e., NAICS 311) have injury rates in excess of their respective reference injury rates for the entire private manufacturing sector in each State. These rates address important metrics pertaining to injury and illness including fractures; amputations; cuts, lacerations, punctures; heat (thermal) burns; and chemical burns. OSHA further analyzed its enforcement data in



NAICS 311, including inspections conducted between CY 2016 and CY 2020 and concluded that a Local Emphasis Program (LEP) is necessary to address 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.

## A. Illinois

OSHA examined aggregated, de-identified private sector FROI data and employment information tabulated by four (4) digit NAICS codes for 2019 and 2020. All Illinois injury data (i.e., injuries that occurred in either 2019 or 2020) available to OSHA<sup>1</sup> had establishment and employee information or identifiers removed, in order to maintain confidentiality. Illinois FROI data contained information on the following injury types: amputation, crush, burn, fracture, laceration, puncture and severance. OSHA calculated the rates of injury per 1,000 private sector employees in the State of Illinois for manufacturing (i.e., NAICS 31-33), private sector food manufacturing (i.e., NAICS 311) and individual subsectors at the 4-digit NAICS levels (i.e., NAICS 3111 through 3119).

IDES makes aggregated employment data publicly available at the 3-digit NAICS level on the department's LMI web portal<sup>2</sup>. Employment and establishment information available to OSHA<sup>1</sup> for private sector manufacturing and food manufacturing was comparable to published IDES LMI data<sup>2</sup>, with calculated differences of less than one (1) percent. See APPENDIX 2 for a detailed Illinois employment data comparison between IOSP<sup>1</sup> and IDES LMI<sup>2</sup>.

A review of the Illinois FROI injuries rates revealed that private food manufacturing facilities in Illinois (i.e., NAICS 311) have higher levels of injury during the same time period, when compared to rates for all private Illinois companies engaged in any manufacturing (i.e., NAICS 31-33). Overall, the food manufacturing sector had covered injury rates (i.e., amputation, crushing, burns, fractures, lacerations, punctures and severance) per 1,000 employees of 3.22 in 2019 and 3.61 in 2020, both of which are in excess of the manufacturing super sector rates for those years, i.e., 2.76 in 2019 and 2.71 in 2020, respectively. Individual food manufacturing subsectors (4-digit NAICS) also had increased rates over the baseline of Illinois private manufacturing for the year, when looking either at the totality of covered injuries or when looking at particular industries and specific injury types. The information is summarized in TABLE 2 and TABLE 3, below.

During calendar years (CY) 2016, 2017, 2018, 2019, and 2020, the Illinois OSHA Area Offices (Chicago North, Chicago South, Naperville, Peoria and Fairview Heights)

initiated 434 inspections in NAICS 311. These inspections resulted in the abatement of hundreds of serious hazards which were addressed in 532 ungrouped (Serious, Repeat-Serious, and Willful-Serious) violations issued to food manufacturers.

Of the serious violations issued to the employers, 170 fell under the hazardous energy control (29 CFR 1910.147) standard and 120 fell under machine guarding standards (29 CFR 1910.212-219). The combined 290 issued, ungrouped, serious violations for hazardous energy control and machine guarding, accounted for approximately 54.5% of all ungrouped serious violations issued to the food manufacturing companies.

An examination of the accident investigations completed as part of inspection activity during that time frame indicated that 126 amputations and 20 fractures occurred from employee exposure to moving machine parts. In addition, 1 fatality can be attributed to failures of machine guarding or hazardous energy control.

**TABLE 2: Illinois Private Manufacturing Injury Rates per 1,000 employees in 2019**

NAICS 4 digit	Industry Descriptions	Annual Employment	Covered Injuries _Rt	Amp _Rt	Cru _Rt	Bur _Rt	Fra _Rt	Lac _Rt	Pun _Rt	Sev _Rt
<b>2019</b>	<b>IL Private Mfg. NAICS 31-33</b>	585,894	<b>2.76</b>	<b>0.17</b>	<b>0.26</b>	<b>0.20</b>	<b>1.20</b>	<b>0.83</b>	<b>0.08</b>	<b>0.02</b>
<b>2019</b>	<b>IL Food Mfg. NAICS 311</b>	84,707	3.22	0.22	0.24	0.44	1.37	0.90	0.02	0.04
<b>3111xx</b>	<b>Animal Food Mfg.</b>	2,290	0.87	0.00	0.00	0.00	0.44	0.44	0.00	0.00
<b>3112xx</b>	<b>Grain and Oilseed Milling</b>	9,439	1.48	0.11	0.21	0.11	0.74	0.21	0.00	0.11
<b>3113xx</b>	<b>Sugar and Confectionery Product Mfg.</b>	7,670	3.39	0.52	0.13	0.26	1.56	0.91	0.00	0.00
<b>3114xx</b>	<b>Fruit and Vegetable Preserving and Specialty Food Mfg.</b>	5,803	4.48	0.34	0.34	0.69	1.55	1.55	0.00	0.00
<b>3115xx</b>	<b>Dairy Product Mfg.</b>	6,254	3.36	0.16	0.48	0.48	2.08	0.16	0.00	0.00
<b>3116xx</b>	<b>Animal Slaughtering and Processing</b>	18,427	2.50	0.27	0.27	0.38	0.92	0.60	0.05	0.00
<b>3117xx</b>	<b>Seafood Product Preparation and Packaging</b>	164	36.59	0.00	0.00	6.10	18.29	12.20	0.00	0.00

<b>3118xx</b>	<b>Bakeries and Tortilla Mfg.</b>	22,291	2.51	0.27	0.13	0.22	0.99	0.81	0.00	0.09
<b>3119xx</b>	<b>Other Food Mfg.</b>	12,370	6.14	0.00	0.32	1.13	2.59	2.02	0.08	0.00

NOTES: Please refer to APPENDIX 1 for a list of abbreviations used in TABLE 2. NAICS codes listed above that end with “xx” include all industries within the 4-digit Industrial Classification.

**TABLE 3: Illinois Private Manufacturing Injury Rates per 1,000 Employees in 2020**

<b>NAICS 4 digit</b>	<b>Industry Descriptions</b>	<b>Annual Employment</b>	<b>Covered Injuries _Rt</b>	<b>Amp _Rt</b>	<b>Cru _Rt</b>	<b>Bur _Rt</b>	<b>Fra _Rt</b>	<b>Lac _Rt</b>	<b>Pun _Rt</b>	<b>Sev _Rt</b>
<b>2020</b>	<b>IL Private Mfg. NAICS 31-33</b>	554,712	<b>2.71</b>	<b>0.17</b>	<b>0.29</b>	<b>0.20</b>	<b>1.22</b>	<b>0.75</b>	<b>0.06</b>	<b>0.02</b>
<b>2020</b>	<b>IL Food Mfg. NAICS 311</b>	82,869	3.61	0.25	0.35	0.31	1.74	0.83	0.11	0.01
<b>3111xx</b>	<b>Animal Food Mfg.</b>	2,220	1.35	0.45	0.45	0.00	0.45	0.00	0.00	0.00
<b>3112xx</b>	<b>Grain and Oilseed Milling</b>	9,562	1.46	0.00	0.31	0.31	0.73	0.00	0.10	0.00
<b>3113xx</b>	<b>Sugar and Confectionery Product Mfg.</b>	7,044	3.55	0.28	0.14	0.14	2.84	0.14	0.00	0.00
<b>3114xx</b>	<b>Fruit and Vegetable Preserving and Specialty Food Mfg.</b>	5,739	4.70	0.35	0.70	0.00	2.79	0.70	0.17	0.00
<b>3115xx</b>	<b>Dairy Product Mfg.</b>	6,416	4.99	0.31	0.62	0.62	2.18	1.25	0.00	0.00
<b>3116xx</b>	<b>Animal Slaughtering and Processing</b>	18,491	3.30	0.38	0.32	0.27	1.30	0.97	0.05	0.00
<b>3117xx</b>	<b>Seafood Product Preparation and Packaging</b>	181	22.10	0.00	0.00	5.52	11.05	5.52	0.00	0.00
<b>3118xx</b>	<b>Bakeries and Tortilla Mfg.</b>	20,333	3.39	0.20	0.39	0.10	1.43	1.08	0.15	0.05
<b>3119xx</b>	<b>Other Food Mfg.</b>	12,882	4.97	0.23	0.16	0.78	2.41	1.16	0.23	0.00

NOTES: Please refer to APPENDIX 1 for a list of abbreviations used in TABLE 3. NAICS codes listed above that end with “xx” include all industries within the 4-digit Industrial Classification.

## B. Ohio

OSHA examined aggregated, de-identified private sector injury claims records and rates tabulated by four (4) digit NAICS codes for 2019. Ohio BWC undertook all data processing<sup>3</sup>, including but not limited to obtaining employment insurance information from the Ohio Department of Job and Family Services (ODJFS) inclusive of NAICS codes and employee counts for each employer; identifying applicable ICD-10 codes (i.e., International Classification of Diseases, Tenth Edition) for the covered injuries; matching BWC claim and policy information to ODJFS records; and rates calculation.

Only the BWC data that matched between claims, policies and ODJFS data was communicated to OSHA. As such, discrepancies in the number of employers and/or establishments per sector are noted, and may be attributable, in part, to matching issues dependent on the Federal Employer Identification Number (FEIN) and absence from the dataset of injury claims data for self-insured employers. In the State of Ohio, pursuant to Ohio Revised Code 4123.35 and Ohio Administrative Code 4123-19-03, an employer is granted the privilege of self-insurance by the Ohio BWC<sup>5</sup>.

All Ohio data available to OSHA had establishment and employee information or identifiers removed, in order to maintain confidentiality, and represented injuries that occurred in 2019. Ohio data contained claims information on the following injury types: amputation, fracture, cuts and laceration, chemical and thermal burns. Ohio BWC calculated the rates of injury per 1,000 private sector employees in the State of Ohio for manufacturing (i.e., NAICS 31-33), private sector food manufacturing (i.e., NAICS 311) and individual subsectors at the 4-digit NAICS levels (i.e., NAICS 3111 through 3119).

To complement the BWC data, OSHA also calculated rates for the covered injuries using the raw injury claim numbers from BWC and the complete employment information from ODJFS<sup>4</sup> as published by the Bureau of Labor Market Information (LMI) for 2019. OSHA acknowledges the under-reporting bias in this approach, in that no additional injuries were included in the calculations, while using a larger reference population. See APPENDIX 3 for employment differences between BWC and LMI.

Private food manufacturing facilities in Ohio (i.e., NAICS 311) have higher levels of injury during the same time period, when compared to rates for all private Ohio companies engaged in any manufacturing (i.e., NAICS 31-33). BWC data showed that Ohio food manufacturing fracture, amputations, chemical and heat burn rates were higher their respective reference values for the entire Ohio private manufacturing for the year.

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<sup>5</sup> Ohio Bureau of Workers' Compensation. Self-Insurance Program Description. Retrieved June 21, 2022, from <https://www.bwc.ohio.gov/employer/programs/siinfo/siprogramdescription.asp>

The BWC data reveals that individual food manufacturing subsectors (at the 4-digit NAICS level) also had increased rates injury rates for covered injuries (i.e., amputations, fractures, cuts and lacerations, chemical and thermal burns) compared to reference values. When LMI employment data was considered, these rates generally remained higher than the reference value, despite no additional injuries being accounted for, in a much larger reference population. The information is summarized in TABLE 5 below.

**TABLE 5: Ohio Private Manufacturing Injury Rates per 1,000 Employees in 2019**

NAICS 4 digits	Industry Descriptions	Fracture_Rt		Amputations_Rt		Cuts & Laceration Rt		Chemical Burns Rt		Heat Burns Rt	
		BWC	LMI	BWC	LMI	BWC	LMI	BWC	LMI	BWC	LMI
2019	OH Private Mfg. NAICS 31-33	<b>3.21</b>	<b>1.72</b>	<b>0.40</b>	<b>0.21</b>	<b>11.65</b>	<b>6.24</b>	<b>1.05</b>	<b>0.56</b>	<b>0.25</b>	<b>0.13</b>
2019	OH Food Mfg. NAICS 311	3.75	1.49	0.63	0.25	8.84	3.51	1.35	0.53	0.46	0.18
3111xx	Animal Food Manufacturing	4.37	2.14	0.00	0.00	9.48	4.63	0.00	0.00	0.73	0.36
3112xx	Grain and Oilseed Milling	6.10	N/A	2.03	N/A	6.10	N/A	0.00	N/A	0.00	N/A
3113xx	Sugar and Confectionery Product Manufacturing	3.61	2.05	1.44	0.82	4.33	2.46	0.72	0.41	0.72	0.41
3114xx	Fruit and Vegetable Preserving and Specialty Food Manufacturing	6.92	2.36	0.51	0.17	10.50	3.58	1.54	0.52	0.26	0.09
3115xx	Dairy Product Manufacturing	5.60	1.90	1.12	0.38	8.59	2.92	3.73	1.27	1.49	0.51
3116xx	Animal Slaughtering and Processing	2.51	0.98	0.68	0.27	9.57	3.76	0.91	0.36	0.23	0.09
3117xx	Seafood Product Preparation and Packaging	0.00	N/A	0.00	N/A	0.00	N/A	0.00	N/A	0.00	N/A
3118xx	Bakeries and Tortilla Manufacturing	2.19	0.93	0.60	0.25	5.18	2.19	1.00	0.42	0.20	0.08
3119xx	Other Food Manufacturing	2.44	1.08	0.22	0.10	12.43	5.49	1.33	0.59	0.44	0.20

**NOTES:** BWC – rates calculated by BWC using only information matched to ODJFS data<sup>3</sup>  
LMI – rates calculated by OSHA using raw injury claims numbers from BWC and total subsector employment from LMI<sup>4</sup>  
N/A – LMI censored employment information

During calendar years (CY) 2016, 2017, 2018, 2019, and 2020, the Ohio OSHA Area Offices (Cleveland, Cincinnati, Columbus, and Toledo) initiated 234 inspections in

NAICS 311. These inspections resulted in the abatement of hundreds of serious hazards which were addressed in 386 Ungrouped (Serious, Repeat-Serious, and Willful-Serious) violations issued to food manufacturers.

Of the serious violations issued to the employers, 129 fell under the hazardous energy control (29 CFR 1910.147) standard and 89 fell under machine guarding standards (29 CFR 1910.212-219). The combined 218 issued, ungrouped, serious violations, related to hazardous energy control and machine guarding, accounted for approximately 56.5% of all ungrouped serious violations issued to the food manufacturing companies.

An examination of the accident investigations completed as part of inspection activity during that time frame indicated that 82 amputations and 10 fractures occurred from exposure to moving machine parts. In addition, 2 fatalities can be attributed to failures of machine guarding or hazardous energy control.

## **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 for the covered NAICS, 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 of this document, 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 Cleveland 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

## APPENDIX 1

### List of Abbreviations in this Document

<b>Rt</b>	Rate per 1,000 employees
<b>Amp</b>	FROIs coded for Amputation injury
<b>Bur</b>	FROIs coded for Burn injury
<b>Covered Injuries</b>	FROIs or Claims coded for Crushing, Burn, Fracture, Laceration, Puncture and/or Severance injuries, which are the focus of this Emphasis Program
<b>Fra</b>	FROIs coded for Fracture injury
<b>FROI</b>	First Report of Injury
<b>Lac</b>	FROIs coded for Laceration injury
<b>Mfg.</b>	Manufacturing
<b>Pun</b>	FROIs coded for Puncture injury
<b>Sev</b>	FROIs coded for Severance injury

## APPENDIX 2

### Illinois Employment Data Comparison Between IOSP<sup>1</sup> and IDES LMI<sup>2</sup>

Year	Source	NAICS 31-33		NAICS 311	
		All Manufacturing		Food Manufacturing	
		# Establishments	# Employees	# Establishments	# Employees
2019 Q1	IDES LMI	17,960	587,617	1,785	84,441
2019 Q2	IDES LMI	18,020	591,327	1,798	85,500
2019 Q3	IDES LMI	17,909	582,178	1,808	84,295
2019 Q4	IDES LMI	17,965	580,685	1,806	84,366
<b>2019 Avg.</b>	<b>IDES LMI</b>	<b>17,963</b>	<b>585,451</b>	<b>1,799</b>	<b>84,650</b>
<b>2019</b>	<b>IOSP</b>	<b>18,066</b>	<b>585,894</b>	<b>1,810</b>	<b>84,707</b>
2020 Q1	IDES LMI	18,166	576,451	1,839	84,278
2020 Q2	IDES LMI	18,119	551,577	1,842	81,867
2020 Q3	IDES LMI	18,127	551,179	1,837	83,372
2020 Q4	IDES LMI	18,313	553,907	1,872	84,836
<b>2020 Avg.</b>	<b>IDES LMI</b>	<b>18,181</b>	<b>558,279</b>	<b>1,848</b>	<b>83,588</b>
<b>2020</b>	<b>IOSP</b>	<b>18,033</b>	<b>554,712</b>	<b>1,836</b>	<b>82,869</b>

**NOTES:** IOSP - Illinois Occupational Surveillance Program<sup>1</sup>

IDES LMI - Illinois Department of Employment Security (IDES) Labor Market Information (LMI)<sup>2</sup>

### APPENDIX 3

#### Ohio Employment Data Comparison Between BWC<sup>3</sup> and LMI<sup>4</sup>

NAICS 4 digit	Industry Descriptions	BWC Matched Data	LMI Full Data	LMI Full Data
		Annual Employment		Establishments
<b>2019</b>	<b>OH Private Mfg. NAICS 31-33</b>	375,188	700,786	15,486
<b>2019</b>	<b>OH Food Mfg. NAICS 311</b>	23,744	59,900	1,088
<b>3111xx</b>	<b>Animal Food Manufacturing</b>	1,372	2,805	84
<b>3112xx</b>	<b>Grain and Oilseed Milling</b>	492	censored	censored
<b>3113xx</b>	<b>Sugar and Confectionery Product Manufacturing</b>	1,385	2,436	90
<b>3114xx</b>	<b>Fruit and Vegetable Preserving and Specialty Food Manufacturing</b>	3,903	11,444	77
<b>3115xx</b>	<b>Dairy Product Manufacturing</b>	2,678	7,876	74
<b>3116xx</b>	<b>Animal Slaughtering and Processing</b>	4,387	11,175	139
<b>3117xx</b>	<b>Seafood Product Preparation and Packaging</b>	4	censored	censored
<b>3118xx</b>	<b>Bakeries and Tortilla Manufacturing</b>	5,019	11,873	456
<b>3119xx</b>	<b>Other Food Manufacturing</b>	4,504	10,206	128

**NOTES:**     **BWC Matched Data** - Only the 2019 BWC data<sup>3</sup> that matched between claims, policies and ODJFS data was communicated to OSHA.  
**LMI Full Data** - Complete employment information from Ohio Department of Job and Family Services (ODJFS) as published by the Bureau of Labor Market Information (LMI)<sup>4</sup> for 2019.  
**Censored** – Data was not published by ODJFS LMI.