



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 02-16-05

**EFFECTIVE DATE:** March 11, 2016

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**SUBJECT:** Meat Processing Industry Local Emphasis Program (LEP)

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**REGIONAL IDENTIFIER:** Region VII

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## ABSTRACT

**Purpose:** To establish a locally directed 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 Notice applies to the Omaha Area Office.

**References:** OSHA Instructions: CPL 02-00-159, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, CPL 02-02-045A CH-1, CPL 03-00-016 and CPL 03-00-014

**Expiration:** September 30, 2016

**Action Offices:** Omaha Area Office

**Originating Office:** Kansas City Regional Office

**Contact:** Enforcement Programs (816) 283-8745

By and Under the Authority of:

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for Marcia P. Drumm  
Regional Administrator

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- I. Purpose. This Notice is a Local Emphasis Program (LEP) for programmed safety inspections of Meat Processing Industry establishments in Nebraska. This would potentially affect 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 Notice applies to general industry establishments within the jurisdictional boundaries of the Omaha Area Office.
- III. Action. The Regional Administrator and Omaha Area Director shall ensure that the procedures established in this Notice are adhered to in the scheduling of programmed inspections.
- IV. Expiration. This Notice will expire on September 30, 2016 and may be renewed based on the program's evaluation at that time.
- V. References.
  - A. OSHA Instruction CPL 02-00-159, Field Operations Manual (FOM), dated October 1, 2015, (or current version).
  - B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
  - C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.
  - D. OSHA Instruction CPL 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, dated May 28, 1998, Appendix A, change effective January 29, 2016 (or current version).
  - E. OSHA Regional Notice CPL 02-11-06F, Workers Compensation Local Emphasis Program, October 1, 2015, (or current version).
  - F. OSHA Instruction CPL 02-02-045A CH-1, Process Safety Management of Highly Hazardous Chemicals--Compliance Guidelines and Enforcement Procedures, September 1, 2015.
  - G. OSHA Instruction CPL 03-00-014, PSM Covered Chemical Facilities National Emphasis Program, November 29, 2011, (or current version).
  - H. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.

- I. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.

VI. Background. Historically, there have been worker safety problems in the meat processing industry. Although processes may have changed in recent years, the injury and illness data still shows hazardous conditions in these facilities.

The 2013 Bureau of Labor Statistics (BLS) data for Nebraska clearly enumerates that for animal slaughtering and processing [i.e., North American Industry Classification System (NAICS) 3116], the Days Away, Restricted or Transferred (DART) rates are 72% (6.2) higher than any other Manufacturing sector's, [i.e., NAICS 31-33] DART rates (3.6). In addition, the Total Recordable Case Rates (TCIR) for NAICS 3116 is in the top four manufacturing industry sectors.

Furthermore, the 2011 BLS data for Nebraska shows that NAICS 3116 has the highest employment (around 25,000) than any other Manufacturing sector in NAICS 31-33.

This LEP is meant to increase the probability of inspecting establishments in this high hazard industry, within the jurisdiction of the Omaha Area Office, that have more than ten employees and have not received a comprehensive OSHA safety inspection within the previous five (5) calendar years.

Meat processing facilities will be evaluated to determine whether the employers are in compliance with all relevant OSHA requirements, to help employers come into compliance, and to ensure that employees are protected from the hazards related to animal slaughtering and processing.

This directive will encourage strong, fair, and effective enforcement by the physical inspection of worksites and facilities, the issuance of appropriate citations and penalties, and the abatement of identified hazards. This strategy will affect all of the Strategic Plan measures in OSHA's performance measures for Strategic Objective 2.1 in the 2014-2018 DOL Strategic Plan and OSHA's performance measures for Strategic Objective 3.2 in the 2014-2018 DOL Strategic Plan.

DART rates for targeted industry, as reported by BLS for Calendar Years (CYs) 2013 and 2014 (Nebraska):

Number and rate of nonfatal occupational injuries and illnesses by selected industry, All U.S., private industry, (Numbers in thousands) - Animal slaughtering and processing								
Characteristic	2013				2014			
	Private industry		Animal slaughtering and processing		Private industry		Animal slaughtering and processing	
	Number	Rate	Number	Rate	Number	Rate	Number	Rate
<b>Injuries and Illnesses</b>								
<b>Total cases</b>	24.7	3.8	2.2	8.9	23.1	3.5	2.7	10.4
<b>Cases with days away from work job transfer or restriction</b>	11.7	1.8	1.5	6.2	11.8	1.8	1.8	7
<b>Cases with days away from work</b>	6.7	1	0.2	1	6.6	1	0.3	1.2
<b>Cases with job transfer or restriction</b>	4.9	0.8	1.3	5.2	5.2	0.8	1.5	5.7
<b>Other recordable cases</b>	13	2	0.7	2.7	11.3	1.7	0.9	3.4
<b>Injuries</b>								
<b>Total cases</b>	22.7	3.5	1.1	4.6	20.8	3.2	1.2	4.8
<b>Illnesses</b>								
<b>Total cases</b>	2	31.2	1.1	428.5	2.3	34.3	1.4	556.6
<b>Illness categories</b>								
<b>Skin disorders</b>	0.2	3.1	0.0	-	0.1	2	0.0	-
<b>Respiratory conditions</b>	0.1	1.7	0.0	-	0.1	1	0.0	-
<b>Poisoning</b>	0.0	-	0.0	-	0.0	-	0.0	-
<b>Hearing loss</b>	0.3	4.8	0.2	95.1	0.4	6.6	0.4	135.6
<b>All other illness cases</b>	1.4	21.5	0.8	328.2	1.6	24.6	1.1	413

- VII. Outreach. The Regional and Area Office will conduct outreach activities intended to reach as many employers and stakeholders as is practicable. Outreach activities will be conducted to raise awareness of the hazards associated in the meat processing industry to inform stakeholders and employers of the elements of the REP.

### **Enhancing Compliance Assistance and Outreach Activities**

Each Area Director will develop an outreach plan and programs that will support their enforcement efforts, by working with compliance assistance specialists (CAS) and regional labor liaison, when available, to suggest relevant outreach materials and targeted audiences, provide guidance for how to best implement current and new outreach activities, and continue successful outreach strategies implemented in the past and/or currently being implemented.

Outreach activities will utilize OSHA's already established compliance assistance workshops, tools and resources, as well as other mediums, such as news releases, information packets, seminars, etc. In order to maximize and expand the scope, reach and effectiveness of outreach efforts, each Area Office should determine relationships to be established with local organizations, interested parties, stakeholders, and community groups, as well as foster already existing relationships. Emphasis will be placed on reaching out to organizations such as Consulates, faith based and community groups to assist in reaching limited English proficiency workers.

The Area Office should consider having these stakeholders participate in training, assist in the dissemination of information from this REP, and participate in any other outreach activity where their participation would benefit the program. Stakeholders may include actual physical processing facilities, manufacturers' representatives, industry periodical publishers, safety and health consultants, insurance companies, local and national associations, safety councils, and unions.

The method of outreach is at the Area Director's discretion; however, all efforts shall begin at least three months before the initiation of inspections. A detailed description of outreach activities will be included in each Area Offices' Regional notice of LEPs/REPs, as well as in their subsequent evaluations. Below are examples for outreach activities and other compliance assistance to be incorporated into LEP/REP procedures.

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### **Outreach to Industry, Workers and other Stakeholders**

Outreach activities may include, but are not limited to:

- Encourage employers to utilize OSHA's free on-site consultation programs and provide educational and compliance assistance information relevant to

the industry, along with other applicable outreach materials to appropriate stakeholders.

- Inform employers and other stakeholders that many new resources exist in many languages on hazard identification and prevention.
- Upon establishing a list of affected worksites, the Omaha Area Office will mail information, which will include a letter (Appendix A), to targeted establishments to inform industry, employees, government and other stakeholders of hazards associated with the meat processing industry, and to inform employers of the office's outreach and targeting plan prior to the commencement of inspection activities. The information package will continue to be made available, upon request, to employers, professional associations, and labor organizations. In addition, the Compliance Assistance Specialist (CAS) will continue to develop and provide industry specific outreach as requested.

Furthermore, the Omaha Area Office will inform employers and workers of educational resources, such as these listed below, that give them information on potential hazards and how to prevent them:

- OSHA's safety and health topics webpage, [Meat Packing](#).
- Distribute worker protection training, information and materials to specific groups, appropriate to the industry.

#### **Utilization of Existing OSHA resources and Outreach Tools**

- Conduct targeted training sessions for employers on the recognition, prevention, and abatement of safety and health hazards in the workplaces. Provide information to workers on regarding workers' rights, job hazards, employer responsibilities, and how to file complaints.
- Conduct stakeholder meetings and disseminate information through speeches, training sessions and Area Office newsletters.

#### **Leveraging of Community Knowledge and Local Institutions**

- Outreach will be tailored to the meat processing industry and the communities of workers and stakeholders. Therefore, outreach programs with employers and trade associations, unions, professional associations, advocacy groups, community and faith-based organizations and others, will be in conjunction with local resources, knowledge and relationships to involve employee and management stakeholders in the identification and elimination of worksite hazards.

State Consultation Programs will be encouraged to participate in local outreach efforts performed by Area Offices

VIII. Inspection Targeting.

A. Establishments in the Meat Processing Industry.

1. Using the most recently available Dun and Bradstreet employer list, the Office of Statistical Analysis (OSA) website will prepare a Master List of establishments based on all of the NAICS 3116 codes that have more than ten (10) employees and are located in Nebraska. The OSA website will also assign random numbers to the establishments. This list of establishments will make up the Master inspection list. All establishments on the Master List (a.k.a. Primary List) will be inspected before initiating inspections on any secondary list that is generated in accordance with OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections.
2. Whenever an office becomes aware of a previously unknown establishment within any of the identified SIC/NAICS codes, the establishment shall be added to a secondary list. Any establishment remaining on the secondary list will be placed in alphabetical order. A random number will be assigned using the most current version of Microsoft Excel's Random Sample Function, i.e., RANDBETWEEN function in Microsoft Excel. To prevent duplicate random numbers from being generated for multiple records each time the file is opened, the entire worksheet is highlighted, copied, and pasted into a blank worksheet as "Values (V)". The new worksheet will have each random number saved as a value not a formula, which will allow the worksheet to be opened without the possibility of changing the already assigned random numbers.
3. Additional information sources that allow an office to become aware of a previously unknown establishment within any of the identified SIC/NAICS codes include a revised Dun and Bradstreet employer list and the EPA Enforcement and Compliance History Online (ECHO), <http://echo.epa.gov>.
4. Without interfering with the completion of a currently active list and based on the available site locations on this previously generated list and on available OSHA resources, a new Master List (as described above) may be generated at any time within the effective dates of this program. In addition, any cycle (See paragraph IX. below) begun but not yet completed before the generation of a new Master List must be completed within the effective dates of this program.

IX. Inspection Scheduling. Inspection scheduling shall be in accordance with CPL 02-00-159, Field Operations Manual (FOM), Chapter 2, IV. through VI.

- A. Inspection cycles. Inspection cycles will be generated from the Master List. Each cycle will consist of at least six (6) establishments sorted by the assigned random number from lowest to highest. Each inspection cycle must be completed before another cycle is generated from that 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, deletions will be made pursuant to the deletions policy set forth in CPL 02-00-025, as noted above. Subsequent cycles shall be generated in the same manner using cycles of six establishments each.
- B. Deletions. In accordance with OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, and for establishments within NAICS codes of 3116, an establishment that has had both a comprehensive safety inspection within the previous five (5) calendar years will be removed from the list prior to initiating inspections in each 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#.

- C. Other Programmed Inspections. Some establishments may be selected for inspection under this Meat Processing Initiative and also 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), the Workers Compensation LEP, or other similar NEP/LEP can be run concurrently with this Meat Processing Initiative.

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

- D. For establishments within NAICS 3116, any unprogrammed safety or health inspection or investigation such as a complaint, referral, fatality, etc., will be expanded to a comprehensive safety inspection for any establishment that is already included in a generated (but not yet completed) inspection cycle.

X. Scope of Inspection.

- A. Each establishment scheduled for inspection shall receive a comprehensive safety inspection, as defined by CPL 02-00-159, Chapter 3, III., A., unless it meets the deletion criteria as described in paragraph VIII. B. above. Meat Processing employers usually maintain a separate work-shift for cleaning the facility. Cleaning workers may be Meat Product establishment employees or may be contract cleaning company (NAICS 561720) workers. A comprehensive safety inspection will also evaluate safety hazards associated with these cleaning crews.
- B. Every CSHO, who conducts a comprehensive inspection in any establishment in NAICS 3116 shall also make an assessment of any health hazards such as, but not limited to, noise, chemical exposure, and respiratory protection. If the CSHO determines that a violation of OSHA health standards may exist, a health referral shall be made.
- C. The Calendar Year (CY) 2013 national data from the U.S. Bureau of Labor Statistics (Incidence rates per 10,000 full-time workers of nonfatal injuries and illnesses) (<http://www.bls.gov/iif/oshwc/osh/case/ostb3986.pdf>) indicates that, when comparing 5 categories (selected nature of the injuries) related to overexertion-related incidents, the rate for Food Manufacturing (NAICS 311) in all 5 categories exceeds the rate in those same categories for all Private Industry. Specifically, the rates for sprains, strains, tears; carpal tunnel syndrome; tendonitis; multiple traumatic injuries and disorders with sprains and other injuries; and soreness, pain in this industry exceeded the rates for Private Industry. Therefore, every CSHO, who conducts a comprehensive inspection in any establishment in NAICS 3116 shall also make an assessment of at least three years of OSHA 300 logs. If the CSHO determines that an ergonomically-related hazard may exist, a referral to a CSHO trained in ergonomic evaluations shall be made.
- D. Inspections conducted under this Meat Processing Initiative will address process safety management (PSM) where 29 CFR 1910.119 applies to the establishment being inspected. 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 02-02-045A CH-1, *Process Safety Management of Highly Hazardous Chemicals -- Compliance Guidelines and Enforcement Procedures*. If such a CSHO determines that a violation of 29 CFR 1910.119 may exist, a referral shall be made. If the facility has not already been inspected using the OSHA Instruction, CPL 03-00-014, *PSM-Covered Chemical Facilities National Emphasis Program*, a concurrent inspection using that NEP may be conducted at the Area Director's discretion.



Distribution:

Regional Solicitor  
Directorate of Enforcement Programs  
Regional Administrator  
Deputy Regional Administrator  
Assistant Regional Administrators  
Area Directors  
Supervisory Investigator  
Labor Liaison  
Field Review Program Coordinator

## Appendix A – Outreach Contact Letter

(Date)

Dear Employer,

Despite the efforts of the Meat Processing Industry in past years to address workplace hazards, the Meat Processing Industry continues to yield occupational injury and illness rates which exceed the national injury and illness indicators for general industry. Similar trends have been identified in Nebraska. Therefore, the Occupational Safety and Health Administration's (OSHA) Omaha Area Office is presently implementing an initiative to reduce the number of injuries sustained in the Meat Processing Industry.

This initiative was designed to decrease the number of injuries and illnesses sustained by employees of meat processing establishments in the State by facilitating the exchange of safety and health information between OSHA, the members of the industry, and other stakeholders. Together, OSHA and participants of these exchanges will assist all members of the Meat Processing Industry to recognize the benefits of a well implemented, comprehensive safety and health program through outreach and partnership efforts.

It is OSHA's intent that employers will voluntarily take the steps necessary to develop strategies and programs to prevent costly injuries and illnesses in the workplace. Such strategies may include hiring an outside safety and health consultant, talking with a workers compensation insurance carrier, or contacting the State's workers' compensation agency for advice. Workers in a facility are an invaluable resource to help identify hazards and to recommend means to address these hazards. If the facility workers are represented by organized labor, the union representatives can be an additional resource in the identification of hazards and suggesting appropriate solutions.

The Nebraska Workers' Compensation Court determined that between 2005 and 2014 in the State of Nebraska, occupational injuries and illnesses cost all industry about 261 million dollars and an average of over \$5000 per injury. These costs have increased over the years. The 2013 Bureau of Labor Statistics (BLS) data for Nebraska clearly enumerates that for animal slaughtering and processing [North American Industry Classification System (NAICS) 3116], the Days Away, Restricted or Transferred (DART) rates are 72% higher than any other Manufacturing sector, NAICS 31-33. In addition, the Total Recordable Case Rates (TCIR) for NAICS 3116 is in the top four manufacturing industry sectors. By forging information exchanges dedicated to reducing injuries and illnesses in the Meat Processing Industry, we fully anticipate a subsequent reduction in both direct and indirect costs associated with work place injuries and illnesses. The ultimate goal of OSHA is to ensure a safe and healthful workplace for all employees. We encourage employers to help accomplish this goal.

The Omaha Area Office is ready and willing to facilitate the organization of an industry group. This group can consist of not only managers and safety professionals from the

Meat Processing Industry but also with State and local safety and health organizations and other stakeholders affiliated with the Meat Processing Industry. In February 2000, a similar outreach effort facilitated by the Omaha Area Office created a group that met every other month for a "lunch and learn" session. Speakers provided information on topics such as: ergonomics, hearing conservation, personal protective equipment, accident investigation techniques, developing an effective disciplinary policy, confined space entry, and calculating the return on investment of safety programs. Participants could talk candidly about successes and obstacles in the development of their safety programs and could provide guidance and assistance to each other, informally and through mentoring relationships.

An excellent way for employers with 250 or fewer workers to address safety and health in their workplaces is to ask for assistance from OSHA's consultation program. This program is administered by a State agency and operated separately from OSHA's enforcement program. The service is free and confidential, and there are no fines even if problems are found. Designed for small employers, the consultation program can help employers identify hazards in the workplace and find effective and economical solutions for eliminating or controlling them. In addition, the OSHA State consultant can assist employers in developing and implementing a safety and health management system for their workplace.

OSHA will also conduct random, programmed inspections of establishments included in the Meat Proc Industry as a part of this initiative. If the employer has developed and implemented a written health and safety program, which provides for appropriate management commitment and employee involvement; worksite analysis for the purpose of hazard identification; hazard prevention and control measures; and safety and health training, the Agency will consider this as strong evidence of the employer's good faith to safety and health. This is consistent with the OSHA policy published in the Federal Register on July 28, 2000 which also addresses OSHA's treatment of voluntary employer safety and health audits and other related information.

In order to provide you with a better understanding of the initiative, we have enclosed a copy of the Regional Directive which describes the implementation of the initiative in detail. You may contact this office for any questions you may have regarding this program or any other safety and health related matters. We are a full service area office.

Sincerely,

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Area Director

Enclosure