OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR **Occupational Safety and Health Administration**

DIRECTIVE NUMBER: CPL 04-05-2306
SUBJECT: Regional Emphasis Program for Food Manufacturing Industry
REGION: V
SIGNATURE DATE: September 22, 2023 **EFFECTIVE DATE:** October 1, 2023

ABSTRACT

Purpose: This Notice establishes a Regional Emphasis Program (REP) for the purpose of scheduling and conducting inspections within the Food Manufacturing industry. This Notice unifies existing but separate emphasis programs.

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

Action Offices: This Regional Instruction applies to the Federal OSHA enforcement offices in Illinois, Ohio, and Wisconsin.

Originating Office: Chicago Regional Office

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By and Under the Authority of

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EXECUTIVE SUMMARY

This Notice unifies existing Local Emphasis Programs (LEP) CPL 04-05-2201 (Wisconsin) and CPL 04-05-2202 (Illinois and Ohio) into a single reference document and clarifies OSHA's policy regarding inspections opened under this initiative. Previously identified industry sectors and the respective rationale for inclusion into the REP remain the same.

Illinois (IL), Ohio (OH) and Wisconsin (WI) 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 IL, approximately 1,800 establishments[1,2] and 83,000 employees[1,2] were covered under the food production North American Industry Classification System (NAICS) codes beginning with 311 between 2019 and 2020. In OH, approximately 59,900 employees[3] and nearly 1,088 establishments[4] were covered by the food production NAICS codes beginning with 311 in 2019. In WI, an average of approximately 1,100 establishments[5] and an estimated 74,000 employees (for 2019 and 2020) were classified under the food production NAICS codes beginning with 311.

OSHA examined private sector Illinois Workers' Compensation Commission aggregated data of First Reports of Injury (FROI)[1] and Ohio Bureau of Workers' Compensation injury claim aggregated data[3] which was tabulated by four (4) digit NAICS codes, as well as Illinois[1] and Ohio[3] 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 private sector IL and OH companies with a

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[1] 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.

[2] 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.

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

[4] 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

[5] Wisconsin Department of Workforce Development (DWD). Wisconsin Labor Market Information (LMI) Data Access. Quarterly Census of Employment & Wages (QCEW). Statewide 3 Digit Series for 2019 and 2020. Retrieved June 8, 2022, from: https://www.jobcenterofwisconsin.com/wisconomy/query

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.

In examining Bureau of Labor and Statistics (BLS) data for private WI 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 WI companies engaged in manufacturing, with NAICS codes between 311xxx-339xxx. Using 2020 BLS data, food manufacturing industries had rates exceeding the average for all private manufacturing NAICS codes in WI with respect to some of the most important metrics pertaining to injury and illness rates: total recordable cases[6] ; cases involving days away from work, job restriction or transfer1; fractures; amputations; cuts, lacerations, punctures; heat (thermal) burns; and chemical burns and corrosions[7] .

The intent of this REP is to encourage employers to take steps to identify, reduce, and eliminate hazards associated with exposure to machine hazards during production activities, and all integral tasks including but not limited to off-shift sanitation, service and maintenance, environmental testing, and/or food safety inspection tasks. Furthermore, given that many food manufacturing facilities utilize temporary or seasonal labor, this REP will help Illinois, Ohio and Wisconsin Area OSHA Offices meet the goal established by the Agency's Deputy Secretary 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.

Outreach for the WI Food Manufacturing Industry LEP (CPL 04-05-2201) was conducted between April 22 and July 22, 2022. Outreach for the IL and OH Food Manufacturing Industry LEP (CPL 04-05-2202) was conducted between November 03, 2022, and February 03, 2023. Previously identified industry sectors and the respective rationale for inclusion into the REP remain the same.

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

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

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I. Purpose.

This Instruction establishes a Regional Emphasis Program (REP) 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 REP will provide the authority to evaluate the employers' workplace(s) at all programmed, un-programmed, or other limited-scope inspections pertaining to food production and interrelated operations to assure employees are being properly protected.

OSHA Area Offices have the authority to conduct inspections for all referrals 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, cleaning and sanitation, inspection and quality assurance tasks on food processing and ancillary equipment. Insofar as any work is performed on or near equipment covered by this REP (including but not limited to food production, maintenance, cleaning and sanitation, quality assurance, environmental testing, and/or food safety inspection, etc.), by a host employer, a contracted employer (regardless of the contracted employer's NAICS) or a Federal Government Agency (subject to the rules and limitations under 29 CFR § 1960), OSHA Area Offices have the authority to open inspection(s) with **any and all** employers who are performing work at facilities owned or controlled by employers whose NAICS codes are covered by this REP whose employees may be exposed to food processing machinery hazards.

OSHA Area Offices shall incorporate this REP into the scheduled or ongoing inspection(s) upon a determination of potential hazards or injuries/illnesses covered by this emphasis program.

II. Scope.

This Regional Instruction applies to all Illinois, Ohio and Wisconsin OSHA Area Offices and covers food manufacturing establishments in the NAICS) codes listed in TABLE 1.

Where OSHA determines that other employers provide cleaning and sanitation services performed under NAICS 561720 ("Janitorial Services"), NAICS 561790 ("Other Services to Buildings and Dwellings"), NAICS 561990 ("All Other Support Services") as well as environmental testing (e.g., microbial growth) and/or food safety inspection services under NAICS 926140 ("Regulation of Agricultural Marketing and Commodities"), separate safety and/or health inspection(s) will be opened to evaluate the safety and health hazards associated with the food processing equipment and inter-related tasks and operations, as explained in this REP.

TABLE 1: Industry Coverage

State	NAICS	Description
Illinois, Ohio	**3113xx**	**Sugar and Confectionery Product Manufacturing**
IL, OH	311313	Beet Sugar Manufacturing
IL, OH	311314	Cane Sugar Manufacturing
IL, OH	311340	Nonchocolate Confectionery Manufacturing
IL, OH	311351	Chocolate and Confectionery Manufacturing from Cacao Beans
IL, OH	311352	Confectionery Manufacturing from Purchased Chocolate
Illinois, Ohio, Wisconsin	**3114xx**	**Fruit and Vegetable Preserving and Specialty Food Manufacturing**
IL, OH, WI	311411	Frozen Fruit, Juice, and Vegetable Manufacturing
IL, OH, WI	311412	Frozen Specialty Food Manufacturing
IL, OH, WI	311421	Fruit and Vegetable Canning
IL, OH, WI	311422	Specialty Canning
IL, OH, WI	311423	Dried and Dehydrated Food Manufacturing
Illinois, Ohio, Wisconsin	**3115xx**	**Dairy Product Manufacturing**
IL, OH, WI	31151x	Dairy Product (except frozen) Manufacturing
IL, OH, WI	311511	Fluid Milk Manufacturing
IL, OH, WI	311512	Creamery Butter Manufacturing
IL, OH, WI	311513	Cheese Manufacturing
IL, OH, WI	311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing
IL, OH, WI	311520	Ice Cream and Frozen Dessert Manufacturing
Illinois, Ohio, Wisconsin	**3116xx**	**Animal Slaughtering and Processing**
IL, OH, WI	311611	Animal (except Poultry) Slaughtering
IL, OH, WI	311612	Meat Processed from Carcasses
IL, OH, WI	311613	Rendering and Meat Byproduct Processing
IL, OH, WI	311615	Poultry Processing
Illinois, Ohio	**3119xx**	**Other Food Manufacturing**
IL, OH	311911	Roasted Nuts and Peanut Butter Manufacturing
IL, OH	311919	Other Snack Food Manufacturing
IL, OH	311920	Coffee and Tea Manufacturing
IL, OH	311930	Flavoring Syrup and Concentrate Manufacturing
IL, OH	311941	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing
IL, OH	311942	Spice and Extract Manufacturing
IL, OH	311991	Perishable Prepared Food Manufacturing
IL, OH	311999	All Other Miscellaneous Food Manufacturing
Illinois, Ohio, Wisconsin		**Contract Employers at the Host Food Mfg. Facility**
IL, OH, WI	561720	Janitorial Services
IL, OH, WI	561790	Other Services to Buildings and Dwellings
IL, OH, WI	561990	All Other Support Services
IL, OH, WI	926140	Regulation of Agricultural Marketing and Commodities

NOTES: NAICS codes 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 (FROI) 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
I. Bureau of Labor Statistics (BLS). Nonfatal Cases Involving Days Away from Work: Selected Characteristics (2011-2020), Wisconsin. Retrieved March 3, 2022, from: https://data.bls.gov/cgi-bin/dsrv?cs
J. Bureau of Labor Statistics (BLS). Nonfatal Cases Involving Days Away from Work: Selected Characteristics (2011-2020), Wisconsin. Retrieved March 3, 2022, from: https://data.bls.gov/PDQWeb/cs
K. Wisconsin Department of Workforce Development (DWD). Wisconsin Labor Market Information (LMI) Data Access. Quarterly Census of Employment & Wages (QCEW). Statewide 3 Digit Series for 2019 and 2020. Retrieved June 8, 2022, from: https://www.jobcenterofwisconsin.com/wisconomy/query

IV. Cancellations.

This notice cancels CPL 04-05-2201 Local Emphasis Program in WI for Food Manufacturing Industry and CPL 04-05-2202 Local Emphasis Program in IL and OH for Food Manufacturing Industry and merges the two programs into a single Regional Emphasis Program, CPL 04-05-2301.

V. Expiration.

This Notice expires on September 30, 2028.

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 REP.

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 First Report of Injury (FROI) and employment data[1] for 2019 and 2020 and Ohio injury claim and employment data[3] for 2019. OSHA obtained and verified employment and establishment information from the Illinois' Department of Employment Security (IDES) Labor Market Information (LMI)[2] and Ohio's Department of Job and Family Services (ODJFS) Bureau of Labor Market Information (LMI)[4]. 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. Wisconsin injury and illness data and rates[6,7] were obtained directly from the federal Bureau of Labor Statistics' website.

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 Regional Emphasis Program (REP) is necessary to address employee exposure to hazards associated with operating food production machinery or performing service, maintenance, cleaning and sanitation, environmental testing and quality assurance, and food safety inspection tasks on food processing and ancillary equipment.

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[1] 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 311**1** through 311**9**).

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

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
2019	**IL Private Mfg. NAICS 31-33**	585,894	**2.76**	**0.17**	**0.26**	**0.20**	**1.20**	**0.83**	**0.08**	**0.02**
2019	**IL Food Mfg. NAICS 311**	84,707	3.22	0.22	0.24	0.44	1.37	0.90	0.02	0.04
3111xx	**Animal Food Mfg.**	2,290	0.87	0.00	0.00	0.00	0.44	0.44	0.00	0.00
3112xx	**Grain and Oilseed Milling**	9,439	1.48	0.11	0.21	0.11	0.74	0.21	0.00	0.11
3113xx	**Sugar and Confectionery Product Mfg.**	7,670	3.39	0.52	0.13	0.26	1.56	0.91	0.00	0.00
3114xx	**Fruit and Vegetable Preserving and Specialty Food Mfg.**	5,803	4.48	0.34	0.34	0.69	1.55	1.55	0.00	0.00
3115xx	**Dairy Product Mfg.**	6,254	3.36	0.16	0.48	0.48	2.08	0.16	0.00	0.00
3116xx	**Animal Slaughtering and Processing**	18,427	2.50	0.27	0.27	0.38	0.92	0.60	0.05	0.00
3117xx	**Seafood Product Preparation and Packaging**	164	36.59	0.00	0.00	6.10	18.29	12.20	0.00	0.00
3118xx	**Bakeries and Tortilla Mfg.**	22,291	2.51	0.27	0.13	0.22	0.99	0.81	0.00	0.09
3119xx	**Other Food Mfg.**	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

NAICS 4 digit	Industry Descriptions	Annual Employment	Covered Injuries _Rt	Amp _Rt	Cru _Rt	Bur _Rt	Fra _Rt	Lac _Rt	Pun _Rt	Sev _Rt
2020	**IL Private Mfg. NAICS 31-33**	554,712	**2.71**	**0.17**	**0.29**	**0.20**	**1.22**	**0.75**	**0.06**	**0.02**
2020	**IL Food Mfg. NAICS 311**	82,869	3.61	0.25	0.35	0.31	1.74	0.83	0.11	0.01
3111xx	**Animal Food Mfg.**	2,220	1.35	0.45	0.45	0.00	0.45	0.00	0.00	0.00
3112xx	**Grain and Oilseed Milling**	9,562	1.46	0.00	0.31	0.31	0.73	0.00	0.10	0.00
3113xx	**Sugar and Confectionery Product Mfg.**	7,044	3.55	0.28	0.14	0.14	2.84	0.14	0.00	0.00
3114xx	**Fruit and Vegetable Preserving and Specialty Food Mfg.**	5,739	4.70	0.35	0.70	0.00	2.79	0.70	0.17	0.00
3115xx	**Dairy Product Mfg.**	6,416	4.99	0.31	0.62	0.62	2.18	1.25	0.00	0.00
3116xx	**Animal Slaughtering and Processing**	18,491	3.30	0.38	0.32	0.27	1.30	0.97	0.05	0.00
3117xx	**Seafood Product Preparation and Packaging**	181	22.10	0.00	0.00	5.52	11.05	5.52	0.00	0.00
3118xx	**Bakeries and Tortilla Mfg.**	20,333	3.39	0.20	0.39	0.10	1.43	1.08	0.15	0.05
3119xx	**Other Food Mfg.**	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[3], 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[8].

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[4] 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 than their respective reference values for the entire Ohio private manufacturing for the year.

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.

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

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

		Fracture_Rt		Amputations_Rt		Cuts & Laceration_Rt		Chemical Burns_Rt		Heat Burns_Rt	
NAICS 4 digits	Industry Descriptions	BWC	*LMI*	BWC	*LMI*	BWC	*LMI*	BWC	*LMI*	BWC	*LMI*
2019	**OH Private Mfg. NAICS 31-33**	**3.21**	***1.72***	**0.40**	***0.21***	**11.65**	***6.24***	**1.05**	***0.56***	**0.25**	***0.13***
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[3]
LMI – rates calculated by OSHA using raw injury claims numbers from BWC and total subsector employment from LMI[4]
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.

C. Wisconsin

Approximately 1,100 establishments and an estimated 74,000 employees (averaged for 2019 and 2020)[5] in Wisconsin fall under the food production NAICS codes beginning with 311. Annualized establishment and employment information is summarized in APPENDIX 9.

A review of the 2020 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 as 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[6], Fractures; Amputations; Cuts, Lacerations, Punctures; Heat (thermal) burns; and Chemical burns and corrosions[7]. The information is summarized in TABLE 6 below.

TABLE 6: Private Manufacturing Rates in Wisconsin in 2020

Category	Food Manufacturing Rates (NAICS 311xxx)	Manufacturing Rates (NAICS 31-33)
Total recordable cases[6]	4.6	3.7
Cases involving days away from work, job restriction or transfer[6]	3.5	2.2
Fractures[7]	17.1	10.9
Amputations[7]	5.6	3.8
Cuts, lacerations, punctures[7]	13.4	9.8
Chemical burns and corrosions[7]	6.1	1.4
Heat (thermal) burns[7]	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 REP 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 6: 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, which 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 7.

TABLE 7: Rates for Selected Food Manufacturing Industries in Wisconsin in 2020

Category (2020 rates)	Wisconsin Private Manufacturing (NAICS 31-33)	Fruit and Vegetable Preserving and Specialty Food Mfg. 3114xx	Dairy Product Manufacturing 3115xx	Animal Slaughtering and Processing 3116xx
Fractures[7]	10.9	13.9	28.1	15.0
Amputations[7]	3.8			16.1
Cuts, lacerations, punctures[7]	9.8		11.7	22.2
Chemical burns and corrosions[7]	1.4		13.6	
Heat (thermal) burns[7]	2.0		6.4	

D. Sanitation and Food Safety Inspection

Cleaning and sanitation of food production equipment is an integral component of the cyclical food manufacturing chain. The United States Food and Drug Administration ("FDA") defines the sanitization process in the Code of Federal Regulations (CFR) at 21 CFR § 117.3 Definitions, as the "*means to adequately treat cleaned surfaces by a process that is effective in destroying vegetative cells of pathogens, and in substantially reducing numbers of other undesirable microorganisms, but without adversely affecting the product or its safety for the consumer*"[9].

Federally enforced sanitation regulations for food production were developed to ensure cleanliness and hygiene, and to prevent foodborne illnesses by either maintaining or restoring a state of cleanliness at scheduled intervals. In 2016, the United States Department of Agriculture ("USDA"), through its Food Safety and Inspection service ("FSIS") established requirements applicable to food processing establishments[10] designed to reduce the occurrence and numbers of pathogenic microorganisms, and the incidence of foodborne illness associated with the consumption of those products. It is important to note that meat, poultry, and egg processors, are also subject to additional FSIS inspection protocols[11]. In circumstances where the clean-up is not considered satisfactory, the USDA FSIS inspector(s) will not allow the plant to begin

[9] United States Food and Drug Administration, Title 21 - Food and Drugs, Subchapter B - Food for Human Consumption, Part 117 – Current Good Manufacturing Practice, Hazard analysis, and Risk-Based Preventive Controls for Human Food, Subpart A – General Provisions, Definitions. Retrieved July 13, 2023, from: https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-117

[10] United States Department of Agriculture, Food Service and Inspection Service. Retrieved July 13, 2023, from: https://www.fsis.usda.gov/inspection/compliance-guidance/haccp

[11] United States Department of Agriculture, Food Service and Inspection Service. Food Safety Acts. Retrieved July 13, 2023, from: https://www.fsis.usda.gov/policy/food-safety-acts

a production shift by placing a "U.S. Rejected Tag"[12] in accordance with § 9 CFR 416.6, Tagging insanitary equipment, utensils, rooms or compartments.

The importance of the sanitation element, including an overview of required steps such as disassembly, debris removal, rinsing, sanitizer application, and subsequent reassembly of equipment is further underscored by USDA FSIS' regulations. FSIS regulations at 9 CFR § 416.4, Sanitation[12] , clearly state that "*All food-contact surfaces, including food-contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product*" and directs each establishment, at 9 CFR § 416.11, to develop sanitation Standard Operating Procedures (SOPs)[12]. Furthermore, as published in the Federal Register in the final rule on Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems[13], FSIS included "Appendix B – Model of a Standard Operating Procedure for Sanitation" which is intended for establishments to use as a reference when developing Sanitation SOPs. The model sanitation SOP[14] which is also available on the Agency's website, specifically lists several aims including "*Preoperational Sanitation – Equipment and Facility Cleaning Objective*". Of relevance, step (a) reads "*The equipment is disassembled. Parts are placed in the designated tubs, racks etc.*" while step (g) reads "*The equipment is reassembled*".

FSIS Directive 5000.1 on "Verifying an Establishment's Food Safety System"[15] directs its inspectors to verify if food manufacturing establishments follow procedures for environmental sampling (e.g., microbial testing), if any are included in Sanitation SOPs. FSIS recognizes the machinery hazards to which its own employees may be exposed in the course of conducting food sanitation inspections, and developed FSIS Directive 4791.11 on "Lockout/Tagout Safety Procedures"[16]. This FSIS directive describes OSHA's minimum safety procedures that an inspector must perform before starting a pre-operational process verification inspection or verification of pre-operational or operational corrective action in which the unexpected startup or release

[12] United States Department of Agriculture, Food Service and Inspection Service, 9 CFR Part 416, Sanitation. Retrieved July 13, 2023, from: https://www.ecfr.gov/current/title-9/chapter-III/subchapter-E/part-416

[13] United States Department of Agriculture, Food Service and Inspection Service, 9 CFR Part 416, Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems. Final Rule. Retrieved July 13, 2023, from: https://www.fsis.usda.gov/sites/default/files/media_file/2020-08/93-016F_0.pdf

[14] United States Department of Agriculture, Food Service and Inspection Service. A Sanitation Standard Operating Procedure Model. Publication FSIS-GD-2020-0009. Retrieved July 13, 2023, from: https://www.fsis.usda.gov/sites/default/files/media_file/2021-03/Sanitation-SOP-Guide.pdf

[15] United States Department of Agriculture, Food Service and Inspection service. Directive 5000.1 Rev. 7 dated 10/20/2022 Verifying an Establishment's Food Safety System. Retrieved August 1, 2023, from: https://www.fsis.usda.gov/policy/fsis-directives/5000.1

[16] United States Department of Agriculture, Food Service and Inspection service. Directive 4791.11 Rev. 1 dated 06/02/1997. Verifying an Establishment's Food Safety System. Retrieved August 1, 2023, from: https://www.fsis.usda.gov/policy/fsis-directives/4791.11

of stored energy on food processing equipment could cause injury.

Food-processing employers usually maintain a separate work-shift for cleaning and sanitizing the food production equipment and other pertinent sections of the facility. Cleaning and sanitation crews often must remove guards or components to effectively clean processing equipment, and such actions expose crew members to hazardous energy. In such circumstances, the equipment must be isolated from its energy source(s), and the energy isolation devices must be locked out or tagged out. In some situations, the equipment must be re-energized for a limited period of time[16], for testing or repositioning purposes, which may expose both the sanitation crew and others involved in environmental testing or sanitation verification to hazardous machinery. At all times, the integrity of employee protection must be maintained, before undertaking further cleaning, environmental testing or inspection activities.

Federal OSHA's Sanitation Worker webpage[17] discusses safety and health hazards throughout the plant, including:

- Cuts, lacerations, and amputations that may occur during the removal of blades from equipment.
- Struck-by, struck against, and caught-in hazards that may occur if workers are caught in equipment such as paddles on chilling equipment. Serious injuries, including amputations or death may occur.
- Falls from ladders or equipment, which may result in fractures or contusions.
- Tripping or slipping hazards from drain covers and hoses may result in strains and sprains.
- Electric shock or electrocution dangers when contacting improper or unapproved electrical connections or equipment.
- Skin or eye irritation and from harsh sanitation chemicals.

The hazards faced by sanitation crews are well known in the industry, with one online industry publication[18] writing: "*Sanitors face harsh environmental conditions and numerous hazards including chemical exposure, electrical shocks and burns, slips/trips/falls, being struck by or caught in moving equipment, and cuts/lacerations from blades and saws. These hazards have resulted in severe injuries such as amputations, crush injuries, blunt force trauma, and even death*". Documenting the incidence rate for sanitation work in food processing is multifaceted because workplace injuries within NAICS 561720 are not broken down by place of employment.

BLS Data

[17] United States Department of Labor. Occupational Safety and Health administration (OSHA). Poultry Processing Industry eTool. Tasks – Sanitation worker. Retrieved on July 13, 2023, from: https://www.osha.gov/etools/poultry-processing/tasks/sanitation-worker

[18] Hilarie Warren, Jenny Houlroyd, and Wendy White. Into the Wee Hours, Sanitation and Safety Keep Working Side by Side. Food Safety Magazine, April 19, 2022. Retrieved on July 13, 2023, from: https://www.food-safety.com/articles/7668-into-the-wee-hours-sanitation-and-safety-keep-working-side-by-side

OSHA examined BLS data on incidence rates per 100 Full Time Equivalent ("FTE") employees of nonfatal occupational injuries and illnesses involving days away from work for Janitorial services (NAICS 561720) and US private industry for both 2019 and 2020. OSHA noted that for janitorial services, rates in all categories (i.e., total cases; cases with days away from work, job transfer, or restriction; cases with days away from work; cases with job transfer or restriction, and other recordable cases) were either the same or higher than the reference rates for all private industry, with just two exceptions: in 2019 - other recordable cases and for 2020 - cases with job transfer or restriction. For additional details, see APPENDIX 4.

OSHA further scrutinized BLS data on incidence rates of nonfatal occupational injuries and illnesses involving days away from work, by selected worker and case characteristics for janitorial services and US private industry for both 2019 and 2020. When compared with the private U.S. industry rates, BLS data revealed higher rates of injuries for janitorial workers for falls, slips and trips, and contact with object and equipment. These injuries resulted in higher rates of fractures, sprains, strains and tears, punctures, bruises, contusions, as well as chemical burns and corrosions. The sources of these injuries were attributable to chemical products, machinery, parts and materials, but also walking-working surfaces including walkways and ladders. For additional details, see APPENDIX 5.

Illinois First Report of Injury Data[19]

OSHA further studied aggregated, de-identified private sector First Report of Injury (FROI) data and employment information tabulated by four (4) digit NAICS codes between 2018 and 2022, in the state of Illinois. All Illinois injury data available to OSHA 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.
Illinois data revealed that injured employees providing janitorial services to food manufacturers are employed primarily in NAICS 561720 (Janitorial Services") and NAICS 561790 ("Other Services to Buildings and Dwellings").

On average, seven percent (7%) of all workers employed in NAICS 561720 and 14% of all workers employed in NAICS 561790, making an injury compensation claim in the state of Illinois were injured at a food manufacturing plant. For additional details, see APPENDIX 6. For the purposes of this limited analysis, all FROIs for amputations, crush, burns, fractures, lacerations, puncture, and severances were also cumulated into a Covered Injuries category. Crude FROI Annual Rates per 10,000 employees, averaged over 5 years (between 2018 and 2022) were calculated for NAICS 561720 (janitorial services) and 561790 (other services to buildings and dwellings) as well as for all private sector employment in IL. For additional details, see APPENDIX 7.

[19] Illinois Occupational Surveillance Program. Summary Data of First Report of Injury from the Illinois Workers' Compensation Commission (IWCC) for 2018 through 2022.

A rate ratio that compares the incidence rates for NAICS 561720 and 561790 to that of all private sector employment in the state of Illinois revealed higher than reference (private sector employment) rates for burns and fractures among workers employed in NAICS 561720 and across the board in all categories (i.e., amputations, crush, burns, fractures, lacerations, puncture, severances and severe injuries) for workers employed in NAICS 561790. For additional details, see APPENDIX 8.

OSHA Enforcement Data

OSHA evaluated its federal inspection data nationwide and matched it to food manufacturing establishment information maintained by FSIS[20]. An estimated 6,852 nationwide facilities are inspected by FSIS, of which approximately 4,117 (60.08% of total) are covered by federal OSHA jurisdiction. Between Fiscal Year (FY) 2011 and 2023 (October 1, 2011, and May 31, 2023), Federal OSHA conducted approximately 1,145 inspections of NAICS 561720. OSHA determined[21] that at least 140 investigations (12.2%) of janitorial services for which Serious, Willful, Repeat or Other-Than-Serious violations were conducted at food manufacturing establishments.

OSHA also examined its federal inspection data nationwide for inspections conducted in NAICS 926140 ("Regulation of Agricultural Marketing and Commodities") between Fiscal Year (FY) 2011 and 2023 (October 1, 2011, and May 31, 2023). Included in this industry are primarily government establishments responsible for regulating and controlling the grading and inspection of food, plants, animals, and other agricultural products[22]. Federal OSHA conducted approximately 250 inspections of establishments operating under NAICS 926140, of which approximately 150 resulted in Serious, Willful, Repeat or Other-Than-Serious violations issued as "Notices of Unsafe or Unhealthful Working Conditions" (OSHA-2H).

The multi-disciplinary evidence examined by OSHA demonstrates that sanitation is an integral part component of the food manufacturing process, without which continuous production would cease; and that it involves specific operations which may expose sanitation workers to hazardous machinery and/or equipment. Data from OSHA as well as that collected by BLS and a Midwest state's workers' compensation program for workers employed in these industrial sectors suggests that workers employed in janitorial occupations suffer injuries including amputations, crush, burns, fractures, lacerations, puncture, and severances.

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[20] United States Department of Agriculture, Food Service and Inspection Service. FSIS Meat, Poultry and Egg Product Inspection directory. Retrieved July 13, 2023 from: https://www.fsis.usda.gov/inspection/establishments/meat-poultry-and-egg-product-inspection-directory

[21] Environmental Systems Research Institute, Inc. (ESRI). ArcGIS Online. https://www.arcgis.com/

[22] United States Department of Commerce. United States Census Bureau. 2022 NAICS Definition for 926140 – Regulation of Agricultural Marketing and Commodities. Retrieved July 26, 2023 from: https://www.census.gov/naics/?input=926140&year=2022&details=926140

Workers engaged in the cleaning and sanitation of food processing equipment or other janitorial activities may be employees of the food processing establishment; may be contracted through cleaning companies performing services under NAICS 561720 ("Janitorial Services"); NAICS 5617290 ("Other Services to Buildings and Dwellings") and/or NAICS 561990 ("All Other Support Services") or a combination of these NAICS codes. Workers engaged in the food safety and inspection services fall primarily under NAICS 926140 ("Regulation of Agricultural Marketing and Commodities") are primarily federal government employees of either the United States Department of Agriculture or Food and Drug Administration or contractors performing services on behalf of these entities.

Where OSHA determines that other employers provide cleaning and sanitation services, environmental testing (e.g., microbial growth) and/or food safety inspection services, separate limited scope safety and/or health inspection(s) will be opened to evaluate the safety and health hazards associated exposure to machinery hazards.

VIII. Inspection Scheduling.

A. Selection and Scheduling of Complaints and Referrals - Unprogrammed Inspections. Area Offices will conduct inspections for all complaints and referrals in industries and contractors of all employers covered by this REP 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 concerning a food manufacturer or employer working at a facility controlled by a food manufacturer (see TABLE 1), whether or not the hazards involved fall within the scope of the REP (see Paragraph IX.A), Area Offices shall incorporate this REP 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 REP.

All selected establishments, regardless of size, will be inspected, subject to any

enforcement limitations under the Appropriations Act per CPL 02-00-051.

1. 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.

2. Additions. Based on their familiarity with local industries, Area Offices may add to the master inspection list any establishments that are covered by this REP. 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.

3. 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.

C. 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.

D. Strategic Plan. Area Offices shall conduct inspections under this program each fiscal year that this program is active. The inspections conducted under this REP will be incorporated into each Area Office's overall strategic operating plan.

IX. Inspection Procedures.

A. Scope.

The scope of inspections conducted under this REP shall be safety and health inspections focusing on evaluating machine guarding hazards associated with points of operation, ingoing nip points, and moving or rotating parts of food processing equipment, and hazards associated with exposure to chemicals and thermal hazards. The inspection scope will also focus on potential deficiencies in a covered employer's machine guarding and hazardous energy control programs associated with operation,

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. For an explanation of "covered employer", please refer to the "Purpose" and "Scope" sections and TABLE 1 of this document. All general safety and health programs will be obtained and evaluated under this REP. Inspections may take place on **any** shift operating at a covered facility. The scheduling of inspections under this REP 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 REP will be combined with other programmed and unprogrammed inspections. This REP 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 REP, 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 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.

C. Unscheduled Inspections

If CSHOs determine during the onsite inspection or during the course of the investigation, that that employees of contract or third-party employers other than those identified by NAICS or activity in this REP are or may be exposed to food processing machinery hazards at the covered facility, CSHOs shall also open inspections under this REP with those contract or third-party employers, regardless of the employers' NAICS codes.

X. CSHO Protection.

Inspections under this REP are to be conducted by CSHOs who have received training on the REP. 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 REP. 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. Hazard Communication
CSHOs shall evaluate the employer's Hazard Communication program for compliance with 29 CFR 1910.1200. CSHOs will utilize CPL 02-02-079 *Inspection Procedures for the Hazard Communication Standard (HCS 2012)* when conducting their evaluation.

D. 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 REP.

A. The Inspection Report for any inspection expanded or scheduled under this REP shall be marked as **"FOODMAN"** in the Local Emphasis Program field.

B. All other enforcement activities (i.e., complaints, referrals, etc.) conducted under this REP shall be marked as "**FOODMAN**" in the Local Emphasis Program field.

C. Compliance Assistance interventions conducted under this REP 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 Regional 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)
   iii. Hazard Communication (1910.1200)

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 REP, each covered Area Office will implement outreach programs that support the efforts of the Agency in meeting the goals of the REP. 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

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

APPENDIX 2

Illinois Employment and Establishment Data Comparison Between IOSP[1] and IDES LMI[2]

Year	Source	NAICS 31-33 All Manufacturing		NAICS 311 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
2019 Avg.	**IDES LMI**	**17,963**	**585,451**	**1,799**	**84,650**
2019	**IOSP**	**18,066**	**585,894**	**1,810**	**84,707**
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
2020 Avg.	**IDES LMI**	**18,181**	**558,279**	**1,848**	**83,588**
2020	**IOSP**	**18,033**	**554,712**	**1,836**	**82,869**

NOTES: **IOSP** - Illinois Occupational Surveillance Program[1]
IDES LMI - Illinois Department of Employment Security (IDES) Labor Market Information (LMI)[2]

APPENDIX 3

Ohio Employment and Establishment Data Comparison Between BWC[3] and LMI[4]

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

NOTES: **BWC Matched Data** - Only the 2019 BWC data[3] 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)[4] for 2019.
Censored – Data was not published by ODJFS LMI.

APPENDIX 4

BLS Occupational Injuries and Illnesses Rates for Janitorial Services

	Private Industry Rates per 100 FTE		**Janitorial Services Rates** per 100 FTE	
	2019	**2020**	**2019**	**2020**
Injuries and Illnesses				
Total Cases	2.8	2.7	**3.0**	**2.8**
Cases with DART	1.5	1.7	**1.8**	**1.7**
Cases with days aways from work	0.9	1.2	**1.1**	**1.3**
Cases with job transfer or restriction	0.7	0.5	**0.8**	0.4
Other recordable cases	1.2	1	1.1	**1.1**

NOTES: Bureau of Labor Statistics (BLS) Number and rate of nonfatal occupational injuries and illnesses, Selected worker, case and industry characteristics. 2019-2020. Retrieved July 14, 2023, from https://data.bls.gov/gqt/RequestData
DART = Days Away, Restricted or Transferred

APPENDIX 5

Janitorial Services Incidence Rates per 10,000 employees

	Characteristic	Private industry		Janitorial services	
		2019	2020	2019	2020
Event or exposure	Falls, slips, trips	23.9	21.7	**36.5**	**45.1**
	Slips, trips without fall	3.8	3.1	**4.6**	**7.5**
	Fall on same level	15.0	13.1	**27.5**	**26.0**
	Fall to lower level	4.7	5.1	4.0	**11.2**
	Contact with object, equipment	22.4	20.1	**26.4**	**22.4**
	Struck by object	13.2	11.3	**15.7**	**11.6**
	Struck against object	4.5	4.6	**7.1**	**9.0**
	Caught in object, equipment, material	3.3	3.0	1.1	1.0
Nature of injury, illness	Fractures	8.4	7.7	**11.2**	**9.5**
	Sprains, strains, tears	28.9	27.4	**33.4**	**32.4**
	Amputations	0.6	0.5	0.2	–
	Cuts, lacerations, punctures	8.8	7.6	7.6	5.3
	Cuts, lacerations	7.1	6.1	4.8	4.4
	Punctures (except gunshot wounds)	1.7	1.5	**2.9**	**0.9**
	Bruises, contusions	7.9	7.1	**13.3**	**13.1**
	Chemical burns and corrosions	0.4	0.4	**0.7**	**1.1**
	Heat (thermal) burns	1.5	1.2	0.2	1.1
	Multiple traumatic injuries	2.3	2.1	**3.3**	1.5
	With sprains and other injuries	1.2	1.1	**1.8**	**1.3**
	With fractures and other injuries	0.4	0.3	0.3	–
	Soreness, pain	15.4	15.4	**26.1**	**25.9**
Source of injury, illness	Chemicals, chemical products	1.2	1.1	**2.3**	**6.5**
	Containers	10.4	9.5	**12.4**	9.1
	Furniture, fixtures	3.5	3.1	**8.2**	**5.6**
	Machinery	4.8	4.3	**5.4**	3.9
	Parts and materials	7.1	6.9	3.9	**7.0**
	Person, injured or ill worker	12.2	11.0	**14.1**	**14.0**
	Worker motion or position	11.7	10.5	**13.1**	**13.4**
	Floors, walkways, ground surfaces	15.2	13.2	**26.1**	**26.7**
	Handtools	4.1	3.6	2.8	**4.5**
	Ladders	1.9	2.2	**3.9**	**9.0**

NOTES: Bureau of Labor Statistics (BLS). Case and Demographic Incidence Rates, Select worker, case and industry characteristics. 2019-2020. Retrieved July 14, 2023, from https://data.bls.gov/gqt/RequestData

APPENDIX 6

Janitorial Services First Report of Injury Data (FROI) in Illinois

			Injured at Food Mfg.		Cumulative Number of FROIs Reported between 2018 and 2022							
NAICS and Descriptor	**Average Annual Payroll Employees**	**Total WC Filed**	**WC Claims**	**% of all WC claims**	**Amp**	**Cru**	**Bur**	**Fra**	**Lac**	**Pun**	**Sev**	**Covered Injuries**
561720, Janitorial Services	51,483	2,290	161	7%	9	18	37	226	105	13	2	410
561790, Other Services to Buildings and Dwellings	4,497	490	14	2.9%	3	4	5	47	18	3	0	80
Private Sector	5,211,856	241,455			1,340	3,031	3,045	21,559	11,309	1,649	229	42,162

NOTES: Average Annual Number of Payroll Employees between 2018-2022 is based on BLS Quarterly Census of Employment and Wages (QCEW), as reported to OSHA by the Illinois Occupational Surveillance Program.

APPENDIX 7

Crude Annual Rates Based on Janitorial FROI data, per 10,000 Employees, in Illinois

NAICS and Descriptor	Amp_Rt	Cru_Rt	Bur_Rt	Fra_Rt	Lac_Rt	Pun_Rt	Sev_Rt	Covered Injuries_Rt
561720, Janitorial Services	0.3	0.7	1.4	8.8	4.1	0.5	0.1	15.9
561790, Other Services to Buildings and Dwellings	1.3	1.8	2.2	20.9	8.0	1.3	0.0	35.6
Private Sector	0.5	1.2	1.2	8.3	4.3	0.6	0.1	16.2

NOTES: Crude Rates calculated based on FROI data, as reported to OSHA by the Illinois Occupational Surveillance Program.

APPENDIX 8

Rate Ratios of Janitorial Services Injuries Relative to All Industries Combined

NAICS and Descriptor	Amp_Rt	Cru_Rt	Bur_Rt	Fra_Rt	Lac_Rt	Pun_Rt	Sev_Rt	Covered Injuries_Rt
561720, Janitorial Services vs. Private Sector	0.7	0.6	1.2	1.1	0.9	0.8	0.9	1.0
561790, Other Services to Buildings vs. Private Sector	2.6	1.5	1.9	2.5	1.8	2.1	0.0	2.6

APPENDIX 9

Wisconsin Employment and Establishment Data

Year	Period	NAICS	Industry	Ownership	Average Annual Establishments	Average Monthly Employment
2019	Annual	311	Food Manufacturing	Private	1,094	74,924
2020					1,104	74,614