North Carolina Department of Labor
Occupational Safety and Health Division

Raleigh, NC

Field Information System | Operational Procedure Notice 140E

Subject: Special Emphasis Program for Food Manufacturing Facilities

A. **Purpose and Scope**.

This Operational Procedure Notice (OPN) describes the North Carolina Department of Labor (NCDOL) Occupational Safety and Health (OSH) Division's Special Emphasis Program (SEP) for inspections of establishments in North American Industry Classification System (NAICS) Sector 311 – Food Manufacturing. This SEP covers all employers/sites in North Carolina in NAICS 311 – Food Manufacturing. The goal of this SEP is to reduce the number of hazards existing within NAICS 311 facilities and to reduce the number of injuries suffered by employees working at these sites. The SEP will include interventions from the Compliance Bureaus, the Consultative Services Bureau (CSB) and the Education, Training and Technical Assistance (ETTA) Bureau.

B. **Special Emphasis Program History**.

NCDOL's injury and illness data for NAICS 311 for calendar years 2003 through 2007 identified a significant number of hazards in the following hazard categories: machine guarding, electrical hazards, combustible dust, walking/working surfaces, hazard communication, ergonomics and process safety management. In response to this information, the food manufacturing industry was added to the OSH Division's five-year strategic management plan for federal fiscal years (FFY) 2009 - 2013. During the 2009 FFY, NCDOL researched different ways to work toward the elimination of these hazards and reduce injuries. Formal SEP activity was implemented beginning with the 2010 FFY. This SEP is continued in the division's five-year strategic management plan for FFYs 2019 - 2023.

C. **Background and Discussion**.

North Carolina is a world leader in the production of food products including fruits, vegetables and animal products such as poultry and pork. Employers covered by NAICS 311 employ a significant number of the employees working in the state.

Increased competition in this industry sector, in the United States (U.S.) and worldwide, has required employers in this sector, which has traditionally been labor-intensive, to respond and develop manufacturing processes that are more efficient. The nature of the operations in many of the facilities within this industry sector requires employees to work in close proximity to operating equipment and rapidly moving conveyors and other material transport systems.

As a result of these changes, injury statistics from 2003 to 2007 from the U.S. Bureau of Labor Statistics (BLS) showed that injury rates for the NAICS 311 industry in North Carolina were higher than injury rates for other industry sectors in the state. Both the total recordable case (TRC) and the days away, restricted, or transferred (DART) rates for NAICS 311 facilities were higher than the rates for all private industry in the state and higher than the rates for all manufacturing in the state.

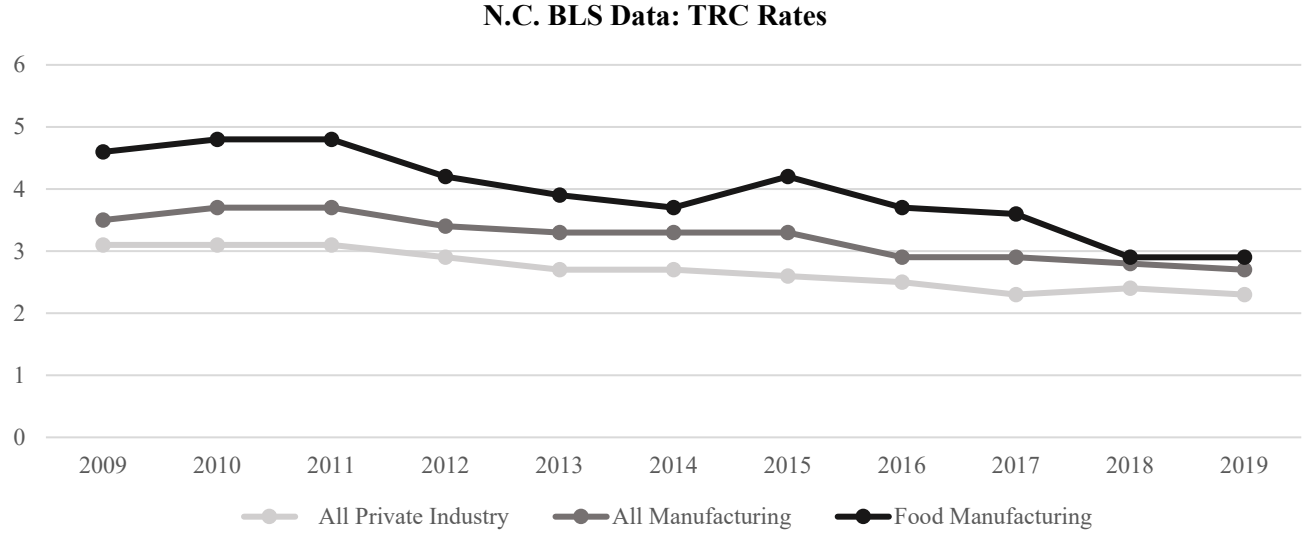
The BLS data for calendar year (CY) 2009 showed the national TRC rate and the DART rate for the NAICS 311 industry group continued to be higher than the rates for all private industry and for manufacturing as a group. The food manufacturing DART rate was double the DART rate for private industry.

2009 National BLS Data	All Private Industry	All Manufacturing (NAICS 31, 32, 33)	Food Manufacturing (NAICS 311)
TRC Rate	3.6	4.3	5.7
DART Rate	1.8	2.3	3.6

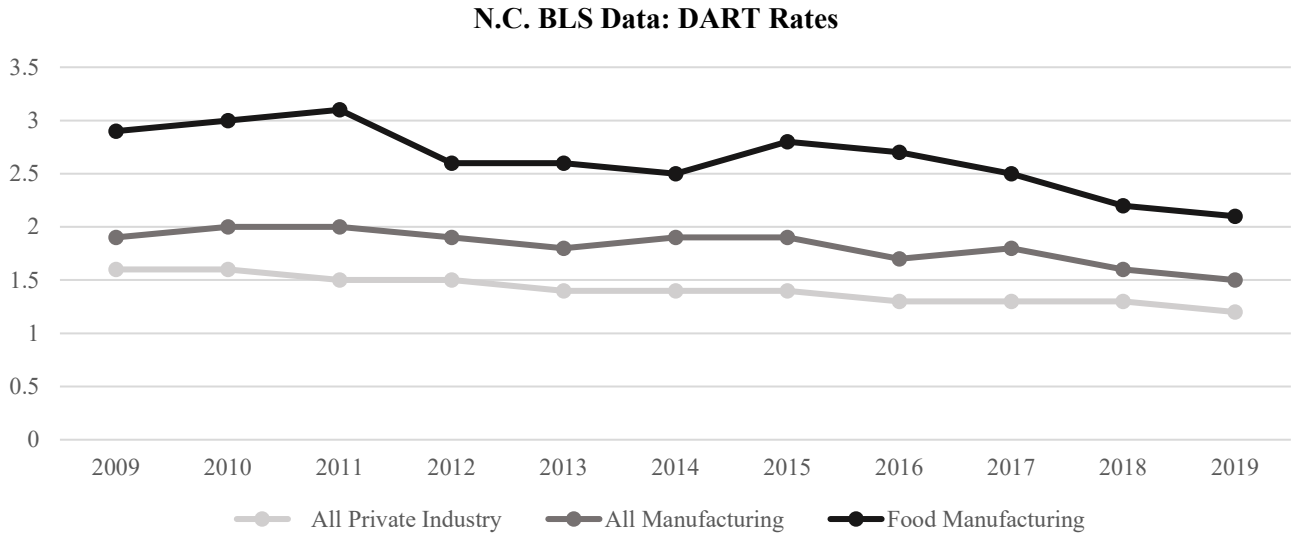
The statistics for North Carolina showed the same trend. The TRC rate and the DART rate for food manufacturing industry were both higher than the TRC and DART rates both for all private industry and the manufacturing sector as a whole in the state.

Since 2009, the North Carolina injury and illness rates for NAICS 311 continued to increase through 2011 and returned to 2009 levels in 2012. However, the incidence rates remain higher than the private industry and manufacturing rates in North Carolina. As a result, this SEP continues as part of the 2014 - 2018 strategic management plan.

N.C. BLS Data: TRC Rates			
Year	**All Private Industry**	**All Manufacturing**	**Food Manufacturing**
2009	3.1	3.5	4.6
2010	3.1	3.7	4.8
2011	3.1	3.7	4.8
2012	2.9	3.4	4.2
2013	2.7	3.3	3.9
2014	2.7	3.3	3.7
2015	2.6	3.3	4.2
2016	2.5	2.9	3.7
2017	2.3	2.9	3.6
2018	2.4	2.8	2.9
2019	2.3	2.7	2.9



N.C. BLS Data: DART Rates			
Year	**All Private Industry**	**All Manufacturing**	**Food Manufacturing**
2009	1.6	1.9	2.9
2010	1.6	2.0	3.0
2011	1.5	2.0	3.1
2012	1.5	1.9	2.6
2013	1.4	1.8	2.6
2014	1.4	1.9	2.5
2015	1.4	1.9	2.8
2016	1.3	1.7	2.7
2017	1.3	1.8	2.5
2018	1.3	1.6	2.2
2019	1.2	1.5	2.1



On October 28, 2015 OSHA issued a memorandum titled Inspection Guidance for Poultry Slaughtering and Poultry Processing Establishments which established guidance for inspections in NAICS 311615 – Poultry Processing. The memorandum was reviewed by the OSH Division. Since the SEP for food manufacturing facilities includes NAICS 311615, the memorandum was not adopted for use by OSH, but relevant information from the memorandum was incorporated into this OPN. Additionally, this OPN was previously provided to OSHA and guidance from this OPN was used in the development of the regional emphasis program discussed in the memorandum.

D. **Program Procedures**.

NAICS 311 – Food Manufacturing assignments will be generated through fatalities, accidents, complaints, referrals, and general industry schedule criteria. The assignments have priority based upon the schedule in Field Operations Manual (FOM) Chapter II – Compliance Programming, paragraph E. – Inspection Priorities.

E. **Compliance Inspection Procedures**.

1. General.

a. Compliance activities conducted under this SEP will normally be limited to programmed inspections (the general industry schedule assigned from the OSH Division Targeting System and/or any specific programmed random scheduled list including NAICS covered by this OPN).

b. If a complaint, referral, or accident inspection is conducted in an establishment covered by this OPN, compliance safety and health officers (CSHOs) will follow guidance listed below and in FOM Chapter IX – Complaints, Referrals and Accidents.

c. If a fatality or catastrophe investigation is conducted in an establishment covered by this OPN, CSHOs will follow guidance listed below and in FOM Chapter VIII – Fatality and Catastrophe Investigations.

2. Pre-Inspection Preparation.

a. District supervisors will consider the objectives of this SEP and the processes and hazard categories expected at individual sites to determine whether to assign specific inspections to individual CSHOs or to assign an inspection as a team inspection. Individual inspections may be assigned as joint safety and health inspections when appropriate.

If there are any questions as to whether an employer/site is covered by this SEP, a full listing of NAICS 311 industry categories is found in the current edition of the U.S. Office of Management and Budget, NAICS manual, United States, at www.census.gov/eos/www/naics/.

b. CSHOs assigned to conduct unprogrammed, partial-scope inspections (fatalities, catastrophes, accidents, complaints, referrals, etc.) must review the site listing on the OSH Division Targeting System to determine if a deferral has been issued for the employer/site by CSB (consultation, SHARP) or ETTA (Carolina Star). If the site has a deferral , the CSHO will refer to FOM Chapter III – Inspection Procedures, paragraph D.3.h., Exemptions from Compliance Inspections for guidance regarding deferrals to be applied to the current inspection.

c. CSHOs assigned to conduct site inspections under this SEP will familiarize themselves with the following documents as appropriate:

i. FOM Chapter XVII – Ergonomics Inspection Procedures.
ii. CPL 02-00-135 – Recordkeeping Policies and Procedures.
iii. CPL 02-02-069 – Enforcement Procedures for Occupational Exposure to Bloodborne Pathogens.
iv. CPL 03-00-008 – NEP: Combustible Dust Explosion Prevention Program.
v. CPL 02-00-100 (CPL 2.100) – Application of the Permit-Required Confined Spaces (PRCS) Standard, 29 CFR 1910.146.
vi. CPL 02-00-147 – The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures.
vii. CPL 02-02-045 (CPL 2-2.45A) – Process Safety Management of Highly Hazardous Chemicals – Compliance Guidelines and Enforcement Procedures.
viii. CPL 02-02-079 – Inspection Procedures for Hazard Communication. (HCS 2012)
ix. CPL 02-02-074 – Inspection Procedures for Chromium (VI) Standards.
x. CPL 02-02-076 – NEP: Hexavalent Chromium.

xi. OPN 135 – Special Emphasis Program for Exposures to Health Hazards (most current revision).

d. In addition to the program documents listed above, ETTA has developed industry-specific Industrial Data Reports (IDRs) for several industry segments within NAICS 311 that describe the processes and identify the hazards common to these segments. The IDRs are accessible under the Field Information System (FIS) link on the OSH One Stop Shop.

3. Inspection Process.

CSHOs will evaluate the following safety and health programs during all programmed compliance inspections. Unless the site is exempt per E.2.b., any unprogrammed partial-scope inspections conducted at NAICS 311 sites under this SEP may be expanded to cover the following safety and health programs, provided all procedures outlined in the appropriate FOM chapter are followed (see paragraph E.1. for references). For complaint and referral inspections, employer consent to expand the scope must be obtained.

a. OSHA Recordkeeping. Federal studies of the OSHA Data Initiative (ODI) statistics have identified instances of under-reporting of OSHA recordable cases by employers in high-hazard industries including employers in the food manufacturing industry subsector. During each inspection conducted under this SEP, CSHOs will evaluate the employer's recordkeeping process by completing the following:

i. Review and evaluate the site's OSHA 300 Logs and 300A Summaries for the preceding three calendar years and the OSHA 300 Log for the current year per the requirements of 29 CFR Part 1904 – Recording and Reporting Occupational Injuries and Illnesses and CPL 02-00-135 – Recordkeeping Policies and Procedures. Discuss any apparent discrepancies with the employer's OSHA 300 record keeper or the appropriate member of management.

ii. Record the data from each OSHA 300 Log and 300A Summary for entry on the inspection report in OSHA Express (OE).

iii. During employee interviews, question employees regarding work-related injuries they have had and/or their knowledge of work-related injuries involving other employees within the past three calendar years. Where the incidents appear to meet the OSHA recordability criteria, ensure the incidents are properly recorded on the appropriate OSHA 300 Log. Discuss any apparent discrepancies with the employer's OSHA 300 record keeper or the appropriate member of management.

Note: Appendix A of this OPN contains an employee questionnaire that can be used to record the employees' responses.

b. Machine Guarding. Accidents resulting from employee contact with or entrapment in moving equipment and machine parts have resulted in serious injuries, including deaths at several sites.

i. Evaluate the employer's process for the inspection and evaluation of newly installed and/or rebuilt equipment and/or machinery to identify and correct hazards before the equipment or machinery is released for operation. This will include a review of the documentation of this activity.

ii. Evaluate the employer's policy for guarding all equipment before production startup. Determine through employee interviews the procedure the employer follows if a machine guard is not installed before production startup.

iii. Evaluate the employer's process for walkthrough safety inspections and preventive maintenance of production, facility, wastewater, and maintenance shop machinery and equipment to identify and correct machine guard hazards. This will include a review of the documentation of these activities.

iv. Conduct a focused walk-through inspection of the employer's site to evaluate the guarding of machine and equipment hazards. The inspection shall include all production areas, maintenance shops, and wastewater facilities (as applicable). This inspection should include, but not be limited to, the following:

A. Machines that require point-of-operation guarding include pallet dumpers, grinders, mixers, augers, guillotine cutters, shears, saws, presses, lathes, etc.

B. Machines that require in-going nip or pinch point guarding.

C. Fan blade guarding.

D. Mechanical power transmission apparatus guarding (includes conveyor belts): gears, sprockets, chains, shafts, keyway keys, setscrews, collars, couplings, pulleys, and belts, etc.

E. Machines that require barrier guards from unauthorized entry.

F. Robotic equipment barrier guards.

G. Interlock switches, proximity switches, limit switches, light curtains, etc.

H. Abrasive wheel machinery guarding (portable and bench/pedestal grinders).

I. Portable power tool guarding.

J. Band saw and table saw guarding.

K. Drill press guarding.

c. Control of Hazardous Energy (lockout/tagout). Accidents resulting from contact with or entrapment in moving machine parts because employees failed to control hazardous energy by not using lockout/tagout procedures have resulted in serious injuries, including deaths at several sites. Evaluate production, sanitation, maintenance, refrigeration, wastewater, and any other affected departments as applicable using the following elements for compliance with 29 CFR 1910.147 – The Control of Hazardous Energy and guidance in CPL 02-00-147 – The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures.

Note: For work performed near or on exposed equipment or circuits 50 volts or above which are or may be energized, refer to 29 CFR 1910.333 – Selection and Use of Work Practices in 29 CFR 1910 Subpart S – Electrical for lockout/tagout procedures as 29 CFR 1910.147 would not apply.

i. Evaluate energy control procedures for all machines or equipment that could cause an injury during servicing and/or maintenance from unexpected energy startup or from an employee contacting a running machine in the danger zone without using lockout/tagout procedures.

ii. Evaluate the employer's training process for authorized, affected, and all other employees.

iii. Review the employer's documented annual periodic inspections of energy control procedures and interview authorized employees being inspected or evaluated on the procedures.

iv. Evaluate authorized employees' use of group lockout/tagout and shift or personnel change procedures. Interview employees to ensure they are not working under another person's lock.

v. When an employer uses the minor servicing exception instead of lockout/tagout procedures during normal production operations, evaluate the procedures to determine if the employer is providing effective employee protection (Reference 29 CFR 1910 Subpart O – Machinery and Machine Guarding). Interview machine operators and ask them what happens when the machine jams.

vi. Visually inspect machine and equipment energy isolating devices such as disconnect switches and circuit breakers. Inspect circuit control devices such as E-Stops, push buttons, selector switches, and key switches being used in place of energy isolating devices. Interview employees to find out if they are using circuit control devices instead of energy isolating devices for lockout/tagout.

Note: Refer to Appendix C: Lockout/Tagout Energy Control Procedure Checklist to utilize during the inspection.

d. Electrical. Electrical hazards can be aggravated by the presence of wet-process areas and the industry's sanitation standards that require the use of chemical products that may corrode electrical enclosures and equipment. Evaluate the condition of electrical equipment on the production floor and electrical rooms such as panels, cabinets, motor control center (MCC) buckets, disconnects, switches, receptacle outlets, ceiling drop cord pendant outlets, junction boxes, condensation or cooling fans, equipment power cords, extension cords, and conduits. Evaluate the appropriate use of ground fault circuit interrupters (GFCIs) and evaluate the use of water-proof receptacles and enclosures.

Evaluate electrical work practices for compliance with the requirements of 29 CFR 1910.331-335: Safety-Related Work Practices, Training, Selection and Use of Work Practices, Use of Equipment, and Safeguards for Personnel Protection. For work performed near or on equipment or circuits which are or may be energized, refer to 29 CFR 1910.333 – Selection and Use of Work Practices for lockout-tagout. Evaluate the employer's PPE Hazard Assessment to determine if sufficient PPE is required to protect employees from electrical shock and arc-flash burns when they are working on or near energized circuits above 50 volts.

e. Walking-Working Surfaces. Slip, trip, and/or fall accidents have occurred with regularity. Evaluate the employer's walking-working surfaces as defined in 29 CFR 1910 Subpart D – Walking-Working Surfaces which includes floor or surface condition, drainage, protruding objects on the floor, and maintenance and repairs of walking-working surfaces. The standards in the Subpart include criteria for portable and fixed ladders, mobile ladder stands, mobile ladder work platforms, stairways, dockboards (bridge plates, dock plates, dock levelers, etc.), scaffolds and rope descent systems, and manhole steps.

Subpart D also covers the duty to have fall protection when employees are exposed to falls at unprotected sides and edges, hoist areas, holes, skylights, dockboards, runways and similar walkways, dangerous equipment, openings, repair pits, service pits, stairways, scaffolds, low-

slope roofs, slaughtering facility platforms, and any other walking-working surface that is four feet or higher above a lower surface.

Evaluate fall protection systems including guardrails; personal fall protection systems; designated areas; covers; handrails and stair rail systems; cages, wells, and platforms used with fixed ladders; ladder safety systems, grab handles, and protection from falling objects.

Evaluate the employer's personal fall protection systems to determine if they meet the criteria in 29 CFR 1910.140 – Personal Fall Protection Systems. Evaluate the employer's training program to ensure all affected employees were trained on applicable fall hazards and equipment hazards addressed in the walking-working surfaces standard in accordance with 29 CFR 1910.30 – Training Requirements.

f. Hazard Communication. Evaluate the employer's use of chemicals in the workplace for compliance with 29 CFR 1910.1200 – Hazard Communication standard (HCS). Inspection focus will be on compliance with HCS 2012, including the key elements of the Global Harmonization System (GHS): Safety Data Sheets (SDSs), pictogram labeling, and training. Refer to CPL 02-02-079 – Inspection Procedures for the Hazard Communication Standard, as guidance.

g. Confined Spaces. Many sites contain permit-required confined spaces including, but not limited to: silos, bins, wastewater pits, other below-ground pits, above-ground tanks, boilers, and limited-access spaces within production equipment that pose the potential for employee entrapment and serious injury. Evaluate the employer's policies, procedures, training, and work practices for compliance with the requirements of 29 CFR 1910.146 – Permit Required Confined Spaces. CSHOs should familiarize themselves with the "definitions" in 29 CFR 1910.146(b), the "alternate entry procedures" in 1910.146(c)(5), and "reclassified procedures" in 1910.146(c)(7) and the "decision flow chart" in Appendix A. Guidance is available in CPL 02-00-100 – Application of the Permit-Required Confined Spaces Standard, 29 CFR 1910.146.

h. Hoists. Evaluate monorail and underhung hoist operations to determine if nearby employees are protected. Inspection records and training will also be evaluated.

i. Combustible Dust. NAICS 311 sites may contain organic dusts including, but not limited to: flour, sugar, grains, and animal feeds. CSHOs will evaluate the facility to determine if potentially combustible dust concentrations exist and the employer's processes and procedures for preventing or controlling the hazard. This assessment must include an evaluation of the dust collection systems in place at the facility. CSHOs will use CPL 03-00-008 – NEP: Combustible Dust Explosion Prevention Program when conducting inspections related to combustible dust.

j. Ergonomics. Many production processes require the performance of repeated and sustained manual handling and manual exertion work tasks. Evaluate the employer's policies, procedures, and work practices to determine if they effectively eliminate and control ergonomic risk factors. Review the employer's OSHA 300 Logs to identify musculoskeletal disorders (MSDs) such as repetitive motion injuries and cumulative trauma disorders. Calculate the annual MSD incident rate for the three calendar years preceding the inspection to determine if the rates are increasing or decreasing. Where rates are increasing and/or the employer's policies, procedures, and work practices are not effective, refer to FOM Chapter XVII – Ergonomics Inspection Procedures for guidance.

k. Hexavalent Chromium. For sanitation purposes, food manufacturing process equipment is made from stainless steel so that it can be cleaned without rusting. Additionally, the equipment is welded to prevent food from gathering in areas where the equipment would otherwise be bolted together. Employees who perform welding on this equipment as part of in-plant repairs or perform other activities to install new process equipment or lines may be exposed to hexavalent chromium.

Hexavalent chromium (Chromium (VI)) is covered under the most current revision of OPN 135 – Special Emphasis Program for Exposures to Health Hazards. Additionally, NCDOL is using, in part, CPL 02-02-076 – NEP for Hexavalent Chromium and CPL 02-02-074 – Inspection Procedures for Chromium (VI) Standards. Since potential hexavalent chromium exposures are an emphasis area for the OSH Division, CSHOs conducting inspections will need to address this potential hazard.

Verify with the employer during the opening conference and with employees during interviews, whether work activities/tasks are performed at the facility that may produce employee exposure to hexavalent chromium (specifically welding on stainless steel equipment or components). If it is determined that no activities with the potential for hexavalent chromium exposure are performed, document this in the narrative portion of the inspection report.

If activities/tasks are identified that may involve employee exposure to hexavalent chromium:

i. Determine when the tasks creating these exposures are performed (scheduled routine maintenance versus non-routine/unplanned repairs; which shifts; etc.)

ii. Request copies of the employer's initial exposure monitoring results and any subsequent air monitoring results for hexavalent chromium.

iii. Evaluate the air monitoring results and discuss with the district supervisor if there is a need to conduct further inspection activity for hexavalent chromium in accordance with 29 CFR 1910.1026 – Chromium (VI), the most current revision of OPN 135, CPL 02-02-74 and CPL 02-02-076.

If employees have performed work tasks that may have created an exposure to hexavalent chromium and no exposure monitoring has been performed, either conduct air monitoring for hexavalent chromium or make a referral to a Health Compliance Officer (HCO) for sampling. If the sampling indicates a work exposure in excess of the Action Level or Permissible Exposure Level for hexavalent chromium, the CSHO or HCO will discuss with the district supervisor the need to conduct further inspection activity for hexavalent chromium in accordance with 29 CFR 1910.1026, the most current revision of OPN 135, CPL 02-02-74, and CPL 02-02-076.

l. Process Safety Management. Sites with large refrigeration or freezer processes are likely to have hazardous chemical products in sufficient quantities to place them under the scope of 29 CFR 1910.119 – Process Safety Management (PSM) of Highly Hazardous Chemicals. The two products most likely to be found in amounts above the threshold quantity (TQ) at these sites are anhydrous ammonia (10,000 lbs. TQ) used for refrigeration and chlorine (1,500 lbs. TQ) used for water treatment.

i. CSHOs will interview the appropriate management representative to determine:

A. If any process at the site uses hazardous chemicals at or above the threshold quantities listed in Appendix A of 29 CFR 1910.119.

B. If any process at the site uses a flammable liquid or gas as defined in 29 CFR 1910.119(a) in quantities of 10,000 pounds or greater (excluding the quantity maintained in an atmospheric storage tank).

ii. If the results of the screening interview indicate that highly hazardous chemicals listed in 29 CFR 1910.119 are present at or above the threshold quantity or if a flammable liquid or gas is present in a quantity at or above 10,000 pounds:

A. Conduct a partial scope PSM inspection to determine if the employer has developed and implemented a process safety management program. This OPN places an emphasis on implementation (PSM) over documentation (Program Quality Verification (PQV)).

B. If CSHOs are not qualified to evaluate the PSM elements or have any questions regarding 29 CFR 1910.119, they should contact their district supervisor, any PQV team member (Reference Appendix B), the division's process safety management coordinator, or bureau chief for assistance.

Note: The screening process for evaluating coverage under the process safety management standard is contained in Appendix B of this OPN.

m. Other Hazards. The following additional hazards may be found in various food manufacturing operations such as, but not limited to, animal live-kill and carcass processing operations. Each of these areas should be assessed and addressed if applicable.

i. Assess the adequacy of toilet and sanitary facilities (i.e., clean water to wash hands and adequate number of toilets, and whether employees have access to facilities in a timely manner, as needed. Guidance in this matter may be found in the current edition of Standards Notice (SN) 58 – Toilet and Handwashing Facilities.

ii. Assess thermal stress concerns (heat/cold) in various locations in the facility such as the heat in the live-kill areas and if adequate supplies of potable water are available for employees in a timely manner, as needed. Refer to the current version of OPN 141 – Heat Related Illness Inspections and Citations.

iii. Conduct initial screening for noise using a sound level meter (SLM). If noise levels indicate actual or potential levels at or above 85 dBA, the CSHO will determine if the employer has an adequate hearing conservation program. Reference 29 CFR 1910.95 – Occupational Noise Exposure. CSHOs shall review the OSHA 300 Log for entries involving recordable hearing loss. The CSHO shall also assess the hearing conservation program (if it exists) and determine if further evaluations (such as noise monitoring) are needed.

iv. During employee interviews (and if needed, medical record evaluations), assess if evidence exists that indicates that employees may have been exposed to biological hazards/diseases. If evidence exists of potential exposures, inquire into the nature and extent of employer efforts to control the biological hazard and the potential exposure. Controls may consist of aggressive cleaning procedures, personal protective equipment (PPE) and worker personal hygiene practices.

Zoonotic diseases vary according to the type of animal being processed but may be transmitted by direct contact, inhalation or ingestion of contaminated raw meat or aerosols of dried fecal matter. Symptoms of exposure include gastrointestinal

symptoms such as diarrhea, respiratory flu-like symptoms, as well as headaches and fever. If evidence exists of potential biological hazards, the CSHO shall document the evidence and seek additional guidance from OSH supervision/management.

4. Medical Records.

During the evaluation of the employer's OSHA recordkeeping, OSHA Log or ergonomics program, it may be necessary to access and obtain copies of employees' medical records. Medical records are deemed to be confidential documents and are regulated by the U.S. Health and Human Services Standards for the Privacy of Individual Identifiable Health Information (HIPAA). 45 CFR 164.512(b)(1)(v) states that an employer (or its health care provider) can disclose and use confidential employee health information when conducting or evaluating workplace medical surveillance; to evaluate whether an employee has a work-related illness or injury; or to comply with OSHA requirements under 29 CFR, Parts 1904 – Recordkeeping through 1928 – Agriculture; 30 CFR, Parts 50 through 90; or under state law having a similar purpose. An Employee Medical Release Form and a HIPAA letter from NCDOL Legal Affairs are located in the Forms folder under the FIS link on the OSH One Stop Shop.

Medical records, as defined in the FOM definitions, must be obtained and maintained in accordance with the requirements of FOM Chapters III – Inspection Procedures, XIII – Fatality and Catastrophe Investigations, and XVI – Administrative File Activities. CSHOs are reminded that all copies of employees' medical records obtained from employers or other sources are to be separated, coded, and maintained in accordance with FOM Chapters III and XVI.

5. Inspection Exemptions.

If during the conduct of an unprogrammed, partial-scope inspection at a NAICS 311 site, a CSHO is advised the site is covered by a current compliance inspection exemption issued by CSB or ETTA, the CSHO will complete the inspection for the purpose of the assignment (fatality, catastrophe, complaint, referral, etc.), but will contact the district supervisor before implementing the partial expansion of the inspection required by Section E.3.a. above. The district supervisor will identify any applicable exemptions and will determine on a case-by-case basis if partial expansion of the scope of the inspection is permissible. For complaint and referral inspections, CSHOs must obtain consent to expand the inspection as outlined in FOM Chapter IX – Complaints, Referrals and Accidents before expanding the scope. The reasons for not partially expanding the current unprogrammed inspection must be documented in the narrative for the current inspection.

F. **Outreach**.

ETTA and CSB will conduct outreach in accordance with the goals set forth in the OSH Division's strategic management plan, including but not limited to, marketing of services offered, educational workshops and hazard-related publications. CSB will focus efforts in NAICS 311 to increase requests and surveys. Surveys will focus on the hazards described in section E.3. of this OPN.

G. **Recording and Tracking**.

There are no specified OSHA Information System (OIS) codes identified for the Food Manufacturing SEP since all inspections performed under the SEP are identified by the NAICS 311 subsection code entered on the inspection report.

Inspections conducted under the Food Manufacturing SEP may also cover topics addressed by other SEPs and/or focus issues such as combustible dust; exposure to health hazards such as asbestos, hexavalent chromium, isocyanates, lead, or silica; or ergonomics that have specific emphasis codes assigned. Where

these focus issues or SEPs are covered by an inspection, the specific OIS codes identified for these topics will be entered in the inspection report.

H. **Program Evaluation**.

BLS data will be used to determine the effectiveness of this industry emphasis. This statistical data is reviewed annually by the state with outcome results included in both the State OSHA Annual Report (SOAR) and the Federal Annual Monitoring and Evaluation (FAME) Report. State activity is tracked on a monthly basis and is reported on the performance indicator report (PIR).

I. **Effective Date**.

OPN 140D is canceled. This OPN is effective on the date of signature. It will remain in effect until revised or canceled by the director.

__Signed on Original_____
Julie Martin
SEP Team Leader

__Signed on Original__
Kevin Beauregard
Director

___7/6/2021_____
Date of Signature

Appendix A: Employee Questionnaire - Work-related Injuries and Illnesses

NAME: _____ JOB TITLE: _____

DEPARTMENT: _____ LENGTH OF SERVICE: _____

ADDRESS: _____ TELEPHONE: _____
_____

HAS YOUR EMPLOYER INFORMED YOU HOW TO REPORT WORK-RELATED INJURIES OR ILLNESSES?
YES: ____ NO: ____

WHAT IS THE REPORTING PROCESS?
_____
_____

DID YOU EXPERIENCE A WORK-RELATED INJURY OR ILLNESS DURING THE PAST THREE YEARS?
YES: ____ NO: ____ IF YES: DATE OF INJURY: _____

DESCRIBE THIS INJURY OR ILLNESS:
_____
_____
_____
_____

DID YOU REPORT THIS INJURY OR ILLNESS TO YOUR EMPLOYER? YES: ____ NO: ____
DID YOU RECEIVE MEDICAL TREATMENT FOR THIS INJURY / ILLNESS? YES: ____ NO: ____

WHO PROVIDED THIS TREATMENT? _____

DESCRIBE THE TREATMENT RECEIVED?
_____

DID YOU MISS ANY TIME FROM WORK AS A RESULT OF THIS INJURY / ILLNESS OR MEDICAL TREATMENT? YES: ____ NO: _____

HOW MANY DAYS DID YOU MISS FROM WORK? _____

WERE YOU ABLE TO PERFORM ALL OF THE DUTIES OF YOUR JOB AND / OR WORK A FULL WORK SCHEDULE FOLLOWING THIS INJURY / ILLNESS OR MEDICAL TREATMENT? YES: ____ NO: ____

DETAILS OF RESTRICTIONS:
_____

ARE YOU AWARE OF ANY WORK-RELATED INJURIES OR ILLNESSES EXPERIENCED BY ANY OF YOUR CO-WORKERS? YES: ____ NO: ____

DETAILS OF THESE INCIDENTS:
_____
_____
_____
_____
_____

Appendix B: Screening Process for Coverage under Process Safety Management

A. Basic Screening (Non-PQV Trained CSHOs):

1. Initiate any inspection activity through normal channels: (fatality, catastrophe, complaint, referral, follow-up, general schedule, SEP, etc.)

2. Ask if the employer has a Process Safety Management Program. If the response is "no", ask the employer about the use of the following at this site:

   a. Is there an ammonia refrigeration system in operation at this site? What is the quantity of ammonia used or stored at this site? (Does this quantity approach or exceed 10,000 pounds?)

   b. Is chlorine used for water treatment or any other processes at this site? What is the quantity of chlorine used or stored at this site? (Does this quantity approach or exceed 1,500 pounds?)

   c. What flammable liquids are used or stored at this site? What quantity of flammable liquids are used or stored at this site? (Does this quantity approach or exceed 10,000 pounds?)

   d. Are any of the chemicals listed in 29 CFR 1910.119, Appendix A, used or stored at this site? Which chemicals and in what quantities?

3. If there is ANY indication of possible process safety management coverage at this site, CSHOs will contact their district supervisor or a PQV team member to determine if a referral for a process safety management inspection is to be made.

B. PQV Team Member (Process Safety Management Trained CSHO):

1. Give the non-trained CSHOs a list of information for chemicals/amounts to obtain from the employer at the site.

2. After the post-inspection consultation with the CSHOs, gather the other information as required. (This may be accomplished through a follow-up telephone discussion with the employer's representative.)

3. Coordinate with the district supervisor or bureau chief to select the most appropriate PQV team leader for a process safety management inspection at the site based on workload, abilities, availability, etc.

Appendix C: Lockout/Tagout Energy Control Procedure Checklist

- ❑ Evaluate **energy control procedures** for all machines or equipment that could cause an injury during servicing and/or maintenance from unexpected energy startup or from an employee contacting a running machine in the danger zone without using lockout/tagout procedures.

- ❑ Review **documented energy control procedures** that do not meet the documentation **exception note** in 29 CFR 1910.147(c)(4)(i). Evaluate procedures to determine if they clearly outline the rules and techniques to be used for the control of hazardous energy.

- ❑ Evaluate the employer's **documented training** for authorized, affected, and all other employees.

- ❑ Evaluate the employer's **retraining process** for employees when there is a change in their job assignments, a change in machines, equipment or processes that present a new hazard, or when there is a change in the energy control procedures. Interview authorized employees.

- ❑ Review the employer's **documented annual periodic inspections** of energy control procedures and interview authorized employees being inspected or evaluated on the procedures.

- ❑ Evaluate authorized employees' use of **group lockout/tagout and shift or personnel change** procedures. Interview employees to ensure they are not working under another person's lock.

- ❑ Evaluate the employer's energy control procedures to evaluate their means to ensure compliance with lockout-tagout procedures such as **disciplinary action**. Ask the employer for documentation of disciplinary action relevant to lockout-tagout procedures.

- ❑ When an employer uses the **minor servicing exception,** 29 CFR 1910.147(a)(2)(ii), instead of lockout/tagout procedures during normal production operations, evaluate the procedures to determine if the employer is providing effective employee protection. Interview machine operators and ask them what happens when the machine jams.

- ❑ Where the employer uses a **tagout system**, evaluate the energy control procedure to ensure it provides full employee protection.

- ❑ Evaluate the employer's **documented procedure for removing a lock** when the authorized employee is unavailable to remove his/her lock.

- ❑ Evaluate the **employer and contractor** lockout-tagout procedure coordination.

- ❑ Visually inspect a representative sample of authorized employees' **locks and tags** to ensure they are standardized, substantial, singularly identified, and not used for any other purpose.

- ❑ Visually inspect machine and equipment **energy isolating devices** such as disconnect switches and circuit breakers. Inspect circuit control devices such as E-Stops, push buttons, selector switches, and key switches being used in place of energy isolating devices. Interview employees to find out if they are using circuit control devices instead of energy isolating devices for lockout/tagout.