



OSHA Ramps Up Focus On the Poultry Industry

Insights

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In October, OSHA announced an **Emphasis Program on poultry processing** in Regions IV and VI in states with Federal OSHA programs. Region IV Federal OSHA states are Alabama, Florida, Georgia and Mississippi. The Region VI Federal OSHA states are Arkansas, Louisiana, Oklahoma and Texas, plus employers in New Mexico who come under the Federal-OSHA and not the State Plan. State Plans such as North and South Carolina OSHA are encouraged to follow the Federal programs.

Yesterday, 45 days after OSHA posted its informal guidance Memorandum for poultry inspections: **"Inspection Guidance for Poultry Slaughtering and Poultry Processing Establishments."** We remain frustrated at this Administration's reluctance to share internal materials on a real time basis.

The newly released Memorandum is very similar to the Region IV and VI emphasis programs for poultry processing facilities, which were openly announced and shared by the respective Regions. We encourage you to read both the Memorandum and the more lengthy Regional guidance document. The Memorandum encourages State Plans to follow the October 28 Memorandum and its inspection of covered facilities.

Certain Congressional Democrats are pushing for a National Emphasis Program. The reality is that the same elected officials have also neglected to give Federal-OSHA an adequate budget, and it is unlikely that the various Regions will be able to conduct nearly as many poultry processing emphasis programs as they might wish to do. The current Administration is eager to expand "the law" and by interpretation and enforcement efforts as broadly as possible before the next Presidential term. However, agencies such as OSHA, simply do not have the resources to effectively follow-up on the many new enforcement priorities. Accordingly, we may not see a big increase in the number of poultry processing plant inspections. However, it is likely that we will see more in depth and potentially ugly inspections. Similarly, keep in mind that unions and the Southern Poverty Law Center are actively pushing the poultry initiative and you can expect to see interrelated OSHA inspections, union drives, and waves of discrimination lawsuits. Remember UNITE-HERE's Hyatt campaign, *"Hyatt Hurts."*

It's about Ergonomics

There are plenty of ergonomic issues in poultry, but even some worker advocates seemed surprised that the Emphasis Program places such priority on ergonomic issues, over even cuts and guarding issues.

This emphasis program again shows that OSHA is serious about its efforts to expand ergonomic enforcement using Section 5(A)(1) of the OSHAct; its general duty authority. Readers may recall that the newly announced Hospital Emphasis program lists as its first two focus areas, ergonomic and workplace violence. Region IV is also planning an initiative on warehousing, which will probably include ergonomic elements similar to the beverage distribution efforts. Both the OSHA Poultry Internal Memorandum and the Regional Emphasis Program guidelines discuss potential abatement methods, and all employers would do well to consider OSHA's suggestions. Employers and logistics, warehousing, transportation, manufacturing, and healthcare will increasingly find OSHA evaluating these efforts for their industry and should be familiar with OSHA's guidelines and our articles and discussions on OSHA's use of their own guidelines, the NIOSH lifting equations and other tools.

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