

U.S. Department of Labor Rolls Out Local Emphasis Program For Food Processing Facilities

Labor & Employment Law Update

By Matthew Horn on December 12, 2022

A 2019 study conducted by the U.S. Department of labor found that food production workers in Illinois and Ohio had significantly higher injury rates than the overall rates for manufacturers in the private sector. To try and correct this trend, OSHA started the Local Emphasis Program focused on more than 1,400 manufacturing facilities in both Illinois and Ohio.

On October 3, 2022, the initial outreach phase of the Local Emphasis Program ("LEP") began to stress to employers the importance of taking steps to identify, reduce, and eliminate worker's exposure to machine hazards. During the outreach phase, OSHA hoped to raise safety and health awareness with employers, professional associations, local safety councils, apprenticeship programs, local hospitals and occupational health clinics. Shortly thereafter, OSHA implemented the LEP, which focuses OSHA inspections in the two States on food manufacturing facilities.

In short, the LEP provides that OSHA will conduct an inspection whenever it receives a complaint or an injury report at a food manufacturing facility. It also provides that local OSHA offices will generate a list of all applicable facilities in its area, which is then used to generate a shorter list of applicable facilities that will be inspected pursuant to "programmed" (i.e. planned) inspections. Notably, under the LEP, the local Area Director can add to that list any food manufacturing facility he or she wants to add—meaning that food manufacturing facilities on the local office's radar have a high rate of likelihood of ending up on that list and being subject to an inspection under the LEP.

In light of the LEP, if you operate a food manufacturing facility in Illinois or Ohio, you should prepare for the inevitable inspection now—conduct a thorough safety audit of the facility, review your OSHA inspection procedures with all onsite managers, and ensure you are in compliance with all other OSHA obligations, including training, document management, etc.