

OSHA Announces Region 1 Local Emphasis Program Impacting Seafood Processing Industry

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On June 1, 2023, the Occupational Safety and Health Administration (OSHA) issued a [Local Emphasis Program](#) (LEP) impacting “seafood processing operations and related merchant wholesaler operations in two targeted North American Industry Classification System codes (NAICS): 311710, 311711 and 311712 Seafood Product Preparation and Packaging, and 424460 Fish and Seafood Merchant Wholesalers.” The directive only covers Region 1, which is comprised of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Quick Hits

- OSHA issues directive aimed at reducing injuries and deaths in seafood processing operations and related merchant wholesaler operations.
- Although the LEP went into effect on June 1, 2023, OSHA will not begin enforcement until September 1, 2023.
- The LEP will expire on June 1, 2028, unless renewed.

Although the directive is regional, not all of the regional offices will participate. According to the directive, only the Braintree Area Office, Andover Area Office, Augusta Area Office, Bangor District Office, and Providence Area Office will be involved in enforcement activities under the LEP. OSHA will begin enforcement under the LEP effective September 1, 2023. The LEP will expire on June 1, 2028, unless renewed.

The stated justification for this LEP is to reduce the rate of injuries and deaths in the seafood processing industry and related merchant wholesaler operations, though the data presented in the executive summary does not make a particularly compelling case:

In the past seven fiscal years (FY16-FY22) in Region I, there have been two (2) fatalities and four (4)

finger amputation injuries related to both seafood processing activities and related warehousing activities. Fall hazards continue to injure employees on and around the docks. Employees in these industries continue to be exposed to ammonia and cooling systems hazards, resulting in three (3) general duty clause violations and one hazard alert letter (HAL).

While the incidents involving deaths and amputations are relatively small, the directive notes that the Total Recordable Cases (TRC) rates for these NAICS codes are 1.6 to 2.5 times higher than the TRC national average of 2.7 among private industry employers. The directive further states that “the average DART rate for all private industry employers was 1.2 per 100 [full-time equivalent] workers, while the DART for the seafood packaging and processing industry was 4 or 3.3 times higher than the national average.”

The directive identifies the two elements of the LEP. The first is the targeting of facilities and high hazard activities in the NAICS codes covered. The second is an outreach component that seeks to raise awareness of both employers and employees of the hazards associated with the industry, ways to abate those hazards, and responsibility for compliance.

The directive covers the following types of facilities: “(1) canning seafood (including soup); (2) smoking, salting, and drying seafood; (3) eviscerating fresh fish by removing heads, fins, scales, bones, and entrails; (4) shucking and packing fresh shellfish; (5) processing marine fats and oils; [and] (6) freezing seafood.” Though the definition of Seafood Product Preparation and Packaging establishments includes floating factory ships, the directive notes that this LEP does not cover floating factory ships.

The directive outlines the specific hazards on which OSHA will focus. They include: lockout tagout, machine guarding, confined spaces, powered industrial trucks, falls, electrical hazards, emergency response issues related to anhydrous ammonia, respiratory hazards, noise exposure, emergency egress, fire prevention, use of compressed air, welding hazards, personal protective equipment, lack of hazard communication program, exposure to pressurized steam, and exposure to caustic chemicals.

Though this LEP impacts a very limited portion of the country, it could readily be expanded elsewhere along the coastal regions. Moreover, it seems to reflect a trend of OSHA directing attention to the food supply chain and protein processors in particular.

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