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Food and Agriculture Guide for Preparing for an OSHA Inspection

Gallagher National Risk Control

Jill Oatman, Risk Control Consultant

Jake LaRose, Risk Control Consultant

The Food and Agricultural industries have faced many challenges, including a tight labor market, slimmer profit margins, managing risk, and staying resilient overall. Even though there are challenges, there's room for growth. The Food and Global Beverages Market Report states that by 2027, the global food and beverage market is expected to increase to about \$9.2 billion.¹ Strengthening your risk readiness is now more important than ever.

We at Gallagher specialize in helping you manage risk for your business. Some ways we can help do this are to provide risk management strategies related to worker safety, equipment maintenance and repair, product recall plans, catastrophe modeling, developing business continuity plans, and more specifically customized to your operation.

For OSHA's fiscal year, of October 2023 to September 2024, under the Agricultural, Forestry, Fishing, and Hunting (NAICS Code 11), OSHA conducted 169 inspections. Those inspections resulted in 417 citations with total penalties of \$1,461,662.² The top five citation categories were:

1. Hazard communication
2. Guarding of farm field equipment, farmstead equipment, and cotton gins
3. OSHA Act General Duty Paragraph
4. Lockout/Tag out
5. Noise exposure

The following guidelines are geared to help employers assess their programs for OSHA compliance and, in turn, reduce workplace injuries and illnesses.

There are three steps to this process:

Exposure assessment

Gap analysis

Update and implement changes in trainings and programs

EXPOSURE ASSESSMENT

In order to determine what OSHA standards affect your business, the first step is to complete an assessment of your operations to determine what exposures you have that are covered by applicable OSHA requirements. Due to the wide scope of exposures presented in agriculture and food production, it is not possible to cover all exposures in this article. The following table lists some of the most common exposures and applicable standards.

Workplace exposures and related OSHA requirements ³	Subpart and standard title	Standard number	Program, policy, and training in place per standards Yes/No/NA
Reporting requirements for serious injuries and fatalities, recordkeeping OSHA 300 logs and summary	Recordkeeping and Reporting Occupational Injuries and Illnesses	1904.0-1904.42	
Fall prevention/protection, ladders, scaffolds, service pits, work platforms	Subpart D Walking and Working Surfaces	1910.21-1910.30	
Emergency action plans, fire prevention, exit routes	Subpart E Exit Routes & Emergency Planning	1910.33-1910.39	
Powered work platforms and manlifts	Subpart F Powered Platforms, Manlifts, and Vehicle Mounted Platforms	1910.66-1910.68	
Ventilation, noise exposures, radiation hazards	Subpart G Occupational Health and Environmental Controls	1910.94-1910.97	
Compressed gasses flammable liquids, process safety management of highly hazardous chemical, anhydrous ammonia, etc.	Subpart H Hazardous Materials	1910.101-1910.26	
Eye, face, and respiratory protection, safety footwear, head protection, personal fall protection	Subpart I Personal Protective Equipment	1910.132-1910.140	
Sanitation, temporary labor camps signs and tags, permit required confined spaces, hazardous energy control (lock out tag out)	Subpart J General Environmental Controls	1910.141-1910.147	
First aid kits, access to first aid/medical care, eye wash, and emergency shower	Subpart K Medical and First Aid	1910.151	
Fire extinguishers, fire sprinkler systems, fire protection	Subpart L Fire Protection	1910.155-1910.165	
Air receivers, regulators, and valves	Subpart M Compressed Gas and Compressed Air Equipment	1910.169	
Forklifts and powered industrial trucks, material handling, slings	Subpart N Materials Handling and Storage	1910.176 1910.178 1910.184	
Machinery guarding, abrasive wheel grinders, mechanical power transmission	Subpart O Machinery and Machine Guarding	1910.212 1910.215 1910.219	
Hand tools, portable power tools, guards for portable power tools	Subpart P Hand Held and Portable Power Tools and Other Hand Held Equipment	1910.242	
Oxygen and fuel gas welding. Arch welding and cutting	Subpart Q Welding, Cutting, and Brazing	1910.251-1910.255	
Electrical work practices, wiring design and protection, specific purpose equipment and installations, hazardous locations, and safeguards for personal protection	Subpart S Electrical	1910.301-1910.399	
Air contaminants, hazardous chemicals in laboratories, bloodborne pathogens, employee access to medical records	Subpart Z Toxic and Hazardous Substances	1910.1000-1910.1450	
All other recognized hazards that could cause death or serious physical injury	General Duty Clause of the Occupational Safety and Health Act	Section 5(a)(1)	
Exposures specific to agriculture⁴	Agriculture-specific standards		
Tractor rollover protection, seat belts, and training	Subpart C Rollover Protective Structures	1928.51-1928.53	
Guarding of farm field equipment, and farmstead equipment	Subpart D Safety of Agricultural Equipment	1928.57	
Field sanitation and environment	Subpart I Field Sanitation	1928.110	

GAP ANALYSIS

Once the assessment of exposures is completed, the employer should review existing policies and training practices to determine if there are any potential gaps when compared to the standards. Some standards require written programs; others do not.

When completing the gap analysis, it is important to understand the applicability of each standard. At the beginning of each standard is a paragraph that identifies the scope and applications. It is important to take note of the type of industry covered by the regulation. The regulations include general industry, construction, shipyards, or agriculture. Some standards, such as hazard communication, affect all industries; others are more specific. As an example in 1910.146 Permit Required Confined Spaces, the scope specifically states that it does not include agriculture. However, agriculture is covered under Grain Handling Facilities 1910.272. In cases where OSHA may not be able to cite specific standards because the industry is excluded under the scope, they will typically use the Section 5(a)(1) General Duty Clause. The General Duty Clause requires that employers furnish employees with a safe work environment free from recognized hazards that can or do cause serious injury or death.

Each standard that requires training will specifically state the minimum requirements for training. The requirements will include the frequency cycle, what understanding, skills, or knowledge the employee must acquire, and when retraining is required. It is also important to document what the training covered as well as who has received the training and when. Remember the old adage — if it is not documented, it did not happen.

UPDATE AND IMPLEMENTING CHANGES IN TRAININGS AND PROGRAMS

Once the gap analysis is completed, the next step is to update programs and implement the needed changes in training. This process is best completed when working directly with the employees that are most affected by the changes and the managers responsible for implementing them. For employers that have large gaps in their programs, this step can be overwhelming. In order to keep the process moving, prioritize those areas with the highest risks of injury. Some industries also fall under either national or regional emphasis programs. Under these programs, there are specific areas that OSHA focuses on, so making sure you are compliant with those areas will help narrow the priorities. Not surprisingly, the emphasis programs will most likely align with your highest-risk areas.

Keep in mind that OSHA regulations are minimum requirements and, in most cases, a good safety program will exceed those requirements. Building a good program takes time and effort; however, a good program has many benefits. These benefits include:

- Higher productivity
- Lower employee turnover
- Greater job satisfaction
- Lower insurance costs
- Lower opportunity costs
- Ability to hire the best employees
- Greater public perception

WE ARE HERE TO HELP

Gallagher's National Risk Control group is here to help. Our consultants have the expertise to help you review your program against your exposures. Your consultant can also provide assistance and resources to make this journey easier and more productive. Contact your Gallagher broker or risk control consultant and let us know how we can help.



Sources:

¹"Food and beverages global market report." *The Business Research Company*, Mar. 2024.

²"Frequently Cited OSHA Standards Results." *OSHA.gov*, 2024.

³"Regulations (Standards - 29 CFR)-1910." *OSHA.gov*, 2024.

⁴"Regulations (Standards - 29 CFR)-1928." *OSHA.gov*, 2024.