

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

4791.12
Revision 1

5/22/23

REPORTING AND CORRECTING OCCUPATIONAL HAZARDS

CHAPTER I - GENERAL

I. PURPOSE

This directive provides the instructions for reporting and correcting hazardous working conditions. FSIS has rewritten this directive in its entirety and updated it to include current workplace safety information.

II. CANCELLATION

FSIS Directive 4791.12, *Reporting and Correcting Occupational Hazards*, 6/19/96

III. BACKGROUND

FSIS strives to ensure that work environments are free from recognized safety and health hazards that may cause death or serious physical harm. All FSIS employees are encouraged to report the existence of, or potential for, unsafe or unhealthy working conditions.

CHAPTER II - REPORTING AND CORRECTING HAZARDS

I. WORKPLACES

A. FSIS employees work in a variety of workplaces, such as Government-owned or leased facilities and FSIS-regulated meat, poultry, and egg products establishments. These environments may expose Agency employees to occupational safety and health hazards.

B. When an Agency employee observes a safety or health hazard, the employee is to first take necessary measures to protect him or herself and then contact their immediate supervisor with details of the hazard.

C. The immediate supervisor is to initiate action to investigate and correct the reported hazard following the instructions in Paragraph III.

II. REPORTING HAZARDS

A. Safety and health hazards fall under the following three categories:

1. Imminent Danger Hazard. A condition or practice in a workplace that threatens immediate serious physical harm or death. Examples may include fire, gas explosion, natural gas leaks, and a broken ammonia line.
2. Serious Hazard. A condition that can cause serious physical harm or death. Examples may include a defective electrical switch, falling trolleys and gambrels, malfunctioning adjustable inspection platform, and lack of a lockout/tagout program for a new piece of equipment.
3. Other-Than-Serious Hazard. A condition that is not "serious" and is not an "imminent danger." Examples may include a loose railing or burnt-out exit light.

B. All Agency employees (or authorized employee representatives) are to report safety and health hazards verbally or in writing to their immediate supervisor for prompt resolution. Reports are to be followed by a completed [FSIS Form 4791-27](#), *Report of Alleged Safety or Health Hazard*, by the reporting employee or authorized representative.

C. An authorized employee representative is a person selected by an employee to represent the employee on occupational safety and health matters, such as unsafe or unhealthful working conditions. The following persons may serve as a representative:

1. A member of a labor organization having exclusive recognition or national consultation rights;
2. A member of an employee organization having consultation rights; or
3. Another Agency employee.

D. An Agency employee or the authorized employee representative may also report hazardous conditions directly to any of the following officials or organizations whose contact information is accessible via (<https://www.fsis.usda.gov/employees/fsis-safety>) and (<https://www.osha.gov/workers/file-complaint>):

1. Safety & Physical Security Branch (SPSB) Occupational Safety and Health (OSH) Specialist: Under direction from the SPSB Chief, Administrative Services Division (ASD), Office of Management (OM), the OSH Specialists provide safety and health guidance to FSIS employees and managers;
2. SPSB Chief: The SPSB Chief, under direction from the Designated Agency Safety and Health Official (DASHO), oversees the management of the OSH program for FSIS;
3. DASHO: The Deputy Assistant Administrator, OM, serves as the DASHO and is responsible for the management and administration of FSIS' OSH Program; and
4. U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).

E. If no response is received from the original submission, if corrective actions are not taken, or if the solutions are unsatisfactory, the employee is to complete a new [FSIS Form 4791-27](#) (resubmission copy) and resubmit the form, through supervisory channels, to an OSH Specialist. The employee is to describe, in detail, the hazard and the corrective actions taken and attach a copy of any previously submitted reports.

III. IMMEDIATE SUPERVISOR ACTIONS

A. For serious and imminent danger hazards, immediate supervisors are to immediately escalate dissemination of the information along supervisory channels to senior leadership by telephone and email. For Inspection Program Personnel (IPP), immediate supervisors or next-level supervisors with access to FIMS are to initiate an incident report in the FSIS Incident Management System (FIMS) following instructions in [FSIS Directive 5500.2](#), *Significant Incident Response*.

B. Immediate supervisors are to evaluate all oral and written reports of hazardous conditions and are to send an email with an electronic copy of the [FSIS Form 4791-27](#), completed by the reporting employee or authorized representative, within three working days to an OSH Specialist, the employee or authorized employee representative, and the next-level supervisor. OSH Specialist contact information is accessible via (<https://www.fsis.usda.gov/employees/fsis-safety>). Supervisors of the offices listed below are to include the following in the email:

1. Office of Field Operations (OFO) supervisors are to also copy the Frontline Supervisor (FLS) if they are not the next-level supervisor;
2. Office of Public Health Science (OPHS) Laboratory staff are to copy the Branch Chief;
3. Office of Investigation, Enforcement, and Audit (OIEA) staff are to copy the Supervisory Compliance Investigator.

C. Immediate supervisors are to determine when an inspection or investigation of the hazardous conditions is required. Immediate supervisors are to notify in writing the affected employee or the representative within 15 calendar days when there are no reasonable grounds to believe such a hazard exists and an inspection is not planned based on the report and are to copy the OSH Specialist and the next-level supervisor on the email to the affected employee or the authorized employee representative and include a copy of [FSIS Form 4791-27](#). Supervisors of the offices listed below are to copy the following on the email:

1. OFO supervisors are to copy the FLS on the email if they are not already included;
2. OPHS Laboratory staff are to copy the Branch Chief; or
3. OIEA staff to include the Supervisory Compliance Investigator.

D. Immediate supervisors are to conduct an inspection or investigation of the reported hazardous condition within:

1. 24 hours for an imminent danger report;

NOTE: When an imminent danger is reported, immediate supervisors are to withdraw employees from the workplace or work area. Employees do not return to the workplace or work area until abatement, which is a procedure to correct a safety or health hazard, is completed.

2. Three working days for potentially serious hazards, or
3. 20 working days for other-than-serious conditions.

E. Immediate supervisors are to conduct an inspection or investigation following instructions in [FSIS Directive 4791.13](#), *Workplace Inspections, and Injury, Illness and Motor Vehicle Incident Reporting*, and complete [FSIS Form 4791-27](#). Immediate supervisors are to provide a copy of [FSIS Form 4791-27](#) to the complainant by email within 30 calendar days after completion of the inspection. Immediate supervisors are to keep the employee informed of inspection findings and corrective actions and submit an electronic copy of [FSIS Form 4791-27](#) through supervisory channels to the OSH Specialist. Supervisors of the offices listed below are to copy the following on the email:

1. OFO supervisors are to copy the FLS on the email if they are not already included or the next-level supervisor if the FLS is conducting the inspection or investigation;
2. OPHS Laboratory staff are to copy the Branch Chief; or
3. OIEA staff are to copy the Supervisory Compliance Investigator.

F. Immediate supervisors are to prepare [FSIS Form 4791-22](#), *Notice of Unsafe or Unhealthful Working Condition(s)*, when the inspection or investigation reveals a hazardous condition.

G. Immediate supervisors are not to prepare [FSIS Form 4791-22](#) if the hazardous condition is corrected at the time of the inspection. When the hazardous condition is not corrected during the inspection, the immediate supervisor is to:

1. Post the [FSIS Form 4791-22](#) on the government bulletin board at the workplace until the hazardous condition is abated or for three working days, whichever is later.
2. Contact the building or plant management, as appropriate, to discuss the hazardous condition and corrective measures.
3. With the assistance and guidance of the OSH Specialist, develop a written abatement plan when the correction will not be completed within 30 calendar days of the issuance of the [FSIS Form 4791-22](#). An abatement action plan is a written plan to correct a reported safety hazard that takes longer than 30 days to resolve. Supervisors of the offices listed below are to copy the following on the email:
 - a. OFO supervisors are to copy the FLS if they are not the next-level supervisor;
 - b. OPHS Laboratory staff are to copy the Branch Chief; or
 - c. OIEA staff are to copy the Supervisory Compliance Investigator.

H. Immediate supervisors are to request assistance from the next-level supervisor and the OSH Specialist for assistance in interpreting safety and health standards; for information on feasible administrative, work practice, and engineering controls; or to obtain personal protective equipment or employee training. Immediate supervisors are to request assistance when:

1. Resources and technical advice are required to respond to [FSIS Form 4791-27](#); or
2. [FSIS Form 4791-22](#) and a written abatement plan are required.

IV. CREATING AN ABATEMENT ACTION PLAN

A. The immediate supervisor is to prepare a written abatement action plan for hazards that take more than 30 calendar days to correct. The written plan is to contain the following information:

1. A description of the actions required to correct the hazard;
2. The period of time and the completion date for the correction of the hazard;
3. If additional time is required to correct the hazard, the reason; and
4. A detailed list of precautions taken to protect exposed employees.

B. OFO personnel are to work with the establishment management team to address hazards.

C. If a bargaining unit employee has designated a Union representative, immediate supervisors are to provide a copy of the abatement action plan to the representative per the Labor Management Agreement.

D. Immediate supervisors are to attach the completed abatement action plan to [FSIS Form 4791-22](#) and post the abatement action plan at the workplace.

NOTE: Changes to the plan require the preparation of a new plan.

E. Immediate supervisors are to complete, sign, and maintain the [FSIS Form 4791-26](#), *Log of Reported Unsafe or Unhealthful Working Conditions*, at each workplace and are to maintain copies of all reports, notices, logs, and abatement plans for five years.

V. NEXT-LEVEL SUPERVISOR ACTIONS

A. Next-Level Supervisors are to:

1. Provide supervisors with technical and administrative support to correct reported hazards, including the development of abatement action plans;
2. Review, make recommendations, and also sign or initial [FSIS Form 4791-27](#);
3. Send updated copy by email to the OSH Specialist whose contact information is accessible via (<https://www.fsis.usda.gov/employees/fsis-safety>). OFO supervisors are to copy the FLS or next-level supervisor on the email; and
4. Perform an investigation or inspection at the request of the OSH Specialist of reported hazardous working conditions and a follow-up inspection to verify completion of abatement action plans.

VI. OCCUPATIONAL SAFETY AND HEALTH SPECIALIST ACTIONS

A. Upon receipt of the immediate supervisor's initial email, the OSH Specialist is to track and monitor the [FSIS Form 4791-27](#). The OSH Specialist is to review it and enter the [FSIS Form 4791-27](#) into the 4791-27 Tracker.

B. After the initial email, if informed by the immediate supervisor that there are no reasonable grounds to believe a hazard exists and that an inspection or investigation is not planned based on the report, the OSH Specialist is to enter information from the [FSIS Form 4791-27](#) into the 4791-27 Tracker.

C. After the initial email, upon receipt of the [FSIS Form 4791-27](#) from the next-level supervisor, the OSH Specialist is to review it and:

1. If the alleged hazard is satisfactorily resolved, send a copy of the resolved [FSIS Form 4791-27](#) by email, through the next-level supervisor, to the complainant and immediate supervisor within 15 days.
2. If the hazard is not satisfactorily resolved, determine whether an inspection or reinspection is required by the next-level supervisor; contact the next-level supervisor to initiate an inspection, a reinspection, or an alternative corrective action; prepare and send by email a written report documenting abatement plans and a copy of the completed [FSIS Form 4791-27](#) within 30 calendar days to complainant, immediate supervisor, and next-level supervisor. OSH Specialist may help document abatement action plans when needed.

D. OSH Specialist are to follow provisions in [FSIS Directive 4791.13](#) when an inspection or reinspection is required.

E. OSH Specialist are to provide technical and administrative support to supervisors on the recognition and abatement of safety and health hazards.

F. OSH Specialist are to conduct follow-up inspection or verify as necessary to determine whether the abatement is satisfactorily completed.

G. OSH Specialist are to enter information from the updated [FSIS Form 4791-27](#) into the 4791-27 Tracker and continue to track and monitor the [FSIS Form 4791-27](#) case status on the 4791-27 Tracker until closure.

VII. SAFETY AND PHYSICAL SECURITY BRANCH CHIEF ACTIONS

A. The Safety and Physical Security Branch Chief is to:

1. Review the [FSIS Form 4791-27](#) forms with the OSH Specialists each month;
2. Direct actions to be taken to resolve outstanding issues as needed; and
3. Send quarterly reports to the DASHO.

CHAPTER III – RESUBMITTED REPORTS

I. SERIOUS AND IMMINENT DANGER HAZARDS RESUBMITTED REPORTS

A. Resubmission reporting procedures are the same as when submitting an original report, except as follows:

1. The employee is to send [FSIS Form 4791-27](#) (Resubmission Copy) with the resubmission box checked to the next-level supervisor above the immediate supervisor or designee;
2. The next-level supervisor above the immediate supervisor or designee is to:
 - a. Immediately contact the OSH Specialist with information on the reported hazard by telephone and via email. OSH Specialist contact information may be accessed via

(<https://www.fsis.usda.gov/employees/fsis-safety>).

- b. Send an email within 3 working days with a copy of the resubmitted [FSIS Form 4791-27](#) to the OSH Specialist and to the Program Area leadership for follow up. For OFO resubmissions, the District Manager is to send an email with a copy of the resubmitted [FSIS Form 4791-27](#) to the FLS and local union president to inform them of the resubmission. For OFO, the above action is to be completed by the District Manager or designee. For OPHS Laboratories, the above action is to be completed by the Laboratory Director or designee; and for OIEA staff, the above action is to be completed by the Regional Director or designee.
3. The OSH Specialist is to immediately become involved via contact from immediate supervisors in resolving the employee's safety and health concerns, enter the resubmitted [FSIS Form 4791-27](#) into the 4791-27 Tracker, and inform the SPSB Branch Chief.

B. The SPSB Chief is to inform the DASHO.

II. OTHER-THAN-SERIOUS HAZARD RESUBMITTED REPORTS

A. Resubmission reporting procedures are the same as when submitting an original report, except as follows:

1. The employee is to send [FSIS Form 4791-27](#) (Resubmission Copy) with the resubmission box checked to the next-level supervisor above immediate supervisor or designee.
2. The next-level supervisor above immediate supervisor or designee is to:
 - a. Immediately contact by telephone and email the OSH Specialist with information on the reported hazard. OSH Specialist contact information is accessible via (<https://www.fsis.usda.gov/employees/fsis-safety>).
 - b. Send an email within three working days with a copy of the resubmitted [FSIS Form 4791-27](#) to the OSH Specialist and Program Area leadership as a follow-up. For OFO, the above action is to be completed by the District Manager or designee; for OPHS Laboratories, the above action is to be completed by the Laboratory Director or designee, and for OIEA staff, the above action is to be completed by the Regional Director or designee.
3. The OSH Specialist is to immediately assist in resolving the employee's workplace safety and health concerns and is to enter the resubmitted [FSIS Form 4791-27](#) into the 4791-27 Tracker and informs the SPSB Branch Chief.

B. The SPSB Chief is to inform the DASHO.

III. QUESTIONS

For further information on any topic addressed in this directive, contact the OSH Specialist for your respective location. Names and phone numbers are available at (<https://www.fsis.usda.gov/employees/fsis-safety>).

A handwritten signature in black ink, appearing to read "Rachel A. Edelstein". The signature is fluid and cursive, with the first name "Rachel" being the most prominent.

Assistant Administrator
Office of Policy and Program Development