

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

FSIS DIRECTIVE

4791.16
Revision 1

12/19/19

**ANNUAL ATTESTATION ON WORK-RELATED CONDITIONS FOR ESTABLISHMENTS
OPERATING UNDER THE NEW POULTRY INSPECTION SYSTEM OR THE NEW SWINE
SLAUGHTER INSPECTION SYSTEM**

I. PURPOSE

This directive provides instructions to inspectors in charge (IICs) and management members of the FSIS local circuit safety committees regarding the annual attestation on work-related conditions that establishments operating under the New Poultry Inspection System (NPIS) or the New Swine Slaughter Inspection System (NSIS) are required to submit. The instructions regarding the annual attestations are for supervisors only. Non-supervisory inspection program personnel are not responsible for carrying out the instructions in this directive. The directive is being revised to include instructions for IICs in establishments operating under NSIS.

II. CANCELLATION

FSIS Directive 4791.16, Annual Attestation on Work-Related Conditions for Establishments Operating Under the New Poultry Inspection System, 10/6/16.

III. BACKGROUND

A. On August 21, 2014, FSIS published the final rule “Modernization of Poultry Slaughter Inspection” ([79 FR 49566](#)). The final rule established the NPIS as a voluntary inspection system for young chicken and all turkey slaughter establishments. The final rule became effective on October 14, 2014.

B. On 10/1/19, FSIS published the final rule “Modernization of Swine Slaughter Inspection” ([84 FR 52300](#)). The final rule established the NSIS as a voluntary inspection system for market hog slaughter establishments.

C. FSIS regulations (9 CFR 381.45 or 9 CFR 310.27) require an establishment that participates in the NPIS or the NSIS to submit on an annual basis an attestation to the management member of the local FSIS circuit safety committee stating that it maintains a program to monitor and document any work-related conditions of establishment workers, and that the program includes the following elements:

1. Policies to encourage early reporting of work-related injuries and illnesses, and assurance that it has no policies or programs in place that would discourage the reporting of injuries and illnesses;
2. Notification to employees of the nature and early symptoms of occupational illnesses and injuries, in a manner and language that workers can understand, including by posting in a conspicuous place or places where notices to employees are customarily posted, a copy of the FSIS/OSHA poster encouraging reporting and describing reportable signs and symptoms; and

3. Monitoring on a regular and routine basis of injury and illness logs, as well as nurse or medical office logs, workers' compensation data, and any other injury or illness information available.

NOTE: FSIS employees are not responsible for determining the merit of the content of each establishment's monitoring program or enforcement of non-compliance with the attestation requirement. The Occupational Safety and Health Administration (OSHA) may use the information in the attestations for its own enforcement program.

D. To facilitate implementation and tracking of the attestation requirement, FSIS has established uniform times each year for establishments operating under the NPIS or the NSIS to submit their annual worker attestations.

1. For establishments that have converted to NPIS, the IIC is to be aware that the annual attestation submission is due at the end of February each year. To give establishments that have converted to the NPIS time to comply with this annual attestation requirement, establishments will not need to submit their initial attestation until they have been operating under the NPIS for at least a year as determined by the date that the establishment officially converted to the NPIS. Thus, NPIS establishments will need to submit their first annual attestation in the February that follows the first anniversary of their conversion date. For example, if an establishment converts to NPIS in June 2019, they will submit their first annual attestation in February 2021.
2. Similarly, for establishments that have converted to NSIS, the IIC is to be aware that the annual attestation submission is due at the end of February each year. To give establishments that have converted to the NSIS time to comply with this annual attestation requirement, establishments will not need to submit their initial attestation until they have been operating under the NSIS for at least a year as determined by the date that the establishment officially converted to the NSIS. For example, if an establishment converts to the NSIS in June 2020, they will submit their first annual attestation in February 2022.

E. FSIS has created an annual attestation task with an attached questionnaire that will appear as a PHIS task for establishments operating under the NPIS or NSIS. IICs in NPIS or NSIS establishments are to complete the task only if the establishment has been operating under the NPIS or the NSIS for at least a year. If the establishment has not been operating under the NPIS or NSIS for at least a year, the IIC is to schedule the task and then mark it as "Not Performed". The IIC is to select "Not Applicable" as the reason.

IV. IIC RESPONSIBILITIES— MEETING WITH ESTABLISHMENT MANAGEMENT

A. After the annual attestation task appears on the PHIS task list, IICs are to inform establishment management that they must submit the annual attestation on work-related conditions by the submission dates mentioned above. If the establishment has been operating under the NPIS or the NSIS for over one year, the IIC is to inform establishment management that he or she will be collecting the attestation on behalf of the management member of the local FSIS circuit safety committee.

B. The IIC is to give the attestation template in the attachment to this directive to establishment management. The IIC is to inform establishment management that they may use the template to comply with the annual attestation requirement. The template is intended to assist establishments to comply with the annual attestation. Establishments are not required to use the template and can provide the required information, in writing or electronically, in any format that includes the criteria required under 9 CFR 381.45 or 9 CFR 310.27.

C. The IIC is to inform establishment management that FSIS is obligated to notify OSHA if the establishment does not submit the annual attestation.

V. IIC AND MANAGEMENT MEMBERS OF THE CIRCUIT SAFETY COMMITTEE RESPONSIBILITIES—COLLECTING THE ATTESTATION

A. After the annual attestation task appears on the PHIS task list for establishments required to submit the information, the IIC is to verify that establishment management has submitted its annual attestation on work-related conditions. The IIC is to inform the District Office (DO) if establishment management does not submit this annual attestation.

B. After establishment management submits its attestation, the IIC is to forward the attestation to the management member of the local FSIS circuit safety committee. The IIC may submit a hard copy of the attestation or may send the attestation electronically.

C. After the IIC has forwarded the annual attestation to the management member of the FSIS circuit safety committee, he or she is to complete the annual attestation task by taking the following actions:

1. In the PHIS, look for either the “NPIS Annual Attestation” or the “NSIS Annual Attestation” on the task list and schedule it on the task calendar;
2. Claim the task, right click, and select “Document.” Select the “Activity Tab” and select one of the three activities and click “Save;”
3. Select the “Questionnaire Tab,” then open and complete the questionnaire. Answer “yes” if the establishment submitted its annual attestation and it was forwarded to the management member of the FSIS circuit safety committee. Answer “no” if the establishment did not submit its annual attestation; and
4. At the next window, click “Inspection Tasks” in the Menu. This will return IIC to the “Inspection Results” window. Click “Inspection Completed” box; click “Save,” then click “Close.”

D. After the management member of the FSIS circuit safety committee receives the attestation, he or she is to forward the attestation to the DO and make a record for the file to document that the attestation was received and forwarded to the DO. The DO will forward the attestation to the OSHA regional contact for the DO by the end of March in the same year that the attestation was submitted to FSIS. The DO will also inform the OSHA regional contact of any establishments in the District that have been operating under NPIS or NSIS for at least one year that did not submit their annual attestation.

VI. QUESTIONS

Refer questions regarding this notice through supervisory channels. If additional information is needed, contact the Occupational Safety and Health Specialist assigned to your DO. Contact information is available on the FSIS safety website at: [Office Locations and Phone Numbers](#).



Assistant Administrator
Office of Policy and Program Development

Attestation on Work-Related Conditions

Name and address of establishment:

Name, title, and contact information of person responsible for completing the attestation:

I attest that this establishment maintains a program to monitor and document any work-related injuries and illnesses that arise among establishment workers. The elements of this program include:

- 1) Policies to encourage early reporting of symptoms of work-related injuries and illnesses, and assurance that the establishment has no policies or programs intended to discourage the reporting of illnesses and injuries.
- 2) Notification to employees of the nature and early symptoms of occupational illnesses and injuries, in a manner and language that workers can understand, including by posting in a conspicuous place or places where notices to employees are customarily posted, a copy of the FSIS/OSHA poster encouraging reporting and describing reportable signs and symptoms.
- 3) Monitoring on a regular and routine basis of injury and illness logs, as well as nurse or medical office logs, workers' compensation data, and any other injury or illness information available.

Signature: _____

Date: _____