



August 19, 2011

Donning & Doffing Implementation – Frequently Asked Questions - Lunch Time Issues

Question 1: Can establishments make adjustments to minimize the cumulative donning/doffing/walking time surrounding the lunch period?

Answer: Yes, establishments can make adjustments to minimize the amount of time spent in donning, doffing and related activities surrounding the lunch period. For example, an establishment might install racks for doffing and donning equipment closer to the slaughter or evisceration line. However, the area or areas selected by the establishment for the inspectors' use in doffing and donning required gear could not be an area which under the parameters of FSIS Directive 4791.1 was one requiring the inspectors to wear protective gear. If protective gear is required in that particular area, the inspector cannot remove the protective gear until he/she has left the area. Doffing the last required article is the last work activity prior to lunch and the completion of doffing stops the continuous workday and starts the duty-free lunch period. Donning the first required article after lunch restarts the continuous workday and ends the lunch period.

Question 2: Can an establishment provide a specific lunch area to inspection personnel and require them to use that area to doff and don surrounding the lunch period?

Answer: No. An establishment could not require inspection personnel to eat their lunch in a specific location. However, the establishment could establish a specific location to doff and re-don surrounding the lunch period. This location shall be sufficient to allow the inspectors the ability to doff and don as well as store their required gear. Again, as noted above, the area selected for doffing and donning could not be one in which the inspectors must wear protective gear nor could it be located in a place such that, after doffing required gear and leaving the area, the inspectors would necessarily have to pass through an area that requires the wearing of protective gear.

Question 3: How do I determine a safe location for IPP to remove their required safety hardhats?

Answer: Hardhats are required and cannot be removed anywhere within the evisceration area. Due to the variety of configurations among the regulated establishments, FSIS supervisors will need to assess the location where it is safe for IPP to remove their hardhats. This would be the point at which IPP no longer have to pass beneath overhead hazards. In some facilities the adjacent hallway to an evisceration room leads directly to the USDA office or designated break room. In other establishments, IPP must walk through adjacent processes or production areas with overhead hazards, such as shackle lines, carcasses, hanging equipment, lighting, catwalks, etc. In the first example, the adjacent hallway would be a safe area to remove hardhats. Even though the Agency requires a helmet to be worn in these departments, and should be worn until inspection

personnel reach an area where it is no longer required, the doffing of the helmet would not be considered required to be doffed for the lunch period to begin. Consequently, doffing the helmet would not be considered the last work activity prior to lunch thus stopping the work day and starting lunch.

Question 4: How do I determine a safe location for IPP to remove their required hearing protection?

Answer: IPP must wear hearing protection in any area that equals or exceeds 85 dBA (A-weighted decibels.) Essentially these are the decibels with the sound pressure scale adjusted to conform to the frequency response of the human ear; dBA is the measurement used in the OSHA Standard. Many tested evisceration areas average 90 to 95 dBA. FSIS Supervisors will need to verify that noise levels in any location designated by plant management to remove hearing protection are less than 85 dBA. Sound level meters (SLM) can be obtained from the FLS. The sound level results for the designated area should be recorded on the FSIS Form 4791-20, *Record of Noise Exposures* posted in the Government office (per FSIS Directive 4791.1)

Question 5: What is the rationale under which FSIS is requiring IPP to delay removal of earplugs until they have reached an area where noise does not pose a hearing hazard?

Answer: The Occupational Safety and Health Administration (OSHA) generally requires that hearing protection be made available to employees exposed to noise at an 8 hour time-weighted average starting at 90 dBA, with a caveat that employees who have had a standard threshold shift (noise induced hearing loss) must wear hearing protection at 85 dBA (29 C.F.R. 1910.95). FSIS' policy (FSIS Directive 4791.1, Rev 2, *Basic Occupational Safety and Health Program*) requires employees to wear hearing protection at 85 dBA, which also matches the American Conference of Governmental Industrial Hygienist (ACGIH) Threshold Limit Value (TLV).

OSHA's standard establishes exposure limits which may be used to cite employers for non-compliance with the Federal OSHA standards, while the TLVs are recommended good practice guidelines. The TLVs are reviewed and updated annually. Consequently, TLVs will often differ from (and be more protective than) OSHA Permissible Exposure Limits (PELs).

FSIS' policy is as stringent as it is in order to maximize the safety of FSIS employees. Our Agency is limited in the steps it can take to protect its employees since we do not own or control the environment. Personal Protective Equipment (PPE) is our strongest protective measure in many instances. 29 C.F.R. 1960, Basic Program Elements for Federal Employee Occupational Safety and Health, regulates the actions FSIS may take to protect employees in establishments of private employers. Section 1960.1(g) states that "Although an agency may not have the authority to require abatement of hazardous conditions in a private sector workplace, the agency head must assure safe and healthful working conditions for his/her employees. This shall be accomplished by administrative controls, personal protective equipment, or withdrawal of Federal employees from the private sector to the extent necessary to assure that the employees are protected."

Question 6: Some establishments have requested that during the lunch period a procedure for donning and doffing be established at the inspection station. Is this possible and how would the procedure be measured? Would walking time to and from the inspection station be part of the measurement?

Answer: Yes, it would be possible to set up a donning and doffing procedure at the inspection station. However, a number of factors need to be considered:

- (1) Normally during the lunch period the establishment is performing operational sanitation procedures within the slaughter department. The location where required gear would be stored within the inspection station must prevent contamination of the gear during the operational sanitation procedures;
- (2) In many locations inspection personnel rotate line positions at the start of operations after lunch. These employees' required gear would need to be provided to them at the line position to which they rotate, or the employees would need additional time to retrieve the gear from the previous workstation and walk to the new workstation.
- (3) Slaughter departments are normally areas within the establishment where the Agency requires employees to wear hearing protection. Hearing protection would need to be worn until the employee was within an area that did not require the hearing protection. Compensable time around the lunch period would include: (a) any donning and doffing activity that is "work"; and (b) any walking time as part of the continuous workday, i.e., any walking that occurs before the last work activity is completed at the beginning of the lunch period and any walking time that occurs once the first work activity has begun at the end of the lunch period.

Specifically, if inspection personnel are doffing at the inspection station and hearing protection is required within this area, doffing would not conclude until the last work activity is completed, i.e., when the removing of hearing protection has taken place. Consequently, any walking time that occurs prior to reaching an area in which the hearing protection is removed would be part of the continuous workday and thus compensable. In addition, when the inspector returns from lunch, the donning of hearing protection which is required to be worn on the production floor is work and would restart the continuous workday; thus, any walking that occurs after the donning of hearing protection would be compensable.

Question 7: Can an establishment add time to the uncompensated lunch period to give inspectors the time they need to walk/doff and don/walk around lunch?

Answer: No. Under current regulations in 9 CFR and provisions in the Labor Management Agreement with the Union representing our food inspectors, the inspectors must be completely relieved of duty for a duty-free meal period of at least 30 minutes. If an establishment stops the line early and restarts it a little late to allow inspectors time to accomplish the walking/doffing and donning/walking around the lunch period, it needs to be understood that donning and doffing is inspection work, and that IPP must be in paid work status during that time; those minutes are part of the continuous workday and are not part of the inspectors' duty free lunch period. The net result is that the establishment has less "line" time during the 8-hour shift.

Question 8: Do inspectors get any extra time for doffing/donning surrounding plant- or FSIS-provided breaks?

Answer: No. Such breaks are rest periods that promote the efficiency of the employee and are paid for as work time. Because inspectors are already in paid work status for these relief breaks, they are not entitled to any extra time for doffing, donning, and walking.