

# Poultry Processors/OSHA: U.S. Poultry & Egg Association Letter Addressing Scope of Inspections



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

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The U.S. Poultry & Egg Association ("U.S. Poultry") stated in an April 18<sup>th</sup> news release concerns about United States Occupational Safety and Health Administration ("OSHA"):

...recent attempts to expand OSHA authority to conduct wall-to-wall inspections of poultry facilities whenever they receive notice of any accident or employee complaint.

U.S. Poultry, along with the National Chicken Council and National Turkey Federation, acknowledge OSHA's inspection authority but state there are legal limits on when and how such inspections should be conducted.

U.S. Poultry lists activities it is currently undertaking in cooperation with OSHA stating:

While the industry agrees that dedicated investigation of accidents directs concentrated effort and resources for successful strengthening of safety procedures, in a letter to OSHA on Mar. 4, the industry requested that OSHA abide by well-established rules governing the process to select facilities for inspections. The letter was written in response to an announcement from OSHA that the agency would use any accident, complaint or referral at every poultry processing facility as a pretext for conducting a wall-to-wall inspection. The poultry industry expressed its concern that OSHA's plan overstepped the legal boundaries of the Fourth Amendment's bar on unreasonable searches and seizures. These boundaries have been recognized by the U.S. Supreme Court in *Marshall v. Barlow's*, and decisions by the Sixth and Eleventh Circuit Courts of Appeals in *Trinity Industries* and *Sarasota Concrete* held that OSHA must comply with the U.S. Constitution in this regard.

The referenced March 4<sup>th</sup> letter from U.S. Poultry addresses more specifically:

- Regional Emphasis Programs and an October 28<sup>th</sup> OSHA memorandum
- Selection criteria
- Constitutional concerns

[Click here to download a copy of the news release and March 4<sup>th</sup> letter.](#)