EPA United States Environmental Protection Agency

Region 6 - Enforcement & Compliance Assurance Division

INSPECTION REPORT

Inspection Date(s):	May 20 – 22, 2025		
Media Program:	Air		
Regulatory Program(s)	Clean Air Act (CAA) § 112(r) and 40 Code of Federal Regulations (C.F.R.) Part 68 Chemical Accident Risk Management Plan (RMP)		
Company Name:	Tyson Poultry, Inc.		
Facility Name:	Tyson Poultry, Inc. Berryville, AR		
Facility Physical Location:	110 West Freeman Avenue		
(city, state, zip code)	Berryville, AR 72616		
Mailing address:	110 West Freeman Avenue		
(city, state, zip code)	Berryville, AR 72616		
County/Parish:	Carroll County		
Facility Phone Number:	(870) 423-2164		
Facility Contact:	Kevin Teter	Complex Environmental Manager	
	Kevin.Teter@tyson.com		
FRS Number:	110000452778		
Identification/Permit Number:			
Media Identifier Number:	RMP: 100000051524		
NAICS:	11232 Broilers and Other Meat Type Chicken Production		
SIC:			
Personnel participating in inspection:			
Aimee Boss	EPA Region 6 – ECDSC	Physical Scientist	
Elizabeth Pham	EPA Region 6 – ECDSR	Environmental Engineer	
Brad Massengale	Tyson	Plant Manager	
Rusty Marud	ODEQ	Inspector	
Stephen Foster	ODEQ	Inspector Supervisor	
Robert Coffelt	Tyson	Refrigeration Manager	
Glen Heron	Tyson	Sr. PSM/RMP Manager	
Jackie Cole	Tyson	PSM Coordinator	
Kevin Teter	Tyson	Environmental Manager	
Aric Palmer	Tyson	Maintenance Manager	
David Davis	Tyson	Safety	
Pamela Satchel	Tyson	Sr. Manager Area Safety	
Keith Sizemore	Tyson	PSM/RMP Manager	
Frankie Henry	Tyson	HR Manager	
EPA Lead Inspector Signature/Date	AIMEE BOSS Digitally signed by AIMEE BOSS Date: 2025.08.06 13:42:12 -05'00'		
	Aimee Boss		Date

Supervisor Signature/Date	KAYLA BUCHANAN Digitally signed by KAYLA BUCHANAN Date: 2025.08.06 13:54:34 -05'00'	
	Kayla Buchanan	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

United States Environmental Protection Agency ("EPA") Region 6 Inspectors Aimee Boss ("I") and Elizabeth Pham ("we") arrived at the Tyson Poultry, Inc. ("Tyson" or the "Facility"), located in Berryville, Arkansas at 9:30 AM on May 20, 2025, for an announced inspection. I presented my credentials to security. Once inside the facility for the opening conference, I presented my credentials to Kevin Teter and Brad Massengale and informed the attendees listed in Appendix 1 that this was an EPA inspection to evaluate compliance with the requirements of the Chemical Accident Prevention Provisions of Title 40 of the Code of Federal Regulations (C.F.R.) Part 68 under CAA § 112(r). Employee representatives were invited to participate in the inspection. The Facility does not have union representation.

FACILITY DESCRIPTION

Tyson is a poultry processing operation located at 110 West Freeman Avenue, Berryville, Arkansas 72616. The Facility operates on a three (3) shift operation and is down on Fridays. There are approximately 956 non-salary employees at this location. Anhydrous Ammonia is the only regulated substance used at this facility with a quantity of 202,719 lbs, which is over the 10,000 lbs threshold quantity for the regulated substance and is a Program 3 process. An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under § 68.115, shall comply with the requirements of the Part 68 – Chemical Accident Prevention Provision.

Section II - OBSERVATIONS

The documentation review began onsite with Tyson personnel following the list of documentation I requested in the inspection notification email sent on May 12, 2025. We requested additional documentation during the on-site inspection; we then requested Tyson to electronically upload documents in emails sent on May 20, 21, and 22, 2025.

40 C.F.R. Part 68 – CHEMICAL ACCIDENT PREVENTION PROVISION

Subpart A – General

40 C.F.R. § 68.10 Applicability – Tyson is a stationary source that has more than a threshold quantity of regulated substances in their process. The most recent Risk Management Plan ("RMP") re-submittal was on June 30, 2023. Tyson submitted its initial RMP on June 18, 1999.

Tyson is a RMP Program 3 facility. The Facility is subject to the Occupational Safety and Health Administration's (OSHA) Process Safety Management (PSM) Standard (29 C.F.R. § 1910.119).

40 C.F.R. § 68.12 General requirements – Tyson's regulated substance (anhydrous ammonia) is a listed toxic substance over the threshold quantity for the RMP Program Level 3 process.

40 C.F.R. § 68.15 Management – Tyson provided documentation that outlined the positions for implementation of the individual elements of the RMP, as required by this subpart, at the time of this inspection. We identified no areas of concern with this subpart.

Subpart B – Hazard Assessment

40 C.F.R. § 68.20 Applicability – Tyson operates an RMP Program Level 3 process, which is subject to this subpart and is required to prepare a worst-case release scenario analysis. Tyson provided the worst-case release scenario analysis and a five-year accident history in the RMP. We identified no areas of concern with this subpart.

40 C.F.R. § 68.22 Offsite consequence analysis parameters – Tyson provided the parameters in the RMP as required by this subpart. We identified no areas of concern with this subpart.

40 C.F.R. § 68.25 Worse-case release scenario analysis – Tyson analyzed and reported a worst-case release scenario in the RMP as required by this subpart. We identified no areas of concern with this subpart.

40 C.F.R. § 68.28 Alternative release scenario analysis – Tyson identified an alternative release scenario in its Program 3 process as required by this subpart. We identified no areas of concern with this subpart.

40 C.F.R. § 68.30 Defining offsite impacts-population – Tyson provided Marplot maps with the current Census Bureau population data in the software program. We identified no areas of concern with this subpart.

40 C.F.R. § 68.33 Defining offsite impacts-environment – Tyson provided Marplot maps with data to identify environmental receptors. We identified no areas of concern with this subpart.

40 C.F.R. § 68.36 Review and update – Tyson provided Marplot maps of the worst-case and alternative-case scenarios. The worst-case scenarios should be updated and reviewed at least every five years. We identified no areas of concern with this subpart.

40 C.F.R. § 68.39 Documentation – Tyson operates a RMP Program Level 3 process, which is subject to this subpart and is required to prepare a worst-case release scenario analysis and complete the five-year accident history. I reviewed the worst-case and alternative-case scenarios provided. We identified no areas of concern with this subpart.

40 C.F.R. § 68.42 Five-year accident history – We reviewed a list of Tyson's incidents and OSHA Injury & Illness Recordkeeping Forms for the past five (5) years. There is no record of accidental releases from the covered process that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage. We identified no areas of concern with this subpart.

Subpart D – Program 3 Prevention Program

40 C.F.R. § 68.65 Process safety information (PSI) – We reviewed various sections of the PSI for the RMP covered process at Tyson. Tyson provided the original process and block flow diagram, safety data sheet, maximum indented inventory. Tyson maintains documentation that outlines the design codes and standards, including the International Institute of Ammonia Refrigeration ("IIAR") and American Petroleum Institute ("API"). Tyson provided the process and instrumentation diagram ("P&ID") for the High-Pressure Receiver and the Condenser Water Sump South Engine Room for review.

During the facility tour on May 21, 2025, we observed inconsistent labels on piping in between SF-7-CB and SF-9-CB, as required by ***The International Institute of All-Natural Refrigeration (IIAR) 9 2020*** Chapter 7.2 General Safety System Requirements, 7.2.9 Signage, Labels, Pipe Marking, and Wind Indicators, 7.2.9.4 Pipe Marking (**See Appendix 2, Photos 1 – 3**) **[AOC 1]**. On May 22, 2025, I requested the photographs the facility took during the facility tour. On June 5, 2025, Tyson provided the photographs requested and are identified in Appendix 2 of this inspection report.

40 C.F.R. § 68.67 Process hazard analysis (PHA) – Tyson maintains a PHA Process procedure document detailing the PHA process. As required by Tyson's Site-Specific PHA Analysis procedure PSMP 404, "Ammonia Project PHAs and Revalidation PHAs will use What-If/Checklist methodology." This methodology is one of the appropriate methodologies to determine and evaluate the hazards of the process being analyzed. Tyson provided the PHA Revalidation document dated April 17, 2024. There were no findings or recommendations in the 2024 PHA revalidation. We identified no areas of concern with this subpart.

40 C.F.R. § 68.69 Operating procedures – We selected and reviewed twelve (12) operating procedures from a list of operating procedures such as: Engine Room Shut-down, Safety Relieve Valves, Operation of High-Pressure Receiver, Lockout/tagout (LOTO) and Confined Space Entry. The operating procedures contain operating limits and capacity/size information for the equipment. Operating procedures are kept as a hard copy for operators to access on site.

Tyson's operating procedure for "Operation of Evaporative Condenser #5 SOP-COND-5" (**Appendix 3**), Task 1 Set Up for Initial Start Up, Step 13 requires to "Check for ammonia leaks." Operation of Swing #1 SOP-Swing#1 procedure (**Appendix 4**) has a similar statement on Task 1 Initial Start Up, Step 14. SOP-SF-Leak Check, Task 1 Emergency Operations: Spiral Freezer Ammonia Leak Investigation, Step 5 states "manipulate the valves to try and determine the source of the ammonia leak." It does not explain what is used to detect ammonia. We were not

provided a procedure or a standard for an ammonia leak test. Tyson representatives explained that a multigas detector and pool tube sticks are used to identify leaks for the ammonia system. The procedures do outline health and safety requirements such as wearing personal protection equipment while working on the ammonia system. However, this subpart requires procedures shall contain clear instructions for safely conducting activities involved in the process **[AOC 2].**

During the facility tour, we identified several administrative controls/break-aways/car seals (controls) on the High-Pressure Receiver and on separators in the engine room (**Appendix 2**, **Photos 4 – 8**). Some of these controls had locks that are used in a LOTO program. We requested additional information about this program. At the time of this inspection Tyson was unable to provide written instructions or procedures regarding administrative controls/break-away/car seal locks to prevent unintentional accidents. This subpart requires that procedures shall be developed to implement safe work practices and to provide for the control of hazards during operations such opening/closing process equipment or piping. Additionally, the ***American National Standards Institute (ANSI)/(IIAR) 2-2021 Standard for Design of Safe Closed-Circuit Ammonia Refrigeration Systems*** defines car seals as *"a simple device used to lock or seal a valve in the open or closed position to prevent unauthorized operation of the valve. Valve operation can only take place by cutting the seal, thereby giving evidence of either tampering or activity. Car seals are visually distinct from devices used in lock out/tag out programs." S*ection A.15.3.10.5(e) requires *"(W)ritten procedures and devices for maintenance lockout/tagout (LOTO) are separate from procedures and devices used to lock valves open or closed as part of long-term prevention of valves being left or placed in an incorrect position for operation"* **[AOC 3].**

As a requirement of this subpart, operating procedures shall be certified annually as current and accurate. We reviewed and confirmed Tyson had completed the certification of operating procedures for the past 5 years.

40 C.F.R. § 68.71 Training – We reviewed the "Tyson Training – General PSMP 601" that describes the training for safety policies and the PSM regulations. Trainees are required to take initial training, on-the-job training, and an on-the-job evaluation. Refresher training is required every three years. We reviewed the training documentation for five (5) randomly selected Tyson employees with a variety of tenure in various departments. We identified no areas of concern with this subpart.

40 C.F.R. § 68.73 Mechanical integrity (MI) – We reviewed Tyson's MI documentation such as, "Mechanical Integrity – Ammonia 23 CFR 1191.119(j) PSMP 901", "Mechanical Integrity Program Procedure PSMP 903", and documentation for equipment related to the RMP covered process. Tyson provided the "PSM/RMP Mechanical Report for 2023" and the "Mechanical Integrity Audit Nonconformance Report" with 60 nonconformities. The closure summary for the "2023 Mechanical Integrity Audit" indicated all nonconformities were closed.

During the facility tour, we observed significant corrosion on the South Sump Tank (**Appendix 2**, **Photos 9 and 10**). According to the "Evaporative Condenser PSMP 908" mechanical integrity

document, the schedule for an operation inspection of the sump is to be completed weekly to verify integral sump units are clean. Additionally, the 2024 Ammonia Equipment M.I. Inspection resulted in "active corrosion, damaged insulation, plates rusted, leaks detected on or near (smell of ammonia). All uninsulated vessels, oil separators and attached oil coolers have slight to significant areas where paint is chipping, and rust is present recommended to clean to paint per Tyson specification (**Appendix 5**)." To ensure the sump units are safe and dependable when needed to capture ammonia, there should be inclusions of inspection procedures, tank location, corrosion protection, freeze protection, among other necessary precautions **[AOC 4]**.

40 C.F.R. § 68.75 Management of change (MOC) – Tyson provided the "Management of Change PSMP 1101" document that outlines the procedures for changes "in procedures or equipment regardless of whether the change is considered major or minor or is temporary or permanent." MOC's are managed and tracked on the Safety Events website. We reviewed issued MOC's for the past three (3) years at the time of this inspection. Four (4) MOC's were reviewed during this inspection: identification numbers CIR 306246, CIR 323551, CIR 319163, and CIR 324641. Each change is posted for thirty (30) days on the PSM bulletin board and are presented at a PSM monthly meeting. We reviewed the PSM meeting minutes for the closed MOC's CIR 306246 and CIR 319163. We identified no areas of concern with this subpart.

40 C.F.R. § 68.77 Pre-startup safety review (PSSR) – Tyson provided the "MOC PSSR/Post-Startup Safety Review PSMP 801" procedure for review. The procedure outlines the requirements to ensure the facility meets requirements prior to startup, including replacement-in-kind changes that do not require MOC's but may still require a PSSR. Tyson requires a stand-alone PSSR form to be completed for non-MOC projects, repairs, large-scale system openings, or extended shutdowns. Tyson requires MOC Post-modification checklists that are used as the final closure process of the MOC and PSSR. On May 20, 2025, we requested PSSR's for the most recent closed MOC's, CIR 3060246 and CIR 319163. We also requested the two most recent non-MOCs but had not received them at the time of this inspection report. We identified no areas of concern with this subpart.

40 C.F.R. § 68.79 Compliance audits – Tyson maintains the two (2) most recent compliance audits, May 2021 and April 2024, completed within the required three (3) year time frame. We reviewed Tysons compliance audit procedure, document PSMP 1401, the most recent compliance audits, and the closure summaries for the 2021 and 2024 compliance audits. We identified no areas of concern with this subpart.

40 C.F.R. § 68.81 Incident investigation – We reviewed Tyson's "Incident Investigation Policy PSMP 1201" and incident investigations for the past year. The incident investigation criteria require incident investigations to be performed when there is an incident which resulted in, or which could reasonably have resulted in (near-miss), a catastrophic release of ammonia. All reportable Ammonia releases require incident investigations to begin within 48 hours of release. The Process Safety Management Incident #3404086197 indicates the date of the incident was on February 15, 2023, and the date the investigation started was on February 21,

2023. This incident investigation was not initiated within 48 hours of the incident, as required by this subpart and Tyson's PSMP 1201 (**Appendix 6**) **[AOC 5].**

40 C.F.R. § 68.83 Employee participation – We reviewed Tyson's "Employee Participation Policy PSMP 201". Tyson's employee participation program includes notices posted in the on-site cafeteria, monthly safety meetings, and a deadline for management to respond to employee's documented concerns. We did not identify any areas of concern with this subpart

40 C.F.R. § 68.85 Hot work permit – Tyson maintains a "Fire Prevention Plan" that manages fire risks by eliminating or controlling fire hazards. This plan identifies potential ignition sources such as an open flame, welding, hot work, flammable and/or combustible storage, housekeeping, and electrical short circuit. The plan outline control procedures to align with the different hazard types. The hot work program requires permits on all hot work outside of designated welding areas. We reviewed Tyson's Hot Work Standard. Hot work permits are valid for twelve (12) hours

Tyson provided hot work permits for the last twelve (12) months, and we identified a few inconsistences. For the March 14, 2025, permit, in the "Hot Work Operator" section, "Hot Work performed by" check lists were not filled out. Additionally, hot work permits for May 9 and 10, 2025, are in the same location of "-60/roof area access," have inconsistent "General Required Precautions for all Hot Work" indicating that sprinklers and/or fire detection systems are working properly marked as "N/A", then "Yes" on the latter (Appendix 7) **[AOC 6].**

40 C.F.R. § 68.87 Contractors – We reviewed "Tyson Contractor Environmental, Health, and Safety (EHS) Manual" which details the contractor's requirements to be on site at a Tyson facility. Tyson requires a contractor's authorized representative to annually review and certify an EHS Compliance Certification Form. On-site project review meetings with a Tyson EHS representative are required prior to work. Contractor employees performing work in the RMP process are labeled as "PSM Affected" and are required to annually review and sign the employee awareness from.

Tyson utilizes ISNetworld, an online program, to qualify and monitor contractors on site. This program assists contractors with maintaining compliance with contractor safety standards and helps companies identify the most qualified contractor companies that meet regulatory standards. Contractor evaluations occur at least once per job and will be documented on the Tyson Contractor Employee Training Evaluation Inquiry Form. Completed forms will be filed on-site with MOC documents and retained for life of process. There are no vested contractors on site. We identified no areas of concern with this subpart.

Subpart E – Emergency Response

40 C.F.R. § 68.90 Applicability – Tyson is a responding stationary source in case of an accidental release of a regulated substance and is applicable to this subpart and shall comply with § 68.93,

68.95, and 68.96 of this part. I reviewed the "Emergency Action Plan". We identified no areas of concern with this subpart.

40 C.F.R. § 68.93 Emergency response coordination activities – Tyson maintains emergency action plan review and annual meetings on form PSMF 1503. We reviewed the PSMF 1503 for 12/9/2020, 4/22/2022, 9/29/2023, and 6/20/2024. Facility representatives stated there were no annual meetings in 2021 due to the COVID-19 pandemic. Tyson documents coordination with local authorities but only included the signature. The documentation shall include the names of individuals involved and their contact information (phone number, email address, and organizational affiliations), as required by this subpart. Additionally, this subpart requires that coordination shall occur at least annually. The dates of the coordination are not on a consistent calendar year (Appendix 8) [**AOC 7**].

40 C.F.R. § 68.95 Emergency response program – Tyson's emergency action plan and Hazmat Emergency Response Plan maintain information on informing the local, federal, and state agencies. The training for all refrigeration maintenance is to be trained at the technician level per IIAR and Hazmat courses are designed to meet the requirements of OSHA. Refresher trainings are conducted annually. The training includes overviews of equipment and contaminant test procedures. The Hazmat Emergency Response plan details emergency response equipment inventory and the equipment is inspected monthly, and after each use. We did not identify any areas of concern under this subpart.

40 C.F.R § 68.96 Emergency response exercises – Tyson provided the annual emergency response meetings. The scope of these meetings should be documented in a more descriptive manner to include tests of procedures to notify the public and the appropriate Federal, state, and local emergency response agencies about an accidental release; tests of procedures and measures for emergency response actions including evacuations and medical treatment; tests of communications systems; mobilization of facility emergency response personnel, including contractors, as appropriate; coordination with local emergency responders; emergency response equipment deployment; and any other action identified in the emergency response program, as appropriate. We did not request notifications that occurred after the time of inspection. We did not identify any areas of concern under this subpart.

Section III – AREAS OF CONCERN (AOC)

AOC 1 – 40 C.F.R. § 68.65(d)(2) Process Safety Information (PSI)

(d) Information pertaining to the equipment in the process.
(2) The owner or operator shall ensure and document that equipment complies the process is designed and maintained in compliance with recognized and generally accepted good engineering practices.

IIAR 9 2020 Chapter 7.2 General Safety System Requirements
7.2.9 Signage, Labels, Pipe Marking, and Wind Indicators

7.2.9.4 Pipe Marking. Ammonia piping mains, headers, and branches shall be identified with the following information

1) "Ammonia"
2) Physical state of the ammonia
3) Relative pressure level of ammonia, begin low or high as applicable
4) Pipe service, which shall be permitted to be abbreviated
5) Direction of flow

Tyson failed to have piping labels consistently as required by IIAR 9 2020 Chapter 7.2 General Safety System Requirements, 7.2.9 Signage, Labels, Pipe Marking, and Wind Indicators, 7.2.9.4 Pipe Marking. During the facility tour on May 21, 2025, we observed inconsistent labels on piping in between SF-7-CB and SF-9-CB (**See Appendix 2, Photos 1 – 3**).

AOC 2 – 40 C.F.R. § 68.69(a)(3) Operating procedures.

(a) The owner or operator shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements... (3) Safety and health considerations: ... (ii) Precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment; (iii) Control measures to be taken if physical contact or airborne exposure occurs; (iv) Quality control for raw materials and control of hazardous chemical inventory levels; and, (v) Any special or unique hazards.

Tyson failed to provide clear instructions for safely conducting activities involved in the process for detecting ammonia leaks. Tysons's operating procedure for Operation of Evaporative Condenser #5 SOP-COND-5 (**Appendix 3**), Task 1 Set Up for Initial Start Up, Step 13 requires to "Check for ammonia leaks." Operation of Swing #1 SOP-Swing#1 procedure has a similar statement on Task 1 Initial Start Up, Step 14. SOP-SF-Leak Check, Task 1 Emergency Operations: Spiral Freezer Ammonia Leak Investigation, Step 5 states "manipulate the valves to try and determine the source of the ammonia leak" (**Appendix 4**). It does not explain what is used to detect ammonia. We were not provided a procedure or a standard for an ammonia leak test. Tyson representatives explained that a multigas detector and pool tube sticks are used to identify leaks for the ammonia system. The procedures do outline health and safety requirements such as wearing personal protection equipment while working on the ammonia system.

AOC 3 – 40 C.F.R. § 68.69(d) Operating procedures.

(d) The owner or operator shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a stationary source by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

American National Standards Institute (ANSI)/ The International Institute of All-Natural Refrigeration (IIAR) 2-2021 Standard for Design of Safe Closed-Circuit Ammonia Refrigeration Systems defines car seals as *"a simple device used to lock or seal a valve in the open or closed position to prevent unauthorized operation of the valve. Valve operation can only take place by cutting the seal, thereby giving evidence of either tampering or activity. Car seals are visually distinct from devices used in lock out/tag out programs." ….* Section A.15.3.10.5(e) *Written procedures and devices for maintenance lockout/tagout (LOTO) are separate from procedures and devices used to lock valves open or closed as part of long-term prevention of valves being left or placed in an incorrect position for operation.*

Tyson failed to develop procedures that implement safe work practices and that provide the control of hazards during operations such opening/closing process equipment or piping. During the facility tour, we identified several administrative controls/break-aways/car seals (controls) on the High-Pressure Receiver and on separators in the engine room (**Appendix 2, photos 4 through 8**). Some of these controls had locks that are used in a LOTO program. We requested additional information about this program. At the time of this inspection Tyson was unable to provide written instructions or procedures regarding administrative controls/break-away/car seal locks to prevent unintentional accidents.

AOC 4 – 40 C.F.R. § 68.73(b) & (d)(1) Mechanical integrity.

(b) The owner or operator shall establish and implement written procedures to maintain the on-going integrity of process equipment.

(d) Inspection and testing. (1) Inspections and tests shall be performed on process equipment.

Tyson failed to ensure the sump units are safe and dependable when needed to capture ammonia. While on the facility tour, we observed significant corrosion on the South Sump Tank (**Appendix 2, Photo 9 and 10**). According to the Evaporative Condenser PSMP 908 mechanical integrity document, operation inspections of the sump is to be completed weekly to verify integral sump units are clean. To ensure the sump units are safe and dependable when needed to capture ammonia, there should be inclusions of inspection procedures, tank location, corrosion protection, freeze protection, etc. Additionally, the 2024 Ammonia Equipment M.I. Inspection resulted in "Active corrosion, damaged insulation, plates rusted, leaks detected on or near (smell of ammonia). All uninsulated vessels, oil separators and attached oil coolers have slight to significant areas where paint is chipping, and rust is present recommended to clean and paint per Tyson specification (**Appendix 5**)."

AOC 5 – 40 C.F.R. § 68.81(b) Incident investigation

(b) An incident investigation shall be initiated as promptly as possible, but not later than 48 hours following the incident.

Tyson failed to initiate an incident investigation no later than 48 hours following an incident. Tyson's incident investigation criteria require incident investigations to be performed when there is an incident which resulted in, or which could reasonably have resulted in (near-miss), a catastrophic release of ammonia. All reportable Ammonia releases require incident investigations must begin within 48 hours of release. The Process Safety Management Incident #3404086197 indicates the date of the incident was on February 15, 2023, and the date the investigation started was on February 21, 2023. This incident investigation was not initiated within 48 hours of the incident, as required by this subpart and Tyson's PSMP 1201 (**Appendix 6**).

AOC 6 – 40 C.F.R. § 68.85(b) Hot work permit

(b) The permit shall document that the fire prevention and protection requirements in 29 CFR 1910.252(a) have been implemented prior to beginning the hot work operations; it shall indicate the date(s) authorized for hot work; and identify the object on which hot work is to be performed.

Tyson failed to fill out a check list and failed to ensure sprinklers and/or fire detection systems were working properly. Tyson provided hot work permits for the last twelve (12) months. Upon review, EPA identified a few inconsistences. The hot work permit dated March 14, 2025, "Hot Work Operator" section and "Hot Work performed by" check lists were not filled out. Additionally, hot work permits for May 9 and 10, 2025 in "-60/roof area access" have inconsistent "General Required Precautions for all Hot Work" indicating that sprinklers and/or fire detection systems are working properly is "N/A" however, the former is marked as "Yes" (**Appendix 7**).

AOC 7 – 40 C.F.R. § 68.93(a) & (c) Emergency response coordination activities

(a) Coordination shall occur at least annually, and more frequently, if necessary, to address changes: At the stationary source; in the stationary source's emergency response and/or emergency action plan; and/or in the community emergency response plan

(c) The owner or operator shall document coordination with local authorities, including: The names of individuals involved and their contact information (phone number, email address, and organizational affiliations); dates of coordination activities; and nature of coordination activities.

Tyson failed to ensure coordination occurred at least annually. The dates of the coordination are not on a consistent calendar year as there was no coordination in 2021 (**Appendix 8**). Additionally, the documentation shall include the names of individuals involved and their contact information (phone number, email address, and organizational affiliations), as required by this subpart. Tyson provided coordination with local authorities but only included the signature.

I conducted a closing conference at Tyson at 3:30 pm on May 22, 2025, for the inspection. During the closing conference, we explained the EPA inspection report process. At the time of

this closing conference, we identified four (4) areas of concern that are identified in this inspection report. Additionally, AOCs 3 and 7 were determined after the conclusion of the inspection and were not included in the closing conference.

Section IV – FOLLOW UP

EPA received documentation on from Tyson on June 5, 2025.

Section V – LIST OF APPENDICES

All Appendices are classified as Confidential Business Information (CBI) or Sensitive Appendices and are not included in the online published inspection report. CBI Appendices include documents that are claimed CBI by the facility. Sensitive Appendices may include appendices that will not be posted but are not explicitly CBI. These could include Personally Identifiable Information (PII) or Homeland Security sensitive information.

Appendix 1 – List of Attendees
Appendix 2 – Photo Log
Appendix 3 – Operation of Evaporative Condenser #5 SOP-COND-5 Procedure
Appendix 4 – Operation of Swing #1 SOP-Swing#1 Procedure
Appendix 5 – Mechanical Integrity - 2024 NDT
Appendix 6 – Incident investigation No.’s 3347287547 & 3404086197
Appendix 7 – Hot work permits
Appendix 8 – Emergency response coordination activities