

## Report on the Food Packaging and Processing – Container Manufacturing Study

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## **Food Packaging and Processing – Container Manufacturing**

**2163, Bottling – beverages – no spirituous liquors, wine or beer**  
**2063, Dairy Products or Ice Mfg.**  
**2113, Fish or Seafood Products Mfg. – including packaging**  
**2116, Fruit or Vegetable Juice or Concentrate Mfg.**  
**2111(3), Fruit or Vegetable Pickling**  
**2111(1), Fruit or Vegetable Preserving – including canning**  
**2117, Fruit or Vegetable Processing – frozen**  
**2095, Meat Products Mfg.**  
**2111(2), Olive Handling – sorting, curing and canning**  
**4831, Vitamin or Dietary Supplement Mfg. – compounding, blending or packaging only – not manufacturing ingredients**  
**2142(1), Wineries**  
**2121, Breweries**  
**2142(2), Distilling**  
**2142(3), Vinegar Mfg.**

### **Objective**

The WCIRB reviewed the 29 classifications in the *Food Packaging and Processing* Industry Group to evaluate the differentiated classification treatment for the manufacture of containers when performed by employers that also package or process food. There are currently three different classification approaches reflected: (1) footnotes directing that the manufacture of containers be treated as a General Inclusion, (2) footnotes directing that bottle or can manufacturing shall be separately classified or (3) no specific direction – thus indicating that the General Inclusions rule applies (see Exhibit 1).

In view of the different treatment of operations within the same Industry Group, staff evaluated the appropriate classification treatment for the manufacture of containers when performed by employers assigned to the *Food Packaging and Processing* Industry Group classifications to determine whether a uniform classification treatment could be established that is consistent with the General Inclusions rule and the unnecessary footnotes could be eliminated.

### **Background**

The General Inclusions rule was established in 1934 to direct that “any operation normally prevailing in the business covered by the governing classification as defined, cannot be treated as a separate enterprise within the meaning of the rule.”<sup>1</sup> The underlying rationale is to recognize those operations that, while potentially assignable to another classification, should be considered as part of the overall operation when conducted in support of an employer’s primary business. Currently, the General Inclusions rule directs that, unless otherwise indicated in a classification’s phraseology, certain specified operations “[a]re included in all classifications other than Standard Exception classifications.” Among those operations delineated in the General Inclusions rule is the “manufacturing of containers such as bags, barrels, bottles, boxes, cans, cartons or packing cases.”<sup>2</sup> Absent specific direction to the contrary, the manufacture of containers in connection with an employer’s primary operations is not separately classified.<sup>3</sup>

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<sup>1</sup> *California Compensation Manual* (1934), *Payroll Rules*, Rule 3, *Division of Payroll*.

<sup>2</sup> *California Workers’ Compensation Uniform Statistical Reporting Plan—1995* (USRP), Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, Rule 5, *General Inclusions*.

<sup>3</sup> The General Inclusions rule also states that “[a]ny operation described by a general inclusion shall nevertheless be subject to division of payroll if conducted as a separate and distinct enterprise and having no relation to the operations described by any other classification.”

The treatment of container manufacturing has been a particular focus within the *Food Packaging and Processing* Industry Group classifications as most packaged or processed foods require some type of container. This issue was addressed on numerous occasions during the 1960s, 1970s and 1980s when employers requested that their container manufacturing operations be separately classified. As a result, footnotes were added to 10 classifications directing that the manufacture of cans or bottles be separately classified based on a finding that it was not typical or usual for employers within these classifications to manufacture their own cans or bottles and therefore such operation should not be considered a general inclusion.

### **Analysis**

To assess the propriety of the existing disparate treatment of container manufacturing within the *Food Packaging and Processing* Industry Group, staff assessed the frequency with which industry employers engage in container manufacturing and whether there is a difference between the operations of classifications where container manufacturing is separately classified and those where it is not.

With respect to employers with payroll reported in classifications directing that container manufacturing shall be separately classified (see Exhibit 1), a review of the Classification Inspection Reports for those employers found no instances of employers manufacturing their own cans, bottles or other containers and no payroll was reported in Classifications 3220, *Can Mfg.*, or 4114, *Glassware Mfg.*<sup>4</sup> Thus, while container manufacturing has never been a prevalent operation within these classifications, or the food processing and packaging industry in general, based on a review of how the industry currently operates, employers assigned to classifications directing that container manufacturing shall be separately classified no longer manufacture their own containers.

With respect to employers with payroll reported in classifications that treat, either explicitly or implicitly, container manufacturing as a General Inclusion (see Exhibit 1), a review of the Inspection Reports found only two employers across all 29 classifications manufacturing their own containers – one is assigned to Classification 2121, *Breweries*, and the other to Classification 2163, *Bottling*. Container manufacturing was not separately classified on any of the Inspection Reports.

In summary, the WCIRB's review of employers assigned to the *Food Packaging and Processing* Industry Group classifications found:

- Only two employers across all 29 classifications were engaged in container manufacturing and such operations were treated as a General Inclusion.
- There was no notable frequency differential with respect to container manufacturing between those classifications that treat container manufacturing as a General Inclusion and those that direct container manufacturing to be separately classified.
- There were no instances where treating container manufacturing as a General Inclusion for all *Food Packaging and Processing* Industry Group classifications would require a WCIRB reassignment of operations.

Accordingly, there appears to be no compelling reason for the continued disparate treatment of can and bottle manufacturing within the *Food Packaging and Processing* Industry Group. While establishing a uniform treatment across the Industry Group will not result in the reclassification of any employer's operations, it will advance the goal of having a consistent set of rules for the Industry Group. In view of the above, staff recommends that the *Food Packaging and Processing* Industry Group classifications be updated to remove any reference to either the separate classification of container manufacturing or the General Inclusions rule. This will meet the objectives of: (1) establishing a uniform classification treatment for container manufacturing associated with food packaging and processing; (2) remaining consistent with the General Inclusions rule; and (3) eliminating unnecessary footnotes referencing the General Inclusion rule as this rule already applies to all classifications.

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<sup>4</sup> Staff reviewed Unit Statistical Reports (USRs) for policies incepting January 1, 2016 and later.

Lastly, staff also reviewed a footnote in Classification 2113, *Fish or Seafood Products Mfg.*, which, in addition to requiring that can manufacturing be separately classified, also requires that the rendering of fish oil be separately classified.<sup>5</sup> While this footnote refers to rendering, this is not the exclusive method to produce fish oil. Further, review of Inspection Reports and Unit Statistical Reports did not find any instance where employers that process or package fish and seafood also render or otherwise manufacture fish oil. Additionally, the manufacture of a fish oil product may be assignable to other classifications, not strictly 2113.<sup>6</sup> In that this footnote no longer reflects current operations, the WCIRB also recommends that it be deleted.

## Recommendations

Based on these findings, the WCIRB recommends:

1. Eliminating the footnotes in the *Food Packaging and Processing* Industry Group classifications directing that can and bottle manufacturing shall be separately classified.
2. Eliminating the footnotes in the *Food Packaging and Processing* Industry Group classifications directing that the manufacture of containers in connection with the employer's operations shall be classified in accordance with Section III, Rule 5, *General Inclusions*.
3. Eliminating the footnote in Classification 2113, *Fish or Seafood Products Mfg.*, directing that the rendering of fish oil shall be separately classified.
4. Amending the footnotes in each of the subject classifications to clarify the intended application and provide direction as to how related operations should be classified, and for consistency with other changes.

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<sup>5</sup> The footnote addressing fish oil rendering in Classification 2113 was added following the WCIRB's review of fish canneries in 1945. At that time, it was determined that operations at fish canneries varied depending upon either the market or the demand for the canned fish products versus that for fish oil or fish meal. The 1945 review stated that under normal circumstances the rendering of trimmings from a fish canning plant would purely be a byproduct operation and considered incidental, but according to the information supplied to the WCIRB, rendering had become a large or primary operation of some fish cannery employers.

<sup>6</sup> Fish oil used in dietary supplements is most often produced by pressing or solvent extraction, not by rendering.

## Exhibit 1: Food Packaging and Processing Classifications

- I. Classifications with footnotes directing that the manufacture of containers shall be separately classified

Code	Phraseology
2063	<i>Dairy Products or Ice Mfg.</i>
2142(2)	<i>Distilling</i>
2113	<i>Fish or Seafood Products Mfg.</i>
2116	<i>Fruit or Vegetable Juice or Concentrate Mfg.</i>
2111(1)	<i>Fruit or Vegetable Preserving</i>
2117	<i>Fruit or Vegetable Processing – frozen</i>
2095	<i>Meat Products Mfg.</i>
2111(2)	<i>Olive Handling – sorting, curing and canning</i>
2142(3)	<i>Vinegar Mfg.</i>
2142(1)	<i>Wineries</i>

- II. Classifications with footnotes directing, either explicitly or implicitly, that the manufacture of containers be treated as a General Inclusion

Code	Phraseology
2163	<i>Bottling</i>
2121	<i>Breweries</i>
4831	<i>Vitamin or Dietary Supplement Mfg.</i>

- III. Classifications with no specific direction – thus indicating that the General Inclusion rule applies

Code	Phraseology
2003	<i>Bakeries or Cracker Mfg.</i>
4717	<i>Butter Substitutes Mfg.</i>
4683(2)	<i>Cottonseed Oil Mfg. or Refining</i>
6504	<i>Food Products Mfg. or Processing – N.O.C.</i>
2108	<i>Fruit – citrus fruit packing and handling – including storage</i>
2109	<i>Fruit – dried fruit packing and handling</i>
2107	<i>Fruit – fresh fruit packing and handling</i>
2102	<i>Fruit or Vegetable Evaporation or Dehydrating</i>
2111(3)	<i>Fruit or Vegetable Pickling</i>
2123	<i>Fruit or Vegetable Processing – fresh – ready-to-eat</i>
2014(1)	<i>Grain or Rice Milling</i>
2002	<i>Macaroni Mfg.</i>
0096	<i>Nut Hulling, Shelling or Processing</i>
2030	<i>Sugar Mfg. or Refining – beet or cane – including beet dumps</i>
4686(1)	<i>Vegetable Oil Mfg. or Refining – N.O.C.</i>
8209	<i>Vegetables – fresh vegetable or tomato packing and handling</i>

**Recommendation**

Amend Classification 2163, *Bottling*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference to the General Inclusions rule, clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**BOTTLING – beverages – no spirituous liquors, wine or beer**

**2163**

This classification applies to the bottling or packaging of non-alcoholic beverages, including but not limited to soft drinks, sports drinks, coffee, tea and water. This classification includes the blending of purchased fruit juice or juice concentrates with water and/or flavorings to produce fruit flavored drinks/beverages.

~~The manufacture of containers, including but not limited to cans, bottles and boxes in connection with the employer’s beverage bottling or packaging operations shall be classified in accordance with Section III, Rule 5, *General Inclusions*.~~

~~The production and bottling or canning/manufacture of non-alcoholic fruit or vegetable juice, cider or juice concentrates from fruit, vegetables, nuts or seeds shall be classified as 2116, *Fruit or Vegetable Juice or Juice Concentrate Mfg.*~~

The production and bottling of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

The production and bottling of distilled spirits shall be classified as 2142(2), *Distilling*.

The production and bottling or canning of beer or similarly brewed beverages shall be classified as 2121, *Breweries*.

~~The production and bottling or canning of milk or manufacturing or processing, including pasteurization, of dairy products shall be separately classified as 2063, *Dairy Products or Ice Mfg.*~~

\* \* \* \* \*

**Recommendation**

Amend Classification 2121, *Breweries*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference to the General Inclusions rule.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**BREWERIES**

**2121**

This classification applies to the production of beer or similarly brewed beverages, including but not limited to ale, lager, porter, stout and malt liquor. This classification includes the production of sake, the sale of brewing by-products, including but not limited to wet or dry feed grains and

brewer's yeast, and the distribution of beer or similarly brewed beverages in connection with the employer's production operations.

This classification also includes employees who provide tours of the production operations, including tours where product tasting samples are provided to customers not in connection with taproom, tasting room, retail store, or restaurant or tavern operations.

~~The manufacture of containers, including but not limited to cans and bottles in connection with the employer's production operations shall be classified in accordance with Section III, Rule 5, General Inclusions.~~

Taprooms, tasting rooms, restaurants, taverns or the preparation and serving of hot food, shall be separately classified as 9079(1), *Restaurants or Taverns*.

Beer brewing operations at restaurants where the beer brewed on-site is primarily (over 50% of gross receipts) sold to restaurant customers for on-site consumption shall be classified as 9079(1), *Restaurants or Taverns*.

The distribution of beer or similarly brewed beverages that were not produced by the employer to retailers or commercial users shall be classified as 7392, *Beer Dealers*.

The production of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

The production of distilled spirits shall be classified as 2142(2), *Distilling*.

Retail stores shall be separately classified.

\* \* \* \* \*

## **Recommendation**

Amend Classification 2063, *Dairy Products or Ice Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that can manufacturing shall be separately classified and provide direction as to how related operations should be classified.

## PROPOSED

### **FOOD PACKAGING AND PROCESSING**

#### **DAIRY PRODUCTS OR ICE MFG.**

**2063**

This classification applies to the manufacturing or processing, including pasteurization, of dairy products, including but not limited to milk, evaporated milk, dairy beverages, powdered milk, cheese, ice cream, yogurt, whipped cream and butter, and includes the incidental packaging of products in containers, including but not limited to bottles, boxes, plastic containers and metal or paper cans. This classification also applies to route drivers who deliver bottled milk to customers and perform no other duties on the farm premises.

This classification also applies to the manufacture of ice or the purchase and resale of ice.

This classification also applies to the manufacture of sorbet, gelato or sherbet, as well as frozen dairy or nondairy novelty treats, including but not limited to ice pops, fruit juice bars, ice cream bars and ice cream sandwiches.

The manufacture of non-alcoholic juice or juice concentrates from fruit, vegetables, nuts or seeds shall be separately classified as 2116, *Juice or Juice Concentrate Mfg.*

The sale of individual servings of ice cream or frozen yogurt for consumption by the walk-in trade on or away from the premises, including the incidental sale of hand packed ice cream or prepackaged ice cream confections sold as such, shall be classified as 8078(3), *Ice Cream or Frozen Yogurt Shops*, at each separate location at which the sale of individual servings of ice cream or frozen yogurt for consumption on or away from the premises equals or exceeds 50% of gross receipts.

The manufacture of dry ice shall be classified as 4635, *Oxygen or Hydrogen Mfg.*

The mixing or packaging of artificial (blue) ice shall be classified as 4828, *Chemical Mixing or Repackaging*.

The manufacture of butter substitutes shall be classified as 4717, *Butter Substitutes Mfg.*

The bottling or packaging of nondairy, nonalcoholic beverages shall be classified as 2163, *Bottling*.

~~Can manufacturing shall be separately classified.~~

\* \* \* \* \*

**Recommendation**

Amend Classification 2142, *Distilling – N.O.C.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that bottle manufacturing shall be separately classified.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**DISTILLING – N.O.C.**

**2142(2)**

This classification applies to the production of distilled spirits, including but not limited to vodka, rum, whiskey, brandy, tequila and liqueurs.

This classification includes employees who provide tours of the production operations, including tours where product tasting samples are provided to customers not in connection with tasting room, retail store, or restaurant or tavern operations.

Tasting rooms, restaurants, taverns or the preparation and serving of hot food shall be separately classified as 9079(1), *Restaurants or Taverns*.

The production of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

The production of vinegar shall be classified as 2142(3), *Vinegar Mfg.*

The production of beer or similarly brewed beverages shall be classified as 2121, *Breweries*.

Blending and bottling purchased wine or distilled spirits shall be classified as 8041, *Stores – wine or spirits – wholesale*.

~~Bottle manufacturing shall be separately classified.~~

Retail stores shall be separately classified.

\* \* \* \* \*

**Recommendation**

Amend Classification 2113, *Fish or Seafood Products Mfg. – including packaging.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the references that can manufacturing and rendering of fish oil shall be separately classified and clarify the intended application.

PROPOSED

**FISH OR SEAFOOD PRODUCTS MFG. – including packaging**

**2113**

This classification applies to the processing and packaging of fish ~~and~~ seafood, including but not limited to tuna, salmon, cod, halibut, herring, white fish, mackerel, eel, shrimp, abalone, crab, scallops, caviar and oysters. Processing operations include but are not limited to steaming, smoking, curing, blending, mixing, breading, cooking and canning. This classification also applies to the manufacture of fish ~~and~~ seafood products, including but not limited to fish sticks, fish cakes, crab cakes, breaded fish fillets and imitation crab meat.

Employers engaged in the purchase, cutting, trimming, deboning and resale of fish shall be classified as 8021, *Stores – meat, fish or poultry – wholesale*, or 8031, *Stores – meat, fish or poultry – retail*.

~~Can manufacturing and the rendering of fish oil shall be separately classified.~~

\* \* \* \* \*

**Recommendation**

Amend Classification 2116, *Fruit or Vegetable Juice or Concentrate Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that bottle or can manufacturing shall be separately classified, clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

~~FRUIT OR VEGETABLE JUICE OR~~ JUICE CONCENTRATE MFG.

**2116**

This classification applies to the manufacture of non-alcoholic ~~fruit or vegetable juice, cider or juice concentrates from fresh fruit, or vegetables, nuts or seeds.~~

The manufacturing or processing, including pasteurization, of dairy products shall be separately classified as 2063, *Dairy Products or Ice Mfg.*

Blending ~~purchased fruit juice or juice concentrates~~ with water ~~and/or~~ flavorings to produce non-alcoholic ~~fruit flavored drinks/beverages~~ shall be classified as 2163, *Bottling*.

The production of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

~~Bottle or can manufacturing shall be separately classified.~~

\* \* \* \* \*

**Recommendation**

Amend Classification 2111 (3), *Fruit or Vegetable Pickling*, which is part of the *Food Packaging and Processing* Industry Group, to clarify the intended application, provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**FRUIT OR VEGETABLE PICKLING**

**2111(3)**

This classification applies to the curing ~~or~~, pickling ~~and canning~~ of vegetables ~~and/or~~ fruits, including but not limited to cucumbers, onions, garlic, cabbage, chilies, peppers, beets and apples.

The washing, sorting, grading, curing ~~and/or~~ canning of olives shall be classified as 2111(2), *Olive Handling*.

The preserving ~~and/or~~ canning of fruits ~~and/or~~ vegetables that are not cured or pickled shall be classified as 2111(1), *Fruit or Vegetable Preserving*.

Growing or harvesting, including field packing, of crops, shall be assigned to the applicable *Farms* Industry Group classification.

\* \* \* \* \*

**Recommendation**

Amend Classification 2111(1), *Fruit or Vegetable Preserving*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that can manufacturing shall be separately classified, provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**FRUIT OR VEGETABLE PRESERVING – including canning**

**2111(1)**

This classification applies to the preserving or canning of fruits ~~and~~or vegetables, including but not limited to oranges, apples, peaches, cherries, blackberries, strawberries, plums, prunes, figs, tomatoes and beans. This classification also applies to the production of jams, jellies, applesauce, tomato sauce ~~and~~or tomato paste.

The processing of “ready-to-eat” fruits ~~and~~or vegetables that are packaged as “ready-to-eat” or “pre-washed” and sold for immediate consumption without need for further peeling, trimming, washing or cooking shall be classified as 2123, *Fruit or Vegetable Processing – fresh – ready-to-eat*.

The processing ~~and~~or canning of olives shall be classified as 2111(2), *Olive Handling*.

The curing or, pickling ~~and~~ ~~canning~~ of vegetables ~~and~~or fruits shall be classified as 2111(3), *Fruit or Vegetable Pickling*.

Frozen fruit or vegetable processing shall be classified as 2117, *Fruit or Vegetable Processing – frozen*.

The drying of fruit or vegetables shall be classified as 2102, *Fruit or Vegetable Evaporation or Dehydrating*.

~~Fruit or vegetable~~ The manufacture of non-alcoholic juice or juice concentrates manufacturing from fruit, vegetables, nuts or seeds shall be classified as 2116, *Fruit or Vegetable Juice or Juice Concentrate Mfg*.

~~Can manufacturing shall be separately classified.~~

Growing or harvesting, including field packing, of crops, shall be assigned to the applicable *Farms* Industry Group classification.

\* \* \* \* \*

**Recommendation**

Amend Classification 2117, *Fruit or Vegetable Processing – frozen*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that can manufacturing shall be separately classified and for consistency with other proposed changes.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**FRUIT OR VEGETABLE PROCESSING – frozen**

**2117**

This classification applies to the freezing and processing of fresh produce, including but not limited to the steaming, blanching, cooking, cutting, slicing and packaging of fresh frozen produce, including but not limited to broccoli, cauliflower, zucchini, squash, carrots, bell peppers, potatoes, peas, lima beans, peaches, apricots and berries.

The preserving and canning of fruits and/or vegetables shall be separately classified as 2111(1), *Fruit or Vegetable Preserving*.

The drying of fruit or vegetables shall be separately classified as 2102, *Fruit or Vegetable Evaporation or Dehydrating*.

~~Can manufacturing shall be separately classified.~~

Growing or harvesting, including field packing of crops, shall be assigned to the applicable *Farms* Industry Group classification.

\* \* \* \* \*

**Recommendation**

Amend Classification 2095, *Meat Products Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that can manufacturing shall be separately classified and for consistency with other proposed changes.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**MEAT PRODUCTS MFG.**

**2095**

This classification applies to the manufacture of meat products, including but not limited to sausage; bacon; hot dogs; hamburger patties; ground meat; bologna; jerky and cured, smoked, dried or canned meats. This classification also applies to the manufacture of pet food from meat products.

Employers engaged in the cutting of sides or quarters of beef to produce steaks, roasts, chops and/or other meat portions, including ground meat in connection therewith, for sale to others shall be classified as 8021, *Stores – meat, fish or poultry – wholesale*, or 8031, *Stores – meat, fish or poultry – retail*.

~~Can manufacturing shall be separately classified.~~

\* \* \* \* \*

**Recommendation**

Amend Classification 2111 (2), *Olive Handling – sorting, curing and canning*, which is part of the *Food Packaging and Processing* Industry Group, to clarify the intended application, remove the reference that can manufacturing shall be separately classified and for consistency with other proposed changes.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**OLIVE HANDLING – sorting, curing ~~and~~ canning** **2111(2)**

This classification applies to the processing of olives, including but not limited to washing, sorting, grading, pitting, stuffing, curing, ~~and~~ canning ~~or bottling of olives~~.

The preserving ~~and~~ canning of fruits ~~and~~ vegetables shall be classified as 2111(1), *Fruit or Vegetable Preserving*.

The curing ~~or~~, pickling ~~and~~ canning of vegetables ~~and~~ fruits shall be classified as 2111(3), *Fruit or Vegetable Pickling*.

The extraction and refining of olive oil shall be classified as 4683(1), *Vegetable Oil Mfg. or Refining*.

~~Can manufacturing shall be separately classified.~~

Growing or harvesting of olives shall be classified as 0016, *Orchards – citrus or deciduous fruits*.

\* \* \* \* \*

**Recommendation**

Amend Classification 2142 (3), *Vinegar Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that bottle manufacturing shall be separately classified.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**VINEGAR MFG.** **2142(3)**

This classification applies to the manufacture of various types of vinegar, including but not limited to distilled, cider, malt, balsamic, rice and wine vinegar.

The production of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

The production of distilled spirits shall be classified as 2142(2), *Distilling*.

~~Bottle manufacturing shall be separately classified.~~

\* \* \* \* \*

**Recommendation**

Amend Classification 4831, *Vitamin or Dietary Supplement Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that container manufacturing is included in the classification and clarify the intended application.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**VITAMIN OR DIETARY SUPPLEMENT MFG. – compounding, blending or packaging only – not 4831  
manufacturing ingredients**

This classification applies to the production or packaging of vitamins or dietary supplements involving mixing, blending, forming or packaging purchased dietary ingredients, including but not limited to vitamins, minerals, herbs or other botanicals, enzymes and amino acids. Vitamins and dietary supplements have only negligible caloric value and are not a substitute for food. Vitamins or dietary supplements may be produced in various forms, including but not limited to tablet, caplet, capsule, powder or liquid form. ~~Vitamins and dietary supplements have only negligible caloric value and are not a substitute for food. This classification includes the manufacture of containers that are used in the employer's production operations.~~

This classification also applies to the growing, harvesting and processing of algae to produce algae-based dietary supplements.

The manufacture or processing of food products shall be classified as 6504, *Food Products Mfg. or Processing*, unless the operations are more specifically described by another *Food Packaging and Processing* Industry Group classification.

The manufacturing, blending or packaging of drugs, medicines or pharmaceutical preparations that are intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease shall be classified as 4611, *Drug, Medicine or Pharmaceutical Preparations Mfg.*

Compounding pharmacies that combine, mix or alter ingredients in response to a prescription to create a medication tailored to the medical needs of an individual patient shall be classified as 8017(1), *Stores – retail*.

The production or packaging of products intended to be rubbed, poured, sprinkled or sprayed on, or otherwise applied to, the human body for cleansing, beautifying, promoting attractiveness or altering appearance shall be classified as 4623, *Cosmetic, Personal Care or Perfumery Products Mfg.*

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**Recommendation**

Amend Classification 2142(1), *Wineries*, which is part of the *Food Packaging and Processing Industry Group*, to remove the reference that bottle manufacturing shall be separately classified and for consistency with other proposed changes.

PROPOSED

**FOOD PACKAGING AND PROCESSING**

**WINERIES**

**2142(1)**

This classification applies to the production of wine, sparkling wine or alcoholic cider.

This classification includes employees who provide tours of the production operations, including tours where product tasting samples are provided to customers not in connection with tasting room, retail store, or restaurant or tavern operations.

Tasting rooms shall be separately classified as 8060, *Stores – wine, beer or spirits – retail*.

Restaurants, taverns or the preparation and serving of hot food shall be separately classified as 9079(1), *Restaurants or Taverns*.

The production of beer or similarly brewed beverages shall be classified as 2121, *Breweries*.

The production of distilled spirits shall be classified as 2142(2), *Distilling*.

The manufacture of vinegar shall be classified as 2142(3), *Vinegar Mfg.*

The ~~production/manufacture~~ of nonalcoholic fruit juice or cider juice concentrates from fruit, vegetables, nuts, or seeds shall be classified as 2116, ~~*Fruit or Vegetable Juice or Juice Concentrate Mfg.*~~

Blending and bottling purchased wine or distilled spirits shall be classified as 8041, *Stores – wine or spirits – wholesale*.

~~Bottle manufacturing shall be separately classified.~~

Retail stores shall be separately classified.

Growing or harvesting, including field packing, of crops shall be assigned to the applicable *Farms Industry Group* classification.

\* \* \* \* \*

Amend Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency with other proposed changes.

PROPOSED

**Abbreviated Classifications – Numeric Listing**

- 
- 
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- 2116 Fruit/Vegetable Juice/Juice Concentrate Mfg
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