Farm Safety Planning and OSHA Compliance

Jim Carrabba
New York Center for Agricultural Medicine and Health-NYCAMH
Cooperstown, NY

Today's Presentation

- NYCAMH services
- Overview of farm work-related injuries
- Farm safety planning and management
- How OSHA regulations apply to agriculture

Promoting Safe & Healthy Farming

NYCAMH

New York Center for Agricultural Medicine & Health
1-800-343-7527
www.nycamh.com

Bassett Healthcare Network

Based in Cooperstown, NY

NYCAMH Safety Program

1. Safety Surveys
2. Safety Training

These services are offered free of cost

NYCAMH Farm Emergency Response Program

Provide training in first response

Keep the victim alive until EMS arrives

Familiarize EMS personnel on ag hazards

Funded by the NYS Dept of Health

Farm Safety Management

- Work related injuries and illnesses cost time, money and maybe lives
- Good safety and health planning should be a top management goal for farms
- Safety management saves you $$

Reduce the Chances of Incidents

- Identify potential work hazards and eliminate or reduce them
  - Conduct annual safety audits
- Provide recurring safety training
  - 2X monthly
- Practice & enforce safe work routines
  - Model behaviors
  - Make safe procedures a habit
- Use personal protective equipment
  - Last resort

Types of Incidents

- Tractors
- Machinery entanglements (PTO's, power shafts, augurs)
- Falls (from ladders, hay mows, into manure pits, etc.)
- Livestock handling (cows, bulls, horses)
- Asphyxiation (manure gases, grain bins, silos)
- Electrocutions
- Back injuries/Muscular Skeletal Disorders
- Hand injuries
- Repetitive motion injuries

New York Ag Fatalities

- 2011 - 21
- 2010 - 26
- 2009 - 14
- 2008 - 20
- 2007 - 22
- 2006 - 25

Non-Fatal Injuries

4005 NY Farm Injuries from 2007-2009

2007-1,275
2008-1,336
2009-1,394

Reducing Mishaps

Hierarchy of Controls

#1-Engineering Controls-Best
- Ex: New machinery, closed systems, ventilation systems

#2-Administrative Controls
- Policies & practices

#3-Least effective, but the last resort
- Personal Protective Equipment (PPE)

Effective Safety and Health Programs

- It has been found that effective management of worker safety and health programs:
  - Reduce the extent and severity of work related injuries and illnesses
  - Improves employee morale and productivity
  - Reduces workers' compensation costs

Common Characteristics of Exemplary Workplaces

- Use of organized and systematic methods to:
  - Assign responsibility to managers, supervisors, and employees
  - Inspect regularly for and control of hazards
  - Orient and train all employees to eliminate or avoid hazards

General Guidelines

- An effective program
  - Includes provisions for systematic identification, evaluation and prevention or control of hazards
  - Goes beyond specific requirements of the law to address all hazards
- Written program
  - "In writing" less important than its effectiveness
  - As size and complexity of worksite or process increases, so does need for written guidance

Major Elements

- An effective occupational safety and health program will include the following four elements:
  - Management commitment and employee involvement
  - Worksite analysis
  - Hazard prevention and control
  - Safety and health training

Occupational Safety and Health Act of 1970

- The OSH Act was passed to prevent workers from being killed or seriously harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. The Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to workers and employers. Workers may file a complaint to have OSHA inspect their workplace if they believe that their employer is not following OSHA standards or that there are serious hazards.

- 1969, the year before OSHA started, 38 workers died on job each day, in 2011, it was 12 per day
  - 1968, more US workers died on the job each day than soldiers being killed in Vietnam
- 2,000 compliance officers in US for 8 million workplaces

Agriculture OSHA Resources

- Available on www.OSHA.gov Website

  In search bar type

  Agriculture Operations Safety and Health Topics

Agriculture Operations Safety and Health Topics Page

Ag Standards

Occupational Safety & Health Act of 1970 – Federal Laws & Regulations Affecting Agricultural Employers (29 CFR 1928)

- 8 sections
  - . 1 Purpose and Scope
  - . 21 Applicability and standards
- Followed by 6 specific Agriculture standards

OSHA Standards Specific to Agriculture

- 29 CFR 1928.51: Roll over protective structures (ROPS) for agricultural tractors – refers to 2 or 4 wheel drive or track vehicles of over 20 horsepower
- 29 CFR 1928.52: Protective frames for wheel-type agricultural tractors
- 29 CFR 1928.53: Protective enclosures for wheel-type agricultural tractors

OSHA Standards Specific to Agriculture

- 29 CFR 1928.57: Guarding of farm field equipment, farmstead equipment, and cotton gins
- 29 CFR 1928.110: Field Sanitation – refers to provision of drinking water, hand washing and toilet facilities for hand labor workers.
- 29 CFR 1928.1027: Cadmium – refers to exposure to toxic metal fumes; some phosphate sources in fertilizer may contain cadmium(*also identified under General Industry 29 CFR 1910.1027)

General Industry

- Some standards are general industry standards (29 CFR 1910)
- Need to be aware of these because OSHA can cite under the General Industry standards
- Examples

General Industry applicable standards

- 29 CFR 1910.142: Temporary Labor Camps
- 29 CFR 1910.111(a) and (b): Storage & Handling of Anhydrous Ammonia
- 29 CFR 1910.266: Logging Operations
- 29CFR 1910.145: Slow Moving Vehicles
- 29 CFR 1910.1201: DOT Markings
- 29 FR 1910.1200: Hazard Communication (changes)
- 29 CFR 1910.1027 Cadmium (welding, grinding, painting)
  - These standards can be cited directly

Hazard Communication

- 1910.1200, Hazard communication

  The purpose of this section is to ensure that the hazards of all chemicals produced or imported are classified, and that information concerning classified hazards is transmitted to employers and employees.

  This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, safety data sheets and employee training.

Hazard Communication

- New changes to the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard are bringing the United States into alignment with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS)
- The Hazard Communication Standard in 1983 gave the workers the 'right to know,' but the new Globally Harmonized System gives workers the 'right to understand.'
- OSHA Fact Sheet
  Hazard Communication Standard Final Rule
  http://www.osha.gov/dsg/hazcom/HCSFactsheet.html

New Changes as of March 16, 2012:

Hazard Communication

- For Agriculture, the labeling of pesticides will remain the same
- The only exemption is the labeling requirement for pesticides covered under FIFRA (Federal Insecticide, Fungicide, Rodenticide Act) ; other chemical hazards would be required to have the new labeling.
- If it is a pesticide, and the employer would be covered under OSHA (more than 10 people), then the other requirements, such as new Safety Data Sheets (SDSs), formerly MSDSs, and training would be needed under the new standard.

Ag Exemption

Enforcement Guidance for Small Farming Operations

The Appropriations Act exempts small farming operations from enforcement of all rules, regulations, standards or orders under the Occupational Safety and Health Act. A farming operation is exempt from all OSHA activities if it:

- **Employs 10 or fewer employees currently and at all times during the last 12 months; and**
- **Has not had an active temporary labor camp during the proceeding 12 months.**

Enforcement

What does exempt from enforcement of all rules, regulations, standards or orders mean?

- **Can't use Federal funds to inspect or cite**
  - **A state plan can't use federal funds to inspect - but the state plans can use state funds to inspect**

Employees

- **Do you employ 10 or fewer people (excluding family) at any time during the year?**
- **Background; In providing funding for OSHA, Congress has placed restrictions on enforcement activities regarding two categories of employers:**
  - **small farming operations**
  - **small employers in low-hazard industries. The Appropriations Act contains limits for OSH Act activities on a year-by-year basis.**

Family Members

- **Family members of farm employers are not counted when determining the number of employees.**
- **Who are family members:**
  - **✓Children**
  - **✓Spouse**
  - **✓Parents**
  - **✓Grandparents**
- **OSHA typically looks at blood relatives, spouses, or immediate relatives.**

Temporary Labor Camp

A "temporary labor camp" means farm housing directly related to the seasonal or temporary employment of farm workers.

"Housing" includes both permanent and temporary structures located on or off the property of any employer who meets the above definition.

Source: OSHA.gov --- http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1519#GEN

Housing on Farm

- Scenario: Farmer employs a hired man. He and his family live in a house on the farm with his wife and children. The hired man does not pay rent or utilities.
  - This is not considered a temporary labor camp according to OSHA.
  - Temporary labor camp is considered a group of people who come in to do a specific task.
  - Leave after the job is done. Mobile

Injury or Fatality

Does the Exemption still hold true with injuries and a fatality? YES

- Small farms, however, are not actually exempt from OSHA regulations because:
  - ✓ Legally OSHA covers all farms, even though OSHA cannot inspect or cite farms with 10 or fewer employees.
- One important reason for understanding that small farms still fall under OSHA is that, in a court of law, OSHA rules and regulations may be used to identify safe and unsafe conditions on the farm.
  - State plan - state may be more stringent based on the state regulations.

General Duty vs Ag Standards

- OSHA has an Agriculture standard (29 CFR 1928)
- If the hazard cannot be addressed in the Agriculture Standard (29 CFR 1928) OSHA defers to the General Industry Standard (29 CFR 1910)
- If there is not a standard that is applicable to agriculture in the General Industry Standards then go to the General Duty Clause Section 5(a)(1)
  - Each employer shall furnish to each employee a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious harm
- Each employer shall comply with defined OSHA standards

General Duty Clause

- Section 5(a)(1) of the OSH Act, often referred to as the General Duty Clause, requires employers to "furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees"
- Section 5(a)(2) requires employers to "comply with occupational safety and health standards promulgated under this Act"

Summary:

- Identify potential hazards and eliminate or reduce them
  - Conduct annual safety audits
- Provide recurring safety training
  - 2X monthly
- Practice/enforce safe work routines
  - Model behaviors
- Identify Confined Spaces
- Use personal protective equipment
  - Last resort

Have a Safe and Productive Year!

New York Center for Agricultural Medicine and Health (NYCAMH)

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NYCAMH

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(800) 343-7527 (607) 547-6023

Please contact us for any information about our services:

Phone: (800) 343-7527

www.nycamh.com

NEC

The Northeast Center for Agricultural Health