

California Agricultural Safety Certificate Program

**KNOWING THE LAWS AND REGULATIONS THAT
CONTROL AGRICULTURAL SAFETY IN CALIFORNIA**

Course 101

Presenters:

Bryan Little
COO
Farm Employers Labor Service

George Daniels
Executive Vice President
Farm Employers Labor Service



Introductions

- * Introduction of presenters
 - * Bryan Little
 - * George Daniels
 - * General housekeeping:
 - * Sign-in for course credit
 - * Cell phones
 - * Breaks

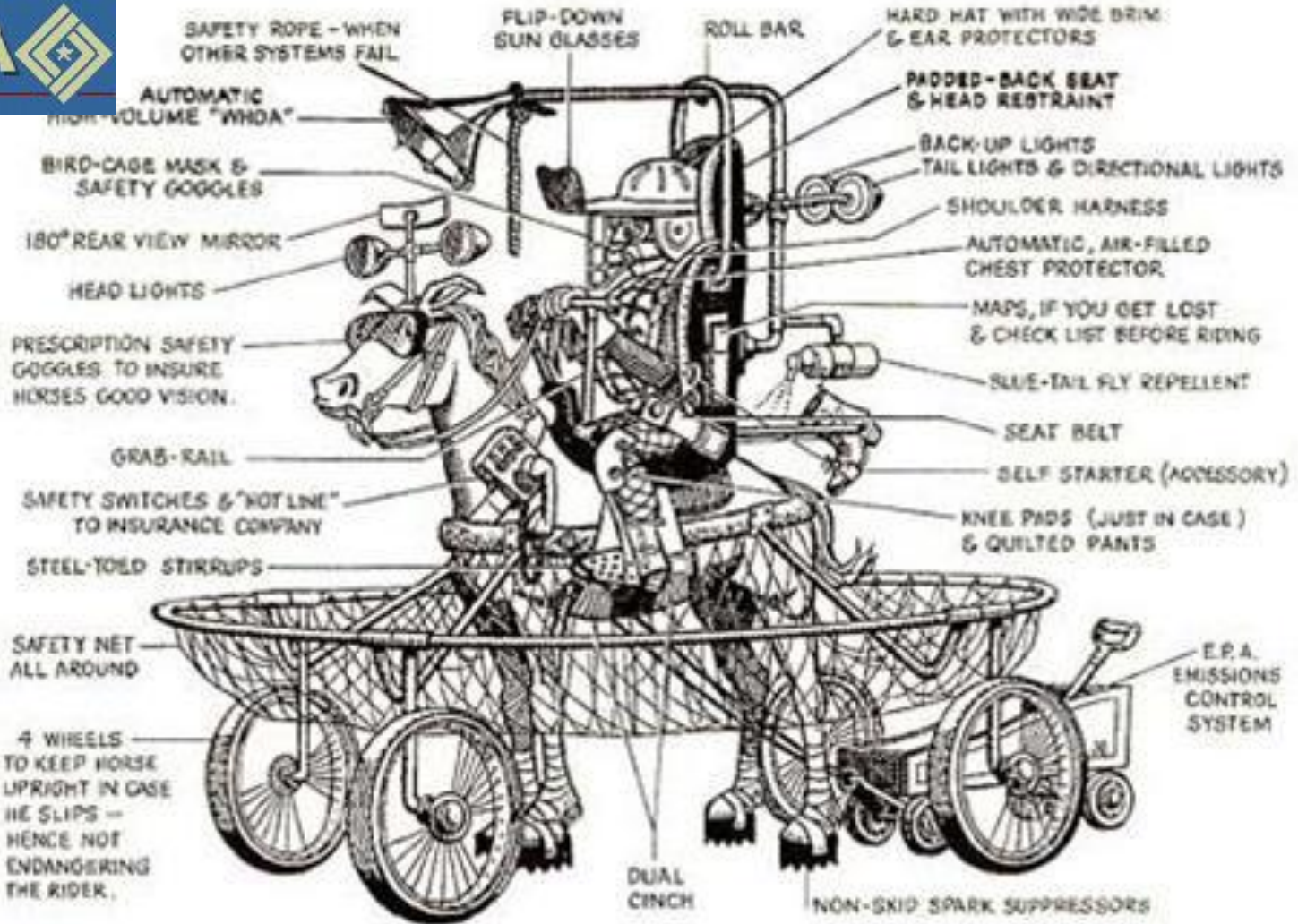
LAWS & REGULATIONS REGARDING SAFETY IN AGRICULTURE

- * Sectional Objectives
 - * How safety laws & regulations come to exist
 - * How are regulations organized
 - * The major safety regulations that apply to California agriculture
 - * The scope of Title 8, California Code of Regulations (CCR)
 - * How to access the various safety regulations that may affect your operation

Occupational Safety and Health Act



*



Cowboy after O.S.H.A.

Occupational Safety and Health Act



- * The Act created:
 - * Occupational Safety and Health Administration (OSHA)
 - * National Institute of Occupational Safety and Health (NIOSH)
 - * Under the Center for Disease Control and Prevention (CDC)
- * State Plans

California's State Plan - Cal/OSHA



* Cal/OSHA

- * Division of Occupational Safety and Health (DOSH)
- * Cal/OSHA Consultation Service
- * California Occupational Safety and Health Standards Board (Cal/OSHSB)
- * California Occupational Safety and Health Appeals Board (Cal/OSHAB)
- * Commission on Health and Safety and Workers' Compensation (CHSWC)
 - * Established in 1993 as part of W.C. reform

Development of Cal/OSHA Regulations and Standards



- * Standards Board members appointed by Governor
- * Adopts, amends and repeals Cal/OSHA standards
- * Cal/OSHSB is required to adopt:
 - * reasonable and enforceable standards
 - * as effective as federal OSHA standards
- * Standards Board also:
 - * grants or denies variances from adopted standards
 - * responds to petitions for new or revised standards
- * Standards published in Title 8, CCR
- * Cal/OSHSB www.dir.ca.gov/oshsb/oshsb.html

But There's More

- * What are other safety issues?
- * Chemicals & Pesticides
- * Transportation
- * Housing
- * Child Labor

Chemical/Pesticide Safety

* Federal

- * Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- * Administered by Environmental Protection Agency (EPA)
- * Worker Protection Standard (WPS)

* California

- * California Department of Pesticide Regulation (DPR) in Cal EPA
- * Federal EPA approved DPR to regulate pesticide safety in California
 - * Regulations in Title 3 CCR
 - * County Agricultural Commissioners enforce pesticide regulations
 - * MOU with Cal/OSHA that DPR is lead agency

Chemical Safety

* **SARA**

- * Superfund Amendments and Reauthorization Act (SARA)
- * Designed to improve community access to information
- * Specific Agricultural Provisions
 - * Must notify the storing of "extremely hazardous" substances
 - * Must report non-permitted releases of listed chemicals
 - * Must submit information regarding stored chemicals subject to OSHA's Hazardous Communication Standard

Chemical Safety

- * **Prop 65: Safe Drinking Water and Toxic Enforcement Act of 1986**
 - * Businesses (including employers) required to provide a "clear and reasonable" warning
 - * This warning can be given by:
 - * labeling a consumer product
 - * posting signs at the workplace
 - * distributing notices or publishing notices in a newspaper
 - * “Governor’s List”
 - * 12 months following being listed business must comply with warning requirements.
 - * See <http://oehha.ca.gov/prop65/background/p65plain.html>

Hazardous Material Transportation

- * Department of Transportation enforces the the Hazardous Materials Transportation Act (HMTA)
 - * Driver required to have specific training and license
- * Transporting Agricultural Hazardous Material:
 - * Transporting placard material under Vehicle Code § 12804.2
 - * Agricultural exception:
 - * Class C vehicle
 - * For a farmer
 - * Within 50 miles
 - * Driver has Ag Haz Mat endorsement

Housing Rules

* Employee Housing

* Regulated by:

- * Migrant and Seasonal Agricultural Worker Protection Act (MSPA)
- * California Employee Housing Act.
- * Housing rules Federal/State comparison publication:
 - * www.fels.net/Data/Forms/dhcd_dol.pdf

* Penalties

- * Civil Penalties from \$300 to \$6,000 per day
- * Criminal penalties \$2,000 to \$6,000 & imprisonment

Transportation Rules

- * **Transportation/Vehicles**

- * **Employee transportation**

- * **Regulated by:**

- * **Migrant and Seasonal Agricultural Protection Act**

- * **California Vehicle Code**

- * **Employer Pull Notice (EPN) Program**

- * **Regulated by California Vehicle Code**

- * **Requires enrollment of Class A and B drivers**

- * **Biennial Inspection of Terminals (BIT)**

Vehicle Driver Rules

- * **DOT Alcohol and Drug Testing:**
 - * Federal Motor Carrier Safety Administration's (FMCSA)
 - * Testing of CDL drivers
- * **California Alcohol & Drug Testing:**
 - * Vehicle Code, Section 34520
 - * The employer is responsible for conducting a "controlled substances and alcohol testing" program

Child Labor Rules

* Child Labor

* Regulated by:

- * Fair Labor Standards Act
- * California Education Code
- * California Labor Code

* Limits minors:

- * Access to Agricultural Zone of Danger
- * Hours of work
- * Type of work

* Work Permits

* Penalties:

- * Class A up to \$11,000 per violation
- * DOL: “Hot Cargo”

How to Find Cal/OSHA Safety Regulations

The screenshot shows the website for the California Department of Industrial Relations. At the top, there is a search bar with the text "Search" and a "GO" button. Below the search bar, the website's logo "CA.GOV" is displayed, followed by the text "Welcome to the California DEPARTMENT OF INDUSTRIAL RELATIONS". A navigation menu contains several categories: "DIR", "Labor Law", "Cal/OSHA", "Workers' Comp", "Apprenticeship", "Statistics & Research", "Mediation", "Boards", and "Media". Below this menu, a secondary navigation bar lists various services: "Consultation", "Enforcement", "Heat Illness", "IIPP", "Partnerships", "Payments", "Permits", "Postings", "Statistics", and "Workplace Safety".

On the left side of the page, there is a sidebar titled "I WANT TO ..." with a list of links: "See an index of DOSH services", "Apply for a permit or registration", "Learn about asbestos", "Attend a meeting or workshop", "Develop an injury & illness prevention program", "File a health & safety complaint", "Get information on safety", "Know my rights", "Obtain a free consultation", "Report an accident or injury", "See accident statistics", "See available publications", and "Learn about elevator permits & safety".

The main content area displays the search results for the query "heat" and "shade". It shows the "Division of Occupational Safety and Health - Title 8 regulations" and lists three results:

- 1. California Code of Regulations, Title 8, section 3395 Heat Illness Prevention.**
Excerpt: OSHA. Subchapter 7. General Industry Safety Orders Group 2. Safe Practices and Personal Protection Article 10. Personal Safety Devices and SafeguardsReturn to index. New query. 3395. Heat Illness Prevention. Heat Illness Info. a) Scope and Application.. 1) This standard applies to all outdoor places of employment...
<http://www.dir.ca.gov/title8/3395.html>
Size : 20357 bytes - 7/11/2011 3:57:38 PM GMT
- 2. California Code of Regulations, Title 8, Section 3382. Eye and Face Protection.**
Excerpt: OSHA. Subchapter 7. General Industry Safety Orders Group 2. Safe Practices and Personal Protection Article 10. Personal Safety Devices and SafeguardsReturn to index. New query. 3382. Eye and Face Protection.. a) Employees working in locations where there is a risk of receiving eye injuries such as punctures, ..
<http://www.dir.ca.gov/title8/3382.html>
Size : 7687 bytes - 2/1/2011 5:44:55 PM GMT
- 3. California Code of Regulations, Title 8, Section 3380. Personal Protective Devices.**
Excerpt: OSHA. Subchapter 7. General Industry Safety Orders Group 2. Safe Practices and Personal Protection Article 10. Personal Safety Devices and SafeguardsReturn to index. New query. Appendix A Non-Mandatory Appendix A This Appendix is intended to provide compliance assistance for employers and employees in ..
<http://www.dir.ca.gov/title8/3380a.html>
Size : 31382 bytes - 5/27/2011 5:42:10 PM GMT

Cal/OSHA Policies & Procedures

B. INITIAL CONTACT

1. Professionalism

When conducting an inspection, compliance personnel shall conduct themselves as professional safety engineers and industrial hygienists and be cognizant that they represent the State of California at all times.

2. Timing

Inspections shall be conducted during normal business hours unless special circumstances necessitate otherwise.

NOTE: If severe weather conditions are encountered during an inspection and activities at the inspected worksite are shut down, compliance personnel shall postpone the inspection and continue it when weather permits.

3. Presentation of Credentials

Compliance shall identify themselves to the employer by showing their State of California Photo Identification Card and Division of Occupational Safety and Health business card prior to conducting an inspection of the worksite.

4. Consent

a. Compliance personnel shall obtain the employer's permission to enter the worksite, unless the worksite is one which is open to the public, and shall obtain the employer's permission to conduct an inspection of the worksite prior to beginning an inspection.

b. Compliance personnel shall obtain permission to conduct an inspection from a management level representative of the employer, or if none is present, from the employer representative who appears to have authority to grant permission to conduct an inspection.

NOTE: For inspections of California employers working at a worksite controlled by the federal government, e.g., military installations, national parks and federal buildings, compliance personnel shall identify themselves to the highest ranking management official at the site and obtain their permission to conduct an inspection.

c. When a management level or other acceptable employer representative is not present at the worksite, compliance personnel shall contact the employer by telephone and request permission to conduct the inspection.

(1) If the employer consents to the inspection over the telephone, but does not plan to come to the worksite to

How to Find Agricultural Safety Regulations

- * Pesticide Safety Regulations, CCR, Title 3
 - * www.cdpr.ca.gov/docs/legbills/calcode/chapter_.htm
- * Housing Regulations, CCR, Title 25
 - * California: www.hcd.ca.gov/codes/eh/ehregst25.htm
 - * Federal:
edocket.access.gpo.gov/cfr_2006/aprqtr/20cfr654.404.htm
 - * <http://www.dol.gov/WHD/mspa/index.htm>

How to Find Agricultural Safety Regulations

* Transportation

- * Transporting Agricultural Chemical (HazMat) - California Vehicle Code
<http://law.onecle.com/california/vehicle/12804.2.html>
mv.ca.gov/pubs/vctop/d06/vc12804_2.htm
- * Transporting Employees - California Vehicle Code:
 - * dmv.ca.gov/pubs/vctop/vc/tocd11c12a1.htm
- * Call CHP Commercial Unit: 916-843-3400
- * U.S. DOL - Migrant and Seasonal Agricultural Worker Protection Act
 - * www.dol.gov/whd/regs/compliance/whdfs50.pdf

How to Find Agricultural Safety

FELS[®]*net*

Farm Employers Labor Service
Serving Agriculture in Labor Relations Since 1970

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AgSafe California Agricultural Safety Certificate Program Course 101 Laws & Regulations Resources

Below are links presented in the CASCP Course 101 Laws & Regulations:

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[Safety](#)
[FLC](#)

- [California Agricultural Safety Certificate Program Course 101 - Student Guide](#)
- [California Agricultural Safety Certificate Program Course 101 - PowerPoint](#)
 - [OSHA & Cal/OSHA](#)
 - [Cal/OSHSB](#)
 - [Cal/OSHA Resources](#)

How to Determine Which Safety Orders Apply

- * **Horizontal Standards:**

- * General Industry Safety Orders (GISO) apply to all employers
- * Example: Injury and Illness Prevention Program (GISO § 3203).

- * **Vertical Standards:**

- * Standard for Specific Industries
- * Agricultural operations - 20 vertical standards
- * Grouped together in Article 13 §§ 3436 – 3457

How to Determine Which Safety Orders Apply

- * Activity verses General Nature of the Business
 - * Activity controls what standard to follow
 - * Example Construction Standards can apply to Agricultural Operations
 - * Vertical Standard always takes precedence over a Horizontal Standard
 - * Horizontal Standard can fill-in gaps in a Vertical Standard
 - * Example: Vertical Standard GISO § 3439 “First Aid Kit”
 - * One person trained in emergency first aid for every 20 employees at remote locations.
 - * Horizontal Standard GISO § 3400 further defines first aid training equal to American Red Cross
 - * Also adds a requirement regarding exposures to corrosive materials
 - * Result: Both Standards must be followed

How to Determine Which Safety Orders Apply

- * Logic Tree:

- * Industry Specific standards

- * Example: agriculture or construction

- * Specific operations:

- * Examples: welding, confined spaces, or ladders

- * Specific regulated substances

- * Examples: cotton dust, asbestos, lead, and benzene

- * General Safety Order

- * Example: IIPP, providing medical care or access to medical records

- * Look outside the box

- * Example: pesticides must comply with Title 3 regulations

Enforcement and Inspections

* Enforcement Agencies

- * U.S. Department of Labor (DOL)
- * Division of Occupational Safety & Health (DOSH)
- * Division of Labor Standards Enforcement (DLSE)
- * Department of Pesticide Regulations (DPR)
- * County Agricultural Commissioner (CAC)
- * California Highway Patrol (CHP)

Inspections

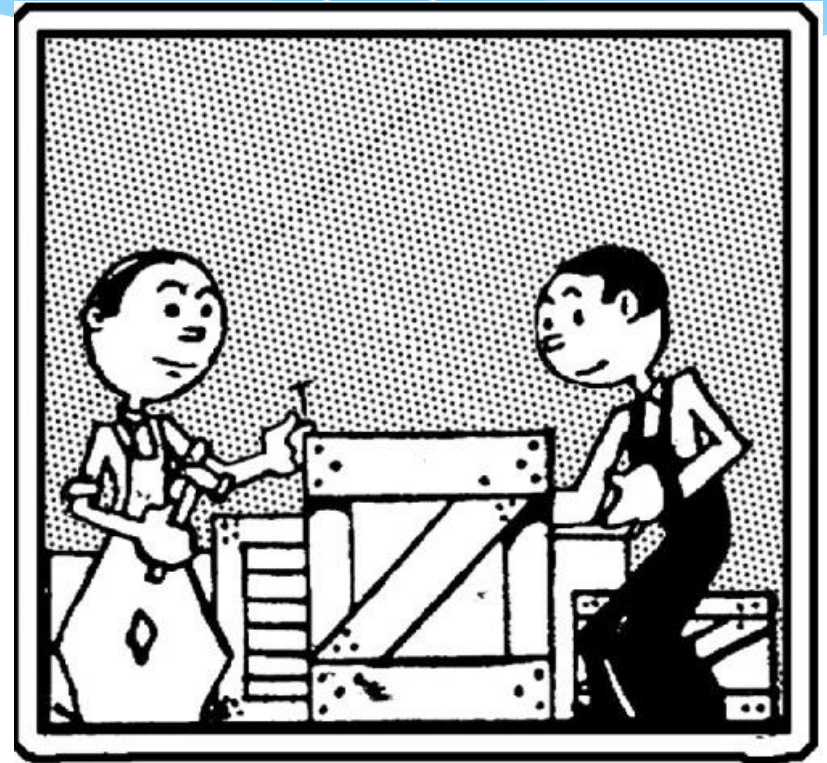
- * Be Prepared!
 - * Self Audit
 - * Documents & Logs are up to date
 - * Get outside assistance – Cal/OSHA Consultation
 - * Company procedures
 - * Select Company Representative
 - * Train Employees
 - * Media Relations

Inspections

- * Agencies have authority to inspect all places of employment
- * Agencies will not give advanced warning
- * Refusal to allow inspection?
- * Delay of is possible

Inspections

- * Referral from District Attorney
- * Accident Investigation
- * Formal Complaints
- * Planned Inspections
- * Follow-up Inspections



Cal/OSHA Inspection Process

- * Opening Conference
 - * Document Review
 - * Workers' Comp.
- * Walkthrough
 - * Employee Interviews



Cal/OSHA Inspection Process

* Closing Conference

* List of Documents Form 1AY

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH



www.dir.ca.gov/DOSH

DOCUMENT REQUEST

EMPLOYER: _____ DATE: _____ Postmark by: _____

EMPLOYER CONTACT: _____ Cal/OSHA Inspector: _____

As discussed during the inspection on _____, it has been determined that copies of the following documents are required for review. Please provide the Cal/OSHA inspector with the required copies by the "postmark" date noted above. If the copies are not provided by that date, it will be interpreted as an admission that the documents do not exist, and possible citations and monetary penalties could result.

- | | |
|--|-------------|
| <input type="checkbox"/> Licenses & Permits: <input type="checkbox"/> Business License <input type="checkbox"/> State ER Tax ID No. <input type="checkbox"/> CSLB <input type="checkbox"/> Garment Reg. <input type="checkbox"/> Farm Labor Contractor | Rec'd _____ |
| <input type="checkbox"/> Facility Layout (floor plan, evacuation routes, etc) _____ | Rec'd _____ |
| <input type="checkbox"/> OSHA Log 300 (from _____ to _____) 8 CCR 14301 | Rec'd _____ |
| <input type="checkbox"/> OSHA 5020 (Employer's First Report of Injury) _____ | Rec'd _____ |
| <input type="checkbox"/> DWC Form 1 (Worker's Compensation Claim) _____ | Rec'd _____ |
| <input type="checkbox"/> Worker's Compensation Insurance Carrier _____ | Rec'd _____ |
| <input type="checkbox"/> Injury and Illness Prevention Program (written safety program) 8 CCR 3203 | Rec'd _____ |
| <input type="checkbox"/> Safety Inspection Records _____ | Rec'd _____ |
| <input type="checkbox"/> Employee Training Records _____ | Rec'd _____ |
| <input type="checkbox"/> Safety Committee Meeting Minutes _____ | Rec'd _____ |
| <input type="checkbox"/> Heat Illness Prevention Program 8 CCR 3395 | Rec'd _____ |
| <input type="checkbox"/> First Aid Kit approval 8 CCR 3400 | Rec'd _____ |
| <input type="checkbox"/> Emergency Action Plan 8 CCR 3220 | Rec'd _____ |
| <input type="checkbox"/> Fire Prevention Plan 8 CCR 3221 | Rec'd _____ |
| <input type="checkbox"/> Hazard Communication Program 8 CCR 5194 | Rec'd _____ |
| <input type="checkbox"/> Material Safety Data Sheets, for _____ | Rec'd _____ |
| <input type="checkbox"/> Respiratory Protection Program 8 CCR 5144 | Rec'd _____ |
| <input type="checkbox"/> Hearing Conservation Program (Noise) 8 CCR 5097 | Rec'd _____ |
| <input type="checkbox"/> Exposure Control Plan / Bloodborne Pathogens 8 CCR 5193 | Rec'd _____ |
| <input type="checkbox"/> Workplace Exposure Records/Monitoring Results _____ | Rec'd _____ |
| <input type="checkbox"/> Chemical Hygiene Plan 8 CCR 5191 | Rec'd _____ |
| <input type="checkbox"/> Carcinogen Registration 8 CCR Article 110 | Rec'd _____ |
| <input type="checkbox"/> Permits / Variances, for _____ | Rec'd _____ |
| <input type="checkbox"/> Maintenance Records of Equipment _____ | Rec'd _____ |
| <input type="checkbox"/> Safety Instructions / Equipment Manuals _____ | Rec'd _____ |
| <input type="checkbox"/> _____ | Rec'd _____ |
| <input type="checkbox"/> _____ | Rec'd _____ |

If you require an extension of time in order to satisfy this request, please contact the Cal/OSHA inspector identified with your inspection at the phone numbers above **before** the deadline.

INSPECTION NO. _____ INSPECTOR ID. _____ OPT RPT NO. _____
Cal/OSHA 1AY(08/08)

Violations and Penalties

- * Cal/OSHA Violations, Citations
- * and Penalties

- * Citations

General or Regulatory violations up to \$7,000

Serious violations up to \$25,000

Failure to correct up to \$15,000 per day for serious violations

Serious & willful up to \$70,000

- * Repeated serious & willful up to \$250,000 not to exceed \$1.5 million or imprisonment



AB 2774 and Labor Code 6432

Serious Violation Definition Changed

Before

- * Substantial Probability of Death or Serious Physical Harm Assuming an Injury Occurred

Now

- * Realistic Possibility of Death or Serious Physical Harm

AB 2774 and Labor Code 6432


- * Defined Serious Physical Harm
 - * Inpatient Hospitalization
 - * Loss of Any Member
 - * Permanent Disfigurement
 - * Impairment Sufficient to Cause a Part of the Body or the Function of an Organ to Become Reduced in Efficiency

AB 2774 and Labor Code 6632

- * Violation Notification Form 1BY
- * Sent 15 days prior to Issuance of Serious Citation
- * Inspector must consider employer's responses

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
Cal/OSHA - Los Angeles District Office
320 W. 4th Street Room 570
Los Angeles, CA 90013
(213) 576-7451 FAX (213) 576-7461

EDMUND G. BROWN JR., Governor



August 16, 2013
[REDACTED]

An inspection was opened by [REDACTED] at a place of employment located at [REDACTED] on March 14, 2013. As a result of this inspection the Division intends to cite as Serious the following alleged violation(s) of Title 8 California Code of Regulations.

On or about [REDACTED] 2013, at [REDACTED] the employer did not protect employees from cave-ins in a 14 feet deep trench by sloping, benching, support or shield systems installed in accordance with the Manufacturer's Tabulated Data, or by any other protective system. On [REDACTED] 2013 an employee sustained fatal injuries while working inside the 14 deep trench which caved-in and completely buried him. This same trench had caved-in two hours before this fatal cave-in and the supervisor did not remove employees from the trench and ensure that adequate protective systems were utilized to prevent the fatal cave-in.

You as the employer are encouraged to submit any information you would like to have considered prior to the issuance of citations alleging a serious violation. This information could include any or all of the following:

1. Training for employees and supervisors relevant to preventing employee exposure to the hazard or to similar hazards.
2. Procedures for discovering, controlling access to and correcting the hazard or similar hazards.
3. Supervision of employees exposed or potentially exposed to the hazard.
4. Procedures for communicating to employees about your health and safety rules and programs.
5. Any additional information that you wish to provide such as:
 - a. An explanation of the circumstances surrounding the alleged violative events.
 - b. Why you believe a serious violation does not exist.
 - c. Why you believe your actions related to the alleged violative events were reasonable and responsible.

Please use "Employers Signed Response to Notice of Intent to Issue Serious Violation" attached to this letter to respond and attach any documentation used to support your claims. Use one form per proposed serious violation.

Please return this form as soon as possible with any supporting documentation. Information received by August 31, 2013 will be considered prior to the issuance of this citation. If no information is received, the proposed citation may be issued.

If you have any questions concerning this matter, please contact me at the phone number or address in the letterhead.

Sincerely,

AB 2774 and Labor Code 6432

- * Defenses for Serious Classification
 - * Employer took all reasonable and responsible steps to anticipate and prevent the violation
 - * Employer took effective action to eliminate employee exposure to the hazard created by the violation

Defenses for Serious Classification

- * Training for Employees and Supervisors
- * Procedures for Discovering, Controlling Access, and Correction Hazard
- * Supervision of Employees
- * Procedures for Communicating to employees H&S Rules
- * Any Additional Information

Appeals Process

- * Filed Within 15 Working Days
- * Informal Conference
- * Pre-Hearing Conference
- * Hearing
- * Decision
- * Appeals



Questions?

* Break time

SPECIFIC CAL/OSHA RULES THAT APPLY TO AGRICULTURE

**Injury & Illness Reporting, Recordkeeping,
Heat Illness, Postings & Notices, Injury &
Illness Prevention & IIPP, Field Sanitation,
and so on, and so on...**



Injury & Illness Reporting

Employer must file a report of every occupational injury or illness beyond first aid as defined by Labor Code Section 5401(a)

- * This report must be completed within five days after the injury or illness
- * Injuries/Illnesses that meet the definition of serious must be reported to the nearest Cal-OSHA office as soon as practicable but no longer than 8 hours after knowledge

Injury & Illness Reporting

For a serious injury or illness, or for a death

- * Employer must report it to the (Cal/OSHA) immediately, but not more than eight hours after the employer knew or should have known
- * A serious injury or illness is requires inpatient hospitalization for more than 24 hours other than for medical observation, or involves the loss of any member of the body or a serious degree of permanent disfigurement.

Injury & Illness Recording

Companies with 11 or more employees are required to maintain a log of work related injuries and illnesses – Form 300

- * Only injuries and illnesses that meet certain recording criteria must be tracked on the 300 log
- * Injuries that result in lost time or have work restrictions require tracking the number of days
- * A summary of these injuries must be posted at the work site from February thru April – Form 300A

Recordkeeping

Records related to workplace injuries and illnesses must be kept on a calendar-year basis and retained for at least five years:

- * **Injury and Illness Incident Report** ~ Form 301 or equivalent
- * **Log of Work-Related Injuries and Illnesses** ~ Form 300
- * **Summary of Work-Related Injuries and Illnesses** ~ Form 300A

Recordkeeping continued...

In addition to injury illness records an employer must maintain other records as outlined in section 3203(b)

- * Employee exposure records
- * MSDS' for chemicals no longer used – 30 years
- * IIPP requirements which include:
 - Records of the steps taken to implement and maintain the program
 - Records of scheduled and periodic inspections
 - Documentation of safety and health training

Postings and Notices

Here are the primary requirements for postings and notices:

- * Postings should be English and Spanish
- * 300 A Summary of injuries and illnesses Feb – April only
- * Access to Medical and Exposure Records
- * Operating Rules for Agricultural - Industrial Tractors
- * Operating Rules for Industrial Trucks
- * Where to seek medical attention for occupational Injuries
- * Hearing Conservation program
- * Informed of locations of Field Sanitation Facilities
- * Informed of good hygiene practices
- * Containers for hand washing water must be marked as such

Injury and Illness Prevention

Every employer in California must establish, implement and maintain an effective written injury and illness prevention program (IIPP) as outlined in Section 3203.

- * Ensure employees comply with safe work practices
- * Communicating hazards in the workplace
- * Procedures for periodic hazard inspections
- * Injury reporting and investigations
- * Training

Because of the importance of this requirement, a separate course is devoted to the subject

Field Sanitation

Agricultural employers must provide toilet and hand washing facilities and drinking water where one or more employees are performing hand-labor operations ~ Section 3360

Field Sanitation

Toilet Facilities

- * Crew of 1-4 employees: one toilet, even if a mixed-sex crew
- * Crew of 5+: one toilet per 20 employees of each sex, or fraction thereof
- * Must be located within $\frac{1}{4}$ mile or a 5-minute walk of work location

Field Sanitation

Handwashing Facilities

- * One handwashing facility per 20 employees or fraction thereof
- * Water tank must be able to hold at least 15 gallons and be refilled with potable water as needed
- * Soap and single-use towels must be provided
- * Must be labeled: **This water is for handwashing only**
- * Handwashing water, soap and single-use towels must be located near each other

Field Sanitation

Alternative Compliance

May provide transportation to facilities if:

- * Employees are performing fieldwork for under 2 hours (including transportation time) or
- * Employees are not engaged in hand-labor operations on a given day

Field Sanitation

Drinking Water Requirements

- * Comply along with Heat Illness Prevention Standard
- * Pure, cool water must always be readily available
- * Dispensed by fountain or single-use cups
- * Container must be covered, protected and kept clean

Heat-Illness Prevention

Basic Heat Illness Prevention Standard Requirements

- Shade
- Water
- Rest when needed
- Worker & Supervisor Training
- Written Compliance Program

Heat-Illness Prevention

Requirements for Shade:

- Must be present at all times at temps $>85^{\circ}$ or upon employee request at temps $<85^{\circ}$ -- unless employer can show continuous provision is unsafe or unfeasible
- Must be “as close as practicable” to the work area
- Must be sufficient for 25% of the crew
- Workers needing shade must be allowed and encouraged to rest in shade for no less than 5 minutes
- Must allow workers to rest comfortably without touching

High-Heat Procedures

Requirements for Water

- Must furnish one quart of drinking water per hour per employee at the start of the shift, or
- An effective procedure to replenish water so that minimum amount will be provided throughout the work shift
- Employees must be encouraged to drink water frequently

High-Heat Procedures

High-Heat Procedures – temps >95°

- Ensure effective communication so employees can contact supervisor when necessary
- Observing employees for alertness or signs of heat illness
- Reminding employees throughout the workshift to drink plenty of water
- Closely supervise new employees during first 14 days of employment, unless employee has been working under similar conditions for 10 of the last 30 days

High-Heat Procedures

Training

- Workers must be trained before beginning work where exposure to heat illness could occur, including prevention and procedures if heat illness occurs
- Train supervisory employees on implementation of Standard's requirements, what to do if someone gets sick, how to know if hot weather is coming and how to respond

Personal Protective Equipment (PPE)

Safeguarding obtained by means of safety devices and safeguards of the proper type for the exposure **Sect. 3380**

- * PPE shall be at least equivalent to those complying with the standards approved by the American National Standards Institute – ANSI
- * Employer shall assure that the employee is instructed and uses protective equipment in accordance with manufacturer's instructions
- * Most PPE used in the workplace must be purchased by the employer



Personal Protective Equipment (PPE)

To find more information on PPE you can review the following regulations

- * **Section 3381** – Head Protection
- * **Section 3382** - Eye and Face Protection
- * **Section 3383** - Body Protection
- * **Section 3384** - Hand Protection
- * **Section 3385** - Foot Protection
- * **Section 3395** – Heat Illness
- * **Section 5144** – Respiratory Protection ~ Control of Hazardous Substances



Respiratory Protection

Respirators shall be provided by the employer when such equipment is necessary to protect the health of the employee ~ Section 5144

- * Training, fit testing and medical evaluations are required prior to using a respirator
- * Voluntary use of respirators requires form Appendix D



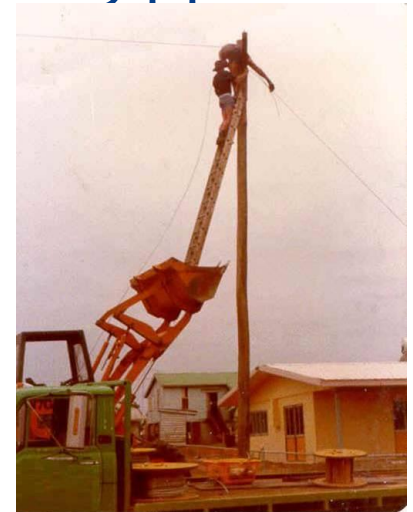
First Aid and CPR

- * There shall be adequate first aid materials immediately available, such materials shall be kept in a sanitary condition and shall be inspected frequently and replenished as necessary
- * At least one person trained in administering emergency first aid must be provided for every 20 workers
- * If the field is within 15 minutes of a medical-care facility, then trained first-aid personnel and a safety communication system are not required

Agricultural Equipment

Regulations regarding agricultural equipment, power take off (PTO) guarding, and access to moving parts are found in Section 3440

Operating instructions, safe work practices and training requirements are found in Section 3441



Emergency Action Plan

- *Not required to have a written Emergency Action Plan
- *But if you have one, it should tell the employees what to do in the event of fire and other emergencies
- *The plan should be kept at the workplace and made available for employee review
- *Identify the location of the following in your escape plan: first-aid kits, posted emergency numbers, pipeline valve; main water valve, fire extinguishers, emergency eye wash, backup communication, alarm system switches, chemical storage areas, critical operations or unique hazards

Hazard Communication Program

Requires employers to provide information to their employees about the hazardous substances to which they may be exposed by means of a hazard communication program, labels and other forms of warning, safety data sheets and information and training ~ Section 5194

Employee training must include:

- * Material Safety Data Sheets (MSDS)/Safety Data Sheets (SDS), reports/records, and information on use of hazardous substances
- * Location of the employer's list of the hazardous substances that employees use in their work
- * List, location and availability of Material Safety Data Sheets/Safety Data Sheets (MSDS/SDS)
- * Purpose of the MSDS/SDS (to describe the substance(s), the hazardous properties of the substance(s), and protective measures for safe use)

Storage of Hazardous Substances

- Substances that react violently, evolve into toxic vapors or gases, have oxidizing components or have high levels of flammability, explosiveness, or other dangerous properties
- * Shall be evaluated for compatibility before storing
 - * Incompatible substances shall be separated from each other
 - * Shall be stored in containers which are appropriate for the type and quantity
 - * Shall not be stored in location/manner which causes damage or deterioration of the container

Hearing Conservation

Employer shall administer a continuing, effective hearing conservation program whenever employee noise exposures equal or exceed 85 dBA in an 8 hour TWA ~ Section 5095

- * Measuring Exposure
- * Audiometric Testing and recordkeeping
- * Training
- * Protectors



Ergonomics Standard

Applies to a job, process or operation where a repetitive motion injury (RMI) occurred to more than one employee under the following conditions ~ Section 5110

- * Diagnosed by physician
- * Predominately caused (50% or more) by a repetitive job, process or operation
- * Reported by employees to employer within 12 mos
- * If applicable then evaluations, exposure control, employee training are required

Hands On Exercise

NIOSH F.A.C.E Reports

Pick a team scribe and someone to present your findings. Read through the report and discuss:

- * What you think were the factors involved in the incident?
- * What regulations do you think could have been involved or cited by the Investigator?
- * If this was at your place of employment what corrective actions might you take?
- * Where would you look to learn more about regulations related to the incident?

* Source: <http://www.cdc.gov/niosh/face/>

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Thank you!