

## **University of Missouri Extension**

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# **Agriculture and the Occupational Safety and Health Act**

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A farmer who employs one or more persons has the legal responsibility to assure safe and healthful working conditions under the William-Steiger Occupational Safety and Health Act of 1970. An amendment to the act also prevents the Occupational Safety and Health Administration from spending any funds to issue or enforce any regulations that apply to any person who farms and employs 10 or fewer employees.

This amendment does not eliminate the requirement that an employer comply with the act, since the amendment does not eliminate rules or regulations. It only states that OSHA cannot spend funds to prescribe, issue, administer or enforce the agricultural regulations for employers of 10 or fewer people, except for those who have temporary labor camps. This amendment also does not eliminate the possibility that an employee could use the regulations in a lawsuit against an employer. For this reason, all employers should comply with the act and provide their employees with a safe and healthful place to work.

As an employer, you have three general responsibilities regarding your employees' safety. These are:

- To comply with the agricultural safety standards;
- To comply with record keeping and other reporting responsibilities, such as reporting accidents, posting of a citation, etc.; and
- To comply with the general duty clause (explained later).

Revisions in OHSA are probable as the U.S. Department of Labor determines the need for and implements additional standards. The answers to the following questions are based on the act as of January 1979.

### **What is the purpose of OSHA?**

To assure, as much as possible, that every worker has a safe and healthful place to work.

### **Why did Congress pass, and the President sign, this law?**

At the time the law was passed, the work accident situation for all industries was as follows:

- More than 14,000 workers were killed each year on or as a result of their jobs.
- More than 2,000,000 workers were disabled each year as a result of work accidents.
- Work accidents caused a loss of more than 250 million person-work-days annually.
- As a result of this lost time, lost wages amounted to more than 1-1/2 billion dollars.

## **Why was agriculture included?**

Agriculture ranks third, behind mining and construction, in number of people killed per 100,000 workers each year.

At the time the law was passed, agriculture made up 4.4 percent of the nation's work force. But that 4.4 percent was accounting for 16 percent of fatalities and 9 percent of job-related injuries and illnesses.

## **What is OSHA trying to do?**

- To reduce the number of deaths occurring annually among workers;
- To lower the number, severity and cost of job-related injuries and health problems;
- To reduce profit loss and increase profit potential for employers by reducing work illnesses and injuries; and
- To reduce the death rate and move agriculture out of the top three hazardous industries.

## **Who is covered by OSHA?**

In general, any employer engaged in a business that affects commerce. This includes every farm employer who has one or more full or part-time employee.

Generally, members of a farmer's immediate family aren't regarded as employees and are not covered by the act

## **Who administers OSHA?**

The Secretary of Labor, via the Assistant Secretary for OSHA, has overall responsibility for administration.

The Department of Labor, through OSHA, is responsible for establishing safety rules and regulations, inspecting work places and gathering accident data.

The Department of Health, Education and Welfare, through the National Institute for Occupational Safety and Health (NIOSH), is responsible for establishing criteria for developing standards, professional training, and education. and also for publishing annual lists of toxic substances.

The Occupational Safety and Health Review Commission is responsible for hearing cases where inspectors propose citations, penalties or time allowed for correction of unsafe conditions, but which employers believe are unfair.

## **What duties do farm employers have under OSHA?**

You have the general duty to supply employees a work place free from all recognized hazards that cause or are likely to cause death or serious harm to employees. This duty is commonly referred to as the general duty clause.

As an employer you must also:

- Comply with all agriculture safety and health standards (Example: All equipment, when operated by

- an employee on a public road or highway must have a slow moving vehicle emblem on it);
- Keep and maintain records on employee's work-related injuries and illnesses, if you employ more than 10 people;
  - Post copies of all citations; and
  - Keep employees informed of their rights and obligations under the law by posting the OSHA poster.

## **What are the employee's responsibilities?**

Each employee has the duty to comply with safety and health standards and all regulations and orders issued to create a safe work place. If a standard calls for guards on a machine and the employer provided these guards, then the employee must keep them in place when using the machine. The employer must get the employee to comply with the rules. The employer can discipline employees that choose not to comply. However, the employee is not subject to fines for not complying, the employer is.

## **What are the standards established by OSHA?**

Occupational safety and health standards are rules that help safeguard workers. To date, the U.S. Secretary of Labor has declared seven specific standards that apply to agriculture.

## **What are the OSHA standards for agriculture?**

The seven OSHA standards in agriculture deal with:

- The slow moving vehicle (SMV) emblem,
- Anhydrous ammonia,
- Pulpwood logging,
- Temporary labor camp housing,
- Roll over protective structures,
- Agricultural machinery guarding and
- Cotton dust.

## **What is the SMV emblem standard?**

The SMV emblem standard states that all vehicles operated by employees that travel at a speed of less than 25 mph must display the SMV emblem. Missouri law requires any vehicle moving less than 25 mph on the highways from sunset to one-half hour before sunrise to display the SMV emblem.

## **How should the SMV emblem be mounted?**

It should be mounted on the rear of the vehicle, point up, two to six feet above ground level. The emblem should be visible at all times on the rear vehicle.

## **What is the anhydrous ammonia standard?**

The anhydrous ammonia standard includes requirements for construction, location and installation for valves and fittings and for safety relief valves of anhydrous ammonia containers. The standard also regulates the vehicles that transport the containers, the refrigeration system and the equipment used in application.

## **How are farmers affected by the anhydrous ammonia standard?**

Farmers are affected by the specifications for tanks on farm vehicles and by the rules for application, filling applicator tanks, protective clothing, emergency procedures and informing workers of exposure to toxic or lethal chemicals. OSHA requires compliance with this standard when employees are using the equipment, but safety is just as important to you and your family. Therefore, you and your employees should use anhydrous ammonia equipment that meets OSHA standards.

## **What is the pulpwood logging standard?**

The pulpwood logging standard applies to the harvest of pulpwood. It covers environmental conditions, clothing and personal protective devices, first aid, hand tools, explosives, stationary and mobile equipment, machinery guards, mufflers and guylines. Also included are instructions on logging and construction and road and bridge maintenance.

## **What is the temporary labor camp standard?**

The temporary labor camp standard covers environmental aspects of housing such as site selection, building construction, space, ventilation and heating. It also prescribes sanitation requirements for cooking and eating space, water supply, laundry, bathing facilities, toilets, refuge disposal and insect and rodent control.

## **What is the roll-over protection standard?**

The roll-over protection standard (ROPS) requires that all tractors with more than 20 horsepower operated by an employee and manufactured after October 1976 must be equipped with a roll-over protective structure. All the ROPS structures must meet specified performance requirements adopted from the American Society of Agricultural Engineers' standard on roll over protection. Each structure that has passed certain tests and meets the standard's requirements will have a plate attached to the structure stating that it is an approved roll over protective structure.

## **Are there any exceptions to the ROP standard?**

Yes. Low profile tractors used in orchards, barns, hop yards and green-houses are exempt from the standard when use of the roll over protective structure would substantially interfere with normal operations. Also exempt are tractors using loaders, cornpickers, etc., when ROPS would interfere with their operation. But, as soon as the special equipment is not being used, the ROPS must be replaced.

## **Is there any training required under the ROP standard?**

Yes. Employers must train every employee annually in safe tractor operation. Employers must instruct employees to fasten seat belts on tractors with roll over protective structures, to stay off very steep slopes and to watch where they are going. They must also train employees in proper operation in and around ditches, smooth tractor operation, proper hitching and proper parking. Extra riders are not allowed.

## **What is the agricultural machinery guarding standard?**

All agricultural equipment, regardless of the date of manufacture or purchase, must have a completely

guarded power take off (PTO) drive line, including the use of the master shield on the tractor PTO.

- Signs or labels must be placed in prominent locations on tractors and power-driven equipment to warn employers that PTO shields must be kept in place. The signs are available from most farm equipment dealers.
- All farm field and farmstead equipment, regardless of age, must have safety signs on all guards and access doors that protect components that may continue to rotate after the power is turned off. Specifically, the standard requires that a sign warn employees to look and listen for evidence of rotation and not to remove the guard or door until all evidence of motion has stopped. On equipment manufactured after Oct. 25, 1976, there must also be a readily visible or audible warning of rotation.
- One provision of the standard applies only to farmstead equipment and deals with electrical disconnects. It requires employers to ensure that electrical power cannot be inadvertently turned on while an employee is maintaining or servicing equipment. This can be done by providing a lock on the main power switch that can only be controlled by the person performing the maintenance or service. Or, in the case of material handling equipment located in a bulk storage area, you can install a means of disconnecting the power on the equipment so that if anything goes wrong, the employee can shut the equipment off at the site.
- To prevent automatic restart, all circuit protection devices, including those on electric motors, must be a manually reset type, except under certain specific circumstances.

For a more detailed discussion of the requirements of the agricultural machinery guarding standard, see OSHA publication 2256, available from your local MU Extension center or the area OSHA Office (address at end of guide).

## **Does the machinery guarding standard require training?**

At least annually, all employee operators must be instructed in safe operation and servicing of tractors, field implements and farmstead equipment that they operate. Five specific instructions to be given are:

- Keep all guards in place when the machinery is in operation.
- Permit no riders on farm field equipment other than persons required for instruction or assistance in machine operation.
- Before servicing or adjusting, stop engine, disconnect the power source and wait for all machine movement to stop.
- Make sure everyone is clear of machinery before starting the engine, engaging power or operating the machine.
- Lock out electrical power before starting the engine, engaging power or operating the machine.

## **What does the cotton dust standard require?**

Although the standard was to take effect on Sept. 4, 1978, at the time this guide was published, OSHA is barred from enforcing the standard because of litigation brought by various groups concerned with the standard.

The standard would require:

- Establishment of a respirator program for workers exposed to cotton dust above permitted levels, within 30 days of the standard's effective date;

- Assurance that a worker unable to wear a respirator may transfer to a less dusty job if possible and retain the same pay and job rights;
- Establishment within 60 days of a dust monitoring program using a vertical elutriator, with subsequent dust measurements to follow at least every six months;
- Provision within the first year of the opportunity for workers to have a medical examination and future exams once a year from then on; and
- Completion within one year of a written compliance program detailing how the employer plans to reach permissible exposure levels at the end of four years through engineering controls and work practices.

## **What is the general duty clause?**

The general duty clause states that every employer must furnish each employee a place of employment free from all recognized hazards causing or likely to cause death or serious injury. The general duty clause will be used only in situations where no specific standard has been adopted. These hazards must be of common knowledge to the agriculture industry, detectable by the senses or of wide recognition in agriculture and have known methods of detection.

## **Who must keep records under OSHA?**

Any farm employer with more than 10 employees at any time during the preceding year or any employer selected to participate in the annual survey is required to keep injury and illness records on forms supplied by the U.S. Department of Labor.

## **What are the injury and illness records?**

Each employer who is subject to the record keeping requirements must maintain OSHA number 200, *Log and Summary of Occupational Injuries and Illnesses*, or a suitable substitute if it is as detailed, as easily readable and as understandable as the OSHA form.

Details on these records are available from the U.S. Department of Labor (address at end of guide).

## **How long must records be kept?**

All records must be kept five years. These records must be available for inspection by an authorized federal government representative at any time during this five-year period.

## **Who is responsible for record keeping on rented land?**

The tenant must keep the records if he or she hires any employees. However, if the tenant is an employee of the landlord, then the landlord must keep the records.

## **If an employee is sent to help a neighbor in an exchange of labor, do both the neighbor and the employer have to keep records?**

If you turn over control of employees to your neighbor, the neighbor must keep records. If you maintain control of your employees and direct them for your neighbor, you will continue to keep records.

## **Who reports and records injuries or illnesses of persons doing custom work?**

Where the custom operator agreed to do a specific job for a price, he or she is then a contractor and must do his or her own record keeping.

## **Are there any other reporting requirements?**

Yes, if you employ more than 10 employees or maintain a temporary labor camp, you must report all reportable accidents to the OSHA area office within 48 hours. A reportable accident is an accident that results in a death or hospitalization of five or more employees.

## **Can my farm be inspected?**

If you employ 11 or more employees, a Department of Labor Compliance officer may inspect your farm at any reasonable hour. OSHA can also inspect agricultural employers with 10 or fewer employees as a result of an employee complaint or a reportable accident if the employer maintains a temporary labor camp. A violation may result in any of three citations:

- Serious
- Non-serious
- De Minimis

A serious violation is one where there is a high probability of accident resulting in death or serious injury. An example would be working by an open PTO shaft or a removed guard.

A non-serious violation is a situation where there is injury potential, but where the injuries shouldn't result in death or total disability.

A De Minimis violation doesn't have direct or immediate relationship to safety or health. Examples of this could be the lack of a privacy door or commode.

## **What if a citation is issued?**

The compliance officer writes the citation or inspection report on the spot or soon after the inspection has been completed. The area director reviews the citations for accuracy. The compliance officer then serves the citation to the employer either by mail or personally. Along with the citation, the employer will receive a letter explaining:

- Where the citation must be posted, at or near the location of the violation;
- Specified time for the correction;
- Notification of any fine for the charged violations;
- Any notification employer might have to give of corrections made and when that notification is due; and
- The employer's rights in contesting any citation or proposed penalty.

OSHA may not enforce regulations on farms with 10 or fewer employees unless there is a temporary labor camp. In addition, OSHA has two other restrictions that relate to inspections:

- OSHA may not assess civil penalties for the first non-serious violations of the act unless 10 or more

- violations are seen during an inspection.
- OSHA may not fine employers in cases where the employer has already requested on-site consultation and is making an effort in good faith to correct the violation.

## **Can I appeal a citation?**

Yes. You may appeal a citation by notifying the area director within 15 days after receiving the citation.

What happens if I don't correct an unsafe condition that I have been cited for?

If you fail to correct the situation in the time provided, the Department of Labor may notify you by certified mail of failure to comply and of additional penalty. In addition, willful violations by employers that result in the death of any employee is punishable by a fine of up to \$10,000 or imprisonment up to six months.

## **Can an employee file a safety complaint with the department of labor?**

Yes. Any employee who believes that a violation of a job safety or health standard exists may request an inspection by sending a signed written notice to the U.S. Department of Labor. The farmer must not harass or discriminate against a worker who files such a complaint.

## **How do I inform my employees about OSHA?**

The poster "Safety and Health Protection On the Job" (OSHA 2003) must be posted where all employees can see it. Possible locations may be near time cards in the farm shop or machinery storage area or in the place where employees report to work.

## **Where can I get the forms and posters?**

### **Regional OSHA Office**

- U.S. Department of Labor  
Federal Office Building  
911 Walnut Street  
Room 3000  
Kansas City, Mo. 64106  
816-374-5230

### **Area OSHA Offices**

- 125 East 12th  
Kansas City, Mo. 64108  
816-374-2756
- 210 North 12th Boulevard  
Room 520  
St. Louis, Mo. 63101  
314-425-5461

## **Whom do I write with a specific question about my farming operation?**

Additional information is available from the area OSHA offices listed above.

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## Related MU Extension publications

- G1913, Understanding the Material Safety Data Sheet  
<http://extension.missouri.edu/p/G1913>
- G1917, Personal Protective Equipment for Working With Pesticides  
<http://extension.missouri.edu/p/G1917>
- G1935, How to Protect Yourself From Respiratory Hazards  
<http://extension.missouri.edu/p/G1935>
- G1960, Safe Tractor Operation  
<http://extension.missouri.edu/p/G1960>
- G1962, Noise: The Invisible Hazard  
<http://extension.missouri.edu/p/G1962>
- G700, Hiring and Managing Farm Labor  
<http://extension.missouri.edu/p/G700>
- WM6006, Identifying Product Hazards: Material Safety Data Sheets  
<http://extension.missouri.edu/p/WM6006>

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