

The Occupational Safety and Health Act in Agriculture

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Every farmer who hires labor is now legally responsible for assuring that the employee has safe and healthful working conditions.

As of April 28, 1971, the Williams-Steiger Occupational Safety and Health Act (OSHA) sets forth the following agricultural employer responsibilities regarding workers' safety:

1. Compliance with federal agricultural safety standards concerned with (a) sanitation in temporary labor camps, (b) storage and handling of anhydrous ammonia, (c) slow-moving vehicles and use of the SMV emblem, and (d) pulpwood logging operations.

2. Keeping records on occupational accidents and illness on OSHA Form 100 if it involves (a) medical treatment beyond first aid, (b) loss of consciousness, (c) restriction of work or motion, or (d) transfer to another job. Further instructions and definitions are provided in an OSHA bulletin "Recordkeeping Requirements" sent to agricultural employers in 1971. You should have the bulletin "Safety and Health Standards for Agriculture," which contains the OSHA standards that apply to agriculture. These bulletins from the U. S. Department of Labor and OSHA forms for recordkeeping are available from E. Harrower, Occupational Safety & Health Administration, Room 526, Pittock Block, 921 S. W. Washington St., Portland, Oregon 97205.

3. Providing safety information to employees. Enclosed in a bulletin sent in 1971 to agricultural employers was a poster which must be displayed in sight at the place your employees normally report to work. This poster describes briefly to the employees and employers their safety responsibilities. Have each employee certify that he has read the poster and *understands* the information set forth on the poster. In addition, the poster stresses needs for compliance and sets forth possible penalties for non-compliance to the Act re-

quirements. If an inspector finds a safety violation on your farm, he will issue a written citation describing the violation and the proposed penalty, if any (not to exceed \$1,000). A citation sets a specific time for correction and it must be posted where all employees will see it. If you fail to correct the safety violation in the time provided, an additional fine or penalty not to exceed \$1,000 can be issued for each day of non-compliance. In addition, any willful violation by the employer which results in the death of any employee is punishable by a fine of up to \$10,000 or imprisonment up to six months or both.

4. Cooperating with U. S. Department of Labor and/or state-approved safety inspectors. The purpose of OSHA is to assure safe and healthful working conditions for employees. All farmers who employ one or more people part time or full time are covered. Generally it excludes federal, state, and local government employees, but these people are normally covered by other equally effective safety requirements such as the Oregon State Safety Law.

Some important steps that the farmer can take to reduce possible safety violations, either federal or state, are:

- ✓ Properly display the slow-moving vehicle (SMV) emblem on all machinery as per law.
- ✓ Provide adequate shielding for all unguarded PTO's, belts, pulleys, and chains that may be of imminent danger in causing accidents.
- ✓ Properly display and inform the employees of the poster describing the responsibilities of employer and employees in compliance to the Act.
- ✓ Provide compliance to recordkeeping requirements.
- ✓ Provide compliance to the Act's agricultural standards.
- ✓ Establish work safety policies for all employees.



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✓ Maintain ladders, stairways, elevators, power tools, and other equipment in safe working order.

✓ Keep farm building areas clean of junk and debris to reduce possible accident and fire losses.

✓ Install properly grounded outlets in the shop, garage, and other locations where ungrounded outlets may be hazardous in the operation of portable tools and equipment.

✓ Provide first aid kits in areas of work as prescribed by the Oregon Safety Code.

Questions and answers on the Act

Will farms be inspected in 1972? Yes, the Act went into effect in 1971. Inspectors may inspect buildings, machines, or work areas on any farm employing labor. The inspector could also question an employee or the employer.

Who is responsible for recordkeeping on a rented or leased farm? The tenant must keep records if he hires the employees. If the tenant is an employee of the landowners, then the landowner would keep the accident records.

If you exchange labor with your neighbor by sending your hired man to help him, who keeps the records? If you turn over control of your employee to your neighbor, *he* must keep the records. If you maintain the control and direct your employees, then *you* must do the recordkeeping for these employees.

Who reports records of injuries or illnesses of persons doing custom work? When a custom operator agrees or contracts to do a specific job for a specific price, he is a contractor and must do the recordkeeping for *his* employees.

What if none of the agricultural standards cover my farm operations or if a standard for my operation is not as yet published? Am I still liable for a safety violation? Yes, the Act under Section 5 (a) specifies that the employer shall furnish to each of his employees safe and healthful working conditions which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.

What is the situation in the state of Oregon in regard to administering the Act? The state of Oregon has effected an agreement with the U. S. Department of Labor whereby the Oregon Workmen's Compensation Board as well as several other agencies will continue to administer the state safety laws and codes and to align them with federal standards. It is anticipated that by the time Oregon's interim agreement with the U. S. Department of Labor is concluded the necessary state legislation will have been enacted and that future administrative control for occupational safety and health will be held by the state of Oregon.

For additional information on Oregon Safety Laws and Codes relative to agriculture, contact James Wiles, Administrator, Accident Prevention Division, Workmen's Compensation Board, 216 Labor and Industries Building, Salem, Oregon 97310.