



OSHA* for Agriculture

32 Questions and Answers

*Occupational Safety and Health Act

No. 79

Extension Bulletin E-649

Revised March 1976

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OCCUPATIONAL SAFETY AND HEALTH LAWS affect farmers any time they hire labor, whether for a day or for a year. Farmers are legally responsible for providing safe and healthy work places for employees. This responsibility is set forth in two laws.

1. *U.S. Public Law 91-956, known as OSHA, effective since April 28, 1971, and administered by the U.S. Department of Labor.*
2. *Michigan Act 154, Public Acts of 1974, known as MIOSHA, effective since January 1, 1975, and administered jointly by the Michigan Department of Labor and the Michigan Department of Health.*

Michigan farmers must comply with both Federal and Michigan safety laws until the state is granted full authority and responsibility for occupational safety and health by the U.S. Department of Labor. The earliest possible date that this may occur is three years after the state plan for occupational safety and health was approved by the U.S. Secretary of Labor, which would be October 1, 1976.

Employers have four general responsibilities under OSHA and MIOSHA:

1. Comply with federal and state occupational safety and health standards. As of September, 1975, only five standards apply to farms. They involve: SMV emblem, housing in labor camps, anhydrous ammonia, pulpwood logging and tractor rollover protection.

Additional standards are in various stages of development and it is anticipated that revised and additional standards will apply to agriculture. Farmers should be alert for proposals and changes that would affect their operations.

Public hearings are required before new standards are put into effect. Individuals and groups should present their viewpoints at these hearings. In addition to specific standards, farmers are assigned a general duty

of providing a place of employment free from recognized hazards.

2. Inform workers about safety practices. Specific instructions to workers are required by some standards, such as the tractor rollover protection standard. In addition, employers must inform workers about their rights and responsibilities under OSHA and MIOSHA by posting in the work place both the OSHA poster and MIOSHA poster designed for this purpose.

3. Keep required OSHA records of work related injuries and illnesses (if you have 11 or more employees during the calendar year), and post annual summary during the month of February each year. Any injury or occupational illness that results in hospitalization of five or more employees or in death of any employee must be reported to the Michigan Department of Labor within 48 hours. (Phone 517/485-3448) and to OSHA (Phone 313/226-6720).

4. Cooperate with OSHA safety and health inspectors. Employers are required to permit Federal and Michigan OSHA inspectors to walk around their farm for the purposes of determining compliance with the law. In addition, the inspector must be allowed to confer with employees. No employee is to be discriminated against as a result of his or her use of rights under the act.

Each employee has a responsibility to comply with applicable established safety and health standards and all rules, regulations and orders issued in compliance with the act. Farm employees are expected to cooperate with their employer by reporting hazardous conditions, reporting job related injuries or illnesses and seeking proper treatment, and by using their rights under the act responsibly. The farm employee, unlike his employer, is not subject to fines for non-compliance.

Individual and cooperative safety efforts are needed. Employers who work side by side with their employees should set an example by using safe work practices and wearing personal protective equipment,

such as ear muffs when operating tractors for long periods of time. Actions do speak louder than words.

The primary responsibility by law for OSHA on the farm rests with the farm employer. Some farm employers may find enforcement of safety standards and employee use of personal protective equipment easier to comply with if certain safety practices are required as conditions of employment. A positive attitude toward safety on the part of the worker and his employer will make safe working practices everyone's business.

The questions and answers below are based on information available as of January 1, 1976. Check with the Michigan Department of Labor and Michigan Department of Public Health, or the U.S. Department of Labor OSHA officials for the latest information. (See Q. 32 for addresses)

This publication does not represent an official interpretation nor should it be considered as advice in connection with a specific situation, but is intended as a guide to farmers and their employees.

1. Are All Farmers Required to Comply with OSHA?

Only farmers who have employees. However, a farmer without employees who gets sick or goes on vacation for a few days and hires a neighbor or student to take his place is technically an employer. If someone helps out without pay, he is not an employee, and the farmer is not subject to the OSHA requirements under this arrangement. Children of the employer are considered employees if they are paid.

2. Are Members of Partnerships and Incorporated Farms Employers or Employees?

Members of partnerships are employers and are not subject to OSHA unless they employ labor. In contrast, members of a corporate farm business are considered employees, and the corporation is the employer and covered by OSHA.

3. Why Are Farmers Subject to Both Federal and Michigan OSHA Inspections and Rules?

Both federal and state occupational and health acts are in effect in Michigan, and both are administered and enforced by the respective federal and state agencies. This dual jurisdiction will continue until Michigan receives federal approval.

4. What Is an Occupational Safety and Health Standard?

It is a list of rules intended to help safeguard the worker by listing equipment and practices associated with accident prevention. As of January 1, 1976, only five specific OSHA standards apply to agriculture.

5. What Are the Five OSHA Standards That Apply to Agriculture?

- The SMV emblem
- Anhydrous ammonia
- Pulpwood logging
- Housing in labor camps and
- Tractor overturn protection

The first four standards are being enforced by state inspectors, and all five are enforced by federal inspectors.

6. What Is the SMV Emblem Standard?

The SMV (slow-moving vehicle) emblem must be displayed on all slow-moving machinery operated on public roads. Michigan law requires this emblem on farm machinery whether used by farm employees or family members. Most farmers have made the proper placement of SMV emblems on their machinery when it is on the roadway and are in compliance with this OSHA standard. The emblem must be kept clean and replaced when faded.

7. What Is the Anhydrous Ammonia Standard?

This is largely an equipment standard. Dealers supply most of the anhydrous ammonia application equipment, and farmers are responsible to comply with this standard when employees are using application equipment. Farmers should ask suppliers to certify that their equipment meets OSHA standards. If a supplier has application equipment that does not meet OSHA standards, he would appear to be somewhat negligent by providing sub-standard equipment for use by farmers. Find a supplier who has equipment that meets OSHA standards. If you own your own equipment, see that it meets the OSHA standard. If it does, employees can use it. If it does not meet standards, you must bring it up to standard or use it only yourself on your own farm.

8. What Is the Pulpwood Logging Standard?

Whenever a farmer employs labor in pulpwood logging operations, he must comply with OSHA specifications set forth in the Safety and Health Standards. The standard covers both protective equipment (such as safety helmets) and working practices. All farmers who hire labor for pulpwood logging operations must meet these standards.

9. What Is the Standard for Housing in Labor Camps?

You must get a license from the Michigan Department of Health to operate a labor camp. Requirements for licensing are based on a 1968 U.S. Department of Labor standard on housing agricultural workers. This

standard covers environmental aspects of temporary housing for employees, such as site selection, building construction, space, ventilation and heating. It also prescribes sanitation requirements for cooking and eating space, water supply, laundry and bathing facilities, toilets, refuse disposal and insect and rodent control. Housing for less than 5 workers need not be licensed but must meet the OSHA standard.

10. What About the Standard on Tractor Rollover Protection?

This federal standard requires that **all employee-operated tractors** of over 20 horsepower manufactured after October 25, 1976, must be equipped with a seat belt and cab or protective frame meeting crush resistance requirements specified in the standard. Frames and cabs that meet this standard will be equipped with a label by October 1976, stating they meet OSHA regulations. Employees must use seat belts when operating a tractor equipped with such frames or cabs.

Effective since June 1, 1975, employees who operate any farm tractor are to be instructed on operation practices listed in the standard as well as other practices required by the work situation or environment. More details on this standard are provided in AEIS #288 available from the Agricultural Engineering Department, Michigan State University.

It is anticipated that by late 1976 this standard will be adopted and enforced by Michigan OSHA officials also.

11. What Tractor Uses Are Exempt from Rollover Protection Standards?

Tractors while used with mounted corn pickers, vegetable pickers, fruit harvesters, or other mounted equipment that would be incompatible with a cab or frame.

Low-profile* tractors while being used inside farm buildings or greenhouses where clearance for cabs or frames is insufficient, and outside work incidental to work in the building, such as dumping the front-end loader into the manure spreader outside the structure.

Low-profile* tractors while used in orchards or vineyards where vertical clearance requirements of cab or frame would interfere with normal operations, and in operations incidental to this work, such as driving the tractor from the farmstead to the orchard.

12. How Do I Get Copies of These Standards?

Request a copy from the Bureau of Safety and Regulation, Michigan Department of Labor, State Secondary Complex, 7150 Harris Dr., Lansing, Michigan 48926. (See Q 32 for sources of other information.)

**Those with equal front and rear wheel spacing, with a chassis clearance to the ground of 18 inches or less and a maximum height of the hood from the ground of 60 inches or less and the operator straddles the tractor transmission when seated.*

13. Are There Any Other Safety Standards That Apply to Agriculture?

Not under OSHA. However, farmers are given the general responsibility of providing a place of employment free from recognized hazards.

Two other agricultural safety areas are: Pesticide re-entry standards of the Environmental Protection Agency (EPA) for employees working in areas treated by any of 12 toxic pesticides. EPA further requires all farmers who intend to apply certain restricted use pesticides to be certified prior to purchase and/or use of such pesticides. These standards or others are not enforced by OSHA inspections, but through EPA or other agencies.

Also, the Child Labor Act prohibits employing youth under 16 for any of 11 different farm jobs including tractor driving.

14. What New Safety Standards Can I Expect?

The federal Agricultural Advisory Committee to OSHA has developed proposed agricultural standards in the following areas:

1. Machinery guarding
2. Personal protective equipment (eye, face, respiratory, head, foot and hands)
3. Field sanitation stations (toilet, drinking water, wash water)
4. Hand tools and hand-held power tools
5. Job made ladders
6. Walking and working surfaces (equipment steps, rails, platforms; fixed stairways and floor and wall openings in buildings)

Areas under study include standards on electrical wiring, noise and transportation of workers. New standards may develop in any of these areas.

Future areas for study and evaluation as possible areas for standards include storing and handling of LP gas, toxic chemicals, medical and first aid, flowing grain, and portable fire extinguishers.

Michigan will be required to adopt safety standards established by the federal OSHA program or develop standards that are at least as effective as the federal standards. Michigan also has an Agricultural Advisory Committee on OSHA, appointed by the state Occupational Safety Standards Commission. Their responsibility is to examine state safety standards applying to non-farm industry to determine whether these should be made applicable to agriculture. This Advisory Committee serves until April 1, 1976, and could recommend to the Commission general industry safety standards as applicable to agriculture. The Commission has the exclusive responsibility to promulgate occupational safety standards for agricultural operators.

15. Can Employees Have Their Work Place Inspected?

Employees have the right to submit written complaints and request an inspection. If the complaint establishes reasonable grounds, the Department would conduct an inspection. No employee is to be discriminated against as a result of his/her use of rights under the act.

16. When Can Farmers Expect Inspectors to Visit Farms?

Without notice! There have been visits by Federal and State inspectors to farms in Michigan. State inspectors will carry the major inspections duty during 1975/76. Inspectors may visit any farm that employs labor at any reasonable time.

17. What Can an Inspector Check?

He may inspect buildings, machines or work areas on any farm employing labor. The inspector may also privately question the employer or employees. The farmer and an employee representative can accompany the inspector during the inspection.

Conscientious farmers are constantly on the lookout for unsafe conditions and make corrections. The possibility of inspection should not be intimidating to farmers who are doing their best to make their farm a safe place to work.

18. What If an Inspector Believes Something Is Unsafe?

Within 90 days after the inspection, the Michigan Department of Labor will issue a written citation describing the violation and the period of time for correction (called abatement period), and the proposed penalty, if any (not to exceed \$1,000). A citation sets a specific time for correction and must be posted where all employees will see it until the violation is corrected. For example, a piece of machinery that did not have the slow-moving vehicle (SMV) emblem on it while being used on the roadway by an employee could be cited as a violation, and a fine could be levied against the farmer.

19. What Happens If the Farmer or Employees Do Not Agree With the Citation or Proposed Financial Penalty?

Either can write a letter to the Department noted on the citation requesting a review of the citation. Employees can request a review of **only** the abatement time. Such review may or may not result in modification or dismissal of the citation, abatement period or proposed penalty. This request for review must be done within 15 working days after receiving the citation or it becomes a final order, challengeable only in the courts.

20. What If the Employer or Employees Still Disagree With the Response Received by the Department?

Within 15 working days after receipt of the Department's decision, an employer or employee can appeal

the decision to the Board of Health and Safety Compliance and Appeals. If an appeal is not made within 15 working days, the citation becomes a final order.

21. What Happens If a Farmer Doesn't Correct an Unsafe Condition That Has Been Cited?

He may be notified by certified mail of such failure and of the additional fine or penalty (not to exceed \$1,000 for each day the failure to comply continues). In addition, willful violation (for example, failure to use the slow-moving vehicle emblem after being cited for the violation) by an employer which results in the death of any employee is punishable by a fine of up to \$10,000 or imprisonment up to 6 months.

22. Who Will Be Cited If an Inspector Observes an Employee Not Using Safety Equipment Required by Law and Provided by the Employer?

The employer. It is his responsibility to see that the employee uses safety equipment. An employer should specify that using certain specific safety practices is a condition of employment.

23. How Does the Board Handle Appeals?

A hearings officer representing the Board is assigned to conduct a hearing between the employer and the Department issuing the citation. The hearings officer reports his findings and recommendations to the Board. The Board may review the hearings officer's findings and issue their own decision. If a hearings officer's recommendation is not directed to be reviewed by a Board member, such recommendation automatically becomes a final order of the Board within 30 days after the recommendation was issued.

24. What Records Must Be Kept?

These vary from year to year. Currently, farmers who employ 11 or more workers must keep records of injuries and illnesses. These records include a log of illnesses and injuries (Form No. 100), a supplementary record of each illness or injury (Form No. 101) and a yearly summary (Form No. 102). Forms and details on how to keep them are provided by the Michigan Department of Labor (see Q 32 for address). Keep all records for 5 years after the year they are made. See page 6.

In addition, farmers need to report to the Department of Labor any work-related incident resulting in death of an employee or hospitalization of five or more employees. Reports must be made within 48 hours of the death or hospitalization (Phone 517/485-3448) and to OSHA (Phone 313/226-6720).

25. Who Is Responsible for Recordkeeping on a Rented or Leased Farm?

The tenant must keep records if he hires employees. However, if the tenant is an employee of the land owner, the land owner would keep accident records.

26. Who Is Responsible for Persons Doing Custom Work on My Farm?

Where a custom operator agrees to do a specific job for a specific price, he is a contractor and must provide for the safety and health of his employees.

27. Are There Any Other Requirements for Employers?

An OSHA poster entitled "Safety and Health Protection on the Job" (available in English and Spanish) and a MIOSHA poster must be put up where employees can see them. They describe employer and employee rights and duties under the acts. Copies are available from the Federal and State Departments of Labor (see Q 32 for addresses).

28. What Are the Dividends of a Good Safety Effort on My Farm?

The primary dividend is the prevention of pain and of suffering by workers on the farm. A program that decreases the number of accidental injuries and illnesses also reduces the need for more safety and health standards imposed by the government. Furthermore, it may reduce workman's compensation insurance premiums. Safety pays dividends in many ways in addition to avoiding fines for non-compliance!

29. What Are Some Common Safety Practices That Will Prevent Accidents?

- a. Read and follow safety practices listed in operator's manuals.
- b. Establish work safety policies for all employees, such as:
 - No riders on machinery except the operator.
 - All shields kept in place and operative.
 - Every machine stopped and engine turned off before it is repaired, adjusted, lubricated or unclogged.
 - SMV emblem kept clean and bright for use on machinery on public roads.
- c. Maintain ladders, stairways, power tools, and other equipment in safe working order.
- d. Pick up and clean up on all junk and debris in and around buildings. This not only prevents accidents, but reduces fire loss possibilities.
- e. Install grounded 110-volt outlets in the shop, garage and other locations so that the 3-prong ground 110-volt plugs can be used on power tools. Ground fault interrupters (GFI) also help prevent shock from portable tools and equipment.
- f. Get employees involved in your safety efforts by encouraging them to be alert to safety hazards and develop safe working habits.

30. I Understand I Can Be Granted a Variance from a Safety Standard. What Is This and How Do I Apply for It?

A variance is permission to do something different from the safeguards required in a specific standard. Employers should not wait until they are inspected, since an application for variance after a citation is issued may not affect the citation and possibly a fine relating to it. For information on applying for variances, contact Michigan Department of Labor. (See Q 32 for address.)

Variances may be temporary (to provide time to comply); permanent (where farmer has a method, practice or equipment that provides equal protection as the standard); or an experimental variance to try a new way of maintaining or improving safety compared to the standard.

31. Will Laws, Standards Inspections, and Fines Guarantee a Safe and Healthful Workplace?

Cooperation of employers, employees, and state agencies responsible for the OSHA program still will provide only limited results. Most farmers go beyond mandatory safety and insist on many safety practices to prevent accidents on their farm.

32. To Whom Can I Write or Call to Get Answers to Questions on How OSHA Applies to My Farm?

Information on safety standards, regulations, record-keeping, accident reporting and other materials are available from the:

Bureau of Safety and Regulation
Michigan Department of Labor
State Secondary Complex
7150 Harris Drive
Lansing, Michigan 48926
(Phone: 517/373-9620)

Health topics, migrant housing standards, occupational health standards and related questions should be directed to the:

Bureau of Environmental & Occupational Health
Michigan Department of Public Health
3500 North Logan Street
Lansing, Michigan 48914
(Phone: 517/373-1410)

For free educational programs or consulting help contact the Safety Education and Training Division of the Michigan Department of Labor address (above). Information concerning the Federal OSHA program can be directed to:

Region V, OSHA
U.S. Department of Labor
230 S. Dearborn Street
Chicago, Illinois 60604
(Phone: 312/353-4318 or Toll Free 1-800-621-0523)

NOTE: Farm employers hiring 11 or more workers must keep Forms No. 100, No. 101 and No. 102.
(See question 24, p. 4.)

OSHA NO. 100

LOG OF OCCUPATIONAL INJURIES AND ILLNESSES

Form Approved
OMB NUMBER 44R 1453

Case or file no.	Date of injury or initial diagnosis of illness. If diagnosis of illness was made after first day of absence enter first day of absence. (mo./day/yr.)	Employee's Name (First name, middle initial, last name)	Occupation of injured employee at time of injury or illness	Department to which employee was assigned at time of injury or illness	DESCRIPTION OF INJURY OR ILLNESS (Typical entries for this column might be: Amputation of 1st joint right forefinger; Strain of lower back; Contact dermatitis on both hands; Electrocution—body)	Injury or illness code See codes at bottom of page.	EXTENT OF AND OUTCOME OF INJURY OR ILLNESS				
							Fatalities Enter date of death (mo./day/yr.)	Lost Workday Cases Enter workdays lost due to injury or illness (see instructions on back.) If, after lost workdays, the employee was permanently transferred to another job or was terminated, enter a check in the column below		Nonfatal Cases Without Lost Workdays If no entry was made in columns 8 or 9, but the injury or illness did result in: Transfer to another job or termination, or; medical treatment, other than first aid, or; diagnosis of occupational illness, or; loss of consciousness, or; restriction of work or motion; Enter a check in the column below	If a check in column 11 represented a transfer or termination, enter another check in column 12
1	2	3	4	5	6	7	8	9	10	11	12

OSHA No. 101
Case or File No. _____

Form approved
OMB No. 44R 1453

Supplementary Record of Occupational Injuries and Illnesses

EMPLOYER

- Name _____
- Mail address _____
(No. and street) (City or town) (State)
- Location, if different from mail address _____

INJURED OR ILL EMPLOYEE

- Name _____ Social Security No. _____
(First name) (Middle name) (Last name)
- Home address _____
(No. and street) (City or town) (State)
- Age _____ 7. Sex: Male _____ Female _____ (Check one)
- Occupation _____
(Enter regular job title, not the specific activity he was performing at time of injury.)
- Department _____
(Enter name of department or division in which the injured person is regularly employed, even though he may have been temporarily working in another department at the time of injury.)

THE ACCIDENT OR EXPOSURE TO OCCUPATIONAL ILLNESS

- Place of accident or exposure _____
(No. and street) (City or town) (State)
If accident or exposure occurred on employer's premises, give address of plant or establishment in which it occurred. Do not indicate department or division within the plant or establishment. If accident occurred outside employer's premises at an identifiable address, give that address. If it occurred on a public highway or at any other place which cannot be identified by number and street, please provide place references locating the place of injury as accurately as possible.
- Was place of accident or exposure on employer's premises? _____ (Yes or No)
- What was the employee doing when injured? _____
(Be specific. If he was using tools or equipment or handling material, name them and tell what he was doing with them.)
- How did the accident occur? _____
(Describe fully the events which resulted in the injury or occupational illness. Tell what

OSHA No. 102

Form Approved
OMB No. 44R 1453

Summary

Occupational Injuries and Illnesses

Establishment Name and Address:

Code 1	Injury and Illness Category 2	Fatalities 3	Lost Workday Cases			Nonfatal Cases Without Lost Workdays*	
			Number of Cases 4	Number of Cases Involving Permanent Transfer to Another Job or Termination of Employment 5	Number of Lost Workdays 6	Number of Cases Involving Transfer to Another Job or Termination of Employment 7	Number of Cases Involving Transfer to Another Job or Termination of Employment 8
10	Occupational Injuries						
21	Occupational Skin Diseases or Disorders						
22	Dust diseases of the lungs (pneumoconioses)						

SAFETY AND HEALTH PROTECTION ON THE JOB

The Williams-Steiger Occupational Safety and Health Act of 1970 provides job safety and health protection for workers. The purpose of the Federal law is to assure safe and healthful working conditions throughout the Nation.

The U.S. Department of Labor has primary responsibility for administering the Act. The Department issues job safety and health standards, and employers and employees are required to comply with these standards.

BY LAW: SAFETY ON THE JOB IS EVERYBODY'S RESPONSIBILITY!

EMPLOYERS: The Williams-Steiger Act requires that each employer furnish his employees a place of employment free from recognized hazards that might cause serious injury or death; and the Act further requires that employers comply with the specific safety and health standards issued by the Department of Labor.

EMPLOYEES: The Williams-Steiger Act also requires that each employee comply with safety and health standards, rules, regulations, and orders issued under the Act and applicable to his conduct.

COMPLIANCE WITH SAFETY AND HEALTH REQUIREMENTS

To ensure compliance with safety and health requirements, the U.S. Department of Labor conducts periodic job-site inspections. The inspections are conducted by trained safety and health compliance officers. The law requires that an authorized representative of the employer and a representative of the workers be given an opportunity to accompany the inspector for the purpose of aiding the inspection. Workers also have the right to notify the Department of Labor and request an inspection if they believe that unsafe and unhealthful conditions exist at their work site. In addition, employees have the right to bring unsafe conditions to the attention of the safety and health compliance officer making the inspection. If upon inspection the Department of Labor believes that the Act has been violated, a citation of violation and a proposed penalty is issued to the employer.

Citations of violation issued by the Department of Labor must be prominently displayed at or near the place of violation.

The Act provides for mandatory penalties of up to \$1,000 for each serious violation and for optional penalties of up to \$1,000 for each non-serious violation. Penalties of up to \$1,000 are required for each day during which an employer fails to correct a violation within the period set in the citation. Also, any employer who willfully or repeatedly violates the Act is to be assessed civil penalties of not more than \$10,000 for each violation.

Criminal penalties are also provided for in the Act. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both. Conviction of an employer after a first conviction doubles these maximum penalties.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

For assistance and information, including copies of the Act and of specific safety and health standards, contact the employer or the nearest office of the Department of Labor.



J. B. Hodgson
Secretary of Labor

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