

WORKER SAFETY

AGRICULTURAL LABOR HOUSING AND RELATED FACILITIES

FEDERAL

Who must comply?

Section 203(a) of Migrant and Seasonal Agricultural Worker Protection Act (MSPA) requires each person who owns or controls a facility or real property which is used for housing migrant agricultural workers to ensure that the facility or real property complies with substantive federal and state safety and health standards. (Person for purposes of housing means anyone, not just a farm labor contractor or farm labor contractor employee, who owns or controls the facility or real property where migrant agricultural workers are housed.)

The US Department of Labor (USDOL) Wage and Hour Division will conduct safety and health inspections using the applicable federal standard. The federal standard to be used is either 29 CFR 1910.142 (Occupational Safety and Health Administration, OSHA) or 20 CFR 654 (Employment and Training Administration, ETA). Camps constructed prior to April 3, 1980, or which were under contract for construction prior to March 4, 1980, may be inspected under either the ETA or the OSHA standard; camps constructed on or after April 3, 1980 must be inspected under the OSHA standard.

Inspections

Oregon OSHA inspects occupied agricultural labor housing. These inspections result from complaints, referrals, or accidents, or happen randomly from the inspection list.

The US Department of Labor, Wage and Hour Division, routinely inspects housing facilities as part of MSPA audits, using the two safety and health standards mentioned above. The standards used by these agencies (USDOL or Oregon OSHA) will depend on when the housing was constructed or whether it has been substantially modified.

Employers must meet minimum federal, state and local housing standards. ETA and Oregon OSHA standards specify requirements for

- housing site.
- shelter and housing.
- water supply.
- toilet facilities.

- sewage disposal.
- laundry, hand washing, and bathing facilities.
- electrical safety and lighting.
- refuse and garbage disposal.
- cooking and eating facilities.
- screening, insect and rodent control.
- fire, safety and first aid procedures, equipment, and supplies.
- reporting of communicable diseases.

Check with the appropriate agency for details on these requirements. Wage and Hour Division may require refunds of rent for substandard housing.

If the Oregon Employment Department is coordinating an Agricultural Recruitment System (Clearance) order with an employer, the agency will require a preoccupancy housing inspection. That will be accomplished as part of the process of writing and approving the order and will be done by a representative of Oregon OSHA. An exception to this requirement would be allowed if the employer can show the housing has previously been inspected and the results of that inspection are still valid.

STATE

Who must comply?

Anyone who operates a farm worker camp must comply with state and federal standards. A farm worker camp is an area of land where sleeping places, mobile home sites, or other types of housing are provided by a farmer, farm labor contractor, employer, or other person in connection with recruitment or employment of workers in the production and harvesting of farm crops or reforestation of lands.

Prerequisites to operating a farm worker camp:

- Be a registered farm labor contractor with an endorsement to operate a farm workers camp or have a substantial ownership interest in real estate, subject to special farm assessment, on which the camp is located
- Have any form of ownership in a business that operates a farm worker camp and files a Schedule F with the preceding year's income tax return

- Be related by blood or marriage to anyone who satisfies the two preceding elements.

Farm worker camp operators must

- register the farm worker camp with Oregon OSHA. Failure to register can result in a penalty of \$250 to \$7,000.
- exempt from registration:
 - housing occupied solely by members of the same family; or by five or fewer unrelated persons
 - hotel or motel that provides housing with the same characteristics on a commercial basis to the general public on the same terms as provided to workers.
- pass a farm worker camp preoccupancy consultation by Oregon OSHA.
- post the “Farm Worker Camp Registration Certificate” in a conspicuous place in the camp that is open to all employees and easily visible to occupants and visitors.
- post “farm worker camp endorsement” in a conspicuous place in the camp that is open to all employees and easily visible to occupants and visitors.
- provide lodging, without charge, which meets health and safety standards to all occupants of agriculture labor housing ordered vacated by any code enforcement agency based on a decision that it is not habitable. Substitute housing must be provided for seven days or until the camp is made habitable, whichever comes first. Exempt if the cause of the closure was beyond the control of the camp operator.
- post and maintain a bond in the amount of \$15,000 payable to the Oregon Bureau of Labor and Industries, if the camp operator is required to be a licensed farm labor contractor with a camp operator’s endorsement.

A farm worker camp operator must not

- operate an unregistered farm worker camp.
- make a false statement or willfully conceal facts in an application for a farm worker camp endorsement or registration.
- make a false or misleading statement or knowingly publish such a statement concerning terms and conditions of occupancy of the camp.
- assist a person not entitled to operate a camp to violate the farm worker camp statute.
- induce a farm worker camp occupant to give up any compensation to which the occupant is entitled.

- restrain any person who wishes to leave the camp from doing so.
- restrict access by authorized persons or invited persons to any housing owned, rented, or in any way controlled by employer where employees are residing.
- discharge, evict or discriminate against a person because that person made a claim against the operator or employer for compensation, instituted any proceedings to enforce the agriculture labor housing statutes, has testified or is about to testify in proceedings to enforce agriculture labor housing statutes.
- adopt rules concerning the use of housing unless the rules
 - promote safety and welfare.
 - preserve housing from abusive use.
 - are reasonably related to the purpose for which they are adopted.
 - apply to all those on the premises equally.
 - are clearly stated to fully inform employees what must be done to comply.
- expel or evict from housing, discharge, demote, or suspend from employment, discriminate or retaliate against an employee for employee’s report of a violation with respect to employer controlled housing.

TECHNICAL ASSISTANCE

US DEPARTMENT OF LABOR

Wage and Hour Division

620 SW Main St, Room 423
Portland, OR 97205

Phone _____ 503-326-3057
Fax _____ 503-326-5951
Web _____ www.wagehour.dol.gov

OREGON BUREAU OF LABOR AND INDUSTRIES

Licensing Unit

3865 Wolverine St NE, E-1
Salem, OR 97305

Phone _____ 503-373-1463
Web _____ oregon.gov/BOLI

OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION

305 Winter St NE, Rm. 430
PO Box 14480
Salem, OR 97309-0405

Phone _____ 503-378-3272 or 800-922-2689
Fax _____ 503-947-7461
Web _____ www.orosha.org

FIELD SANITATION STANDARD

WHO MUST COMPLY?

Employers who employ or have employed one or more employees engaged in hand-labor operations in the field during the past 12 months, must provide toilets, hand washing facilities, and drinking water to such employees at no cost to the employee.

EXEMPTIONS

Activities such as logging, the care and feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses) are not included in hand labor operations.

DEFINITIONS

Hand washing facility

Hand washing facility means a facility providing either a basin, container, or outlet with an adequate supply of potable water, soap, and single-use towels.

Potable water

Potable water is water that meets standards for drinking water set by OAR Chapter, 333, DIV 61, Public Water Systems.

Toilet facility

Toilet facility means a fixed or portable facility designed for the purpose of adequate collection and containment of the products of both defecation and urination, supplied with toilet paper adequate to employee needs. Toilet facility includes biological, chemical, flush and combustion toilets, and sanitary privies.

COMPLIANCE

Employers must

- Provide toilets and hand washing facilities as follows:
 - One toilet facility and one hand washing facility for every 20 employees or fraction thereof.
 - Toilet facilities shall be adequately ventilated and screened, having self-closing doors that can be closed and latched from the inside and constructed to insure privacy.
 - Toilet and hand washing facilities must be accessible to employees and in close proximity to each other. Facilities must be located within a ¼ mile of each hand laborer's place of work in the field.
- Where, because of terrain problems, it is not feasible to locate facilities within the ¼ mile distance, the facilities can be located at the closest vehicular access to the field.
- Provide potable drinking water which is readily accessible to all employees as follows:
 - Suitably cool water in sufficient amounts, taking into account the air temperature, humidity, and the nature of the work performed, to meet the needs of all employees.
 - Water dispensed in single-use drinking cups or by fountains. Shared drinking cups or dippers are prohibited.
 - Maintain potable drinking water, toilets, and hand washing facilities in accordance with appropriate public health sanitation practices as follows:
 - Drinking water containers shall be constructed of materials that maintain water quality, shall be refilled daily or more often as necessary, shall be kept covered and shall be regularly cleaned.
 - Toilet facilities shall be operational and maintained in a clean and sanitary condition.
 - Hand washing facilities shall be refilled with potable water as necessary to ensure an adequate supply and shall be maintained in a clean and sanitary condition.
 - Disposal of waste from facilities shall not cause unsanitary conditions.
 - The employer must notify each employee of the location of drinking water and sanitation facilities and provide employees with reasonable opportunities during the work day to use them.
- It is the employer's responsibility to inform each employee of the importance of each of the following good hygiene practices to minimize exposure to the hazards of heat, communicable diseases, retention of urine, and agricultural residues:
 - Use the water and facilities provided for drinking, hand washing, and elimination.
 - Drink water frequently, especially on hot days.
 - Wash hands both before and after using the toilet.
 - Urinate as frequently as necessary.
 - Wash hands before eating and smoking.

TECHNICAL ASSISTANCE**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION**

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OREGON OSHA HAZARD COMMUNICATION STANDARD**WHO MUST COMPLY?**

Employers who manufacture, import, distribute, store, or use hazardous chemicals in the workplace must inform their employees of such hazards by means of

- a written Hazard Communication Program.
- labels and other forms of warning.
- Material Safety Data Sheets (MSDS).
- information and training.

HAZARD COMMUNICATION PROGRAM

Each employer must develop and implement a written Hazard Communication Program for the workplace that specifies how the requirements for labeling and other forms of warning, Material Safety Data Sheets (MSDS), and employee information and training will be met. The Hazard Communication Program must also include the following:

- a list of hazardous chemicals in the workplace that uses the chemical names on the MSDS
- the methods the employer will use to inform employees of the hazards of non-routine tasks
- the methods the employer will use to inform contractor employers of the hazards employees may be exposed to in the workplace.

LABELS AND OTHER FORMS OF WARNING

Chemical manufacturers, importers, and distributors must ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked with the following information:

- identity of the hazardous chemical(s)
- appropriate hazard warnings
- name and address of the chemical manufacturer, importer, or other responsible party.

The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers when the portable containers are intended for the immediate use of the employee who performs the transfer. The employer must ensure that labels or other forms of warning are legible, in English, and prominently displayed. Pesticides with labels required by the Federal Insecticide, Fungicide, and Rodenticide Act need no additional labeling under the hazard communication rule.

MATERIAL SAFETY DATA SHEETS

A Material Safety Data Sheet (MSDS) is a document, written in English, containing standardized information about the properties and the hazards of toxic substances. Manufacturers and importers of toxic chemicals must prepare, update, and furnish MSDS to their distributors and employers. If an MSDS is not furnished with a chemical shipment that has been labeled hazardous, the purchaser (employer) must obtain an MSDS from the chemical manufacturer, importer, or distributor. Employers must have an MSDS on file for each hazardous substance in the workplace and ensure that MSDS are readily accessible to employees when they are in the work area(s).

EXEMPTION

This does not apply to consumer products if they are used in a typical intended consumer manner and the duration and frequency of exposure is within exposures recommended by manufacturers of the products.

EMPLOYEE TRAINING AND INFORMATION

Employers must provide employees with information and training on hazardous chemicals in the work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. Training for hazard communication is in addition to that required

under the federal Worker Protection Standard. Licensed applicators are also covered by the hazard communication rules. Required hazard communication training must be done before work begins. For hand labor activities in agriculture, the Oregon OSHA brochure #440-1951 "Safe Practices when Working Around Agricultural Chemicals" can be used for part of this training. Workers must also be told what chemicals they may be exposed to, where to find additional information about these chemicals, the employer's policies and procedures for preventing exposures, and what to do in an emergency.

Note: See additional information under "Worker Protection Standard (WPS) for Pesticide Applications"

Employees must be informed regarding

- information and training requirements of the law.
- any operations in their work area where hazardous chemicals are present.
- the location and availability of the written Hazard Communication Program, including the required list(s) of hazardous chemicals and required MSDS.

Employee training must include at least

- methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area.
- the physical and health hazards of the chemicals in the work area.
- the measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.
- the details of the Hazard Communication Program developed by the employer, including an explanation of the labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.

TECHNICAL ASSISTANCE

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Fax _____ 503-947-7461

Web _____ www.orosha.org

OREGON OSHA SAFETY CHECKLIST

The following is a brief hazard checklist assembled by Oregon OSHA to help employers and employees evaluate their work place. Not all hazards are covered. A more extensive checklist is provided (at no charge) in Oregon OSHA's publication, *Cultivating a Safe Environment*, available online <http://orosha.org>, or from the Oregon OSHA Resource Center, 800-922-2689.

GENERAL SAFETY AND HEALTH

- Do your procedures ensure that quarterly inspections of the job site, materials, and equipment are conducted to identify hazards?

MEDICAL REQUIREMENTS

- Is there an emergency medical plan to ensure prompt treatment of an injured worker?
- Are the minimum first-aid supplies available?
- Are the medical-emergency numbers posted (name and telephone numbers of ambulance service and hospital or 911)?

- Are all employees aware of the identity of the first-aid trained person, if any, or provider and the elements of the emergency medical plan?

SAFETY TRAINING AND EDUCATION

- Have all employees been trained to recognize and avoid unsafe conditions and hazards in their work environment?
- Has a training program been provided for all employees who use ladders and stairways?

POSTING

- Is the Oregon OSHA Safety and Health Protection on the Job poster displayed where all employees are likely to see it?
- Are emergency numbers posted where they can be readily used in case of emergency?
- Are other applicable Oregon and federal posters or notices properly displayed, such as
 - field sanitation notice

- Migrant and Seasonal Agricultural Worker Protection poster
- the EPA Worker Protection Standard for Agricultural Pesticides Safety poster.

RECORD KEEPING

- Are all occupational injuries and illnesses, except minor injuries requiring only first aid, being recorded as required on the Oregon OSHA Form 300?
- Are copies of Oregon OSHA Form 300 and First Report Injury Form 801, kept for five years?

TECHNICAL ASSISTANCE

Consultative services

Phone _____ 503-378-3272 or 800-922-2689
 Trained safety and health professionals provide consultative services to help employers and workers identify and correct

occupational safety and health hazards. All consultative services are free. The training section offers a variety of workshops and training classes.

Publications and posters

OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

Oregon Occupational Safety and Health Division

Oregon OSHA Resource Center
 Phone _____ 503-947-7447 or 800-922-2689

US ENVIRONMENTAL PROTECTION AGENCY (EPA)

Superintendent of documents

PO Box 371954
 Pittsburgh, PA 15250-9974
 Phone _____ 800-283-8473

Contact your local OSU Extension Office for a composite laminated poster that includes all agricultural postings (\$10.00).

WORKER HEALTH AND SAFETY (OREGON OSHA)

WHO MUST COMPLY?

Any employer with one or more employees.

Note: For purposes of determining the number of employees, members of the agricultural employer's immediate family are excluded unless they are covered by workers' compensation insurance. The immediate family includes grandparents, parents, children, stepchildren, foster children, and any blood relative living as a dependent of the core family.

The Oregon Legislature passed the Oregon Safe Employment Act (OSE Act) in 1973 to ensure the occupational safety and health of Oregon's workforce. The Oregon Department of Consumer and Business Services, Occupational Safety and Health Division (Oregon OSHA), takes the lead in administering the various aspects of agricultural worker health and safety in Oregon.

REGULATED ACTIVITIES

Many aspects of agricultural practices are subject to worker safety regulation including farmstead machinery and equipment, toxic and hazardous substance handling (including pesticides and fertilizers), occupational noise, storage and handling of anhydrous ammonia, protective apparel and equipment, and temporary labor housing. Division 4/ Agriculture contains most of the Oregon OSHA administrative rules that apply to agricultural workplaces. See http://www.osha.oregon.gov/standards/div_4.html

REQUIRED REGISTRATIONS, PERMITS, AND LICENSES

Oregon OSHA does not issue permits or licenses to individuals working in agriculture. However, most agriculture labor housing camps must be registered with Oregon OSHA (503-378-3272, or toll free 800-922-2689). Other agencies do require and issue permits or licenses for the agricultural industry. For instance, the Oregon Department of Agriculture, Pesticides Division (503-986-4635), issues licenses for the application of restricted use pesticides; and the Oregon Bureau of Labor and Industries (503-731-4073) issues permits for employing minors and endorsements for agriculture labor housing operators.

REPORTING AND RECORD KEEPING

Report the death of any employee or a catastrophe (three or more employees admitted to a hospital) within eight hours of the incident or within eight hours after it has been reported to you. Report the overnight hospitalization of an employee for medical treatment within 24 hours of the incident.

Call 503-378-3272 or 800-922-2689 to report overnight hospitalizations, catastrophes, or fatalities.

Employers must also keep certain records, including worker exposure to toxic materials and medical records related to work related injuries or illnesses.

POSTINGS

Employers are required to display posters related to employee safety and health, pesticide safety, civil rights, minimum wages, equal employment opportunity laws, and the Workers' Compensation Insurance Certificate, among others.

Oregon OSHA's required "It's the Law" poster and "Field Sanitation Notice" poster are available in English and Spanish. They are available from the Oregon OSHA Resource Center, at 503-947-7453 or 800-922-2689, or can be downloaded from <http://www.osha.oregon.gov/publications/posters.htm>.

Also, the location of first-aid supplies, telephone numbers of local ambulance and hospital services (or 911), and names and other pertinent information about who, if anybody, on the premises is trained in CPR and first-aid, must be posted where employees can easily find them.

The Oregon Bureau of Labor and Industries offers a composite laminated poster that combines most of the required agricultural postings (\$10.00). Call the Oregon BOLI office in Portland, OR for more information: 971-673-0825. Posters (limited to availability on hand) may also be picked-up at the following BOLI satellite offices:

- Eugene: 1400 Executive Parkway, Suite 200, Eugene, OR 97401. Phone: 541-686-7623
- Salem: 3865 Wolverine St NE, Building E-1, Salem, OR 97305. Phone: 503-378-3292

HAZARD COMMUNICATION RULES

You must have a written Hazard Communication Program that lists all hazardous materials (with certain exceptions) to which employees may be exposed at your workplace. Each hazardous product must be labeled and must have a Material Safety Data Sheet (MSDS). MSDSs are available from the manufacturer or from wholesale distribution points. They should be used in safety training programs to familiarize workers with the hazards of the products, how to prevent exposures, and how to respond to emergencies. The MSDSs must be available to employees and immediately accessible in the event of an emergency.

Note: See the section on "Oregon OSHA Hazard Communication" for more information.

SAFETY AWARENESS AND SAFETY TRAINING

All agricultural employers must provide "basic safety awareness information" for seasonal workers at their

orientation and when work conditions change in a way that could affect their safety or health. This information must be provided in a way that the workers can understand.

All agricultural employers with non-seasonal workers must either have a Safety Committee or hold monthly Safety Meetings. Employers with 10 or fewer workers at a location can either have a Safety Committee or hold Safety Meetings. Employers with 11 or more workers at a location must have a Safety committee. Details of the requirements are available at: http://www.osha.oregon.gov/pdf/rules/division_4/div4c.pdf or by contacting Oregon OSHA at 503-378-3272, or toll free 800-922-2689.

Employers must ensure that every worker can safely perform any process or practice in which he/she will be involved and safely use or operate any machinery, tools, or equipment. In addition, specific training is required by other Oregon OSHA rules for all workers for activities such as operating equipment, using personal protective equipment, and handling chemicals. Contact Oregon OSHA for more information on this topic.

The Public Education section of Oregon OSHA 503-947-7443 or 888-292-5247, Option 2 ; or ed.web@state.or.us offers a variety of online classes on occupational safety and health subjects and record keeping.

INSPECTIONS AND ENFORCEMENT

An employer may not risk an employee's safety or health. In the event of an accident or incident, Oregon OSHA may conduct an inspection to determine occupational hazards.

Oregon OSHA conducts unannounced enforcement inspections based on injury records, complaints from an employee or non employee, and referrals from public entities or the media. During an inspection, records and written safety programs are reviewed, facilities inspected, and employee exposure to hazards documented through field notes, interviews, and photographs. The inspector checks to see that the OSHA safety poster is prominently displayed where employees can see it. Employers who correct violations before a compliance officer concludes the inspection may receive penalty reductions. First instance violation penalties range from \$0 to \$5,000 or more per violation, depending on the probability and severity of an accident or illness occurring. Employers have the right to appeal any citation and do not need to be represented by a lawyer in an appeal.

The most frequent citations in farm-related enterprises for 2010 include (in order of frequency):

1. Worker Protection Standard (requirements not met for cleaning or maintaining personal protective equipment, providing application information, handling and decontaminating sites and supplies).
2. Hazard Communication Standard (requirements not met for written program, MSDSs, employee information and training).
3. Field sanitation rules (requirements not met for toilets, hand-washing facilities, potable drinking water, and posting the notice).
4. Respiratory Protection Standard (program requirements not met).
5. Agricultural labor housing rules (requirements not met for living areas, facilities, or site).
6. Rules related to proper pesticide storage not met.
7. Annual inspection of fire extinguishers not performed.

8. Inadequate control of hazardous energy (lockout/tag out rules).
9. Emergency medical and first aid (requirements not met for eye-wash or safety shower).

Note: Although not cited as often, some of the most serious—and expensive—citations were for not meeting the general requirements for providing supervision and competency.

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WORKER PROTECTION STANDARD FOR PESTICIDE APPLICATIONS

WHO MUST COMPLY?

The federal Worker Protection Standards (WPS) requirements apply to employers of workers on farms and forests, nurseries and in greenhouses where pesticides with labels that include “Agricultural Use Requirements” are used. Oregon OSHA enforces the WPS within Oregon. Agricultural employers are strongly encouraged to obtain a copy of “Worker Protection Standard for Agricultural Pesticides-How to Comply: What Employers Need to Know, a manual produced by the US Environmental Protection Agency.” Contact any of the enforcement agencies listed at the end of this section for information on how to obtain the manual.

COMPLIANCE

Employers who hire or contract for workers to perform activities related to the production of agricultural plants must ensure that any pesticide is used in a manner consistent with its labeling, including requirements (such as WPS) referenced by the label. In Oregon, the WPS requirements have been adopted by administrative rule into the OSHA regulations which are more stringent. OSHA regulations for WPS include Hazard Communication, additional protections for personal protective equipment, worker training and pesticide storage.

EXCEPTIONS AND EXEMPTIONS

For both workers and handlers, certain exemptions from the WPS apply. The WPS does not apply when any pesticide is applied or handled for use on an agricultural establishment in the following circumstances:

- for mosquito abatement, invasive species eradication, or similar wide-area public-pest-control programs sponsored by governmental entities
- on livestock or other animals, or in or about animal premises
- on plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses
- on plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification
- in a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other non crop areas, and pasture and rangeland use
- for control of vertebrate pests
- as attractants or repellents in traps

- on the harvested portions of agricultural plants or harvested timber
- for research uses of unregistered pesticides.

Immediate family members of farm operators are exempt from the training requirements; however, such training is prudent and recommended for owner/operators and family members. Some other elements of WPS may apply.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Employers must ensure that pesticide handlers (including family members) use PPE as required on the pesticide label. The employer must make sure the PPE is worn and used correctly for the entire handling task. Employers are to inspect all PPE before each day of use and must ensure proper cleaning and storage procedures are followed. PPE requirements in Oregon OSHA regulations (Division 4, Division 7, or Division 2) that are more stringent than those in the WPS or on the product label, apply in Oregon. Goggles, not glasses, must be worn when handling hazardous liquids.

ENTRY RESTRICTIONS FOR WORKERS

During application of any pesticide, the agricultural employer must not allow any person other than appropriately trained and equipped handlers to enter or remain in treated areas. Entry into a treated area is not allowed before expiration of the restricted-entry interval (REI) specified on the pesticide labeling. The REI varies depending on the toxicity of the pesticide, but generally falls within the range of four to 72 hours. Entry into a treated area before expiration of the REI is permitted only for specified workers, under specified conditions, with specified PPE (call Oregon OSHA or ODA for details).

NOTICE TO WORKERS

The employer must notify workers of any applications of pesticides either by oral notification or postings of signs, or both, if required by the pesticide labeling. Notice is not required if workers will not enter, work in, remain in or pass through treated areas, or within $\frac{1}{4}$ mile of a treated area.

- If notice is required by posting signs, specific criteria for the signs must be met including a background color that contrasts with red, and the words “DANGER” and “PELIGRO,” plus “PESTICIDES” and “PESTICIDAS,” and “KEEP OUT” and “NO ENTRE.”

- The posted warning signs must be visible from all usual points of entry to the treated areas and must be posted 24 hours before the scheduled application and remain posted throughout the REI. Signs must be removed within three days following the expiration of the REI or prior to employees entering after the REI. Sign specifications are in the WPS, but special signs may be used in greenhouses and nurseries in Oregon. Contact the Oregon Association of Nurseries or Oregon OSHA for details.

CENTRAL POSTING OF APPLICATION INFORMATION

When workers are at an agricultural establishment where a pesticide application has been made within 30 days after the expiration of the REI, the agricultural employer must display specific information about the pesticide. The information must include

- the location and description of the treated area.
- the product name, EPA registration number and active ingredient(s) of the pesticide.
- the time and date the pesticide was applied.
- the restricted-entry interval for the pesticide.

This information shall be posted at a central location accessible to employees.

POSTERS

An EPA/WPS or equivalent safety poster must be displayed to convey the basic pesticide safety concepts of the EPA poster. (See the “Oregon OSHA Safety Checklist” section of this handbook for information on ordering posters). The information is to be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers. The name, address, and telephone number of the nearest emergency medical care facility must be on the safety poster or displayed close to the safety poster. Oregon-OSHA has available a WPS safety poster specifically for forest operations.

SAFETY TRAINING

All workers entering a treated area during the REI must be trained prior to entry, see 40 CFR 170.112 (c) (5). All other workers entering a treated area within 30 days of a pesticide application must be given basic training at the time of hire and complete training by the fifth day of employment.

Additional Oregon OSHA requirements include the following:

- Workers must be given the Safe Practices When Working Around Hazardous Agricultural Chemicals brochure.
- Workers must be notified who to contact with concerns about materials that may have been sprayed in the field.

An employee certified and licensed as an applicator of restricted-use pesticides need not be trained further. General pesticide safety information must be presented to workers either orally, in written material, or audio-visually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter must be able to respond to workers' questions.

In addition to WPS training, Oregon OSHA's hazard communication training requirements must also be met. At the time of initial assignment, the employer must provide effective training and information to employees exposed to hazardous chemicals in their work area, for example handlers and mechanics. Employers must provide training whenever a new hazard (e.g., chemical) is introduced. Training must include, but is not limited to

- physical and health hazards of the chemicals.
- protective measures to be taken when using the chemicals.
- proper work practices, personal protective equipment, and emergency procedure.
- the employer's Hazard Communication Program.

MATERIAL SAFETY DATA SHEETS (MSDS)

Employers must ensure that Material Safety Data Sheets (MSDS) are readily available for employees during all work shifts. Employees are to be informed about the location of MSDSs for the hazardous materials in their work areas and the employer's procedures for accessing them.

CROP ADVISORS

Certified or licensed crop advisors and those under the direct supervision of crop advisors are exempt from WPS provisions except those for pesticide safety training. Crop advisors overseeing pesticide applications must convey the following information to employees: pesticide(s) applied, method and time of application, REI, tasks to undertake, and how to contact the crop advisor.

DECONTAMINATION

The agricultural employer must provide a decontamination site for washing off pesticide residues. If any worker on an agricultural establishment performs any activity in an area where, within the past 30 days, a pesticide has been

applied or a restricted-entry interval has been in effect, and if the worker contacts anything that has been treated with a pesticide, including, but not limited to, soil, water, or surfaces of plants, the agricultural employer must provide workers with enough water for routine washing and emergency eye flushing and sufficient quantities of soap and single use towels. The employer must ensure that water is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

For emergency eye flushing, there must be at least one pint of water immediately available to each worker who is performing early-entry activities and for which the pesticide labeling requires protective eye wear. The eye flush water must be carried by the early-entry worker, or be on the vehicle the early-entry worker is using, or be otherwise immediately accessible.

The decontamination site must be reasonably accessible and not more than ¼ mile from where workers are working. For worker activities performed more than ¼ mile from the nearest place of vehicular access

- the soap, single-use towels, and water may be at the nearest place of vehicular access.
- the agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water at the decontamination site located at the nearest place of vehicular access. The decontamination site cannot be in an area being treated with pesticides.

For handlers, the decontamination site must be at the mixing/loading site, as well as not more than ¼ mile from each handling activity, and have in addition to soap, water, paper towels, a clean set of coveralls.

Oregon OSHA requires an emergency eyewash capable of a 15 minute water supply for handlers when mixing or loading any product with "Danger. Poison." or "Danger." May cause irreversible eye damage," appearing on the label.

- Subdivision K, Medical/First Aid, OAR 437-004-1305(5) Emergency eyewash and shower facilities, require eyewashes to be used where the pesticide label specifies an emergency eyewash be provided when handling the pesticide concentrate, as in mixing and loading activities.
- Subdivision W, Worker Protection Standard, §170.250 Decontamination, note states: OAR 437-004-1305(5) (b), (d), and (e) applies for all mixing or loading work for chemicals whose key alert word on the product label is danger or danger poison.

- Common WPS violations cited by Oregon OSHA
- 170.122(a) Pesticide application record not posted for workers with the pesticide safety poster
- 170.122(c) Pesticide application record did not contain items (1-4)
- 170.130(d)(1) WPS pesticide safety training for workers was not given
- 170.122(c)(2) Pesticide application record did not include EPA# and active ingredient
- 170.240(f)(1) PPE not cleaned according to manufacturer's specifications
- 170.135(a) Pesticide safety poster not displayed for workers
- 170.222(a) Pesticide application record not displayed for handlers
- 170.230(c)(1) WPS pesticide safety training not provided to handlers
- 170.240(a) Handlers did not have/wear PPE according to the label
- 170.240(f)(7)(iii) Respirator cartridges not changed at the end of the work shift

TECHNICAL ASSISTANCE

Worker protection standards and hazard communication

OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION

305 Winter St NE, Rm. 430

PO Box 14480

Salem, OR 97309-0405

Phone _____ 503-378-3272 or 800-922-2689

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Pesticide regulatory questions

OREGON DEPARTMENT OF AGRICULTURE

Pesticides Division

635 Capitol St NE

Salem OR 97301-2532

Phone _____ 503-986-4635

Oregon Department of Agriculture enforces compliance with label directions, including application, REI and PPE.

General WPS questions

US ENVIRONMENTAL PROTECTION AGENCY

Pesticide Section

Allan Welch

Seattle, WA

Phone _____ 503-553-1980 or 800-424-4372

