



UNIVERSITY OF
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FE408

EXTENSION

Institute of Food and Agricultural Sciences

2003 Handbook of Employment Regulations Affecting Florida Farm Employers and Workers: Occupational Safety and Health Act (OSHA) [Federal]¹

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Purpose

Provides general safety standards, inspection, and posting requirements for covered employers and their workers.

Who Must Comply

Employers engaged in businesses involved in interstate commerce are subject to the regulations of the Occupational Safety and Health Act (OSHA).

Exemptions

Exempted from OSHA regulations are the following:

- Family farm operators who employ only immediate family members.
- Agricultural employers who employed ten or fewer employees (full-time or part-time) at all times during the previous twelve months and do not maintain a migrant labor camp.

Note: Exemption means exempt from audits and inspections. It does not mean that the hazards and liability have been removed or eliminated.

Definitions

A farming operation is defined as any operation where a farmer grows or harvests crops, raises livestock or poultry, or is engaged in related

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activities. Farming operations include farms, ranches, orchards, dairy farms, or similar establishments. Production of ornamental plants and other nursery products is considered a farming operation.

Requirements for Employers of Eleven or More Workers

- Inform employees of your safety regulations.
- Post OSHA's Job Safety and Health poster in a permanent place where notices to employees are customarily posted.
- Report within eight hours to the nearest OSHA area office (by telephone or in writing) any fatal accident involving an employee or any other accident resulting in the hospitalization of three or more employees.
- Maintain up-to-date (within six working days) records of all occupational injuries and illnesses.
- Post the annual summary of your OSHA No. 200 log on February 1st of the following year. This posting must be maintained for the entire month of February in a conspicuous place.
- Retain all records of occupational injuries and illnesses for five years after the end of the year.
- Furnish a place of employment free from recognized hazards that could cause death or serious physical harm to employees. (This requirement enables an OSHA inspector to cite an employer who should have recognized a serious hazard, even if OSHA does not have a specific standard related to that hazard.)

OSHA's Agricultural Standards

OSHA has the following standards that apply specifically to agriculture:

- Storage and handling of anhydrous ammonia.
- Temporary labor camps.
- Pulpwood logging.
- Slow-moving vehicle emblems, signs, and tags.

- Rollover protective structures.
- Guarding of farm field equipment, farmstead equipment, and cotton gins.
- Field sanitation. (Enforced by the Wage and Hour Division.)

Included in these standards are very specific training requirements (e.g., the Hazard Communication Standard, which requires employers using hazardous chemicals to instruct employees on their safe handling and that employers must train employees in the safe operation of tractors).

Employee Requirements

Each employee must comply with all safety and health regulations that are applicable to his or her own actions and conduct. He or she must obey all rules, regulations, and safety procedures required by his or her employer to comply with the law, including participation in safety training and certifying that he or she has received such training. The employee is not subject to fines for noncompliance as is his or her employer; however, repeated failure to observe recommended safety procedures or use provided safety equipment is grounds for dismissal when properly documented.

Inspections

There are four categories of OSHA inspections. They are:

- Imminent danger.
- Fatality/catastrophic investigations.
- Complaints/referrals.
- Programmed.

The first three categories are considered unprogrammed inspections conducted in response to specific evidence of hazardous conditions at a workplace. Programmed inspections can be health and/or safety inspections and are normally comprehensive in scope.

OSHA is authorized to conduct workplace inspections without advance notice. Inspectors (also

called compliance officers) are authorized to enter workplaces without delay and at reasonable times. If an employer refuses admission to his or her property, OSHA must obtain a warrant.

Note: Always insist on seeing an OSHA compliance officer's credentials. Also, be aware that an OSHA inspector has the right to interview employees during work hours.

Enforcement

Penalties for OSHA violations can be very costly. OSHA classifies violations by their nature: willful, repeated, serious, and other-than-serious.

Civil money penalties for violations range from \$5,000 to \$70,000 for each willful violation; up to \$70,000 for each repeated violation; up to \$7,000 for each serious violation (penalties are mandatory); and up to \$7,000 for each other-than-serious violation. In addition, employers violating OSHA safety and health standards may face criminal prosecution.

Criminal penalties include: up to \$10,000 and six months imprisonment for an employee's death (first offense), up to \$20,000 and one year imprisonment for making false statements in OSHA documents, and up to \$5,000 and three years imprisonment for assaulting an OSHA official.

Job and Workplace Safety Information

SB 230 repealed Florida Statute 442, "Occupational Safety and Health" effective June 30, 2000. As a result the seventeen offices of the Division of Safety were closed.

There are still several occupational safety and health resources available for Florida citizens. The first is the Twenty-First (21d) Program [formerly the 7(c)(1) Program], which is now housed at the University of South Florida:

USF Safety Florida Consultation Program

4003 East Fowler Avenue

Tampa, FL 33617

Dial toll-free 1(866) 273-1105

<http://www.safetyflorida.usf.edu>

http://www.safetyflorida.usf.edu/map_location.html

Another resource is the Florida Partnership for Safety and Health, Inc., a not-for-profit all volunteer public sector safety and health corporation. Its mission is to provide low-cost safety and health training and resources to Florida's public sector. For more information about the organization, visit <http://www.fpsf.net> via the Internet or you telephone Steve McGinn, Board Chairman for FPSH at (407) 425-9142, extension 317 or email him at Smcginn@flcities.com.

Other Information

- For additional information, contact your County Cooperative Extension Service Office or the Extension Safety Specialist, Department of Agricultural and Biological Engineering, IFAS, University of Florida, Gainesville, FL 32611, (352) 392-1864. Safety programs, publications, and audio-visual materials are available.
- For pesticide safety training material, contact your County Cooperative Extension Service office or the Pesticide Information Office, Building 847, University of Florida, Gainesville, FL 32611, (352) 392-4721.
- Labor Bulletin No. 469, Florida Fruit and Vegetable Association, Orlando, FL, September 18, 1989.
- FFVA Bulletin No. 509, Florida Fruit and Vegetable Association, Orlando, FL, May 31, 1996.
- FFVA Bulletin No. 513, Florida Fruit and Vegetable Association, Orlando, FL, February 21, 1997.
- Labor Relations Bulletin No. 528, Florida Fruit and Vegetable Association, Orlando, FL, December 10, 1998.
- Labor Relations Bulletin No. 531, Florida Fruit and Vegetable Association, Orlando, FL, January 16, 2001.

- Labor Relations Bulletin No. 547, Florida Fruit and Vegetable Association, Orlando, FL, February 21, 2001.

1851 Executive Center Drive

- Labor Relations Bulletin No. 553, Florida Fruit and Vegetable Association, Orlando, FL, December 18, 2001.

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Note: The National Agricultural Safety Database (NASD) provides a compendium of agricultural safety and health resources. It contains OSHA standards that apply to agriculture and that have been reviewed and/or revised.

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<http://www.cdc.gov/niosh/nasd/nasdhome.html>

<http://www.osha.gov>

Responsible Agency

Administration and Supervision:

U.S. Department of Labor

Occupational Safety and Health Administration

200 Constitutional Avenue NW

Washington, DC 20210

<http://www.osha.gov>

Regional Office

61 Forsyth Street SW

Atlanta, GA 30303

(404) 562-2300

<http://www.osha.gov/oshdir/r04.html>

Area Offices

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