

Oregon OSHA Division 4, Agriculture Proposed Changes – April 2006

Proposed for deletion shown [~~in brackets with strike through~~].

Proposed for addition shown **in bold and underscored**.

437-004-0002 Scope

Standard Industrial Classifications – Division 004, Agriculture, applies only to employers with the following Standard Industrial Classifications (SIC) **or North American Industrial Classification System (NAICS)** codes.

(If you don't know your code, contact your Workers' Compensation Insurance carrier.)

All of major groups 01 (**NAICS 111**) and 02 (**NAICS 112**). The following sub-groups of major groups 07 (115) **and 08 (NAICS 111)**.

<u>SIC</u>	<u>NAICS</u>	
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0711	<u>115112</u>	Soil Preparation Services
0721	<u>115112</u>	Crop Planting, Cultivating, and Protection
0722	<u>115113</u>	Crop Harvesting, Primarily by Machine
0723	<u>115114</u>	Crop Preparation Services for Market: Except Cotton Ginning
0761	<u>115115</u>	Farm Labor Contractors and Crew Leaders
0762	<u>115116</u>	Farm Management Services
0783	Ornamental Shrub and Tree Services	
		Only these occupations under 0783, done on agricultural establishments, are covered by this standard: Ornamental bush planting, pruning, bracing, spraying, removal, and surgery Ornamental tree planting, pruning, bracing, spraying, removal, and surgery Trees, ornamental: planting, pruning, bracing, spraying, removal, and surgery
0811	<u>111421</u>	Christmas Tree Growing and Harvest

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437-004-0099 General Standards

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(2) Supervision and competency.

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(e) Employers must provide all health hazard control measures necessary to protect the employees' health from harmful or hazardous conditions and must maintain those control measures in good working order and assure their use.

(f) Employers must inform their employees about the known health hazards to which they are exposed, the measures taken for the prevention and control of those hazards, and the proper methods for using the control measures.

(3) Inspections. A competent person or persons must inspect all parts of the employer owned facilities in every place of employment at least quarterly. OAR 437-004-0250[(5)(g)] **(6)(e)** has other requirements related to these inspections.

(4) Investigations.

(a) The employer must investigate every work-related lost time injury. The object of the investigation is to determine how to prevent recurrence. OAR 437-004-0250[(5)(g)] **(6)(e)** has other requirements related to these investigations.

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437-004-0240 Safety Orientation For Seasonal Workers.

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(2)

(a) **Reserved.** [OR-OSHA publication 1951, “Safe Practices – Working With Hazardous Agricultural Chemicals” if their work is covered by OAR 437-004-9800, Hazard Communication and/or the Worker Protection Standard for Agricultural Chemicals.]

NOTE: OAR 437-004-9800(7)(d), Hazard Communication requires you to give OR-OSHA publication 1951, “Safe Practices – Working With Hazardous Agricultural Chemicals” to every employee.

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437-004-0250 Safety Committees.

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(8) Safety orientations for seasonal workers. All seasonal workers doing hand labor and field work must receive at least the following information in their safety orientation meeting before beginning work for the first time or when work conditions or locations change in a way that reasonably could affect their safety or health:

(a) **Reserved.** [~~OR-OSHA publication 1951, “Safe Practices – Working With Hazardous Agricultural Chemicals” if their work is covered by OAR 437-004-9800, Hazard Communication and/or the Worker Protection Standard for Agricultural Chemicals.~~]

NOTE: OAR 437-004-9800(7)(d), Hazard Communication requires you to give OR-OSHA publication 1951, “Safe Practices – Working With Hazardous Agricultural Chemicals” to every employee.

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437-004-0340 Portable Ladders

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(7) Use – all ladders. Use ladders only for purposes approved or recommended by the manufacturer.

(a) Do not load ladders beyond their working load rating. Do not allow more than one person at a time on ladders **not intended by the manufacturer to hold more than one person.**

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437-004-0405 [~~Exits and Exit Routes~~] Exits and Emergency Action Plan

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437-004-0630 Noise Exposure

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Recordkeeping

(13) The employer must keep employees noise exposure records [~~for two years and audiometric test records until the worker leaves the company.~~] **for 30 years post employment according to the Access to Employee Exposure and Medical Records standard OAR 437-004-0005.** The records must be available to employees, former employees and representative designated by the employees and Oregon OSHA. The test record must include:

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437-004-0800 Storage And Handling Of Anhydrous Ammonia

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(3) Basic rules.

(a) Approval of equipment and systems. All systems, equipment and appurtenances must comply with one of the following three paragraphs.

(A) If installed before February 8, 1973, it must comply with American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1-~~[1966 or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1 in effect at the time of construction]~~ **1999 or CGA G-2.1-1999** .

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(i) General.

(A) All stationary storage installations must have at least two readily accessible suitable gas masks. Full face masks with ammonia canisters, **not cartridges**, approved by the [~~Bureau of Mines, U.S. Department of the Interior~~] **National Institute of Occupational Safety and Health (NIOSH)**, are suitable for emergency action for most leaks, particularly those that are outdoors. For protection in concentrated ammonia atmospheres the use of self-contained breathing air apparatus is mandatory. Refer to **OAR 437-004-1041 Respiratory Protection Division** 4/l for additional requirements for personal protective equipment.

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437-004-1030 Work Clothing

(1) General requirements.

- (a) Wear clothing that provides adequate protection for the hazards of the work.
- (b) Do not wear loose sleeves or other loose clothing when near enough to be caught in moving parts of machinery.
- (c) Do not wear clothing soaked with enough flammable liquids to be hazardous.

NOTE: See OAR 437-004-2230 for requirements for PPE while using chain saws.

437-004-1305 Medical Services And First Aid

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(3) Medical treatment and services. Emergency medical services for injured or sick employees must be available **and summoned** in time to give appropriate treatment for the circumstances.

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(5) Emergency eyewash and shower facilities. [~~This does not apply to agricultural field work and work covered by the Worker Protection Standard.~~]

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437-004-1470 Training

If workers are expected or required to fight fires, their level of training and the fire fighting equipment they use must be adequate for the level of fire fighting involvement expected or required by the employer. The employer must provide all needed equipment and training at no cost to employees **and be in compliance with Division 2/L, OAR 437-002-0182 Oregon Rules for Fire Fighters, 1910.155 Fire Protection, and 1910.156 Fire Brigades.**

437-004-1700 Forklifts And Other Powered Industrial Trucks

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(2) Safety guards.

(a) Overhead guards.

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(C) Untested guards [~~may~~] **must** be made of material in Table 2 or material of equivalent strength **or stronger**.

(7) Trucks [~~and railroad cars~~].

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437-004-2000 Powered Saws

(1) Scope – This applies [~~to band saws, radial arm saws and table saws.~~] **to non-portable powered saws.**

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437-004-2230 Guarding **And Operation** Of Portable Powered Tools

(1) Portable powered tools.

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(c) Power chain saws.

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(G) Employees using chain saws must wear flexible ballistic nylon pads, chaps or other equivalent protection in a manner that protects the legs from the thigh to the top of the boot. Employers must provide and pay for this equipment.

(H) Do not drop-start chain saws or other power saws.

NOTE: Drop-starting saws is permitted outside of the basket of an aerial lift only after ensuring that the area below the aerial lift is clear of people.

(I) The operator must have secure footing when starting the saw.

(J) Start and operate the saw only when all other workers are clear.

(K) Stop the engine when carrying the power saw but not between cuts during consecutive felling, bucking, limbing or cutting operations.

(i) The chain must not be turning and the operator's hand must be off the throttle lever while moving between work locations.

(ii) Carry small chain saws at your side with the bar of the saw pointed to the rear.

(L) Stop the engine for all cleaning, refueling, adjustments, and repairs to the motor.

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437-004-2260 Other Portable Tools And Equipment

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(5) Varmint Killers (Explosive Gas and Oxygen) A device for injecting a mix of propane (LPG) and oxygen into ground holes and then igniting it to kill varmints.

(a) Follow all manufacturer instructions for use and maintenance of this equipment or this standard, whichever is safest.

(b) When transporting these devices in vehicles (other than in the field of use), or when done using them for more than one hour, back out the regulator pressure control screws.

(c) Employees under 18 years old may not operate this equipment.

(d) Employers must train all employees to operate this equipment safely and according to the manufacturer's instructions and these rules.

(e) Operating procedures.

(A) Tanks, valves, couplings, regulators, hose, and apparatus must

be free from oily or greasy substances. Do not handle oxygen tanks or apparatus with oily hands or gloves. Never allow a jet of oxygen to strike an oily surface, greasy clothes, or enter a fuel oil or other storage tank.

(B) Handling tanks.

(i) Unless tanks are secured on a special truck, remove regulators and install valve-protection caps, when provided, before moving tanks.

(ii) Close tank valves when work is done.

(iii) Close valves of empty tanks.

(iv) Do not use a hammer or wrench to open tank valves. If opening the valve by hand does not work, check with the supplier.

(v) Do not repair or tamper with tank valves. Notify the supplier if you have trouble with a tank and follow their instructions as to its disposition.

(vi) Do not remove the stem from a diaphragm-type tank.

(C) Attachments and use.

(i) Fuel-gas tanks must have the valve end up when they are in use. Store and ship liquefied gases with the valve end up.

(ii) Before removing a regulator from a tank valve, close the tank valve and release the gas from the regulator.

(iii) Do not use regulators with cracked, broken, or defective parts.

(iv) Before attaching the regulator to a tank, fully release the regulators pressure adjusting screw.

(v) Close the tank valve and release the gas from the regulator before removing it from the tank.

437-004-2810 General Requirements - Electricity

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(17) All pull boxes, junction boxes and fittings must have approved covers. Metal covers must be grounded.

(18) All wall plugs and switches must have approved, unbroken covers or faceplates and no broken parts.

(19) Receptacles, plugs, fixtures, lamp-holders lamps and other holders and outlets must have no exposed live parts.

NOTE: Rosettes and cleat-type lamp-holders may have exposed parts if they are 8 feet or higher above the floor.

437-004-3100 Excavation

(1) Definition.

Excavation – A man-made cut, hole, pit, trench or depression in the earth.

NOTE: Before any digging you must comply with Oregon's "Call Before You Dig" law. Call 1-800-332-2344.

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(11) Inspect daily. A person familiar with these rules and the work must inspect all excavations daily, before workers enter or reenter.

(12) Spoils and equipment. Keep soil and material removed from the excavation (spoils) at least two feet away from the edge of the excavation or restrained. Equipment that could roll or fall into the excavation must also be at least two feet back or restrained.

437-004-3410 Agricultural, Commercial And Industrial Vehicles

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(2) Definitions.

Agricultural vehicle. A vehicle specifically designed or modified for use exclusively in agricultural operations, and not licensed for use on public roads under Oregon laws.

NOTE: Included in this definition is farm field equipment such as tractors, harvesters, planters or any combination thereof; unlicensed trucks and wagons or trailers such as feeder trucks or wagons and specialized crop handling vehicles; and mobile elevating and rotating work platforms such as orchard aerial lift devices.

Commercial-type vehicles. Motor vehicles primarily for the transportation of persons or material on roads. Commercial type vehicles used to transport workers are:

Class A vehicle. A bus type vehicle or van that can carry 12 or more workers; or the “work crew” vehicle built or altered for carrying passengers.

Class B vehicle. A vehicle or van especially built for transporting work crews in compartments separate from the space used to transport supplies, tools and equipment.

Class C vehicle. A flatbed, pickup body or dump truck type vehicle, or vehicle of similar open body construction.

Class D vehicle. A passenger car or station wagon type.

NOTE: Typically a bus type vehicle has two axles and six tires or three or more axles. This does not include vans.

Industrial-type vehicles. Vehicles designed for non-highway use, primarily for pulling trailers or other mobile loads, straddle trucks such as lumber carriers, power industrial trucks, and other types of vehicles especially designed for handling materials.

NOTE: When this rule uses “vehicle” by itself, it includes all the above definitions.

(3) General requirements.

(a) Operation of vehicles.

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~~[(L) Block the wheels and set the brakes when loading vehicles that might move. This does not apply when loading vehicles “on the go.”]~~

(L) Block the wheels and set the brakes when loading Agricultural Vehicles, Class C, Commercial –Type Vehicles and Industrial-Type Vehicles who’s movement might cause a hazard. This does not apply when loading “on the go.”

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NOTE: Appendix A is a reprint of Oregon Revised Statutes that govern the use of some agricultural vehicles and equipment on public highways and roads. While Oregon OSHA has the legal authority to cite these sections, law enforcement officers are the usual source of enforcement. We offer these laws here as a courtesy to Oregon agricultural employers and in the interest of employee safety.

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(e) When towing, there must be a pin or other positive method of keeping the hitch pin in the hitch.

NOTE: Unattended is when the operator cannot see the vehicle or when they are more than 25 feet from it.

(4) Vehicle components.

(a) General.

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(L) Surfaces of foot pedals must be slip resistant or have slip resistant coverings.

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(8) Hauling of gasoline and other flammables.

(a) Do not transport gasoline and other [~~low flash point~~] **flammable** liquids on [Class "A", "B" and "D"] commercial-type vehicles carrying workers except: [~~when in U.L. approved, closed safety containers of not more than 5 gallons capacity and if the containers are outside the passenger compartment. Secure the containers to prevent shifting and put them in well-ventilated compartments or racks~~].

(A) In closed containers of not more than 5 gallons capacity, and

(B) The containers must be accepted, labeled or listed. (As per definitions in OAR437-004-0100 Universal Definitions), and

(C) Do not carry containers inside the passenger compartment, and

(D) Secure the containers to prevent shifting and put them in well-ventilated compartments or racks.

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NOTE: Appendix A is a reprint of Oregon Revised Statutes that govern the use of some agricultural vehicles and equipment on public highways and roads. While Oregon OSHA has the legal authority to cite these sections, law enforcement officers are the usual source of enforcement. We offer these laws here as a courtesy to Oregon agricultural employers and in the interest of employee safety.

Appendix A to 437-004-3410, Specific Equipment

815.110 Requirements for and use of slow-moving vehicle emblem. This section establishes requirements for ORS 815.115. The requirements under this section are in addition to any other requirements for lighting equipment provided by law. Except as specifically provided by an exemption under ORS 815.120, a person violates ORS 815.115 if the person does not comply with any of the following requirements:

(1) The following types of vehicles must display slow-moving vehicle emblems described under ORS 815.060:

(a) Vehicles or combinations of vehicles designed for customary use at speeds of less than 25 miles per hour.

(b) Golf carts or similar vehicles when operated by a disabled person.

(c) Class I all-terrain vehicles operated on a highway under ORS 821.191 (1).

(2) Slow-moving vehicle emblems must meet the requirements for such emblems established by the Department of Transportation by rule under ORS 815.060.

(3) Slow-moving vehicle emblems shall be displayed on the rear of the power unit. When a combination of vehicles is being operated in a manner that obscures the emblem mounted on the power unit, an additional emblem shall be displayed on the rear of the rearmost vehicle in the combination. [1983 c.338 §469; 2001 c.529 §5]

815.120 Exemptions from emblem requirements. This section establishes exemptions from the requirements of ORS 815.110 and 815.115. The exemptions

under this section are in addition to any exemptions under ORS 801.026. The exemptions under this section are partial or complete as described in the following:

(1) Vehicles of special interest that are registered under ORS 805.020 are deemed to comply with the requirements if:

(a) The vehicles are equipped with original manufacturer's equipment and accessories, or their equivalent, and are maintained in safe operating condition; or

(b) The vehicles are street rods that conform to ORS 815.107.

(2) Antique vehicles are not subject to the standards if the vehicles are maintained as collectors' items and used for exhibitions, parades, club activities and similar uses, but not used primarily for the transportation of persons or property.

(3) Road machinery, road rollers and farm tractors are not subject to the requirements except as provided in this subsection. Such vehicles or combinations thereof are subject to the requirements if the vehicles are designed for use at speeds less than 25 miles per hour, except when such vehicles are engaged in actual construction or maintenance work and guarded by a flagger or by clear visible warning signs. [1983 c.338 §470; 1985 c.16 §246; 1985 c.69 §8; 1997 c.402 §8]

IMPLEMENTS OF HUSBANDRY

820.400 Unlawful operation of implement of husbandry; penalty.

(1) A person commits the offense of unlawful operation of an implement of husbandry if the person operates an implement of husbandry in violation of any of the following:

(a) Such vehicle must be driven as closely as is practicable to the right-hand edge of the roadbed, including the shoulders, if any.

(b) Such vehicle, if the movement of the vehicle occurs during the hours of darkness, must be equipped and operating two headlights, clearance lights and reflectors marking the overall width as far as practical and visible from the front, rear and sides and a taillight.

(c) No television viewer, screen or other means of visually receiving a television broadcast shall be operated in an implement of husbandry at any time while the implement of husbandry is being operated on a highway.

(d) Such vehicle must display, when driven, a slow-moving vehicle emblem described in ORS 815.060.

(2) The offense described in this section, unlawful operation of an implement of husbandry, is a Class D traffic violation. [1983 c.338 §779; 1985 c.69 §7; 1985 c.393 §55; 1995 c.383 §101]

437-004-3600 Roll-Over Protective Structures (ROPS) For Tractors In Agriculture

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(2) General requirements. Agricultural tractors manufactured after October 25, 1976 **and before January 1 2007**, must meet these requirements:

(a) Roll-over protective structures (ROPS) for tractors used in agriculture. A roll-over protective structure must be on each tractor operated by an employee. Except as in OAR 437-004-3600(5), ROPS on wheel-type tractors must meet the test and performance requirements of one of these:

The American Society of Agricultural Engineers Standard (ASAE) S306.3-1974, "Protective Frame for Agricultural Tractors – Test Procedures and Performance Requirements" and Society of Automotive Engineers (SAE) Standard J334-1970, "Protective Frame Test Procedures and Performance Requirements."

ASAE Standard S336.1-1974, "Protective Enclosures for Agricultural Tractors – Test Procedures and Performance Requirements" and SAE J1194-1994.

These ASAE and SAE standards are incorporated by reference. Get copies from:

American Society of Agricultural Engineers
2950 Niles Road, PO Box 229
St Joseph MI 49085
Society of Automotive Engineers
485 Lexington Avenue
New York NY 10017

Copies are available for review at the Oregon OSHA Resource Center, 350 Winter Street NE, Salem, Oregon 97301-3882.

(b) Agricultural tractors manufactured on or after January 1, 2007, must meet these requirements:

(A) Roll-over protective structures (ROPS) for tractors used in agriculture. A roll-over protective structure must be on each tractor operated by an employee. Except as in OAR 437-004-3600(5), ROPS on wheel-type tractors must meet the test and performance requirements of:

(i) 29CFR 1928.52 Protective frames for wheel-type agricultural tractors -- test procedures and performance requirements.

Link:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=13076

and

(ii) 29 CFR 1928.53 Protective enclosures for wheel-type agricultural tractors -- test procedures and performance requirements.

Link:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=13077

Copies of Federal OSHA Rules are available at the Oregon OSHA Resource Center, 350 Winter Street NE, Salem, Oregon 97301-3882.

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437-004-6000 Adoption by Reference of Federal Standard.

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§170.240 Personal Protective Equipment

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(f) Cleaning and Maintenance

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(8) The handler employer shall inform any person who cleans or launders personal protective equipment:

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NOTE: [~~The requirements for a respirator program as required under OAR 437, Division 2/I, 1910-134, Respiratory Protection, would also apply.~~ **The requirements for a respirator program in OAR 437-004-1041 Respiratory Protection standard would apply.**

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170.250 Decontamination

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(b) General Conditions.

Note: In Oregon, to the extent that the Emergency Eyewash and Shower Facility requirements containing in OAR 437-004-1305(5), Division 4/K, are more stringent than the label requirements, they will apply.

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437-004-9010 Fumigated Areas.

Scope: Covers pesticides which when applied, forms a gas to control pests.

Definitions:

Types of fumigations include soil, space (warehouse), vertical storage, flat storage, tarpaulin, spot (includes grain handling equipment, empty tanks and empty silos), chamber, vehicle and rodent burrows.

Types of fumigants include aluminum phosphide, methyl bromide, chloropicrin, 1,3-D (Telone), dazomet, metam sodium and iodomethane.

(1) All work with fumigants must follow the instructions and precautions in the manufacturer's application manual and on the product label and MSDS.

(2) All entry points into fumigated interior areas must have signs that identify the area as fumigated and prohibit entry.

(3) Leave the signs posted according to the instructions of the manufacturer of the fumigating chemical or until the hazard resulting from the fumigation is gone, whichever is the longer time.

(4) After fumigation, there must be a way to aerate the fumigated area without contaminating other areas where there are employees.

(5) If the fumigation process requires the worker to be in the fumigated area, there must be at least one other person present to assist during an emergency. That person must have the same training and access to the same personal protective equipment as the first worker.

(6) Fumigation chambers or areas must not allow the toxic fumigants to escape or otherwise enter other areas where they can be hazardous to other workers.

(7) If the fumigant concentration can exceed 10 percent of the lower explosive limit (LEL), all electrical equipment, fittings, and connections must be vapor proof.

437-004-9600 Lead ***** (Note to reader: The lead standard in Division 4 will be removed and in its place is the following new text referencing the lead standard in Division 2/Z.)*****

Definition. Lead means any metallic lead, all inorganic lead compounds and organic lead soaps. All other organic lead compounds are not included.

(1) The employer is responsible to determine, before work begins, if any task or work assigned will expose employees to lead.

(2) Work that exposes employees to lead must comply with OAR 437-002-1910.1025.

437-004-9720 Thiram

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(3) General requirements.

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(b) Washing and worker hygiene.

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(C) Where warm water is not available within, **or the means to access within, a** 15 minutes travel time, provide [~~non-alcoholic-based-waterless hand cleaner~~] **clean water, soap and single-use towels.**

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(c) Personal protective measures

(E) Provide nursery applicators with approved respirators, disposable coveralls or rubber slickers or other impervious clothing, rubberized boots, head covers and rubberized gloves. They must use the respirators according to 4/1 OAR 437-004-10[40]41, Respiratory Protection.

(d) Respiratory protection.

(A) When worker exposure is more than the Permissible Exposure Limit (PEL), [P]provide [workers] them with applicable, certified respiratory protection approved by NIOSH.

(B) Use and maintain respirators according to 4/1, OAR 437-004-10[40]41, Respiratory Protection.

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