

# Oregon OSHA Proposed Changes to Division 4, Agriculture

March 2010

Text proposed to be removed/repealed is in [~~brackets with line through~~].

Text proposed to be added/adopted is in **bold and underlined**.

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## Division 4/A, Agriculture/General Subjects

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.

NOTE: 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 and 08 (NAICS 111).]~~

SIC NAICS

**01 111 All Groups**

**02 112 All Groups**

0711 115112 Soil Preparation Services

0721 115112 Crop Planting, Cultivating, and Protection

0722 115113 Crop Harvesting, Primarily by Machine

0723 115114 Crop Preparation Services for Market: Except Cotton Ginning

**Note: SIC 0723 (NAICS 115114), Division 4, Agriculture covers growers who:**

- **Buy farm products for resale to the general public. These products may be cleaned, sorted, graded, dried whole, bagged or packaged, but are not processed (pasteurized or homogenized) or altered (cut, canned, or frozen).**

- Grow 51 percent or more of the sold crops themselves, but also buy farm products for resale to anyone other than the general public. These products may be cleaned, sorted, graded, dried whole, bagged, or packaged, but are not processed (pasteurized or homogenized) or altered (cut, canned, or frozen).

0761 115115 Farm Labor Contractors and Crew Leaders

0762 115116 Farm Management Services

0811 111421 Christmas Tree Growing and Harvest

**0831 113210 Forest Nurseries and Gathering of Forest Products**

**Note: Division 4 covers establishments growing trees for other purposes, including seedlings for reforestation. Division 7, Forest Activities, covers establishments growing trees for lumber, pulp or other wood products, even when done on “tree farms.” Other activities, like gathering needles, bark, and other secondary products covered by NAICS 113210 are Division 7.**

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 4-1998, f/8/28/98, ef. 10/1/98.

OR-OSHA Admin. Order 9-2006, f. 9/22/06, ef. 9/22/06.

**OR-OSHA Admin. Order X-2010, f. X/XX/10, ef. X/XX/10.**

437-004-0003 Exclusive Coverage.

Division 4, Agriculture, and parts of Division 1, General Administrative Rules, are the only Oregon OSHA standards that apply to employers in 437-004-0002. Employers in 437-004-0002 will not be cited from standards in Division 2 or Division 3, Construction, unless Division 4 states they are applicable.

The following parts of Division 1 DO NOT apply to Agriculture. This division has language covering their subjects.

**437-001-0760 Rules for all Workplaces. 437-004-0099 General Standards applies instead.**

**437-001-0765 Safety Committees and Safety Meetings. 437-004-0251 Safety Committees and Safety Meetings applies instead.**

NOTE: ORS **654 (The Oregon Safe Employment Act)** and specifically 654.010, [~~applies to all places of employment in Oregon. It is~~] commonly referred to as the General Duty Clause, **applies to all places of employment in Oregon.**

~~[IMPORTANT NOTE: As you read through these standards, remember the two basic elements that must be present for Oregon OSHA to issue a citation for a violation. They are: (1) A health or safety hazard must exist. (2) There must be employee exposure to the hazard.]~~

~~Stat. Auth.: ORS 654.025(2) and 656.726(4).~~

~~Stats. Implemented: ORS 654.001 through 654.295.~~

~~Hist: OR-OSHA Admin. Order 4-1998, f. 8/28/98, ef. 10/1/98.~~

~~**OR-OSHA Admin. Order X-2010, f. X/XX/10, ef. X/XX/10.**~~

~~[437-004-0004 Worker Protection Standard.~~

~~Oregon OSHA administers and enforces the Worker Protection Standard (40 CFR 170). It is part of this division. All parts apply in addition to and not instead of any other part of Division 4, Agriculture. Should any parts of these two standards conflict, comply with the part offering the most protection to workers.~~

~~Stat. Auth.: ORS 654.025(2) and 656.726(4).~~

~~Stats. Implemented: ORS 654.001 through 654.295.~~

~~Hist: OR-OSHA Admin. Order 4-1998, f/8/28/98, ef. 10/1/98.]~~

437-004-0099 General Standards.

(1) Miscellaneous.

(a) Conspicuously post warning signs, danger signs, warning flags, warning lights, or similar devices where hazards not otherwise adequately guarded warrant their use.

(b) ~~[Maintain and use in an operable condition any]~~ **Keep all safeguards or devices operating properly and fully effective at providing the protection originally intended** ~~[required by any rule in this division to fulfill its intended purpose].~~

(c) Erect protective barriers or suitable guards when covers over openings are removed or excavations made in places accessible to workers or vehicles.

(d) Do not allow the use of intoxicating liquor or drugs on the job. Do not allow anyone to work with impaired ability to work safely.

(e) Do not allow horseplay, scuffling, practical jokes or any other similar activity.

(2) Supervision and competency.

(a) Require employees to demonstrate their ability to work safely.

(b) Provide enough supervision over employees to ensure and enforce compliance with safe operating procedures and practices.

NOTE: It is not the meaning of this rule to require a supervisor on every part of any operation, nor to prohibit workers from working alone.

(c) Take all reasonable means to require employees:

(A) To work and act in a safe and healthful manner;

(B) To work in compliance with all applicable safety and health rules;

(C) To use all means and methods, including but not limited to, ladders, scaffolds, guardrails, machine guards, safety belts and lifelines, necessary to work safely where employees are exposed to a hazard;

(D) Not to remove, displace, damage, destroy or carry off any safety device, guard, notice or warning provided for use in any employment or place of employment where safety and health rules require such use.

(d) Use a procedure, appropriate for the work, to check on the well-being of workers whose duties require them to work alone or in isolation. Instruct all workers about the procedure.

NOTE: A two-way system of signals, thoroughly understood by both parties or other form of two-way communication is acceptable. Motor noise is not acceptable as contact or as an indication of well-being.

(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 every place of employment at least quarterly. OAR 437-004-0251[~~0250(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 437-004-0251[0250(6)(e)] has other requirements related to these investigations.

NOTE: As mentioned above, “lost time injury” is the same as the ORS 656.005(7)(c) definition of “disabling compensable injury.” That is: an injury that entitles the worker to compensation for disability or death. To fall into this category the employee must miss three consecutive calendar days beginning with the day the worker first loses time or wages from work as a result of the compensable injury. This includes weekends and holidays when they might normally be off.

(b) At the request of authorized OR-OSHA representatives, you or your superintendents, supervisors and employees must furnish all evidence and names of known witnesses to an accident.

(c) Employees in charge of work are agents of the employer in the discharge of their authorized duties, and are always responsible for:

(A) The safe performance of the work under their supervision; and

(B) The safe conduct of the crew under their supervision; and

(C) The safety of all workers under their supervision.

(5) Extraordinary hazards. When conditions arise that cause unusual or extraordinary hazards to workers, take additional means and precautions to protect workers or to control the hazardous exposure. If you cannot make the operation reasonably safe, stop work while the abnormal conditions exist or until the work is safe.

(6) Signals and signal systems.

(a) Give control signals by only one person at a time.

(A) When given, make signals clear and distinct.

(B) The person receiving the signals must understand their meaning before taking action.

(b) Act immediately on emergency stop signals from whatever source.

(c) Do not throw any type of material that can produce injury, such as rocks, wooden or metal objects, etc., as a signal.

(d) Do not give signals for the movement of materials or equipment until all persons who might be in danger by the movement are in the clear.

## Employment of Minors

NOTE: Information on current regulations about the employment of minors is available from the local office of the Oregon Bureau of Labor and Industries, or by writing to: Wage and Hour Division, Oregon Bureau of Labor, **800 NE Oregon Street, Suite 1045, Portland, OR 97232. Phone: 971-673-0761. Fax: 971-673-0769** [~~3865 Wolverine NE Rm E-1, Salem, Oregon 97310~~].

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 4-1998, f/8/28/98, ef. 10/1/98.

OR-OSHA Admin. Order 9-2006, f. 9/22/06, ef. 9/22/06.

**OR-OSHA Admin. Order X-2010, f. X/XX/10, ef. X/XX/10.**

## Division 4/C, Agriculture/Safety Awareness

437-004-0240 Safety Orientation for Seasonal Workers.

### **Definitions:**

**Hand-labor operations refer to field work done by hand or with hand tools. This includes cultivating, weeding, planting, harvesting, and packing any type of crop. Packing includes putting crops or produce into containers on the ground, on a moving machine, or in a temporary packing shed in the field.**

**Non-seasonal workers are employed, either full-time or part-time, for more than three months in a calendar year.**

*Seasonal* [~~W~~]**workers** [~~— a person~~] **are** employed [~~in a job tied to a certain time of year by an event or pattern and for not more than 10~~] **for three or fewer** months in a calendar year.

**Note: The following are only minimum requirements. Other parts of the agriculture standard require training for certain types of work in addition to these general orientation requirements.**

(1) [~~This applies to agricultural employers with 10 or fewer non-seasonal workers. (See the notice at the end of this page.)~~] **Basic Safety Awareness Requirements.**

[~~(2) All~~]**(a) You must provide** seasonal **employees with** [~~workers must receive~~] at least the following information [~~it~~] **at** their orientation meeting before beginning work for the

first time [or] **and** when work conditions or locations change in a way that **could** reasonably [could] affect their safety or health[.].

[(a) Reserved.]

~~[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.]~~

~~[NOTE: This paragraph satisfies the training requirements under 437-004-9800, Hazard Communication for workers doing field and hand labor. It also satisfies the requirements for training under the Worker Protection Standard, 437-004-40 CFR 170.130(c). See Subdivision W.]~~

[(b)A] [Employer's s]**S**afety and health rules for their work[they will do].

[(e)B] [The employer's p]**P**rocedures for workers to contact supervisors or managers in case of accident, illness, or [any] problems s related to safety or health.

[(e)C] [The employer's p]**P**rocedures for treating ing[ment of] injured or sick workers and [the]**f**or summoning [of] emergency assistance.

[(e)D] The location of posted safety and health information.

**(b) The provider of this basic safety awareness information must be able to understand and respond to worker's questions.**

**(2) Overcoming language barriers. You must present safety and health awareness information in a manner that workers can understand, such as by using non-technical terms, pictures, or translators.**

**NOTES: Division 4/Z, Hazard Communication, OAR 437-004-9800(7)(d), requires employers to give a copy of the Oregon OSHA's *Safe Practices When Working Around Hazardous Agricultural Chemicals* (#1951) to every employee. This publication provides an outline of the information that agricultural employers must provide during the initial training for workers under both the hazard communication rules and the pesticide worker protection standard (WPS) in Division 4/W, 170.130(c). Contact Oregon OSHA for copies of the publication and information about available language formats.**

**You must provide the initial WPS training if pesticide products labeled with "agricultural use requirements" have been used at the place of employment during the 30 days prior to the worker's first day of employment or will be used during the worker's period of employment. Additional WPS training requirements apply on the sixth day of employment, and in other work situations that fall under the definition of "pesticide handler." See Division 4/W for these additional training requirements.**

For seasonal workers doing hand-labor operations only, you must provide all of the following to meet the initial training requirements under the WPS, this safety awareness orientation rule, and the hazard communication rule.

- ✓ The training outlined in *Safe Practices When Working Around Hazardous Agricultural Chemicals* publication.
- ✓ The basic safety awareness requirements information in OAR 437-004-0240.
- ✓ Access to material safety data sheet information for the hazardous chemicals to which they reasonably may be exposed.

~~[NOTE: These are only minimum requirements and are not all inclusive. Other parts of the Agriculture standard require specific or general training for certain types of work. Those requirements are in addition to these general orientation requirements.]~~

~~[NOTICE: If you employ more than 10 non-seasonal workers, read and comply with OAR 437-004-0250 which follows this standard. If you employ 10 or fewer non-seasonal workers but have had one or more accepted disabling claims in any 12-month period, read and comply with OAR 437-004-0250 which follows this standard.]~~

Stat. Authority: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 2-1999, f. 4/30/99, ef. 4/30/99.

OR-OSHA Admin. Order 9-2006, f. 9/22/06, ef. 9/22/06.

**OR-OSHA Admin. Order X-2010, f. X/XX/10, ef. X/XX/10.**

~~[437-004-0250—Safety Committees.~~

~~(1) Application.~~

~~(a) Agricultural employers with more than 10 non-seasonal workers must have an effective safety committee.~~

~~(b) Agricultural employers with 10 or fewer non-seasonal workers do not need a safety committee unless they had one or more lost workday cases during a 12-month period.~~

~~Note: Under (b) above, you must have your first safety committee meeting the month after your first lost workday case during any 12-month period. You can stop the meetings after you complete a 12-month period without a lost workday case.~~

~~(c) Labor contractors must have a committee based on the number of workers over which they exercise direction and control.~~

~~(2) Purpose. The purpose of a safety committee is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each~~

workplace. A safety committee assists the employer and makes recommendations for change.

~~(3) Effective committee. An effective committee must produce at least the following results:~~

~~(a) Workers must be aware of the committee, who is on it, how it functions, when it meets and how information passes from workers to management and from management to workers.~~

~~(b) Workers must be aware of their right to have matters placed on the committee's agenda and into the meeting minutes.~~

~~(c) Workers must know the employer's method or system for the reporting of safety and health concerns, incidents and accidents.~~

~~(d) Workers must know the committee's responsibility to review all incident and accident reports.~~

~~(4) Definitions.~~

~~Management—includes all supervisors and persons who regularly exercise direction and control over workers.~~

~~Seasonal Worker—a person employed in a job tied to a certain time of year by an event or pattern and employed for not more than 10 months in a calendar year.~~

~~Workers—for the purposes of determining the need for a safety committee, include both full and part-time employees.~~

~~(5) General requirements.~~

~~(a) Employers who also hire seasonal workers must hold safety orientation meetings for those crews. See paragraphs OAR 437-004-0250(8).~~

~~(b) If you have more than one geographic employment location, use a combined committee only if:~~

~~(A) The locations are close enough to assure that a joint committee meets the requirements in OAR 437-004-0250(3), or;~~

~~(B) The locations employ some of the same workers; and~~

~~(C) The joint committee represents safety and health concerns of all workers at all locations.~~

~~(c) The safety committee of employers with 20 or fewer non-seasonal workers must have at least one manager and one worker. Employers with more than 20 non-seasonal workers must have at least two managers and two workers on the committee.~~

~~(A) Do not coerce workers to serve on the committee. Give all workers the opportunity to volunteer to serve on the committee. If there are no volunteers, the employer may appoint the member(s).~~

~~Note: Do not count seasonal workers when calculating the number of members needed on the committee.~~

~~(d) Employers must pay workers their regular hourly rate for attending safety committee meetings or instruction or training required as part of their safety committee duties.~~

~~(6) Duties and functions.~~

~~(a) Regular safety committee meetings must be held monthly except in months when there are inspections under OAR 437-004-0099(3). Committees for employers with 10 or fewer workers, under (1)(b), must meet quarterly in addition to their inspection months.~~

~~Note: It is acceptable to combine required safety committee meetings with seasonal worker orientation sessions if you fulfill all requirements for the committee meetings.~~

~~(b) Keep a record of all safety committee meetings and make the records available to workers. Keep the record for 3 years for inspection by OR-OSHA.~~

~~(c) All reports, inspections, evaluations, recommendations and items brought before the committee must be part of the record.~~

~~(d) The employer must respond to safety committee recommendations in a reasonable time.~~

~~(e) The committee must:~~

~~(A) Establish procedures for the committee to do the safety inspections in OAR 437-004-0099(3).~~

~~(B) Review all reports of the quarterly inspections required in OAR 437-004-0099(3).~~

~~(C) Establish procedures for investigating all safety incidents, accidents, illnesses and deaths.~~

~~(D) Evaluate accident and illness prevention programs.~~

~~(E) Set guidelines for the training of safety committee members.~~

~~(7) Training.~~

~~(a) Discuss OAR 437-004-0250 (these rules) and the purpose and operation of the committee with safety committee members.~~

~~(b) Committee members must have timely access, through the employer, to all OR-OSHA standards that apply to their work.~~

~~(c) Committee members must receive training in hazard identification.~~

~~(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.~~

~~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.~~

~~NOTE: This paragraph satisfies the training requirements under 437-004-9800, Hazard Communication for workers doing field and hand labor. It also satisfies the requirements for training under the Worker Protection Standard, 437-004-40 CFR 170.130(c). See Subdivision W.~~

~~(b) Employer's safety and health rules for the work they will do.~~

~~(c) The employer's procedures for workers to contact supervisors or managers in case of accident, illness or any problem related to safety or health.~~

~~(d) The employer's procedures for treatment of injured or sick workers and the summoning of emergency assistance.~~

~~(e) The location of posted safety and health information.~~

~~NOTE: These are only minimum requirements and are not all inclusive. Other parts of the Agriculture standard require specific or general training for certain types of work. These requirements are in addition to these general orientation requirements.~~

~~Stat. Auth.: ORS 654.025(2) and 656.726(4).~~

~~Stats. Implemented: ORS 654.001 through 654.295.~~

~~Hist: OR-OSHA Admin. Order 4-1998, f. 8/28/98, ef. 10/1/98.  
OR-OSHA Admin. Order 2-1999, f. 4/30/99, ef. 4/30/99.  
OR-OSHA Admin. Order 7-2000, f. 7/26/00, ef. 7/26/00.  
OR-OSHA Admin. Order 1-2002, f. 2/15/02, ef. 2/15/02.  
OR-OSHA Admin. Order 9-2006, f. 9/22/06, ef. 9/22/06.]~~

## **437-004-0251 Safety Committees and Safety Meetings.**

### **Definitions:**

**Management is anyone who regularly exercises direction and control over employees.**

**Non-seasonal workers are employed, either full-time or part-time, for more than three months in a calendar year.**

**Seasonal Workers are employed for three or fewer months in a calendar year.**

<p><b><u>Purpose. The purpose of safety committees and safety meetings is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A safety committee assists the employer by establishing procedures, performing inspections, evaluating safety and health programs, and recommending changes in workplace conditions and practices. By participating in safety meetings, workers and management work together to recognize hazards and to make safety and health improvements at the workplace.</u></b></p>
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### **(1) General Requirements**

**(a) You must either have an effective safety committee or hold effective safety meetings. (See Table 1.)**

**(b) If you have employees with language barriers, you must communicate safety awareness information in a manner that workers can understand. Include content that is either translated into the language used to hire and supervise these employees or that is otherwise effectively conveyed, such as through visual media.**

**(c) If you hire both seasonal and non-seasonal workers, follow these rules for the non-seasonal workers and OAR 437-004-0240 for the seasonal workers.**

**NOTE: Nothing in these rules prevents you from having seasonal workers attend safety meetings.**

**(d) If you are a labor contractor, have a committee or meetings based on the number of non-seasonal employees that you direct and control.**

**Table 1**

<b><u>IF:</u></b>	<b><u>You can have a safety committee</u></b>	<b><u>You can have safety meetings instead of a committee</u></b>
<b><u>You have 10 or fewer non-seasonal workers at a location</u></b>	<b><u>Yes</u></b>	<b><u>Yes</u></b>
<b><u>You have more than 10 non-seasonal workers at a location</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
<b><u>You have satellite or auxiliary worksites with 10 or fewer non-seasonal workers at each location</u></b>	<b><u>Yes</u></b>	<b><u>Yes</u></b>

**(2) Safety Committees.**

**(a) Management’s Duties.**

**(A) Pay members at their regular rate of pay for attending the meetings, trainings, inspections, and other functions required by this rule.**

**(B) Provide committee members with timely access to these rules (OAR 437-004-0251) and to all Oregon OSHA standards that apply to their work.**

**(C) Respond to safety committee recommendations within a reasonable time.**

**(b) Effective Safety Committees. You must ensure that the committee produces at least the following results:**

**(A) Employees are aware of the committee, who is on it, when it meets and how information is shared between management and workers.**

**(B) Employees are aware of their right to have their safety and health concerns heard by the committee.**

**(C) Employees know the employer’s method or system for reporting safety and health concerns, incidents, and accidents.**

**(c) Centralized Safety Committee. You may choose a centralized safety committee if all of the following apply:**

(A) You have more than one geographic employment location.

(B) The locations are close enough to ensure that a joint committee meets the requirements in OAR 437-004-0251(2)(b), Effective Safety Committees.

(C) The joint committee represents the safety and health concerns of all employees at all locations.

(d) Membership and Training.

(A) Have at least two members on your committee if you have 20 or fewer non-seasonal workers. Have at least four members if you have more than 20 non-seasonal workers. Members should represent the major activities of your business.

(B) Have an equal number of employer-selected members and worker-elected or volunteer members. If both parties agree, the committee may have more worker-elected or volunteer members.

NOTE: Management can select a supervisor or other employee to represent them. Workers can volunteer or elect any peer as a representative.

(C) Provide training on the purpose and operation of the safety committee, in hazard identification, and in the principles of accident investigation.

NOTE: Oregon OSHA provides no-cost training in safety committee workshops at locations around Oregon as well as through the Web site at [www.orosha.org/education.html](http://www.orosha.org/education.html).

(D) Have members serve a minimum of one year, when possible.

(E) Have a majority agree on a chairperson.

(e) Safety Committee Functions. Ensure that the committee does all of the following:

(A) Meets at least monthly, except in those months when quarterly inspections occur.

(B) Establishes procedures for doing the quarterly safety and health inspections required by OAR 437-004-0099(3). Persons performing inspections must be trained in hazard identification.

(C) Reviews all quarterly safety and health inspection reports and makes recommendations to eliminate identified hazards.

**(D) Works with management to establish procedures for investigating all safety incidents, accidents, work-related illnesses, and fatalities. Persons investigating these events must be trained in the principles of accident investigation.**

**NOTE: OAR 437-004-0099(4) requires agricultural employers to investigate every work-related lost-time injury.**

**(E) Evaluates all investigation reports and makes recommendations for ways to prevent recurrence.**

**(F) Sets guidelines for the training of safety committee members.**

**(G) Evaluates the accident and illness prevention programs at the workplace.**

**(f) Safety Committee Records.**

**(A) Ensure that records have at least the following information.**

**(i) Meeting date.**

**(ii) Names of those attending.**

**(iii) All reports, inspections, evaluations, recommendations, management responses, and other safety and health-related items brought before the committee.**

**(iv) The date that management agrees to respond to specific recommendations.**

**(B) Make these records available to all employees and to Oregon OSHA representatives, upon request.**

**(C) Maintain these records for at least three years.**

**(3) Safety Meetings**

**(a) Effective Safety Meetings. You must ensure that safety meetings produce at least the following results:**

**(A) Employees are aware of safety meetings, when and where they are held, and how information is shared between management and workers.**

**(B) Employees know that they have a right to have their safety and health concerns heard and questions answered at safety meetings.**

**(C) Employees know the employer's method or system for reporting safety and health concerns, incidents, and accidents.**

**(b) Meeting Requirements. Safety meetings must have all of the following characteristics:**

**(A) Include all available employees.**

**(B) Include at least one employer representative.**

**(C) Be on company time with attendees paid at their regular rate of pay.**

**NOTE: If you have questions about this, contact the Oregon Bureau of Labor and Industries.**

**(D) Occur at least monthly.**

**(c) Meeting content. Safety meetings must include the following:**

**(A) Information about safety and health issues relevant to the workplace.**

**(B) Reports from quarterly workplace safety inspections and from investigations of any work-related, time-lost injuries, including suggested corrective measures.**

**NOTE: OAR 437-004-0099(3) requires a competent person to inspect the agricultural workplace at least quarterly. OAR 437-004-0099(4) requires agricultural employers to investigate every work-related lost-time injury. See Division 4/A for details.**

**(C) Opportunities for employees to ask questions, bring up safety and health concerns, and make suggestions.**

**(D) Information that is presented in a manner that can be understood by all employees.**

**(d) Meeting Records.**

**(A) Meeting notes must include the following information:**

**(i) Meeting date.**

**(ii) Names of those attending.**

**(iii) Topics discussed.**

**(B) Keep the records for at least 3 years.**

**(C) Make the records available to your employees and to Oregon OSHA representatives, upon request.**

**NOTE: If all your employees attend a safety meeting, you are only required to record the meeting date and a list of the employees attending.**

**Stat. Auth.: ORS 654.025(2) and 656.726(4).**

**Stats. Implemented: ORS 654.001 through 654.295.**

**Hist: OR-OSHA Admin. Order X-2010, f. X/XX/10, ef. X/XX/10.**

## Division 4/K, Agriculture/Medical/First Aid

437-004-1305 Medical Services and First Aid.

### (1) Definitions.

Emergency medical service is care by a medically trained person~~[such as in a hospital, clinic, ambulance or rescue vehicle].~~

Qualified first aid person has evidence to show valid first-aid and CPR training within the last ~~[2]~~**two** years.

### (2) First aid supplies.

(a) ~~[You must p]~~**Provide** first-aid supplies based on the types of injuries that could occur at the place of employment. The first-aid supplies must be **immediately** available to all workers on all shifts ~~[immediately]~~ when needed. Do not lock up or otherwise restrict access to first-aid supplies.

(b) Protect first-aid supplies from damage, deterioration, or contamination. Clearly mark containers. First-aid containers may be sealed to protect the contents from contamination.

Note: Supplies such as gloves and a mouth barrier device are personal protective equipment covered by Subdivision I, Personal Protective Equipment.

(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.]~~

**(a) Assure availability of emergency medical services for injured or sick employees.**

**(b) Promptly call the emergency services to provide treatment.**

NOTE: These services can be by outside sources such as the local 911 response system or by employees who are qualified first-aid persons.

(4) Emergency medical plan.

(a) ~~To do~~ **D**etermine the appropriate type of medical service for each place of employment~~;~~. ~~Y~~ **Y**ou must do a survey and develop an emergency medical plan. You must evaluate these areas:

(A) Determine the types of injuries and~~/or~~ illnesses that ~~could~~ **are likely to** occur at the worksite.

(B) Contact the local emergency response system and get information about their ability to handle these types of emergencies and ~~in what time frame they can respond~~ **their response time**. Consider ~~such~~ things **such** as nearness of the responding teams, traffic, equipment, average response times, and whether the system is staffed by volunteers or full-time people.

(C) Based on this information, decide whether the local response system can handle your situation or whether you need your own qualified first-aid persons.

**(D) Train all employees about the medical plan and their responsibilities during an emergency.**

(b) If the local response system is adequate, then the minimum emergency medical plan must contain ~~your instruction to employees for action in case of an injury or illness and~~ the emergency phone number **and emergency action instructions for employees in case of an injury or illness**~~they are to use~~. Post this emergency medical plan where employees gather or are most likely to read it.

(c) If the response system is not ~~able~~ **adequate** to handle your potential injuries ~~and/or~~ illnesses, then your plan must also contain clear and specific **emergency action** instructions for employees~~actions~~ in case of injury or illness. The plan of action must have:

(A) The names, locations, and phone numbers of people trained and authorized to give first aid and other treatment.

(B) Any special instructions about communications like two-way radios, telephones or other provisions for emergency communication to contact the emergency medical services.

(C) ~~Availability of~~ **A plan for** transportation to ~~a point where an~~ **the** ambulance ~~can be met~~ or ~~to the~~ nearest suitable medical facility.

~~[(D) Train all employees to know the information in the medical plan and their responsibilities during an emergency.]~~

~~(5) Emergency eyewash and shower facilities. [This does not apply to early entry work 170.112(c)(8) or agriculture field work covered under 170.150 which requires provision of an “emergency eyeflush” container as per the pesticide label. Where the pesticide label specifies an “emergency eyewash” be provided when handling the pesticide concentrate, as in mixing and loading activities, these rules apply.]~~ **Emergency eyewash and shower rules apply when there is a reasonable chance of skin or eye contact with chemicals that would cause damage. For mixing and loading pesticides, this section applies when the product label says “Danger” or “Danger/Poison.”**

**Note: This section does not apply to eye flushing supplies required for decontamination in Division 4, Subdivision W, of the Worker Protection Standard for early entry work covered under 170.112, agriculture field work covered under 170.150, or pesticide handlers covered under 170.250.**

~~(a) [When there are substances that could injure workers by getting into their eyes or onto their bodies, provide them with a system to decontaminate themselves.]~~

**Provide an emergency eyewash and shower facility when there are chemical substances that could injure workers by getting into their eyes or onto their bodies.**

~~(b) [Where plumbed water is available at fixed work sites, you must p]~~**Provide a plumbed eyewash station at fixed worksites where plumbed water is available** that meets the following:

(A) Locate it so that exposed employees can reach it and begin treatment in 10 seconds or less. The path must be unobstructed and cannot require the opening of doors or passage through obstacles unless other employees are always present to help the exposed worker.

(B) Install the equipment according to the manufacturer’s instructions.

(C) The system must have valves that stay open **once activated**, without the use of [the] hands.

~~(D) [Water temperature must be appropriate for the anticipated types of exposures. Water pressure must be 15 to 25 psi with a flow of .4 gallons per minute for 15 minutes. If the system manufacturer’s instructions require different criteria, follow them to assure proper operation of the system.]~~ **Water must be potable. Flow and pressure must provide the needed treatment without causing injury to the employee.**

(c) ~~[Where plumbed water is available at fixed work sites you must p]~~**Provide a plumbed full body shower at fixed worksites where plumbed water is available. The full-body shower must ~~[that]~~ meet[s] the following requirements:**

(A) Locate it so that exposed employees can reach it and begin treatment in 10 seconds or less. The path must be unobstructed and cannot require the opening of doors or passage through obstacles unless other employees are always present to help the exposed worker.

(B) Install the equipment according to the manufacturer's instructions.

(C) The system must have valves that stay open **once activated**, without the use of ~~[the]~~ hands.

(D) ~~[Water temperature must be appropriate for the anticipated types of exposures. Water flow must be at least 30 gallons per minute. If the system manufacturer's instructions require different criteria, follow them to assure proper operation of the system.]~~ **Water must be potable. Flow and pressure must provide the needed treatment without causing injury to the employee.**

(d) ~~[For mobile work sites and sites without plumbed water,]~~**Provide** self-contained systems **for sites without plumbed water** ~~[are acceptable]~~. These systems must provide ~~[clean, fresh water at]~~ flow rates adequate to provide complete decontamination of the eyes or body. Follow the manufacturer's instructions for use and inspection.

(e) **Assure treatment is available** ~~[i]~~**if** the MSDS or other information about the expected contaminant gives treatment instructions different from those required in this section~~[, follow them]~~. If the manufacturer requires specific decontaminants or procedures, you must provide them in addition to the eyewash or shower. Certain substances like acids, chlorine and anhydrous ammonia require special treatment. ~~[The employer must assure this treatment is available.]~~

(f) ~~[If fountains or showers can freeze, t]~~**Take** protective measures to prevent freezing.

**Note: ANSI Z358 has information about the performance requirements for eyewashes and showers. Among other things, they recommend that the water temperature be between 60° to 100°F.**

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 4-1998, f/8/28/98, ef. 10/1/98.

OR-OSHA Admin. Order 9-2006, f. 9/22/06, ef. 9/22/06.

**OR-OSHA Admin. Order X-2010, f. X/XX/10, ef. X/XX/10.**