

PROGRAM DIRECTIVE

Program Directive: A-174

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SUBJECT: Local Emphasis Program (LEP): Field Sanitation

**AFFECTED CODES/
DIRECTIVES:**

- A. OAR 437-004, Agricultural Operations and Farming.
- B. OAR 437-004-9800, Hazard Communication.
- C. OAR 437-004-6000, Worker Protection Standard
- D. OR-OSHA PD A-235, Local Emphasis Program for Pesticides
- E. OR-OSHA PD A-237, Water Quality
- F. OSHA Instruction ADM 1-1.12B, December 29, 1989, the Integrated Management Information System (IMIS) Forms Manual.

PURPOSE: To establish and implement an LEP for field sanitation inspections and to provide guidelines for the inspection of agricultural establishments covered by the Field Sanitation Standard as contained in OAR 437-004, Agriculture.

BACKGROUND:

- A. Federal OSHA promulgated several sanitation standards for the protection of the safety and health of agricultural workers prior to the Field Sanitation standard.
 - 1. Those standards are found in both OSHA General Industry Standards, 29 CFR 1910, and in the Occupational Safety and Health Standards for Agriculture, 29 CFR 1928.
 - 2. The major weaknesses of those standards are their lack of rules for sanitation facilities in the field for hired farm workers, many of whom are migrant workers. Without adequate sanitation, such workers may contract and pass on communicable diseases as

they move from area-to-area and State-to-State while providing hand- labor to cultivate and harvest food and fiber.

3. The final Federal OSHA Field Sanitation Standard was published in the Federal Register on May 1, 1987. This final rule amended Title 29 CFR, Part 1928, by adding a new final occupational safety and health standard titled "Field Sanitation", Part 1928.110.
 4. The effective date of the Federal OSHA Field Sanitation Standard was May 30, 1987.
- B. Oregon's Field Sanitation Rules were originally adopted in 1959 as part of the Farm Labor Camp rules. In 1975 they were revised and became separate rules. In December 1986 the Oregon Field Sanitation Rules were amended with the passage of SB 501 which established a minimum penalty of not less than \$250 and not more than \$2,500 for substantial noncompliance with the rules.

**APPROPRIATIONS.A.
RESTRICTIONS
AND SCOPE OF
STANDARD:**

Per ORS 654.067 and OAR 437-01-065 OR-OSHA has the right to inspect any place of employment (excluding federal jurisdiction) in the State of Oregon, including agricultural and farming operations.

**TRAINING AND
EDUCATION OF
OR-OSHA
PERSONNEL:**

OR-OSHA will ensure that all safety or health compliance officers (COs) conducting field sanitation inspections are trained in the Field Sanitation Standard and any other applicable standard along with this and other appropriate instructions prior to conducting field sanitation inspections.

- A. The standards will be used as the basis of the training and the COs will be familiar with their contents. The training will contain a full discussion of the record upon which the final standards were based, and OSHA's and OR-OSHA's interpretations and intentions about the meaning of the individual requirements of the standards. In order to ensure an adequate understanding of the standards and encourage consistent enforcement, particular attention will be given during training to the following:
1. Scope of the standards;
 2. Definitions, especially agricultural employer,

agricultural establishment, and hand-labor operations;

3. Requirements for drinking water, toilet and handwashing facilities.

B. Continued training will be provided, on a regular basis, to field sanitation enforcement personnel by OR-OSHA personnel and other appropriate sources.

SCHEDULING PROCEDURES:

A. The procedures outlined in the Field Inspection Reference Manual (FIRM) for programmed inspections in general industry, construction, and maritime employment cannot be used in scheduling inspections of applicable agricultural establishments employing hand-labor operations in the field.

1. These operations tend to be seasonal and of short duration. Some variables which may affect the scheduling and inspection of these operations include types and location of crops, duration and season.

2. Inspection efforts in field sanitation shall be concentrated in high-impact counties having a significant number of Migrant Seasonal Farm Workers (MSFWs) and crops requiring labor intensive activities in the process of cultivation and harvesting. OR-OSHA shall use the following resources and studies as appropriate to identify high-impact counties to produce field sanitation activity throughout the year:

a. "Oregon Farm Labor Bulletin": Published by the Oregon Employment Division and reviewed weekly. This bulletin provides timely and accurate information about peak and nonpeak activity for labor-intensive crops throughout the state. (This bulletin can be found at the following internet address: <http://olmis.emp.state.or.us/olmisj/PubReader?itemid=00000041>), under publications.

b. Labor Contractor List: Produced by the Oregon Bureau of Labor and Industries. Updated monthly. This list provides the names, addresses and telephone numbers of

several hundred labor contractors in the state. arranged by county. Counties containing large numbers of contractors assist in identifying high-impact counties.

- c. Registered Agricultural Labor Housing: Produced by OR-OSHA. Updated yearly. This list provides the names of all registered labor housing in the state. This list divides the camp addresses by county. Counties containing large numbers of labor housing assist in identifying high-impact counties. This list also identifies the labor housing operator's expected period of occupancy.
3. All compliance personnel (COs) engaged in agricultural safety and health inspection activity will be instructed to look for hand-labor operations in the field when in rural areas where such operations are expected to be in progress.
 4. During the periods of planting, pruning or harvesting of crops and fibers, the CO making an observation of such operations where there are one or more employees engaged in hand-labor operations shall:
 - a. Determine as well as possible from a public area if the employer appears to be in violation of the Field Sanitation rules.
 - (1) If so, an inspection shall be initiated or a referral made.
 - (2) If not, an inspection may be initiated.
 - b. If an inspection is to be conducted, the inspection shall be initiated at the earliest possible time, depending on the local inspection priorities.

NOTE: All of the above inspections shall be recorded as programmed if the observing CO makes the inspection; otherwise, they shall be recorded as referrals.

- B. All complaints/referrals received concerning alleged violations of the Field Sanitation Standard shall be processed by the Safety/Health Enforcement Manager as quickly as priorities permit, due to the short duration of these operations. Consideration shall also be given to

available resources.

- C. If a denial of entry occurs, a warrant will be sought.
 - 1. The Safety/Health Enforcement Manager shall consider factors such as the following when processing a warrant application:
 - a. Warrant processing time;
 - b. Anticipated duration of the hand-labor, field operation;
 - c. Impact on compliance; and
 - d. Violations already documented.
 - 2. In those instances where denial of entry is the known policy of a given employer, a pre-inspection warrant shall be obtained by OR-OSHA.

CLASSIFICATION OF VIOLATIONS:

- A. Failures to comply with the standard's requirements to supply water or sanitation facilities in the field, especially during peak planting or harvesting periods, generally shall be classified as serious violations. Violations will be classified as other-than-serious when it is clear that the failures to comply are minimal or that, under the conditions in the particular field, the hazards to be controlled by compliance are minimal. Substantial failure-to-comply will be cited when an employer engaged in the production of crops intended for human consumption fails to provide acceptable and accessible toilet facilities, handwashing facilities or drinking water, and that failure exposes affected workers to a serious hazard likely to result in an injury or illness.

Example: A failure to comply would be minimal when an employer provided a single toilet (at an appropriate place in the field) for 21, instead of 20 employees.

- B. The classification of safety and health violations involves the exercise of maximum professional judgment. All relevant facts must be carefully considered when making classification decisions.

ABATEMENT

Due to the short duration of hand-labor, field operations

- OF VIOLATIONS:** the abatement period shall be the shortest possible interval, with particular emphasis given to immediate abatement.
- FOLLOW-UP INSPECTIONS:** Due to the short duration of field activities, field sanitation follow-up inspections cannot be scheduled in the manner provided in the FIRM. When conditions warrant them, an attempt will be made to conduct follow-up inspections on at least 5 percent of the field sanitation inspections which resulted in the citation of serious violations.
- RECORDING IN IMIS:** Current instructions for completing the Inspection Report, OSHA-1, as found in the IMIS Manual shall be used with the following additional instructions:
- A. The OR-OSHA-1, Item 24 shall be marked as appropriate.
 - B. The OR-OSHA-1, Item 25c "Local Emphasis Program, and Item 25d "National Emphasis Program" will be marked and "FIELDSAN" entered in the "specify field" for all field sanitation inspections.
 - C. Block 42, S-11 Ag Safety; or Ag Health; or Ag Safety 10 or Less; or Ag Health 10 or Less, and S-06 Mobile
- EVALUATION:** The Field Sanitation Program Directive will be evaluated periodically to determine if the elements of effective, efficient and consistent enforcement inspections are being met, and if not, that those elements are identified and measures taken to correct deficiencies.
- EFFECTIVE DATE:** This directive is effective immediately and will remain in effect until canceled or superseded.