

TABLE OF CONTENTS

437-004-0001	Application	A-1
437-004-0002	Scope	A-1
437-004-0003	Exclusive Coverage	A-2
437-004-0004	Worker Protection Standard.....	A-2
437-004-0005	Access to Employee Exposure and Medical Records.....	A-2
437-004-0099	General Standards	A-3
(1)	Miscellaneous.....	A-3
(2)	Supervision and competency	A-3
(3)	Inspections	A-4
(4)	Investigations	A-4
(5)	Extraordinary hazards	A-4
(6)	Signals and signal systems	A-4

437-004-0001 Application.

Everything in this standard is the responsibility of the employer. It is the responsibility of the employer to assure that their workers, facilities and equipment comply with this standard.

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.

437-004-0002 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	
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
0761	115115	Farm Labor Contractors and Crew Leaders
0762	115116	Farm Management Services
0811	111421	Christmas Tree Growing and Harvest

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.

A GENERAL SUBJECTS

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

437-001-0765

NOTE: ORS 654.010 applies to all places of employment in Oregon. It is commonly referred to as the General Duty Clause.

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, 1/8/28/98, ef. 10/1/98.

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, 1/8/28/98, ef. 10/1/98.

437-004-0005 Access to Employee Exposure and Medical Records.

For agricultural employers, OAR 437-002-1910.1020 applies.

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, 1/8/28/98, 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 safeguard or device 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.

A GENERAL SUBJECTS

(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 437-004-0250(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 437-004-0250(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.

GENERAL SUBJECTS A

- (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, 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.

– END OF DOCUMENT –

