



OSHA Update for Dairy Farms Operations LEP March 2019

USDOL/OSHA
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Objectives

- ▶ OSHA Inspection Priorities
- ▶ Dairy Farm Operations Local Emphasis Program (LEP) Inspection Targeting
- ▶ Top Ten OSHA Standards Cited on Dairy Farms
- ▶ Question & Answers

Inspection Priorities

▶ Inspection Types:

- Imminent Danger
- FAT/CAT–(Fatality/Catastrophe)
- Non fatal (Severe Injury)
- Complaint / Referral
- General Schedule (Programmed – Dairy Farm Operations LEP)

Enforcement Exemptions and Limitations under the Appropriations Act – CPL 2–0.51J

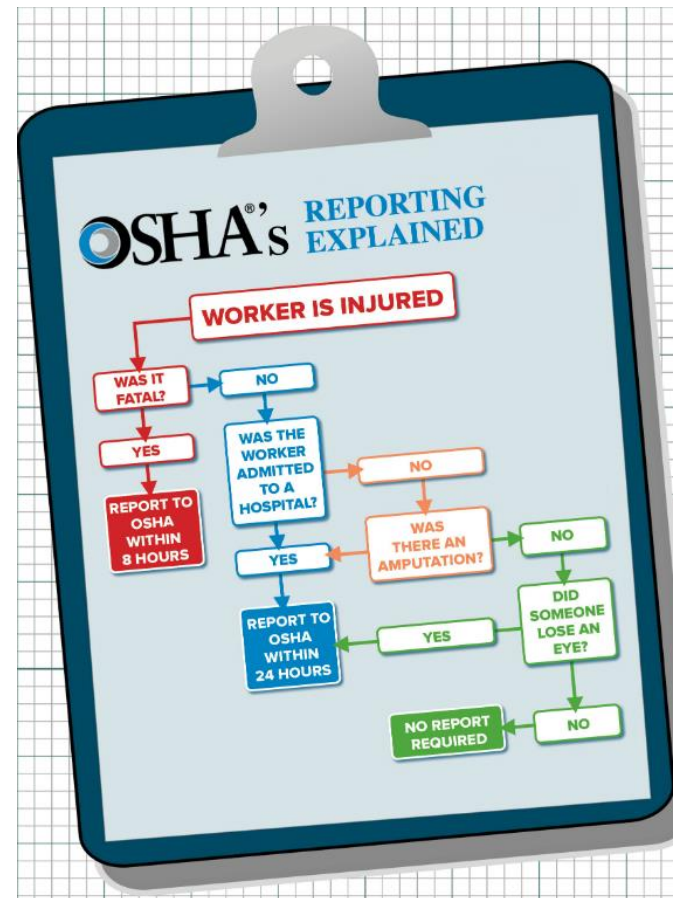
- ▶ A farming operation is **exempt** from all OSHA activities if it:
 - Employs 10 or fewer employees currently and *at all times* during the last 12 months; and
 - Has not had an active temporary labor camp during the proceeding 12 months.

Family members of farm employers are not counted when determining the number of employees.

A part-time employee is counted as “1” employee.

Report a fatality or severe injury

- All employers are required to notify OSHA when an employee is **killed** on the job or suffers a work-related **hospitalization, amputation, or loss of an eye**.
- A fatality must be reported **within 8 hours**.
- An in-patient hospitalization, amputation, or eye loss must be reported **within 24 hours**.



How can employers report to OSHA?

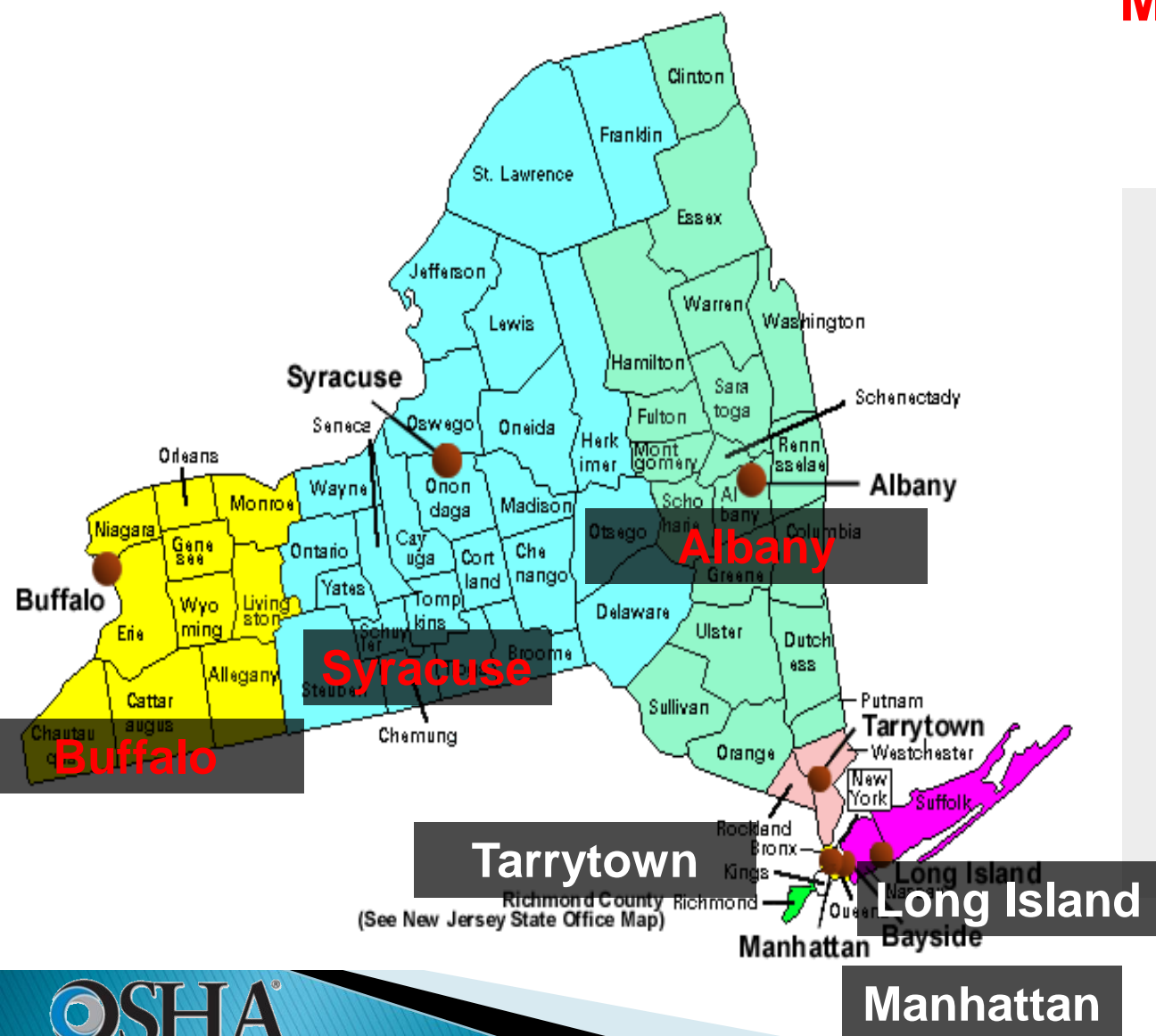
- During business hours, call the nearest OSHA office
- Or call the OSHA 24-hour hotline 1-800-321-6742 (OSHA)
- Electronically online at www.osha.gov
- Be prepared to supply:
Name of the establishment,
location and time of the incident, names of employees affected,
brief description of incident, and a contact person and phone number



NYS OSHA Area Offices

Main OSHA Number:

**1-800-321-OSHA,
1-800-321-6742**



Referral

- ▶ Another Agency
 - Wage & Hour has temporary labor camp jurisdiction and can refer to OSHA
 - Police or Coroner
 - Code Enforcement Officer

- ▶ Self-Referral (“Drive-By”)
 - Limited in dairy operations

- ▶ Media

Complaints

▶ Formal

- Signed by a current employee, family member or a representative of a current employee
- Hazard is ongoing, alleges a serious hazard and OSHA has standards that cover the hazard
- Requests on-site inspection

▶ Non-Formal or Investigation

- Phone/Fax
- Employer responds in writing in 5 days



Dairy Farm Operations LEP

osha.gov/sites/default/files/enforcement/directives/2019-03.pdf



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2019-03

EFFECTIVE DATE: 10/1/2018

SUBJECT: Local Emphasis Program – Dairy Farm Operations

REGIONAL IDENTIFIER: Region 2

ABSTRACT

Purpose:

This instruction continues the implementation of the Local Emphasis Program (LEP) for programmed inspection of the dairy farming industry.

Enforcement under the Dairy Farm Operations LEP

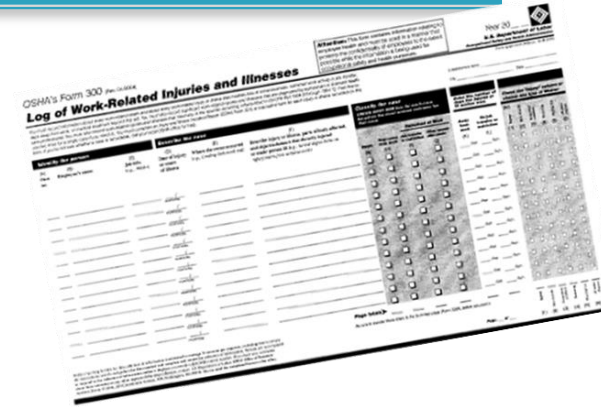
- ▶ A farming operation is exempt from OSHA enforcement activities under the LEP if it:
- ▶ Employs 10 or fewer employees currently and at all times during the last 12 months
- ▶ Temporary Labor Camps are exempt under the LEP

Standards Relating to Agriculture

- ▶ 29 CFR 1904: Recordkeeping
- ▶ 29 CFR 1928: Agriculture
- ▶ 29 CFR 1910: General Industry: As Referenced from 1928
- ▶ General Duty Clause: Section 5(a)(1)

1904.2 –Recordkeeping

- ▶ All industries in agriculture, construction, manufacturing, transportation, utilities and wholesale trade sectors are covered
- ▶ 1904.1 – Size Exemption:
 - If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep the injury and illness records unless surveyed by OSHA or BLS

The image shows OSHA Form 300, titled "Log of Work-Related Injuries and Illnesses". It is a detailed record-keeping form with multiple columns for recording incidents, including dates, descriptions of injuries or illnesses, and the number of days lost or restricted. The form is labeled "OSHA's Form 300 2010-2014" and "U.S. Department of Labor".

Recordkeeping

- Employers of 11 or more employees must maintain records of occupational injuries and illnesses

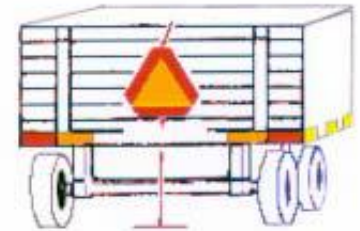
The image displays two OSHA Form 300 forms, which are required for employers with 11 or more employees to maintain records of occupational injuries and illnesses.

The top form is the **Log of Work-Related Injuries and Illnesses** (OSHA Form 300, Rev. 10-2000). It is a detailed log where employers record each injury or illness. The form includes a header section with instructions and a table with columns for: Date, Employee's name, Job title, Location, Description of injury or illness, and a section for recording the number of days lost or restricted work. The bottom section of the log is a grid for recording the number of cases by type of injury or illness.

The bottom form is the **Summary of Work-Related Injuries and Illnesses** (OSHA Form 300A, Rev. 10-2000). This form provides a summary of the data recorded in the log. It includes sections for: **Number of Cases** (Total number of cases, Total number of cases with days lost or restricted work, Total number of cases with days lost or restricted work due to injury or illness), **Number of Days** (Total number of days lost or restricted work, Total number of days lost or restricted work due to injury or illness), **Injury and Illness Types** (Total number of cases by type of injury or illness), and **Signatures** (Signature of the employer or authorized representative, Signature of the employee or authorized representative).

General Industry When Referenced in 1928.21(a)

- ▶ 1928.21(b) Except to the extent specified in paragraph (a) of this section, the standards contained in Subparts B through T and Subpart Z of part 1910 of this title do not apply to agricultural operations.
- ▶ **1928.21(a)**: The following standards in part 1910 of this Chapter shall apply to agricultural operations:
 - ▶ 1928.21(a)(1): Temporary labor camps – 1910.142;
 - ▶ 1928.21(a)(2): Storage and handling of anhydrous ammonia – 1910.111(a) and (b);
 - ▶ 1928.21(a)(3): Logging Operations – 1910.266;
 - ▶ 1928.21(a)(4): Slow-moving vehicles – 1910.145
 - ▶ **1928.21(a)(5)**: Hazard communication – 1910.1200
 - ▶ 1928.21(a)(6): Cadmium – 1910.1027
 - ▶ 1928.21(a)(7): Retention of DOT markings, placards and labels – 1910.1201



The rest of 1910...DOES NOT APPLY to agricultural operations!

Agricultural Standards: 1928

▶ 1928.51

- Roll-over protective structures (ROPS) for tractors used in agricultural operations.

▶ 1928.57

- Guarding of farm field equipment, farmstead equipment, and cotton gins.

▶ 1928.110

- Field Sanitation. Referral W & H
(1928.142 TLC)



General Duty Clause

- ▶ Section 5(a)(1) of the Act

“Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.”

- ▶ Applies when there is no specific standard



Dairy Farm Operations (LEP) Inspection Data

- ▶ LEP Inspections Began in July of 2014
 - Total Number of Inspections Conducted – 40
 - Complaints – 8
 - Fatalities – 2
 - Follow-up – 1
 - Referral – 3
 - Non Fatal Accidents – 3
 - Programmed Planned – 23
 - Total Violations Issued – 82
 - Average Violation – \$2,283.00

Top Ten OSHA Standards Cited on Dairy Farms

1. OSHA 5(a)(1) General Duty Clause
2. 1910.1200(e)(1) – Hazard Communication Programs including Safety Data Sheets, Labeling and Training
3. 1928.57(c)(2)(i) – Guarding of Power Transmission Components
4. 1928.57(b)(1)(i) – Guarding of Tractor Power-Take Off Shafts
5. 1928.57(c)(4)(i) – Removal of Guards to Work on Equipment
6. 1928.57(a)(8)(i) – Existing Guards Not Adequate
7. 1928.57(c)(5)(i)(A) – Locking out Equipment Being Serviced
8. 1928.57(a)(6) – Farm Equipment Training
9. 1928.57(c)(1) – Stationary equipment with PTO shafts
10. 1904.39(a)(2) – Reporting of Non-fatal accidents

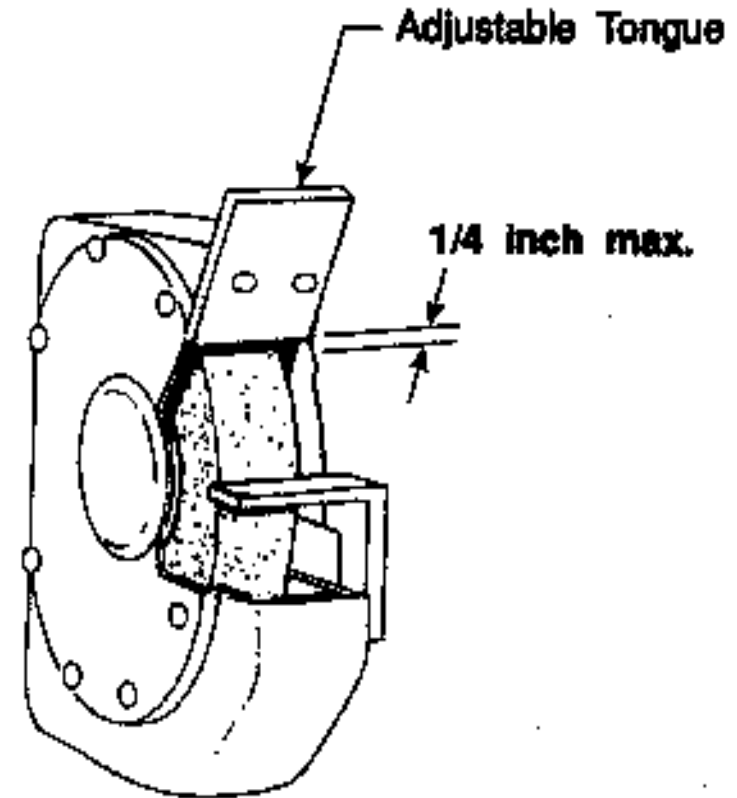
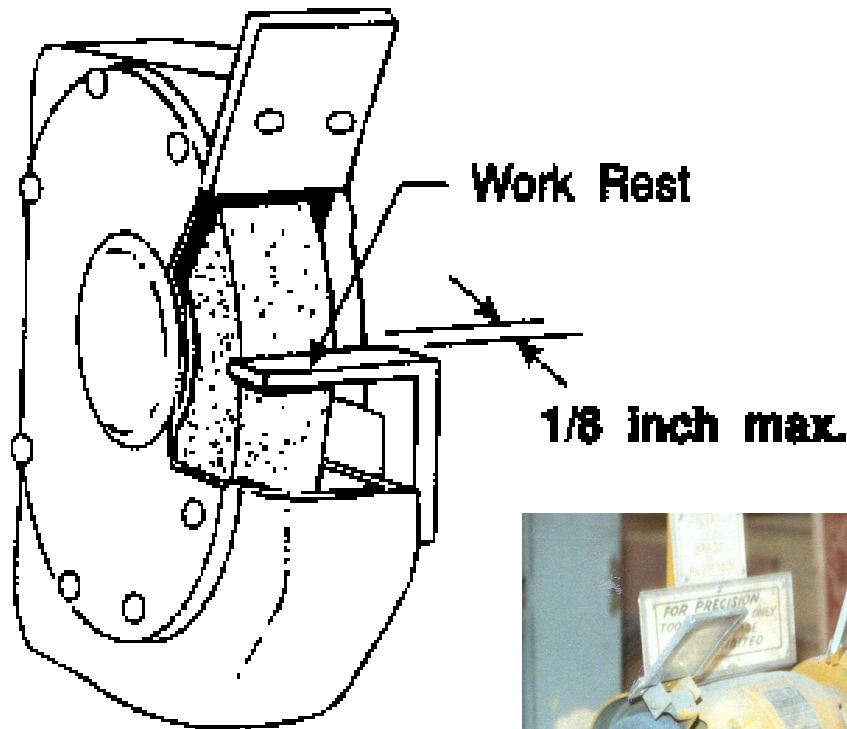
5(a)(1) Violations Cited

1. Unguarded bench grinders
2. Electrical Deficiencies
 - a. Electrical panels with exposed energized parts
 - b. Circuit breakers not labeled
 - c. Ungrounded electrical equipment
 - d. Unprotected outlets in wet locations
 - e. Damaged electrical cords
3. Using corrosive chemicals without access to emergency eye wash stations
4. Unguarded open-sided floors and platforms

5(a)(1) Violations Cited

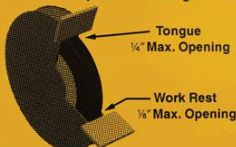
5. Unguarded floor holes
6. Stairways without hand rails
7. Entering confined spaces without removing hazards
8. Working at the shear face of silage piles
9. Improper use of ladders
10. Fixed ladders without safety cages
11. Skid Steer Operators not trained
12. Unguarded table saws

5(a)(1) – Abrasive Wheels Work Rest & Tongue Guards



Tongue 1/4"

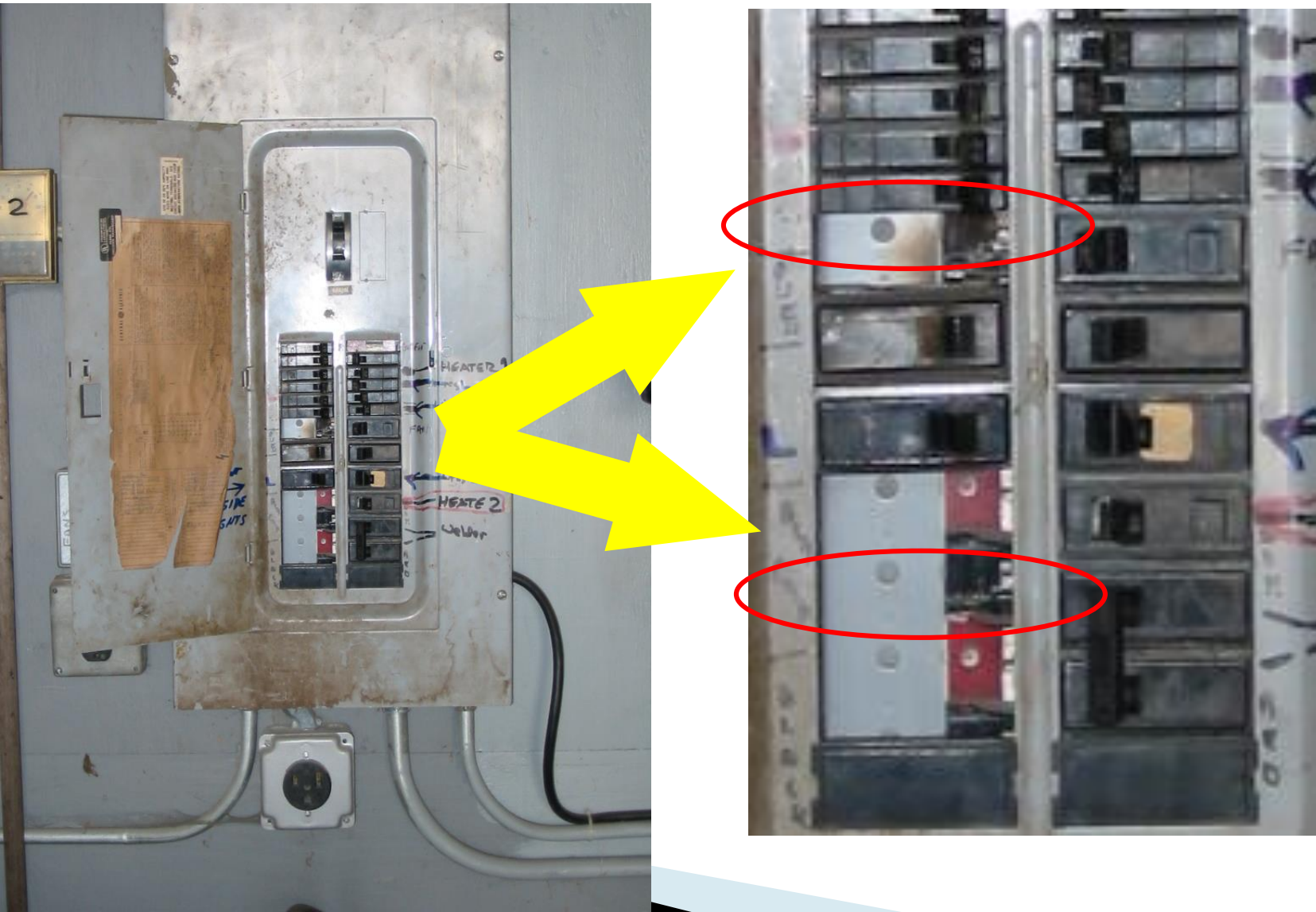
Use to check openings between grinding wheels, tongues, and work rests to meet OSHA and ANSI safety standards for grinders.



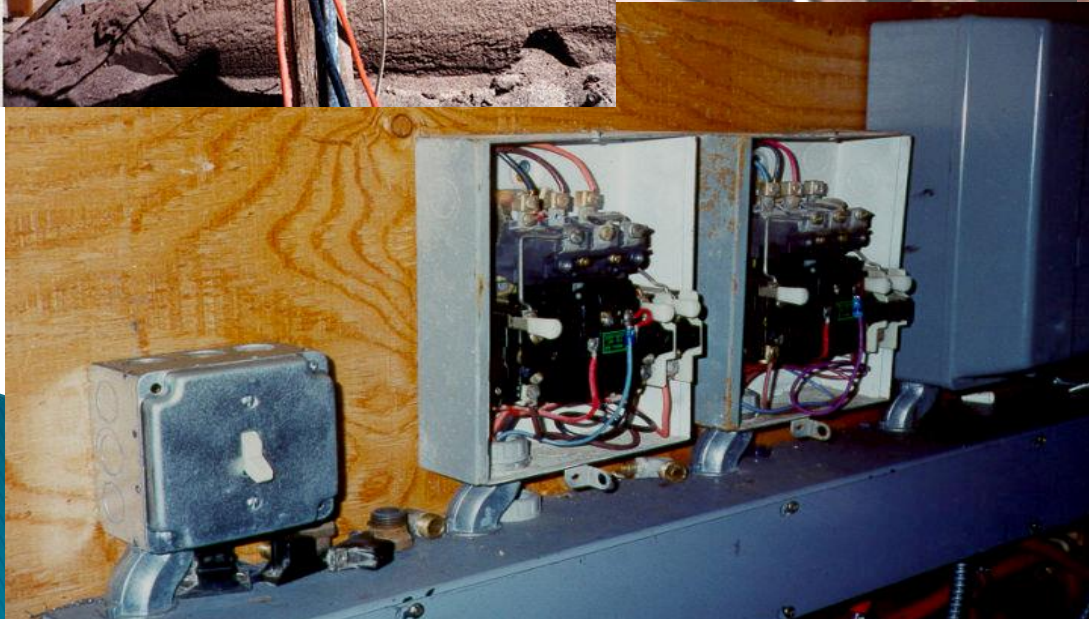
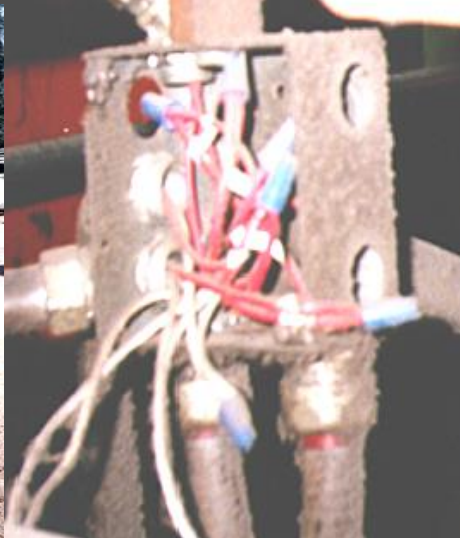
Do not adjust openings while wheel is in motion!

Work Rest 1/8"

5(a)(1) Electrical Panel Deficiencies



5(a)(1) – Electrical Exposed Energized Parts



5(a)(1) Open Sided Floors & Platforms

4 feet or more above a lower level



Guardrail systems:

- ▶ **Standard railing:** consists of top rail, mid-rail, and posts. Height from the upper surface of top rail to floor level is 42" (+/- 3"). Mid-rail height is 21 inches.



- ▶ **Standard toeboard:** 3.5" high, with not more than 1/4" clearance above the floor.

Controlling Fall Hazard

- ▶ Tanks, towers, machines, and other elevated surfaces:
 - It is best to engineer out the need to go up in the first place.
 - Guardrails are often used, whether temporary or permanent.
 - As a last resort, use a Personal Fall Arrest System (PFAS).



Source: OSHA

5(a)(1) – Unguarded Floor Holes



5(a)(1) Stairways without handrails

Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails.



5(a)(1) – Confined Spaces

Confined Spaces:

Serious or fatal chemical asphyxiation, oxygen (O₂) deficiency, inhalation, engulfment, or caught-in hazards may exist where there is entry into grain storage bins, vertical silos, hoppers, manure storage vessels, milk vessels, below grade manure collection systems, etc.

Guidance document:

ANSI/ASSE Z117.1–2009: Safety Requirements for Confined Spaces

- Evaluate the confined space
 - Have their employees been trained for your confined spaces
 - Evaluate the confined space
 - Policy
 - Authorized Personnel Only
 - Do Not Enter
- Signage = Warning



Recommend follow 1910.146: Permit Required Confined Spaces – Best Practice

- ▶ Identify all permit-required confined spaces in the workplace
- ▶ Prohibit unauthorized entry
- ▶ Develop written program
- ▶ Establish entry procedures
 - Written entry permit
 - Alternate procedures
 - Ability to reclassify space to “Non-Permit Required”
- ▶ Annual Audit



5(a)(1) Horizontal Bunker Silos

- ▶ Serious or fatal **engulfment or struck-by hazards** may exist where employees perform **'facing'** activities when removing silage from ground level. Serious or fatal **fall hazards** may exist where employees climb on top of the silage to place or remove protective plastic covering and anchoring systems.

????

**How do you
provide fall
protection on a
horizontal silo?**

5(a)(1) – Working at Shear Face of Horizontal Feed Bunkers, Fall & Avalanche Potential





5(a)(1) – Improper use of Ladders



5(a)(1) Fixed ladders without safety cages.



- ▶ **Guidance document:**
- ▶ ASAE S412.1–2003: Ladders , Cages, Walkways and Stairs
- ▶ Ladders cages shall be provided on fixed ladders longer than 20 feet.
- ▶ External silo ladder cages shall begin not less than 7 feet and not more than 8 feet above the silo foundation and/or grade.

5(a)(1) – Skid–Steer Loader

Fatal or serious crushed-by, struck-by, caught in-between, rollover hazards may exist where employees are:

1. **improperly trained** on operating, servicing, or maintaining skid–steer loaders according to the **manufacturer's** instructions;
2. **failure to use** approved lift arm support devices when servicing or maintaining the skid–steer loader; and
3. **intentional bypassing** of safety features of the skid–steer loader such as back–up alarms, seat belts, and control interlock systems.



Powered Industrial Vehicle

- No 1928 standard

5(a)(1) – Table Saw Guarding



#2-1910.1200 – Hazard Communication

Serious **chemical ingestion, absorption, splash, fire, or other hazards** may exist where hazardous chemicals such as teat dips, hoof care products, sanitization products, etc. are stored, dispensed, and used **without appropriate training** 1910.1200 (h)(1) and **information** including the availability of **Safety Data Sheets (SDSs)** 1910.1200(g)(8).

1928.21(a)(5) Hazard Communication – 1910.1200

1910.1200(a)(1)

The purpose of this section is to ensure that the **hazards of all chemicals produced or imported** are evaluated, and that information concerning their hazards is **transmitted to employers and employees**. This transmittal of information is to be accomplished by means of **comprehensive hazard communication programs**, which are to include **container labeling and other forms of warning, safety data sheets and employee training**.



1910.1200(f)(6) - Labeling – Product Name and Hazard



NO EYE WASH
READILY AVAILABLE

Eyesaline



5(a)(1) – Emergency Eye Wash Station

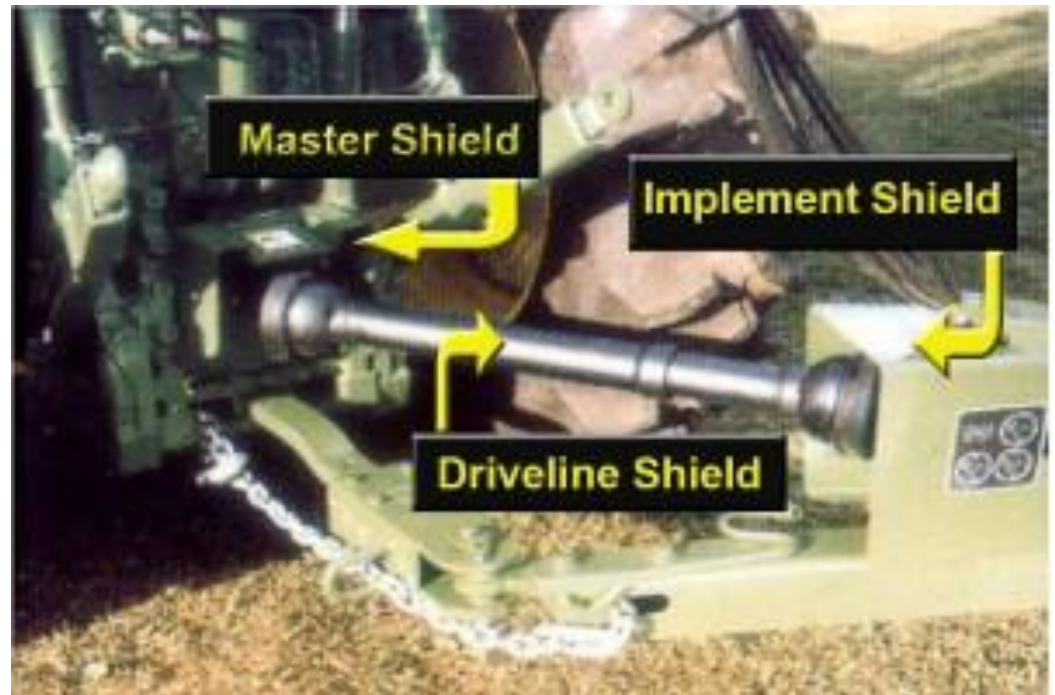


#3 – 1928.57(c)(2)(i) Guarding of Power Transmission



#4 – 1928.57(b)(1)(i) – Guarding of Power Take OFFS (PTO)

- ▶ Most incidences involve clothing becoming caught
- ▶ PTO at 540 rpm travels 2 yards per second



Power Take-Off (PTO) Shield Retrofit Kits

- ▶ New York Center for Agriculture Medicine And Health has developed a PTO Retrofit Program to replace damaged or missing PTO shields.

[New York Center for Agricultural Medicine and Health
nycamh.com/programs/ppeonlinecatalog/smvpto.php](http://nycamh.com/programs/ppeonlinecatalog/smvpto.php)



#5 – 1928.57(c)(4)(i) Removal of Guarding to Work on Equipment



#6 – 1928.57(a)(8)(i) Inadequate Guarding of Equipment



#7–1928.57(c)(5)(i)(A) Hazardous energy control while performing servicing and maintenance on equipment

Fatal or serious crushed-by, struck-by, caught in between, entanglement, or amputation hazards may exist where employees **perform maintenance and servicing** on farm field, farmstead, or other equipment without a means of immediate and **exclusive control** of hazardous energy sources by the employee or the employees maintaining or servicing equipment.

Guidance documents

- Manufacturer's manual and instructions
- AEM Safety Manuals for tractors and skid steers, wheel loaders

Consider:

- How to lockout?
- Stored energy – e.g hydraulics
- Right tool for the job
- Lone worker



Recommend follow 1910.147: LOTO Control of Hazardous Energy – Best Practice

- ▶ Written LOTO Procedures
 - Some equipment is exempt
- ▶ Individual Employee Protection (Locks)
- ▶ Shift Change & Authorized Lock Removal
- ▶ Annual Audit



#8 – 1928.57 (a)(6) Training

- ▶ Operating Instructions – At initial assignment and at least annually
- ▶ Safe operation and servicing of equipment

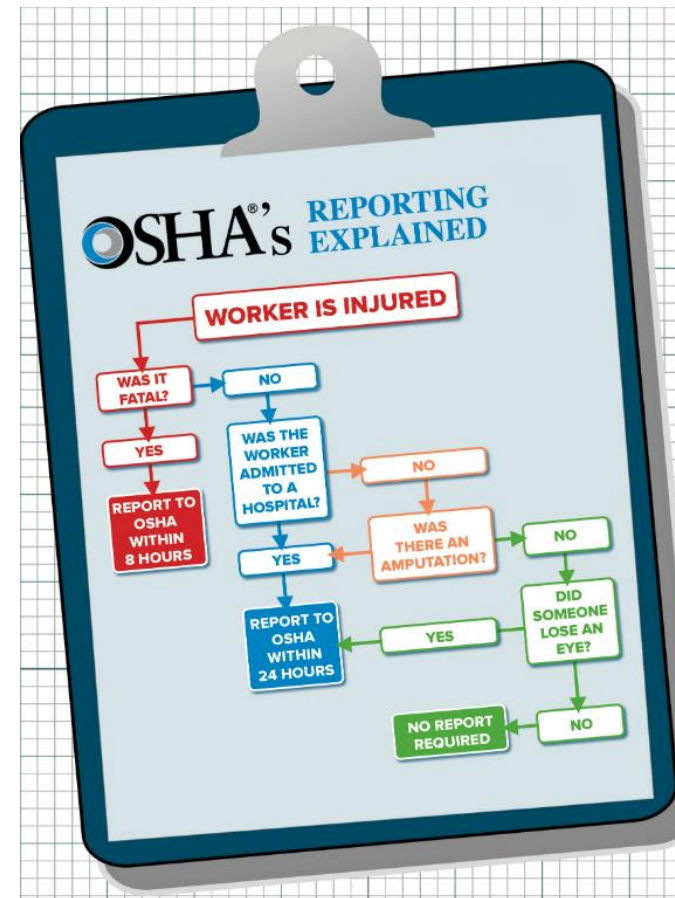


#9 – 1928.57(b)(1)(i) – Guarding of Power Take OFFS (PTO) on Stationary Equipment



#10 – 1904.39(a)(2) Reporting non-fatal injuries

- ▶ An in-patient hospitalization, amputation, or eye loss must be reported within 24 hours.



Help for Small Businesses: OSHA's On-Site Consultation Program

On-Site Consultation is OSHA's preeminent compliance assistance program for small employers. In all 50 States and most Territories.

▶ Services

- Hazard identification and correction
- Assistance in Safety and Health Program development

▶ Benefits

- No-cost and confidential
- Exemption from OSHA's programmed inspections
- Training and technical assistance available

[osha.gov/dcsp/smallbusiness/consult.html](https://www.osha.gov/dcsp/smallbusiness/consult.html)



OSHA Consultation Programs

New York: NYS Department of Labor/OSHA

- Buffalo & Rochester, (716-847-7166), Greg Mazikowski,
gregory.mazikowski@labor.ny.gov
- Albany & Utica, (518-457-2810), Bob Francis,
robert.francis@labor.ny.gov
- Syracuse & Binghamton, (315-479-3350), Mike Cappelli,
michael.cappelli@labor.ny.gov
- www.labor.state.ny.us/workerprotection/safetyhealth/DOSH_ONSITE_Consultation.shtm



Agricultural Operations

▶ osha.gov/dsg/topics/agriculturaloperations/



UNITED STATES
DEPARTMENT OF LABOR



Find it in OSHA



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Overview

Agriculture is a major industry in the U.S. and includes growing and harvesting crops such as corn, cotton, soybeans, and fruit, as well as livestock, poultry, and other animals to provide products such as beef, chicken eggs, dairy, and wool.

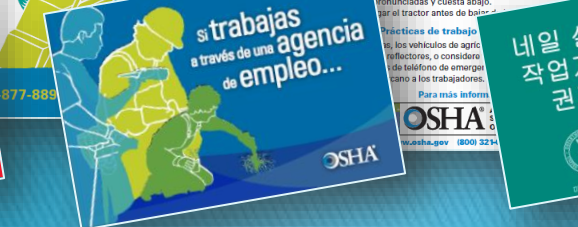
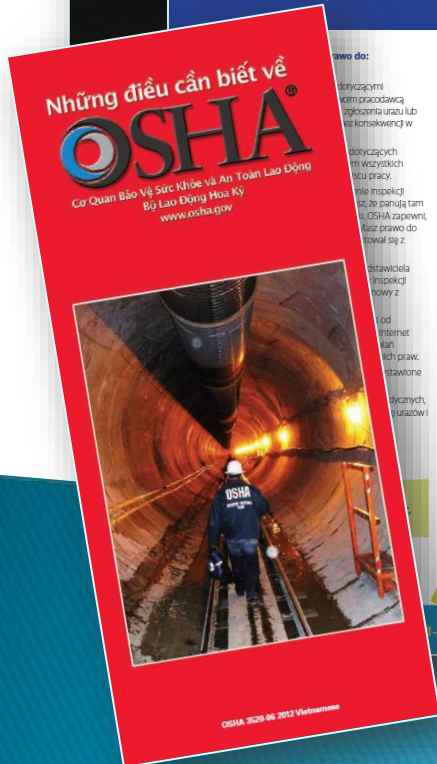
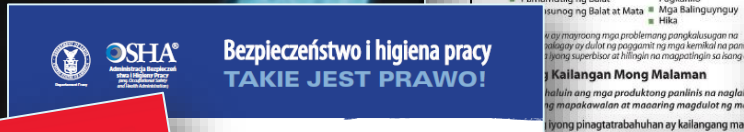
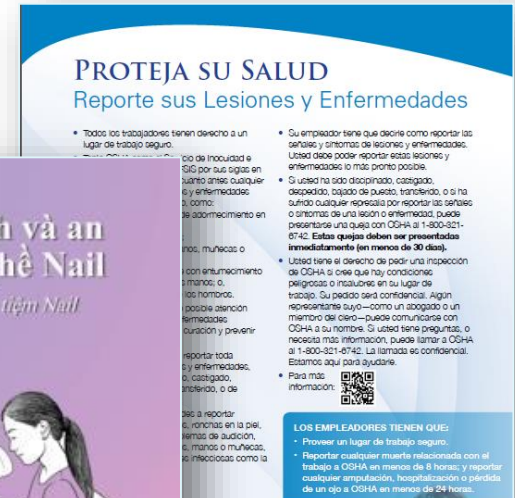
Farmworkers are at high risk for fatalities and injuries, work-related lung diseases, noise-induced hearing loss, skin diseases, and certain cancers associated with chemical use and prolonged sun exposure. OSHA has standards that cover agricultural operations, information on solutions to common agricultural hazards, and other resources such as publications to help employers and employees create and maintain safe and healthy work environments.

OSHA FATAL FACTS
No. 10 – 2019
Confined Space Entry on a Farm

**WARNING: Entering grain storage bins is
EXTREMELY DANGEROUS!**
Always avoid entering a grain

OSHA
Agricultural Safety
Fact Sheet

Multi-language Worker Outreach





**Occupational Safety
and Health Administration**

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