

North Carolina Department of Labor
Division of Occupational Safety and Health
Raleigh, North Carolina

Field Information System
SN/OPN

Operational Procedure
Notice 116

**Subject: Special Emphasis Inspection Program for
Allegations of Chemical Hazards on Farms**

A. **Purpose.** This Operational Procedure Notice (OPN) establishes and implements a "special emphasis inspection program", effective on April 1, 1997 for those agricultural employers who use pesticides and other farm chemicals. This action is authorized by North Carolina General Statute 95-136.1(b)(3) which mandates the North Carolina Department of Labor to target for inspection those employers with a high risk for serious or fatal work-related injuries or illnesses.

B. **Discussion.** Annual statistics compiled by the Bureau of Labor Statistics have consistently identified agricultural work as an occupation with injury and illness rates above the national average for all industries. Harmful exposure to pesticides and other farm chemicals is a common hazard faced by farm workers. The death of a farm worker during a previous growing season and the concern that this death may have been caused by exposure to pesticides created a question of how the Department of Labor responds to OSHA complaints regarding hazards from farm chemicals.

C. **Objectives.**

- 1. This special emphasis inspection program has been initiated to respond immediately, generally within 24 hours, to instances of alleged-chemical exposure during farm related activity affecting farm workers either in the field or at employer provided housing.
- 2. It is the intent of this program that employees and their representatives be afforded the opportunity to participate in all phases of the onsite activity.

D. **Inspection Scope.**

- 1. This program will include all agricultural employers who have employed more than 10 employees during the preceding 12 months or maintain an active temporary labor camp.
- 2. The inspection will address activity related to the use and potential exposure to chemicals in the agricultural workplace, and requirements related to the Field

Sanitation Standard where applicable. The workplace would include any employer provided housing. The inspection scope can be further expanded only according to criteria contained in the Compliance Operations Manual.

E. Inspection Scheduling.

Inspections will be initiated as a result of complaints or referrals received by the North Carolina Department of Labor's Division of Occupational Safety and Health. The Health Compliance Bureau will be the lead bureau for responding to complaints and referrals.

F. Complaint/Referral Processing.

1. Calls regarding the possible exposure to pesticides or other agriculture chemicals will be directed to (919) 733-3322 or 1-800-LABOR NC.
2. For determining complaint classification, an advocate acting on the behalf of a farmworker would meet the definition of an employee representative unless the complaint was not submitted with the knowledge of or on behalf of the employee.
3. Complaints or referrals regarding chemical exposure will be immediately reported to the lead supervisor for the special emphasis program, and will be assigned for immediate inspection.
4. In addition to information needed for complaint or referral evaluation as contained in the Compliance Operations Manual, the following additional information shall be secured and included in the casefile:
 - a. What pesticide or other chemical was the employee exposed to?
 - b. How was the employee exposed?
 - c. Are there any symptoms?
 - d. Who were the exposed employees?
 - e. Where did the exposure take place?
 - f. What time of day did the exposure occur?
 - g. What other chemicals were being used?
 - h. What crop was in the field?
 - i. How was the pesticide or other chemical being used or applied?
 - j. Who did the application?
 - k. What protective clothing was being worn?
 - l. If advocate, can a meeting off the property be arranged with employee?
 - m. If employee, where and when can CSHO meet off the property?
 - n. What language is spoken by the workers?
 - o. Was the employee taken to a health care provider?

- p. Who was the health care provider?
- q. What health care was provided?

G. Inspection Procedures.

1. Complaints or referrals will be inspected immediately, generally within 24 hours. Any delay should be documented in the casefile.
2. A member of the Agriculture Safety and Health staff will be asked to participate in all investigations for training purposes and to assist with translation where necessary.
3. EPA worker exposure rules for pesticides will be used when appropriate to establish a basis for general duty clause violations.
4. The CSHO investigating the alleged exposure should attempt to meet with the affected worker off the property prior to opening with the employer. Any reason for not conducting an employee meeting should be included in the casefile.
5. The procedures used by the employer for the handling and application of chemicals shall be evaluated by the CSHO. If adequate procedures are not being utilized, the employer shall be required to implement safe workplace procedures. This should include an assessment to determine if hazards are present that necessitate the use of personal protective equipment. This action would help to assure the safety and health of employees in any future chemical application.
6. Both the name of the pesticide or other chemical and its EPA registration number should be secured and included in the casefile.
7. Violations that can not be addressed by the division using specific standards or the general duty clause, should be considered for referral to other agencies having jurisdiction.

H. Expiration. This notice expires on December 31, 1997, unless extended by the Director.

I. IMIS Coding.

The OSHA-1 form shall be coded "pesticide" in block 25c for all programmed inspections conducted as a result of this special emphasis inspection program. If the inspection is not coded properly, it will not be identified as part of this special emphasis inspection program.

J. Program Evaluation.

The Bureau Chief of Health Compliance shall submit to the Director an evaluation report relating to this Special Emphasis Inspection Program. The report shall describe the inspections conducted, include a summary of results, and an evaluation of the entire program operation. The evaluation shall be meet the criteria established by Appendix A of OSHA Instruction CPL 2.102.

April 8, 1997

Date

Charles Jeffress

Charles N. Jeffress
Director