

**OREGON OSHA
PESTICIDE EMPHASIS PROGRAM
ANNUAL REPORT**

Federal Fiscal Year 2004

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Oregon OSHA Pesticide Emphasis Program FY 2004 Annual Report

Introduction

This is the fifth year in a working relationship between Oregon OSHA (OR-OSHA) and the United States Environmental Protection Agency (EPA), Region 10, Pesticide Enforcement Unit. OR-OSHA enforces the Worker Protection Standard, which is supplemented with an inspection emphasis program. Additional enforcement activities include agricultural safety, labor housing and field sanitation inspections.

This report is the annual review of the pesticide emphasis program for federal fiscal year 2004 (FFY 2004). The data elements and analysis are presented, along with recommendations for program improvements for the coming year.

Overall, the year was a productive one. Inspection activity was maintained with an increased number of employees covered. In addition, while the number of violations did not change dramatically, the penalties for violations of the Worker Protection Standard did increase. Voluntary outreach services continued the upward trend from the previous year.

Data Elements

The data elements examined in this report are based on OR-OSHA's Program Directive A-235, entitled "Local Emphasis Program for Pesticides." This was the second year focusing on the following Standard Industrial Classifications (SICs) from a programmed list:

- SIC 0139 Field Crops, except Cash Grains, Not Elsewhere Classified
- SIC 0172 Grapes
- SIC 0175 Deciduous Tree Fruits
- SIC 0191 General Farming
- SIC 0721 Crop preparation including pesticide spraying

Other SICs inspected as a result of complaints, referrals or programmed Agricultural Health inspections are included in this report if the inspection addressed pesticide-related issues.

Data Summary

The Pesticide Emphasis Program continues to develop as an effective tool by disseminating information, education, and compliance assistance and enforcement activities to reduce occupational exposures to pesticides in the agriculture industry. The following is a brief summary of the findings resulting from the evaluation of FFY 2004 activity.

Inspection Activity

In FFY 2004, 61 inspections were completed which identified 202 pesticide-related violations. These included violations of the Worker Protection Standard (WPS) and other occupationally

related standards pertaining to pesticides. Thirty-one of the 61 inspections covered SICs identified in the emphasis program. Employers whose SIC is identified in the Program Directive will be referred to as “selected SICs” for the purposes of this report. The 61 inspections included 49 programmed (agricultural health or pesticide emphasis), eight complaints and four referrals.

Employer Demographics

Sixty-one inspections involved 50 different employers. Ten percent (5/50) of the employers experienced multiple compliance activities. Sixty percent (30/50) of the employers had previous enforcement activities, such as, but not limited to, an agricultural health, agricultural safety, labor housing, or field sanitation inspections within the last four years. Twenty percent (6/30) of the employers with previous enforcement activity were found to be in compliance in 2004.

Violation characteristics

Of the 202 pesticide related violations, in FY 2004, 22% (45) were cited as serious. Of the violations specific to the Worker Protection Standard, 28% (26) were cited as serious. There were 11 inspections with civil penalties directly related to violations of the Worker Protection Standard. Seventy nine percent of the inspections were classified as Tier One, those in which pesticides had been applied within the previous 30 days.

Handler Related:

- ◆ 102 of the 202 violations were handler related. Of these:
 - 54 were related to personal protective equipment, of these:
 - 35 of these related specifically to respiratory protection requirements
 - 19 were decontamination violations
 - 13 involved training issues
 - 16 were Central Posting related

Worker Related:

- ◆ 36 of the 202 violations were worker related. Of these:
 - 18 were Central Posting deficiencies
 - 11 were training related
 - 4 involved deficiencies in notifying workers regarding pesticide applications
 - 2 were involved decontamination violations
 - 1 involved an early entry violation

General Pesticide Related:

- ◆ 44 of the 202 violations involved Hazard Communication
- ◆ 20 involved pesticide storage violations

Repeat Violations

In FFY 2004, there were five repeat violations, while in FFY 2003 there were zero. A violation is termed a repeat when a specific standard is violated, is corrected, and occurs again within a three-year period. To encourage employers to maintain diligence in preventing the reoccurrence of previously cited violations, repeat violations carry higher penalties.

In FFY 2004, the standards violated as repeats included the lack of MSDSs, cited twice; the lack of pesticide application records, also cited twice; and the lack of labeling on secondary containers, cited once.

Outreach Activities

- ◆ Forestry outreach activities included training for 120 logging contractors on the Worker Protection Standard.
- ◆ OR-OSHA's WPS curriculum provided to employers and supervisory staff was updated by the external training section.
- ◆ OR-OSHA partnered with the Oregon Department of Health Services' Occupational & Epidemiology Section to provide assistance in the pesticide training developed for their community health workers. These health workers distribute information during camp visits, at Migrant Health Clinics, at parent classes, health fairs and special celebrations.

Conclusion

OR-OSHA continued the progress made over the past four years to protect agricultural workers in Oregon from pesticide exposure. Internally, steps were taken to improve inter-agency communication, as well as consolidate outreach activities to prevent duplication of efforts and resources. OR-OSHA continued to maintain a presence working nationally on developing performance measures with US EPA.

The Pesticide Emphasis Program will be changed for the coming fiscal year to add SIC 0181 Nurseries and remove SIC 0172 Grapes. A comparative analysis of these two SICs for the years 2000 to 2004 identify a consistent pattern in which SIC 0172 ranks lowest among selected SICs while SIC 0181 ranks consistently higher among non-selected SICs in all aspects of inspection activity.

Subsequent to the findings in Washington State, as well as previous studies by the Center for Research on Occupational & Environmental Toxicology of pesticide residues in workers' families, focus was placed on addressing the issue of "take home" pesticide exposure. This was accomplished by asking the workers questions relating to their shoes and clothes. Remarkably, workers overwhelmingly reported the use of separate shoes for work and washing their work clothes separate from their families.

Goals

The US EPA's Inspection Guidance (FY 2005-2006) has changed the classification for what's considered a WPS inspection. To be classified as a WPS inspection, an inspection must be comprehensive in nature, and include interviews with both handlers and workers. Currently, OR-OSHA's PD-235, "Local Emphasis Program for Pesticides," outlines inspection protocol, and counts two types of inspections as a WPS inspection. The first, conducted by Safety Compliance Officers is termed a "partial" inspection (see Figs. 3 & 6) and covers the "Worker" portion of the WPS. The second, termed "comprehensive" (see Figs. 4 & 7) covers both the "Worker" and "Handler" portion of WPS as well as the other occupational health rules related to pesticides and are conducted by Health Compliance Officers. Given that the EPA criteria requires the type of inspection conducted by Health Compliance Officers, safety inspections where only workers are interviewed will not be counted as a WPS inspection. Safety

Compliance Officers will be encouraged to make referrals when identifying hazards related to the use and application of pesticides during the course of their inspections.

In an effort to assist growers in achieving compliance an increase in outreach efforts are planned. The Standards and Technical Resources section has proposed the development of two Fact Sheets on pesticide related topics. These would be available on-line as well as in printed format. In addition, packets of WPS related information from the EPA's National Agriculture Assistance Center would be available from OR-OSHA's Resource Center. While the PESO program did not extend into Agriculture as hoped for FY 2004, the Worker Protection Standard coursework was updated. Courses are scheduled for three southern Oregon counties where the latest WPS materials will be made available.

Figure 1 Combined Inspection Data FY 2004

SIC	# INSP	INSP. W/ VIOL.	WPS VIOLATIONS		WPS # Repeat	WPS Penalties	VIOLATIONS NON/WPS		# REPEAT	NON/WPS PENALTIES	# EMPLOYEES
			SER.	OTS			SER.	OTS			
0139	6	4	0	7	0	0	0	4	0	0	34
0172	5	1	0	2	0	0	0	3	0	0	16
0175	13	9	1	15	0	\$300	4	22	0	\$270*	69
0191	6	5	4	18	1	\$635	5	20	2	\$435*	127
0721	1	1	0	1	0	0	1	4	0	\$165	4
0134	1	1	3	0	0	\$270	3	0	0	*	3
0161	3	2	0	2	0	0	0	1	0	0	341
0171	3	3	5	0	1	\$830	1	0	1	\$200	345
0181	15	10	7	14	0	\$645	3	20	0	*	741
0761	4	3	4	0	0	\$600	1	1	0	0	335
0782	2	2	0	0	0	0	0	8	0	0	43
0811	2	2	2	3	0	\$300	1	7	0	0	138
TOTALS FY 2004	61	43	26	62	2	\$3580	19	90	3	\$1070	2196
TOTALS FY 2003	70	57	28	85	0	\$2925	21	118	1	\$1165	1875
TOTALS FY 2002	87	46	27	83	0	\$2900	36	90	0	\$2560	1879

* Penalty was part of a grouped violation

Figure 2 TYPES OF INSPECTIONS

SIC	0139	0172	0175	0191	0721	0134	0161/ 0171	0181	0761	0782	0811	Totals
Programmed	2	5	13	5	1	1	3	15	3	0	1	49
Complaint	3	0	0	1	0	0	2	0	1	1	0	8
Referral	1	0	0	0	0	0	1	0	0	1	1	4

**PESTICIDE ENFORCEMENT ACTIVITY
IN SELECTED SICs**

Figure 3
PARTIAL WORKER PROTECTION STANDARD INSPECTIONS
(Workers Only)
(Inspections conducted by Safety Compliance Officers)

SIC	0139	0172	0175	0191	0721	TOTALS
# Inspections	0	0	0	1	0	1
# Employees	0	0	0	62	0	62
# with PRV*	0	0	0	0	0	0

*Pesticide related violations

Figure 4
COMPREHENSIVE PESTICIDE INSPECTIONS (Workers and Handlers)
(Inspections conducted by Health Compliance Officers)

SIC	0139	0172	0175	0191	0721	TOTALS
# Attempts	9	7	18	9	2	45
# Inspections	6	5	13	5	1	30
# Employees	34	16	69	65	4	188
# with Violations	4	1	9	5	1	20

Figure 5
COMBINED PESTICIDE INSPECTION TOTALS

SIC	0139	0172	0175	0191	0721	TOTALS
# Inspections	6	5	13	6	1	31
* Tier 1	4	1	11	5	1	22
* Tier 2	2	4	2	1	0	9
# Employees	34	16	69	127	4	250
# with Violations	4	1	9	5	1	20
% Inspections with Violations	67%	20%	69%	83%	100%	65%

*Tier 1 Inspections: Pesticides used within the preceding 30 days plus the restricted entry interval

* Tier 2 Inspections: Pesticides NOT used within the preceding 30 days plus the restricted entry interval

**PESTICIDE ENFORCEMENT ACTIVITY
IN NON-SELECTED SICs**

Figure 6
PARTIAL WORKER PROTECTION STANDARD INSPECTIONS
(Workers Only)
(Inspections conducted by Safety Compliance Officers)

SIC	0134	0161/0171	0181	0811	0761	0783	TOTALS
# Inspections	0	2	2	1	0	0	5
# Employees	0	190	116	120	0	0	426
# with PRV*	0	1	0	1	0	0	2

*Pesticide related violations

Figure 7
COMPREHENSIVE PESTICIDE INSPECTIONS (Workers and Handlers)
(Inspections conducted by Health Compliance Officers)

SIC	0134	0161/0171	0181	0811	0761	0783	TOTALS
# Attempts	1	4	13	1	4	2	25
# Inspections	1	4	13	1	4	2	25
# Employees	3	496	625	18	335	43	1520
# with Violations	1	4	10	1	3	2	21

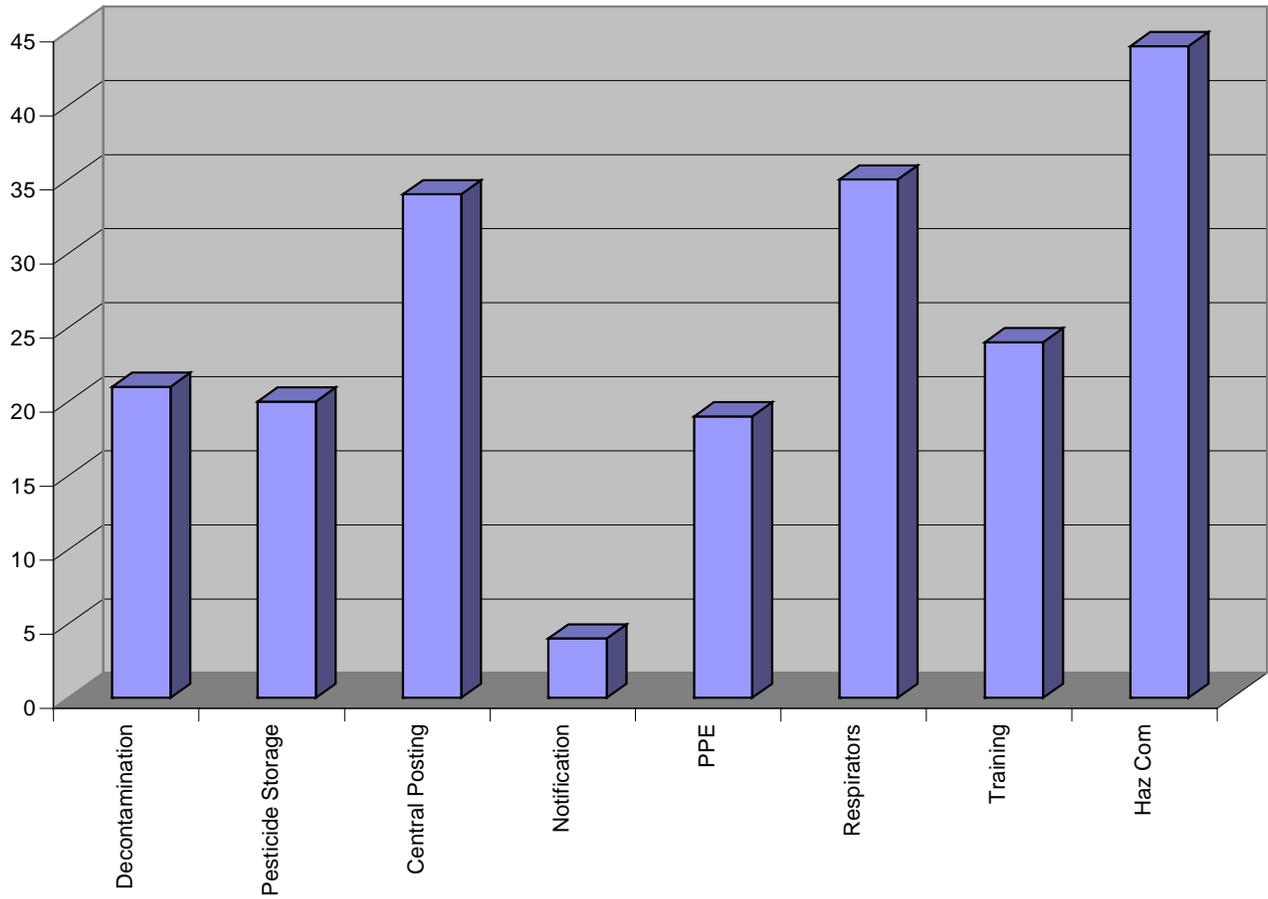
Figure 8
COMBINED PESTICIDE INSPECTION TOTALS

SIC	0134	0161/0171	0181	0811	0761	0783	TOTALS
# Inspections	1	6	15	2	4	2	30
* Tier 1	1	4	13	2	4	2	26
* Tier 2	0	2	2	0	0	0	4
# Employees	3	686	741	138	335	43	1946
# with Violations	1	5	10	2	3	2	23
% Inspections with Violations	100%	83%	66%	100%	100%	100%	77%

*Tier 1 Inspections: Pesticides used within the preceding 30 days plus the restricted entry interval

Tier 2 Inspections: Pesticides NOT used within the preceding 30 days plus the restricted entry interval

Pesticide Violation Categories



Pesticide Related Interventions – External Training

<u>Agriculture classes</u>	
401 – Worker Protection Standard, workshops and on site training	
203 – Personal Protective Equipment, workshops, on-site training and Internet courses	
205 – Hazard Communication Program, workshops, on-site training, and Internet courses	
	32 Sessions
Total in attendance	477

<u>Speaking Requests</u>	<u># in Attendance</u>
Oregon Pest Control Association	20
Oregon Association of Nurserymen	50
Chemeketa Community College – Agriculture students	36
WPS in Forestry – Logging Contractors	120
Total in attendance	226

Pesticide Related Interventions – Resource Center

Pesticide Video loans	52
“Safe Practices When Handling Agricultural Chemicals” brochure	15,565
Washing pesticide contaminated clothing magnet (Spanish)	225
Cultivate a Safe Environment	48
Field Sanitation Notice	750
Agriculture Seasonal Worker Orientation	250
Division 4, Agriculture	265

Pesticide Related Interventions – Consultative Services - Conferences

Willamette Valley Ag Expo	November 2003
Northwest Agriculture Show	January 2004
Farwest Nursery Show	August 2004
Cultivating a Sustainable Agricultural Workplace	September 12-14, 2004
Oregon Landscape Expo	December 8- 9, 2004

Pesticide Related Interventions – Consultative Services – Consultations by SICs

0139	0172	0175	0191	0721	Total
7	1	52	8	0	67

**OR-OSHA RESOURCE CENTER
PESTICIDE RELATED VIDEOS
2004**

Requests filled from Oct 1, 2003 to September 30, 2004

#	Name	English	Spanish	Times Req.
464	EPA WPS for Orchard Workers	x	x	3
465	EPA WPS for Pesticide Handlers	x	x	4
474	Oregon Pesticide Safety Guide	x		3
475	Oregon Pesticide Safety Guide		x	3
381	Chasing the Sun/Siguiendo El Sol	x	x	3
384	Greenhouse Pesticide Safety Training Workers & Handlers	x	x	0
352	How to Conduct Worker Protection Training/Train the Trainer	x		4
380	Pesticide Handlers and the Worker Protection Standard	x		4
383	Pesticide Handlers and the Worker Protection Standard		x	4
600	Pesticide Safety: Help Workers Protect Themselves	x		6
608	Pesticide Safety: Help Workers Protect Themselves		x	6
323	Pesticide Safety Worker Protection Oregon	x	x	4
392	Pesticide Training for Agricultural Employees	x	x	0
327	Shedding Some Light on Pesticide Protection	x		4
332	Worker Protection Standard An Overview	x		2
1051	Protecting Yourself From Pesticide Hazards <i>new</i>	x	x	2

Total: 52