

OREGON OSHA PESTICIDE EMPHASIS PROGRAM ANNUAL REPORT

Federal Fiscal Year 2005

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Oregon OSHA Pesticide Emphasis Program FY 2005 Annual Report

Introduction

This is the sixth year in a working relationship between Oregon OSHA (OR-OSHA) and the United States Environmental Protection Agency (EPA), Region 10, Pesticide & Toxics 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 2005 (FFY 2005). The data elements and analysis are presented, along with recommendations for program improvements for the coming 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." The following Standard Industrial Classifications (SICs) were the focus for 2005 inspections:

- SIC 0139 Field Crops, except Cash Grains, Not Elsewhere Classified
- SIC 0175 Deciduous Tree Fruits
- SIC 0181 Nursery-New for FFY2005
- 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 goal of the Pesticide Emphasis Program is to reduce occupational exposures to pesticides in agriculture. Oregon OSHA has met this goal by disseminating information, providing education, offering compliance assistance and conducting enforcement activities. The following is a brief summary of the findings resulting from the evaluation of FFY 2005 activity, based on figures 1 through 4.

Inspection Activity

In FFY 2005, 64 inspections, all with different employers, were completed where 272 pesticide-related violations were identified. These included violations of the Worker Protection Standard (WPS) and other occupationally related standards pertaining to pesticides. Fifty-one of the 64 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 64 inspections included 51 programmed (agricultural health or pesticide emphasis), eight complaints and five referrals.

Of the 64 employers, 34 had previous inspection activity with OR-OSHA, 25 of these within the previous three years. Of these, 12% (3/25) were in-compliance. Of the 30 employers who had never been inspected, 13% (4/30) were in-compliance.

OR-OSHA's inspection target for EPA Region 10, throughout the life of the program has been 60 inspections. The US EPA's Inspection Guidance (FY 2005-2006) changed the definition of a WPS inspection, and as a result the partial WPS inspections conducted by Safety Compliance Officers were excluded in FFY2005. This did not have an impact on meeting the inspection target to the EPA.

Violation characteristics

Of the 272 pesticide related violations in FY 2005, 9% (24/272) were cited as serious. Of the WPS violations, 5% (6/129) were cited as serious. There were 6 inspections with civil penalties directly related to violations of the Worker Protection Standard. Eighty-three percent (53/64) of the inspections were classified as Tier One, those in which pesticides had been applied within the previous 30 days.

Handler Related:

- 104 of the 272 violations were handler related. Of these:
 - 61 were related to personal protective equipment, of these:
 - 40 related specifically to respiratory protection requirements
 - 11 were decontamination violations
 - 18 involved training issues
 - 14 were Central Posting related

Worker Related:

- 73 of the 272 violations were worker related. Of these:
 - 38 were Central Posting deficiencies
 - 24 were training related
 - 6 involved deficiencies in notifying workers regarding pesticide applications
 - 4 were decontamination violations
 - 1 involved not providing pesticide information to the treating physician

General Pesticide Related:

- 63 of the 272 violations involved Hazard Communication
- 23 involved pesticide storage violations

Miscellaneous Violations:

- 9 of the 272 violations were indirectly related to pesticides. Of these:
 - 3 were first-aid requirements
 - 3 related to Safety Committees
 - 2 were Field Sanitation
 - 1 was related to supervision

Repeat Violations

In FFY 2005, there was one repeat violation, while in FFY 2004 there were five. 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.

Outreach Activities

Outreach activities continued through Voluntary Services in FFY 2005. Consultative Services conducted 67 consultations directly related to pesticide hazards in the workplace and participated in eight agricultural trade conferences. The Education section conducted 42 pesticide related training sessions with 745 students in attendance. In addition to OR-OSHA's agriculture classes, the agency responded to seven external speaking requests. The Resource Center continued to be heavily utilized by both internal and external stakeholders. Over 18,000 "Safe Practices When Handling Agricultural Chemicals" brochures were distributed along with nearly 2500 other brochures, pamphlets and regulations related to occupational exposures in Agriculture and 48 videos maintained by our library were checked out for training purposes.

Conclusion

OR-OSHA continued the progress made over the past six years to protect agricultural workers in Oregon from pesticide exposure. Progress was made in FFY 2005 in improving interagency communication. The annual pesticide program meeting was held with staff from multiple sections within OR-OSHA, as well as with Oregon Department of Agriculture and EPA staff.

The Pesticide Emphasis Program's inclusion of SIC 0181 Nurseries, proved to be appropriate. Of the 21 inspections conducted in this SIC, only one was in compliance. Of the 272 pesticide related violations cited throughout the year, 127 of these violations were cited within this SIC. The number of nursery employees covered represented 38% (488/1300) of the total for all employees covered by pesticide emphasis program inspections.

Goals for 2006:

- ◆ Inclusion of forestry into the Pesticide Emphasis Program
- ◆ Development of a forestry specific pesticide safety poster
- ◆ The development of two pesticide related fact sheets
 - ◆ Respirators
 - ◆ Pesticide Emphasis Program's most frequently cited violations
- ◆ Increase WPS compliance assistance material available through OR-OSHA's Resource Center with the updated EPA "How to Comply" manual, and packets containing a variety of WPS fact sheets produced by the EPA
- ◆ Review and update Memorandums of Understanding with the Oregon Department of Agriculture and the Environmental Protection Agency
- ◆ Use NAICS to identify selected industries, consistent with existing data systems

Figure 1 Combined Inspection Data FY 2005

SIC	# INSP	INSP. W/ VIOL.	WPS VIOLATIONS		WPS # Repeat	WPS Penalties	VIOLATIONS NON/WPS		# REPEAT	NON/WPS PENALTIES	# EMPLOYEES
			SER.	OTS			SER.	OTS			
0139	1	0	0	0	0	0	0	0	0	0	3
0175	20	13	0	25	0	0	0	33	0	0	401
0181	21	20	4	65	0	\$810	15	42	1	\$895	488
0191	9	8	0	20	0	0	1	21	0	\$275	127
0721	0	0	0	0	0	0	0	0	0	0	0
0134	1	1	0	0	0	0	0	4	0	0	8
0161	1	1	0	3	0	0	0	0	0	0	27
0171	2	2	0	4	0	0	0	10	0	0	12
0172	3	3	2	5	0	\$440*	2	6	0	*	26
0179	2	2	0	1	0	0	0	6	0	0	179
0761	1	0	0	0	0	0	0	0	0	0	1
0851	1	0	0	0	0	0	0	0	0	0	10
5193	2	1	0	0	0	0	0	2	0	0	18
TOTALS FY 2005	64	51	6	123	0	\$1250	18	124	1	\$1170	1300
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	0175	0181	0191	0721	0134	0161/ 0171	0172	0179	0761	0851	5193	Totals
Programmed	0	18	18	8	0	1	2	1	1	0	0	2	51
Complaint	1	2	1	0	0	0	1	2	0	0	1	0	8
Referral	0	0	2	1	0	0	0	0	1	1	0	0	5

**PESTICIDE ENFORCEMENT ACTIVITY
IN SELECTED SICs**

Figure 3

SIC	0139	0175	0181	0191	0721	TOTALS
#Attempts	5	25	24	13	0	67
# Inspections	1	20	21	9	0	51
* Tier 1	0	19	20	6	0	45
* Tier 2	1	1	1	3	0	6
# Employees	3	401	488	127	0	1019
# with Violations	0	13	20	8	0	41
% Inspections with Violations	0	65%	95%	89%	0	80%

**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**

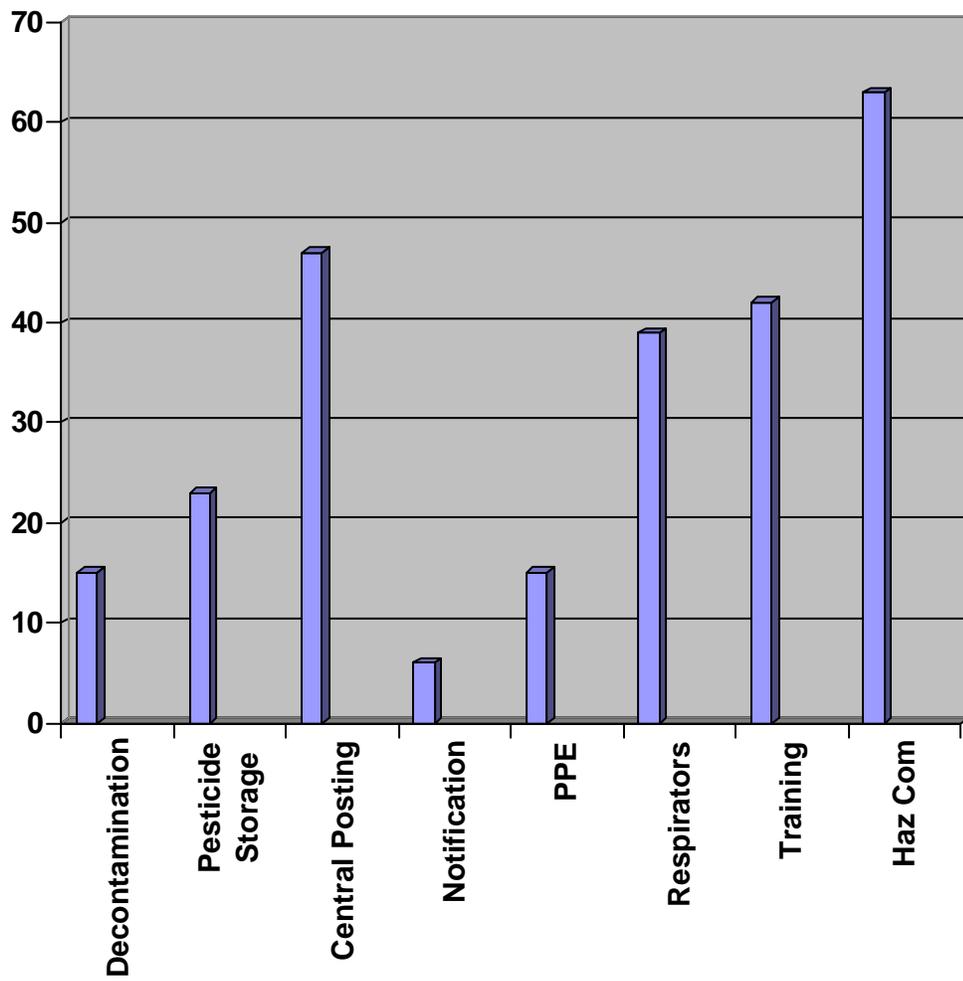
SIC	0134	0161/0171	0172	0179	0761	0851	5193	TOTALS
# Attempts	1	5	3	2	1	1	2	15
# Inspections	1	3	3	2	1	1	2	13
* Tier 1	0	3	3	1	0	1	0	8
* Tier 2	1	0	0	1	1	0	2	5
# Employees	8	39	26	179	1	10	18	281
# with Violations	1	3	3	2	0	0	1	10
% Inspections with Violations	100%	100%	100%	100%	0	0	50%	77%

Figure 4

**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
Figure 5



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	42 Sessions
Total in attendance	745

<u>Speaking Requests</u>		
Oregon Assoc. of Nurseries	Troutdale	October 2004
Oregon Vegetation Mgmt	Seaside	November 2004
OSU Ext. for Cherry Growers	The Dalles	May 2005
Oregon Dept of Ag	Grants Pass	August 2005
Oregon Dept of Ag	Roseburg	August 2005
Pesticide Safety for Tree Trimmers	Hood River	August 2005
La Clinica de Valle	Medford	August 2005

Pesticide Related Interventions – Resource Center

Pesticide Video loans	48
“Safe Practices When Handling Agricultural Chemicals” brochure	18,215
Washing pesticide contaminated clothing magnet (Spanish)	750
Cultivate a Safe Environment	750
Field Sanitation Notice	400
Agriculture Seasonal Worker Orientation	400
Division 4, Agriculture	80

Pesticide Related Interventions – Consultative Services - Conferences

Willamette Valley Ag Expo	November 2004
Pulp & Paper Conference	November 2004
Oregon Landscape Expo	December 2004
Intermountain Ag Conference	January 2005
Northwest Agriculture Show	January 2005
Oregon Logging Conference	February 2005
GOSH Conference	February 2005
Far West Ag Show	August 2005

Pesticide Related Interventions – Consultative Services – Consultations by SICs

0139	0175	0181	0191	0721	Total
6	26	24	10	1	67

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

Requests filed from Oct 1, 2004 to September 30, 2005

#	Name	English	Spanish	Times Req.
464	EPA WPS for Orchard Workers	x	x	0
465	EPA WPS for Pesticide Handlers	x	x	2
474	Oregon Pesticide Safety Guide	x		5
475	Oregon Pesticide Safety Guide		x	1
381	Chasing the Sun/Siguiendo El Sol	x	x	2
384	Greenhouse Pesticide Safety Training Workers & Handlers	x	x	1
352	How to Conduct Worker Protection Training/Train the Trainer	x		6
380	Pesticide Handlers and the Worker Protection Standard	x		4
383	Pesticide Handlers and the Worker Protection Standard		x	8
600	Pesticide Safety: Help Workers Protect Themselves	x		4
608	Pesticide Safety: Help Workers Protect Themselves		x	6
323	Pesticide Safety Worker Protection Oregon	x	x	2
392	Pesticide Training for Agricultural Employees	x	x	0
327	Shedding Some Light on Pesticide Protection	x		6
332	Worker Protection Standard An Overview	x		1
1051	Protecting Yourself From Pesticide Hazards <i>new</i>	x	x	2

Total 48