

**OREGON OSHA
PESTICIDE EMPHASIS PROGRAM
ANNUAL REPORT
Federal Fiscal Year 2022**



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Introduction:

Oregon OSHA and the United States Environmental Protection Agency (EPA), Region 10 Enforcement and Compliance Assurance Division in the Air & Toxics Enforcement Section, collaborate on pesticide safety issues. Oregon OSHA enforces the Worker Protection Standard, which is supplemented with a pesticide emphasis program. This report is the annual review of the pesticide emphasis program for federal fiscal year 2022 (FY2022). 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 Oregon OSHA's Program Directive A-235, entitled "Local Emphasis Program for Pesticides." Inspections were completed from a programmed list selected from these North American Industrial Classification System (NAICS) codes which will be referred to as "selected NAICSs" for the purposes of this report.

- NAICS 111219 & 111998 General farming, field Crops, except Cash Grains, Not Elsewhere Classified
- NAICS 111339 Deciduous Tree Fruits
- NAICS 111421 Nurseries & Tree Production
- NAICS 111422 Floriculture Production
- NAICS 111332 Grape Vineyards
- NAICS 111419 Crops Grown Undercover (primary focus Cannabis)
- NAICS 113110 Timber Tract Operations
- NAICS 115112 Crop preparation including pesticide spraying

NAICS were selected based on the amount and toxicity of pesticides in use, frequency of pesticide applications, the diversity of crops, and the number of workers employed, and work practices in use. Other NAICSs inspected as a result of complaints, referrals or accident inspections are included in this report if the inspection addressed pesticide-related issues.

Data Summary:

Pesticide exposures occur throughout the handling process, from purchase to disposal. The goal of the Pesticide Emphasis Program is to reduce occupational exposures to pesticides in agriculture through enforcing the pesticide-related standards such as the Worker Protection Standard, Hazard Communication, Respiratory Protection, Pesticide Storage, Fumigation, and supervision. Implementation of these requirements can reduce the likelihood of exposures resulting in acute or chronic effects. The Pesticide Emphasis Program continues to be an effective tool for disseminating information, education, compliance assistance and enforcement activities to reduce occupational exposures to pesticides in the agriculture industry. Oregon OSHA's Pesticide Emphasis Program, while focusing on agricultural applications, includes non-WPS NAICS such as construction, landscaping, property management, temporary/leased workers, medical, etc. Thus both agricultural pesticide inspection/consultation and non-agricultural work falls under OR-OSHA's jurisdiction and book of work.

The following is a brief summary of the findings resulting from the evaluation of FY2022 activity. Please see each section for tables and explanations of each.

◆ **Inspection Activity:**

Inspection activity in FY 2022 decreased slightly from 2021. In FY2022, 44 inspections were done, with 31 inspections resulting in citations, with 675 employees covered. The Worker Protection Standard (WPS) was applicable in 36 inspections, indicated by Tier 1 and Tier 2 in the table below. For all pesticide emphasis inspections where WPS was applicable, 60% (26/44) were classified as Tier 1 and 23% (10/44) were Tier 2. Inspections where pesticides have been used within the preceding 30 days plus the restricted entry interval are classified as Tier 1; inspections where pesticides have not been used within the preceding 30 days plus the restricted entry interval are classified as Tier 2. Vineyards and cannabis/hemp are the two grower groups which rely heavily on contract labor. Related inspections of labor contractors that occurred with inspections of the Selected NAICS which included vineyards and cannabis/hemp were included in the Selected NAICS.

In the selected NAICS, 22 inspections were conducted with citations issued in 15 cases, of these, 59% (13/22) were classified as WPS Tier 1 inspections. Of the 44 pesticide emphasis inspections, 18% (8/44) fell outside the scope of the Worker Protection Standard. In FY2021 that percentage was 59%.

Cannabis inspections were pulled from 5 different NAICS codes – 15 from 111998, 1 from 115115, 2 from 111419, 1 from 561320 and 1 from 453998. These were collectively listed together under ‘Cannabis.’ Citations were issued in 68% (15/22) of the cannabis related inspections.

Statistics for Completed Inspections by Industry (NAICS), FY2022

Industry (NAICS)		Completed inspections	Citation issued	In compliance	Percent with citation issued	Percent in compliance	WPS Tier 1	WPS Tier 2	Pesticide Emphasis, Non-WPS	Employees covered
Selected NAICS	111339	3	3	-	100.0	-	3	-	-	22
	111421	1	1	-	100.0	-	1	-	-	85
	111422	1	-	1	-	100.0	1	-	-	15
	111998	17	11	6	64.7	35.3	8	8	1	150
Other NAICS	111219	2	-	2	-	100.0	1	1	-	2
	111332	3	3	-	100.0	-	3	-	-	20
	111334	1	1	-	100.0	-	1	-	-	15
	111419	2	1	1	50.0	50.0	2	-	-	15
	113210	2	2	-	100.0	-	2	-	-	79
	115115	1	1	-	100.0	-	1	-	-	22
	236115	1	-	1	-	100.0	-	-	1	104
	237130	1	-	1	-	100.0	-	-	1	63
	453998	1	1	-	100.0	-	-	1	-	3
	531311	1	1	-	100.0	-	-	-	1	25
	541611	1	-	1	-	100.0	1	-	-	1
	561320	1	1	-	100.0	-	1	-	-	20
	561730	3	3	-	100.0	-	-	-	3	23
	624310	1	1	-	100.0	-	-	-	1	6
921140	1	1	-	100.0	-	1	-	-	5	
Total		44	31	13	70.5	29.5	26	10	8	675

Source: Information Technology and Research Section, Central Services Division, Oregon Department of Consumer and Business Services, November 2022

Based on the types of inspections listed below, 20 were programmed planned, with 70% (14/20) receiving citations; of these, (10/14) had serious violations. There were 14 complaint inspections with 71% (10/14) receiving citations; of these, 100% (10/10) had serious violations. There were 5 referrals in FY2022, 3 receiving citations, 2 of these had serious violations. Complaints accounted for 31% (14/44) of the total inspections conducted

Attempted and completed inspections by inspection type and industry (NAICS), FY2022

Inspection type	Total	Selected NAICS				Other NAICS
		111339	111421	111422	111998	
Total completed inspections	44	3	1	1	17	22
Complaint	14	-	1	-	7	6
Referral	5	-	-	-	1	4
Monitoring	1	-	-	-	-	1
Programmed Planned	20	3	-	1	9	7
Programmed Related	4	-	-	-	-	4
Attempted (triple zero)	6	1	-	-	3	2

Source: Information Technology and Research Section, Central Services Division, Oregon Department of Consumer and Business Services, November 2022

◆ Violation characteristics:

The following table highlights the distribution of violations. In FY2022, there were 104 pesticide related violations cited with penalties totaling \$6440. WPS penalties accounted for \$4160 overall. In the selected NAICS, WPS violations accounted for 35% (27/77) of the violations cited with penalties totaling \$1675. Pesticide-related violations accounted for 50 violations with penalties totaling \$2395. Pesticide-related violations include the Oregon OSHA standards addressing hazard communication, respiratory protection, personal protective equipment, emergency eyewash, fumigants, supervision, training, pesticide storage, and work-site inspections.

Pesticide Violations and Penalties in FY2022 Totals

Industry (NAICS)		Total violations	WPS Violations			Pesticide Related / Other Violations			
			Serious	Other than serious	Total penalties	Serious	Repeat	Other than serious	Total penalties
Selected NAICS	111339	11	1	4	\$120	2	-	4	\$0
	111421	1	1	-	\$240	-	-	-	-
	111998	65	12	9	\$1,315	28	1	15	\$2,395
Other NAICS	111332	8	2	4	\$200	-	-	2	\$0
	111334	9	5	1	\$900	2	-	1	\$120
	111419	12	2	2	\$100	4	-	4	\$200
	113210	5	1	2	\$180	-	-	2	\$0
	115115	3	1	1	\$100	1	-	-	\$225
	453998	6	-	-	-	3	-	3	\$540
	531311	4	-	-	-	4	-	-	\$360
	561320	10	1	2	\$375	4	-	3	\$1,275
	561730	17	-	-	-	16	-	1	\$785
	624310	4	-	-	-	3	-	1	\$540
	921140	4	4	-	\$630	-	-	-	-
	Total		159	30	25	\$4,160	67	1	36

Source: Information Technology and Research Section, Central Services Division, Oregon Department of Consumer and Business Services, November 2022

**If a WPS violation is grouped with another violation, the WPS and non-WPS violations are counted separately, but the penalty amount for the whole group is retained with the WPS violation.*

The violations below are classified as either handler or worker related using the definitions in the Worker Protection Standard. A handler is an employee who either mixes, loads, applies, or works on spray equipment and can be exposed to the concentrated form of the pesticide. Workers are employees who are working with plant materials that may have pesticide residue on them. The most frequently violated standards were for combined personal protective equipment (PPE-Respirators and PPE-Other) followed by issues related to the display of pesticide safety information and hazard communication and/or WPS training for pesticide handlers.

Pesticide Violations Cited in FY2022

	Violation type	Violations
Handler-related	Emergency Eyewash	8
	Hazard Communication	16
	PPE - Other	7
	PPE - Respirators	1
	Pesticide Storage	7
	Training	3
Worker-related	Health Haz Control Measures	1
	Safe Practices	6
Other	Non-Pesticide	8
	Other Pesticide	102

Source: Information Technology and Research Section, Central Services Division, Oregon Department of Consumer and Business Services, November 2022

**Grouped violations are counted individually, which may differ from other published reports.*

Pesticide Analytical and Response Center cases summarized:

Pesticide Analytical and Response Center (PARC) Cases:

Source	Exposure Type	Product(s)	Signal Word	# Exp	Type of Establishment	Citation Issued/number	Primary cause	Medical Treatment sought/number
R	Bystander	1. 62719-702 2. 62719-259	1. CAUTION 2. CAUTION	2	County Forestry Department	Y/4	Employees exposed via drift	Y/1
R	Bystander	71711-31	WARNING	12	Power and Communication Line and Related Structures Construction	N	Employees potentially exposed via drift	Y/Unk

Source: C = Complaint filed with Oregon OSHA; R = Referral from PARC; OERS = Oregon Emergency Response System; # exp = the number exposed

Pesticide Analytical and Response Center (PARC) Referrals (No adverse health effects):

Source	Exposure Type	Product	Signal Word	# Emp	Type of Establishment	WPS Applies	Citation Issued/#	Main concern(s)	Inspection/ Phone Fax
R	Use	228-743	CAUTION	85	Landscaping	Y	Y/1	Lack of SDS	Inspection
R	Use	Vinegar/soap solution	N/A	6	Landscaping	N	Y/2	Hazard communication	Inspection
C	Use	Unknown	Unknown	2	Landscaping	Unk	Y/5	Hazard communication; lack of hand/skin protection; lack of hand washing facilities.	Complaint

PARC Cases Highlighted

Garten Services Inc 317730903

Referral 203002917

Opening Conf Date 7/25/22

Garten Services Inc is a non-union vocational services business with many different departments including landscaping, custodial services, recycling, e-recycling, shipping and packaging, mail and delivery, community deployment, and DayBreak program. They employ 230 people in Oregon, and 6 people on the landscaping crew. The referral inspection focused on the landscaping crew. **Item 1:** Employees are being directed to spray chemicals including vinegar solution and weed killer without any form of respiratory protection. Employees have experienced symptoms such as nausea. **Findings for Item 1:** Through interviews, it was determined that there was proper personal protective equipment use while spraying and no employees experiencing symptoms could be verified. **Item 2:** Employees are not receiving hazard communication training prior to chemical use. **Findings for Item 2:** Supervisors spraying the vinegar solution had not received hazard communication training prior to chemical use.

Frontier Farms 317730381

Complaint/PARC 022-0160

Opening conference date 4/21/22

Frontier Farms is a cannabis grow operation. Inspection was opened to address concerns of pesticide overspray from neighboring properties not owned or operated by the ER. All drift allegations were with respect to neighboring properties and not products used by the ER or employees. **Item 1:** At times employees are exposed to pesticide drift from nearby agricultural properties. Employees do not have an appropriate place to safely shelter from airborne pesticides. **Findings for Item 1:** At the time of inspection, it was determined that the employer did have adequate facilities for sheltering in place in the event of pesticide drift from neighboring properties. Water and soap were also available. However, the employer was advised in a hazard letter to ensure the availability of decontamination supplies and improve emergency procedures for employees with respect to drift. **Item 2:** Employees do not always have access to water, soap and paper towels to decontaminate. **Findings for Item 2:** Water and soap were available at the jobsites. The employer was advised in a hazard letter to ensure the availability of decontamination supplies for employees at all times.

Sukut Construction LLC 317730687 **and** Sterling & Wilson Solar Solutions 317730671

Complaint/PARC 022-0197

Opening conference date 6/7/22

Complaint inspection of a construction site where a solar array was being constructed. **Complaint Item 1:** Multiple employees were sprayed with pesticide at approximately 2:30 pm on Thursday, June 2, 2022, resulting in multiple employees treated at hospitals in Hermiston and The Dalles. **Findings Item 1:** Aerial spraying occurred about 2:30 PM on June 2nd, 2022 when 12 Sukut employees were present in the construction work area and adjacent to the field being sprayed. The distance between the construction employees and the field was estimated at between 300-400 yards. Wind speed was reported as between "calm" and 10 mph. Sterling & Wilson's normal procedure was to only allow spraying operations to occur when contractor employees were not present at the worksite. All contractors were made aware that spraying would occur between 6 and 8 AM (when employees were not present) on June 2, but a change in schedule caused the spraying to be moved to 2:30 PM. The change in schedule was not announced to all contractor employees, which explains why the spraying came as a surprise to the Sukut employees. Oregon Department of Agriculture (ODA) performed surface sampling for associated active ingredients on June 6, 2022. Subsequent laboratory sampling analysis did not indicate the presence of the pesticide chemicals in the area where Sukut employees were present outside of the exclusion zone.

Hood River County 317730654

Referral/PARC 022-0186

Opening conference date 6/2/22

The inspection focused on the use of herbicides by an aerial application company hired by the Hood River County Forestry Department. The aerial spray application was done as part of activities related to reforesting a previously logged area. **Referral Item 1:** The County hired a 3rd party aerial spray company to apply herbicides out in the forest. At approximately 5:45 a.m. on 5/20/22, two Hood River County employees were stationed near the spray site as flaggers. Employees stated the helicopter appeared to go off course and passed over the "safe zone". The employees stated they got wet and were likely drifted on by the helicopter. The employer removed the employees from the field and sent them to decontaminate. Employees reported some irritation of the throat and eyes. One of the two employees sought medical attention. **Findings Item 1:** The employer did not provide Worker Protection Standard training to employees engaged in what were considered handler activities. The employer contracted the 3rd party to conduct aerial spraying. The employer planned the application details and gave the employees location assignments for closing off the area. The employer did not provide flagger employees with PPE on the label. Additionally, the employer did not ensure the herbicides were applied without drift contact onto employees. The employer contracted a 3rd party to conduct aerial spraying. The employer planned application details and gave the employees field assignments to close off the area. The employer did not provide employees closing off a spray area with decontamination supplies: soap, water, paper towels and a change of clothing.

Cal Farms LLC 317730461

Referral/PARC 022-0343

Opening conference date 5/6/22

The main purpose of the inspection was to discuss pesticide handling procedures and training versus what was actually applied and allegedly drifted. The inspection was a partial WPS inspection in order to evaluate pesticide handler training, use of personal protective equipment and other procedures. No Cal Farms employees, aside from the pesticide handler, were in the area at the time the drift allegedly occurred. A hazard letter was issued to the employer regarding accident investigation and reporting. HCO discussed taking the time to identify root causes and then interventions to protect from future incidents. HCO recommended the employer call the equipment manufacturer to see if they had guarding or could help come up with a solution for the belt. HCO emailed the employer materials on accident investigations such as forms and training videos. HCO recommended that they seek assistance from SAIF or OR-OSHA Consultation on improving accident investigations. **Referral Item 1:** On 4/26/22 a pesticide applicator was applying in a field and drifted pesticides onto the road and contacted at least one person. The applicator was not wearing personal protective equipment.

Unknown (triple zero) 317729763

Referral/PARC 022-0105

Opening conference 12/20/21

Referral Item 1: Employees applied pesticides for the employer without any training, knowledge of the pesticide or Personal Protective Equipment (PPE). **Findings Item 1:** At the time of the inspection, this item could not be substantiated. There was no evidence of an employee/employer relationship.

◆ **External Training:**

External training consists of speaking requests and online classes. As the COVID pandemic becomes less of an issue, Oregon OSHA has increased workshop and on-site classes. Total attendance for Oregon OSHA training increased in 2022 over 2021. Further, Oregon OSHA put on a Spanish Language Conference (SLC) at which a variety of topics were presented. The majority of training sessions at the SLC were agriculture and PPE related, and were conducted entirely in Spanish, allowing Oregon OSHA to reach out to Non-English speaking populations.

Many of the training events were performed in conjunction with Oregon Department of Agriculture credit events and workshops put on by the Oregon OSHA Public Education Section. Speaking requests are normally conducted mostly in conjunction with day long multi-pesticide agendas put on by grower groups, such as the Northwest Ag Show, the Oregon Department of Agriculture, or the Oregon State University Pesticide Safety Education Program (PSEP), for the purpose of maintaining credits for pesticide licensees.

External training, onsite and internet classes FY2022

Training opportunities

Classes (Workshop & Internet)		Sessions	Attendance
Hazard Communication – Aligned with GHS		6 - Workshops	104
		Online English -9244	2138
		Online Spanish -7244	199
Personal Protective Equipment (PPE) - Worker Protection Standard (WPS)		Online -9241	2322
		6 - Workshops	145
Totals			4908
On-Site & Speaker Requests			
Date	Title		Attendance
10/6/2021	Pesticide Applications and PPE		75
11/2/2021	Taking the Confusion out of Respiratory Protection		158
12/2/2021	Respiratory Protection for Ag Ops		21
12/8/2021	Pesticide Safety and Hazard Communication		100
12/10/2021	Pesticide Storage and Wildfire		14
12/10/2021	Respirator Protection		14
12/10/2021	Person Protective Equipment		14
12/10/2021	Workper Protection Standard		14
12/14/2021	Topic: 437-004-1115-COVID 19 Workplace Requirements for Employer-Provided Housing and 437-004-1120-Agricultural Labor Housing and Related Facilities.		13
12/14/2021	Topic: 437-004-1115-COVID 19 Workplace Requirements for Employer-Provided Housing and 437-004-1120-Agricultural Labor Housing and Related Facilities.		9
12/28/2021	Pesticide Saefy Talk for PSEP		30
1/12/2022	Pesticide Safety Series (PPE, Respiratory Protection, Respirator Practical)		36
1/12/2022	Pesticide Safety Series (WPS, Hazard Communication, Pesticide Storage & Wildfire)		24
1/13/2022	Pesticide Safety Series (WPS, Hazard Communication, Pesticide Storage & Wildfire)		29
1/13/2022	Pesticide Safety Series (PPE, Respiratory Protection, Respirator Practical)		19
1/20/2022	Agriculture Labor Housing		50
2/18/2022	Pesticide Safety, WPS (for Christmas Tree growers)		60
2/25/2022	Pesticide Safety Series (HazComm, Pesticide Spills, and Pesticide Emphais Program)		15
Totals			695
Classes (Workshop & Internet)			4908
On-Site & Speaker Requests			695
Total Attendance			5603

Consultative services:

Oregon OSHA Consultation addressed Worker Protection Standard issues in 17 unique consultative activities in FY2022, which included a mix of comprehensive and specific consults in both the safety and health disciplines. A total of 63 Serious hazards and 103 Other than Serious hazards were identified during these consultations. The table below outlines the specific NAICS codes of the employers who received the consults.

Consultative Services FY2022

Consultations addressing WPS

Industry (NAICS)		Health	Safety
Total		12	5
Selected NAICS	111339	-	1
	111421	2	1
Other NAICS	111140	1	-
	111332	5	-
	238220	1	-
	325411	1	-
	611210	-	1
	611310	1	-
	721310	-	2
	922160	1	-

Source: Information Technology and Research Section, Central Services Division, Oregon Department of Consumer and Business Services, November 2022

Public Outreach: Oregon OSHA tracks publication circulation and video requests. The next few tables show activity for FY2022.

Public Outreach FY2022

Publications, videos, and on-line training

Oregon OSHA Publications in FY2022

Category	ID	Titles	Internal Oregon OSHA requests	External requests
PUBLICATIONS	1018	PPE for Pesticide Use	350	1
PUBLICATIONS	1951	Safe Practices When Working Around Agricultural Chemicals (English/Spanish)	1,050	3,569
PUBLICATIONS	3654	Air You Breathe	50	1
PUBLICATIONS	3924	Pesticide Worker Protection Standard reference guide	75	6

Source: Information Technology and Research Section, Central Services Division, Oregon Department of Consumer and Business Services, November 2022

Oregon OSHA Resource Center Pesticide-related Videos, FY2022

#	Name	English	Spanish	Requests
285	PESTICIDE SAFETY FOR AGRICULTURAL WORKERS	X	X	1
169	WORKING SAFELY IN THE GREENHOUSE	X		1
				2

Source: Information Technology and Research Section, Central Services Division, Oregon Department of Consumer and Business Services, November 2022

Oregon OSHA On-line training, FY2022

Name	English	Spanish	Requests
Application Exclusion Zone Explained	X		124
Application Exclusion Zone Explained		X	228

◆ Oregon Pesticide Symposium—Multi-Agency Annual Meeting:

The annual Oregon Pesticide Symposium was held virtually in April due to COVID-19. One benefit of the virtual meeting was the increased attendance by the Oregon Department of Forestry and the Washington Department of Agriculture. The symposium continues to be an excellent forum where many governmental and other organizations can collaborate, communicate, share information, and problem solve potential issues.

Conclusions:

The working relationships between Oregon OSHA and the Region 10 Enforcement and Compliance Assurance Division in the Air & Toxics Enforcement Section, formerly known as the EPA Pesticides Unit remains positive and productive. This also includes the cooperative nature between the entire Region 10 partners including the departments of agriculture in Washington, Idaho and Alaska, and the PSEPs in those states. PARC remains a vital connection for communicating and coordinating agency actions related to pesticide exposure incidents.

◆ Accomplishments:

- ◆ Put on Spanish Language conference to improve communication and partnership with non-English speaking workers..
- ◆ Consultative services section developed web-based outreach materials for the Cannabis grow and processing industry.
- ◆ Brought informative discussion to the issues related to pesticide storage and wildfire.
- ◆ Translated the “Information for the Landscaping Profession” booklet into Spanish.

◆ Goals for the coming year:

- ◆ Continue the development with the PARC member agencies on the pesticide storage publication with Oregon specific requirements to aide in the design and construction of these facilities.
- ◆ Create a Disinfectant web page to address the specific applicable Oregon OSHA rules that apply, including links to materials developed by the National Pesticide Information Center to aide in the proper use, as well as links to the Oregon Department of Agriculture to ensure proper licensing requirements are met.
- ◆ Increase inspection activity in PEP areas.
- ◆ Increase consultation activity in PEP areas.
- ◆ Complete cannabis program directive and emphasis program.