

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

PROGRAM DIRECTIVE

Program Directive: **A-174**
Issued: January 2, 1993
Revised: August 11, 2011

SUBJECT: Local Emphasis Program (LEP): Field Sanitation

**AFFECTED CODES/
DIRECTIVES:**

Division 4/J, Work Environment, [437-004-1110](#), Field Sanitation for Hand Labor

[OAR 437-004-9800](#), Hazard Communication.

OAR 437-004-6000, Worker Protection Standard, [170.150](#) and [170.250](#), Decontamination

Oregon OSHA [Program Directive A-235](#), Local Emphasis Program for Pesticides

Oregon OSHA [Program Directive A-237](#), Water Quality Evaluation

OSHA Instruction ADM 1-1.12B, December 29, 1989, the Integrated Management Information System (IMIS) Forms Manual.

PURPOSE: To establish and implement an LEP for field sanitation inspections and to provide guidelines for the inspection of agricultural establishments covered by the Field Sanitation Standard in Division 4, Agriculture.

BACKGROUND:

- A. The final Federal OSHA Field Sanitation standard was published in the Federal Register on May 1, 1987. The effective date of the Federal OSHA Field Sanitation Standard was May 30, 1987.
- B. Oregon's Field Sanitation rules were originally adopted in 1959 as part of the Farm Labor Camp rules. In 1975 they were revised and became separate rules. In December 1986 the Oregon Field Sanitation rules were amended with the passage of SB 501 which established a minimum penalty of not less than \$250 and not more than \$2,500 (OAR 437-001-0201, Determination of Penalty Related to Field Sanitation) for substantial noncompliance with the rules.

**APPROPRIATIONS,
RESTRICTIONS
AND SCOPE OF
STANDARD:**

Per ORS 654.067 and OAR 437-001-0065 Oregon OSHA has the right to inspect any place of employment (excluding federal jurisdiction) in the State of Oregon, including agricultural operations.

**TRAINING AND
EDUCATION OF
OR-OSHA
PERSONNEL**

Oregon OSHA will ensure that all safety and health compliance officers (S/HCOs) conducting field sanitation inspections are trained in the Field Sanitation Standard and any other applicable standards, directives and other appropriate instructions prior to conducting field sanitation inspections.

**SCHEDULING
PROCEDURES:**

- A. The procedures outlined in Division 1, 437-001-0057, Scheduling Inspections and the Field Inspection Reference Manual (FIRM) for programmed inspections cannot be used in scheduling inspections of applicable agricultural establishments employing hand-labor operations in the field.
 - 1. These operations tend to be seasonal and of short duration. Some variables which may affect the scheduling and inspection of these operations include types and location of crops, duration and season.
 - 2. Inspection efforts in field sanitation will be concentrated in high-impact counties having a significant number of migrant seasonal farm workers (MSFWs) and crops requiring labor intensive activities in the process of cultivation and harvesting. Oregon OSHA will use the following resource documents and studies as appropriate to identify high-impact counties to produce an effective scheduling list for field sanitation activity throughout the year:
 - a. Labor Contractor List: produced by the Oregon Bureau of Labor and Industries and updated monthly. This list provides the names, addresses and telephone numbers of several hundred labor contractors in the state. This list divides contractor's addresses arranged by county. Counties containing large numbers of contractors assist in identifying high-impact counties.

- b. Registered Agricultural Labor Housing: Produced by Oregon OSHA and updated yearly. This list provides the names of all known registered labor housing in the state. This list divides the camp addresses by county. Counties containing large numbers of labor housing assist in identifying high-impact counties. This list also provides reported information identifying the labor housing operator's expected period of occupancy.
3. All compliance personnel (S/HCOs) engaged in agricultural safety and health inspection activity will be instructed to look for hand-labor operations when in rural areas where these operations are expected to be in progress.
4. During the periods of planting, pruning or harvesting of crops and fibers, the S/HCOs observing operations (from a public place) where there are one or more employees engaged in hand-labor operations will determine, as well as possible, if the employer appears to be in violation of the Field Sanitation rules.
 - (a) If so, an inspection will be initiated or a referral made.
 - (b) If unable to determine, an inspection may be initiated.
5. If an inspection is to be conducted, the inspection will be initiated at the earliest possible time, depending on the local inspection priorities.

NOTE: All of the above inspections are recorded as programmed if the observing S/HCO makes the inspection; otherwise, they are recorded as a referral.

- B. All complaints/referrals received concerning alleged violations of the Field Sanitation standard will be processed by the Safety/Health Enforcement Manager as quickly as priorities permit due to the short duration of these operations. Consideration will also be given to available resources.

- C. If a denial of entry occurs, a warrant will be sought.
 - 1. The Safety/Health Enforcement Manager will consider factors such as the following when processing a warrant application:
 - a. Warrant processing time;
 - b. Anticipated duration of the hand-labor, field operation;
 - c. Impact on compliance; and
 - d. Violations already documented.
 - 2. In those instances where denial of entry is the known policy of a given employer, a pre-inspection warrant must be obtained by Oregon OSHA.

CLASSIFICATION OF VIOLATIONS

- A. Failures to comply with the standard's requirements (437-004-1110) to supply water or sanitation facilities in the field, especially during peak planting or harvesting periods, generally will be classified as serious.

Violations will be classified as other-than-serious when it is clear that the failures to comply are minimal or that, under the conditions in the particular field, the hazards to be controlled by compliance are minimal.

Note: For decontamination violations for 170.150 and 170.250; see program directive, A-235, *Local Emphasis Program: Pesticide*

Substantial failure-to-comply will be cited when an employer engaged in the production of crops intended for human consumption fails to provide acceptable and accessible toilet facilities, handwashing facilities or drinking water, and that failure exposes affected workers to a serious hazard likely to result in an injury or illness.

Example: A failure to comply would not be *substantial failure to comply* when an employer provided a single toilet (at an appropriate place in the field) for 21, instead of 20 employees.

- B. The classification of safety and health violations involves the exercise of maximum professional judgment. All relevant facts must be carefully considered when making classification decisions.

**ABATEMENT
OF VIOLATIONS:**

Due to the short duration of hand-labor field operations the abatement period will be the shortest possible interval, with particular emphasis given to immediate abatement.

**FOLLOW-UP
INSPECTIONS:**

Due to the short duration of field activities, field sanitation follow-up inspections cannot be scheduled in the manner provided in the FIRM. When conditions warrant, an attempt will be made to conduct follow-up inspections on at least 5 percent of the field sanitation inspections which resulted in the citation of serious violations.

RECORDING IN IMIS:

Use the following additional instructions when completing the OSHA-1:

- A. Mark item 24 as appropriate.
- B. Mark item 25c "Local Emphasis Program", and Item 25d "National Emphasis Program" and "FIELDSAN" entered in the "specify field" for all field sanitation inspections.
- C. Block 42, S-11 Ag Safety; or Ag Health; or Ag Safety 10 or Less; or Ag Health 10 or Less, and S-06 Mobile.

EVALUATION:

The Field Sanitation Program Directive will be evaluated periodically to determine if the elements of effective, efficient and consistent enforcement inspections are being met, and if not, those elements are identified and measures taken to correct deficiencies.

EFFECTIVE DATE:

This directive is effective immediately and will remain in effect until canceled or superseded.