

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

PROGRAM DIRECTIVE

Program Directive: A-235
Issued: March 30, 2000
Revised: February 28, 2018

SUBJECT: Local Emphasis Program (LEP): Pesticides

**AFFECTED
CODES/
DIRECTIVES:**

[Division 4, Agriculture](#),
Division 4 includes [40 CFR 170 the Worker Protection Standard](#)
[Division 4/Z, Fumigated Areas](#)

[Division 1, Administrative Rules](#)

[Division 2/I, Personal Protective Equipment](#)
[Division 2/Z, Hazard Communication](#)
[Division 2/Z, Thiram](#)

[Division 7, Forest Activities](#)

[Oregon OSHA SOP #58](#), Oregon OSHA's Pesticide Incident
Referral Procedures to the Pesticide Analytical Response Center
(PARC)

[Program Directive A-214, Inspection Guidance for Agriculture
Small Employer Exemption](#)

[Program Directive A-219, Complaint Policies and Procedures](#)

PURPOSE: To establish methods the enforcement staff will use to provide effective, efficient and consistent enforcement inspections in the variety of occupational sites where pesticides are made, used, and stored. Pesticides are of concern in agriculture due to the large numbers of potentially exposed farm workers.

BACKGROUND: Pesticide safety is the subject of national focus through the Environmental Protection Agency due to the cumulative effects of exposure and their far reaching impacts. Pesticides have the ability to elicit poisoning through acute exposure, as well as the ability to produce chronic effects such as a variety of cancers, birth defects, reproductive disorders, dermatitis, diseases of the lymphatic system, peripheral neuropathy, other neurological disorders and respiratory disease. Pesticides are used throughout society, from structural use - homes, schools, businesses; agricultural use; forestry use; right of way use including airports, business grounds, and power line clearance; treatment during storage or transport; wood preservatives and treatments; and medicinally as treatment against internal and external parasites.

Occupational exposure to pesticides includes those involved in manufacture, formulation, mixture, and application, as well as those exposed to residues. Exposure to emergency response personnel can also result from transportation accidents involving pesticides or to hospital personnel when a poisoned individual is treated in the emergency room.

Two groups of individuals, the grower and their employees, can receive multiple exposures to pesticides during work as applicators and/or from exposures to residues from living in the areas surrounded by treated fields and orchards.

SCOPE: Oregon OSHA is focusing on the following North American Industry Classification System (NAICS):

111940, 111998, 111219: *Includes Hops, Hay, Grass Seed, Alfalfa Farms, Mint, Potatoes, Timothy & Yams:* These NAICS were chosen due to the amount and toxicity of pesticides used. Work practices include application equipment involving greater levels of exposure, and greater dermal contact with the growing and/or harvested portion of the plants.

111331, 111339: *Includes Apples, Apricots, Cherry, Peaches, Pear, Plum and Prunes:* These NAICS were chosen due to the amount and toxicity of pesticides used. Work practices involve large numbers of workers for pruning and harvest. Pesticide applications are made on a frequent basis.

111421, 111422: *Includes Ornamental Plants and Nursery Products such as Bulbs, Flowers, Shrubbery, Flower and Vegetable Seeds, and Sod:* This is a year-round industry that involves numerous employers and workers from planting to harvest. Pesticide applications are made on a frequent basis.

111998: *Includes General Farms, primarily Crops:* This NAICS was chosen based on the amount and toxicity of pesticides in use with crops and horticultural specialties, the diversity of crops, the number of workers employed, and work practices in use.

115112: *Includes Crop Planting, Cultivating and Protecting*: This NAICS was chosen due to the amount and toxicity of pesticides used, along with frequent application. Work practices involve activities such as aerial application, cultivation, disease control for crops, insect control, spraying, pruning, etc.

111332: Grape Vineyards. This U.S. industry comprises establishments primarily engaged in growing grapes and/or growing grapes to sun dry into raisins.

113110: Timber Tract Operations. This industry comprises establishments primarily engaged in the operation of timber tracts for the purpose of selling standing timber.

111419: Other Food Crops Grown Under Cover. This U.S. industry comprises establishments primarily engaged in growing food crops (except mushrooms) under glass or protective cover. The primary focus with this NAICS is cannabis growing operations.

Pesticides of concern are listed in the Appendix A

PROGRAM

COORDINATION: A Pesticide Coordinator will be designated for the following activities:

- Coordinate enforcement efforts and uniformity issues.
- Serve as the representative for the Statewide Health Enforcement Manager at Pesticide Analytical Response Center (PARC) meetings, be the division contact for PARC referrals and follow-up within the division.
- Work with the Oregon Department of Agriculture on pesticide related issues.
- Serve as the division contact for EPA Region 10, Pesticides Unit, for pesticide-related issues and annual reporting requirements.
- Assist management with Oregon OSHA employee reports of pesticide exposure occurring in the course of their work duties.
- Coordinates the actions required of Oregon OSHA Standard Operation Procedure 58, "Pesticide Incident Referral Procedures to the Pesticide Analytical Response Center (PARC)."
- SOP 58 details the steps field staff are to follow when receiving and processing notifications on pesticide-related incidents, e.g., imminent danger, accident/fatality reports, referrals, complaints.

ACTION: This directive applies to all places of employment where pesticides are used, stored or manufactured.

Oregon OSHA will ensure that all safety and health compliance officers conducting agriculture inspections are provided with this directive. Health compliance officers will conduct all Worker Protection Standard (WPS) and Pesticide Emphasis inspections. Health compliance officers will document proper coding of inspections in inspections in the Optional information tab. When a safety compliance officer determines that an employer has applied pesticides in the previous 30 days they will discuss the need for a referral with their field enforcement manager.

Training: Oregon OSHA safety or health compliance officers designated by field enforcement managers will receive training on applicable rules, letters of interpretation, and other appropriate directives relating to pesticides; pesticide safety, e.g., classifications, toxicology, and labeling, WPS training; agriculture-related enforcement activities (agricultural health, field sanitation and reforestation inspections); and methods to prevent pesticide exposures during inspection activity.

Inspections: Agriculture operations tend to be seasonal and of short duration, affected by type and location of crops and duration of the season. In order to effectively schedule pesticide related inspections, the following guidelines will be used: When Oregon OSHA receives a complaint or referral alleging violations relating to pesticides the procedures outlined in Program Directive A-219 (Complaint Policies and Procedures) and the [Field Inspection Reference Manual \(FIRM\)](#) will be followed.

Program Directive A-214, "Inspection Guidance for Agriculture Small Employer Exemption," outlines the criteria for exemption from programmed inspections. Compliance officers can ask if an employer has had training, whether a consultation has been completed in the past four years, and whether identified hazards have been corrected within 90 days of receipt of the report. For purposes of verification, documentation of training includes the date, provider, duration of instruction, subjects covered, and the signature of the person completing the instruction. Documentation of consultation includes the date of the visit, organization providing the consultation, and acknowledgment from the employer that identified hazards have been corrected within 90 days of receipt of the written report.

Due to the short duration of agricultural operations, every effort will be made to quickly process complaints and referrals concerning alleged violations and notices of pesticide-related activities. The division's response to a notice of pesticide-related activity will depend on the operation involved, number of employees exposed, current status of the operation and whether or not there are known pesticide poisonings.

Inspection scheduling under this Pesticide Emphasis Program will be based on these administrative criteria:

- All active employers within the selected NAICSs will be identified.
- Omit employers within these selected NAICS who have had any type of health inspection within the previous three fiscal years.
- Selected employers will be listed in random order statewide and sorted by each field office.

Field office lists will be used by managers to make assignments for inspections by compliance officers, with consideration for seasonal variations. The compliance officer's list will generally be followed in order but may be inspected in any order to utilize the compliance officer's time efficiently.

Inspections will focus on pesticide issues including training, personal protective equipment, decontamination facilities, emergency assistance, and supervision.

Failure to comply with the standard's requirements to provide decontamination facilities in the field will generally be cited as serious. A severity rating of serious will consider the pesticide in use at the time of the inspection and the inability for handlers/workers to maintain proper general sanitation as defined in Program Directive A-174, Local Emphasis Program (LEP): Field Sanitation.

All inspections will include, but are not limited to, the following actions:

Pre-Inspection:

1. Evaluate the best time for conducting the inspection, taking into consideration the crop or activity season, type of operation, and the time of day of the activity.
2. Evaluate the need for, and availability of, an interpreter to be used during interviews with applicators and communication with the owner/operator. **DO NOT RELY ON EMPLOYER OR EMPLOYER REPRESENTATIVE AS AN INTERPRETER.** ([Use only OSHA approved interpreters](#))
3. Evaluate the need for inspection assistance based on size of facility, past history, time of visit, or any other considerations.
4. Coordinate these actions with management to assure the best use of resources.

During an Inspection:

1. Conduct inspections according to all applicable rules and directives. Compliance Officers will determine when the last pesticide application was made. When a safety compliance officer determines that an employer has applied pesticides in the previous 30 days, they will discuss the need for a referral with their field enforcement manager. Health compliance officers will conduct all WPS and Pesticide Emphasis inspections.
2. Collect pertinent information necessary to make adequate referrals to other sections/agencies (e.g., identification of public water systems for referral to the Oregon Health Division, and possible Oregon OSHA farm labor camp referral).
3. Conduct interviews with a representative number of applicators or other employees using an interpreter when necessary.

Post Inspection:

1. Complete paperwork in accordance with all applicable rules and directives.
2. All pesticide-related inspections will be identified by entering the LEP (Pesticide) in the Emphasis tab and by entering in the Optional information tab, either:
 - (i) S-08 WPS-1 (this indicates a Tier 1 inspection, for pesticides used within the past 30 days, or
 - (ii) S-08 WPS-2 (this indicates a Tier 2 inspection, for pesticides used not within the past 30 days).

EVALUATION: The pesticide program will be reviewed annually to determine if the elements of effective, efficient and consistent enforcement inspections are being met, and if not, that those elements not being met are identified and measures taken to correct them.

A yearly report, compiled by the Pesticide Coordinator, will include the types of violations found, the number of employees affected, the penalties cited, and the number of inspections completed. Inspection activity in all regions will be reported to the Pesticide Coordinator. The data derived from this emphasis program is shared with the federal Environmental Protection Agency (EPA), Region 10, Pesticides Unit, through a cooperative agreement. Oregon OSHA uses this data to report on the division's activities specific to the Worker Protection Standard.

**EFFECTIVE
DATE:**

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

History: Issued 3-30-2000, Revised 3-19-2001, 3-14-2003, 5-15-2006, 4-14-2007, 9-10-2009, 6-9-2011 and 2-28-2018.

APPENDIX A PESTICIDE LIST

Including but not limited to the following:

INSECTICIDES

Chlorpyrifos
Diazinon
Dimethoate
Fonofos
Methomyl
Methoxychlor
Mocap
Oxydemeton-methyl (MSR)
Phosmet

HERBICIDES

2,4-D
Diuron
Paraquat dichloride

FUMIGANTS

Aluminum phosphide
Chloropicrin
Methyl Bromide
Sulfur Dioxide
Vapam

FUNGICIDES

Benomyl
Captan
Calcium polysulfide
Copper Hydroxide
Dicofol
Dithane
Maneb
Metalaxyl
Propargite
Sulfur
Thiram
Vinclozolin