

**North Carolina Department of Labor
Division of Occupational Safety and Health**

Raleigh, North Carolina

Field Information System

Operational Procedure Notice 116E

Subject: Special Emphasis Inspection Program (SEP) for Allegations of Chemical Hazards on Farms.

A. **Purpose.**

This Operational Procedure Notice (OPN) continues the SEP, initiated on April 1, 1997, for agricultural employers who use pesticides and other farm chemicals. This action is authorized by North Carolina General Statute 95-136.1(b)(3) which mandates the North Carolina Department of Labor (NCDOL) to target for inspection those employers with a high risk for serious or fatal work-related injuries or illnesses.

B. **Discussion.**

Annual statistics compiled by the Bureau of Labor Statistics have consistently identified agricultural work as an occupation with injury and illness rates above the national average for all industries. Farm workers are commonly exposed to pesticides and other chemicals. As the result of a farm workers death and the concern that this death may have been caused by pesticide exposure, the NCDOL Occupational Safety and Health Division (OSH Division) initiated this SEP to address how the division will respond to complaints regarding hazards from agriculture chemicals.

C. **Objectives.**

1. The OSH Division initiated this SEP to respond immediately, generally within 24 hours, to instances of alleged chemical exposure affecting farm workers either in the field or at employer provided housing.
2. It is the OSH Division's intent that employees and their representatives are afforded the opportunity to participate in the inspection.

D. **Inspection Scope.**

1. This inspection program will include all agricultural employers who have employed more than 10 employees during the preceding 12 months or who maintain an active temporary labor camp. (Reference the most current version of CPL 02-00-051)
2. During the inspection, the Agricultural Safety and Health (ASH) Bureau compliance safety and health officer (CSHO) will address activity related to the use and potential exposure to chemicals in the agricultural workplace. The workplace will include employer provided housing. They will reference the requirements of the Field Sanitation Standards and the Occupational Safety and Health Standards for Agriculture, where applicable. The inspection scope may be expanded in accordance with the guidance in NC Field Operations Manual (FOM) Chapter XI, Agricultural Safety and Health Inspections.

E. **Inspection Scheduling.**

The ASH Bureau will conduct an inspection when a complaint or referral is received.

F. **Complaint/Referral Processing.**

1. Calls regarding possible exposure to pesticides or other agriculture chemicals will be directed to (919) 779-8560 or 1-800-NCLABOR (625-2267).
2. For determining complaint classification, an advocate for an employee will meet the definition of an employee representative. However, the complaint must be submitted with the knowledge of or on behalf of the employee.
3. Complaints or referrals alleging chemical hazards on farms will be immediately reported to the ASH bureau chief. The ASH bureau chief will immediately assign the inspection to a CSHO.
4. If ASH CSHOs are unable to conduct the inspection in a timely manner, the ASH bureau chief will make a written referral (OSHA-90) to the appropriate OSH Compliance Bureau based on the location of the referral. In this case, OSH compliance will be responsible for conducting the inspection in accordance with this OPN.
5. In addition to information needed for complaint or referral evaluation as contained in NC FOM Chapter IX, Complaints and Referrals, the following additional information will be included in the case file:
 - What pesticide or other chemical was the employee exposed to?
 - What is the EPA registration number for the pesticide or other chemicals?
 - How was the employee exposed?
 - Who were the exposed employees?
 - Where did the exposure take place?
 - What time of day did the exposure occur?
 - What other chemicals were used?
 - Were SDSs available?
 - What crop was in the field?
 - How was the pesticide or other chemical used or applied?
 - Who did the application?
 - Were workers trained?
 - What protective clothing was worn?
 - When and where can the CSHO meet the employee off the site?
 - If an advocate filed the complaint, can the CSHO arrange to meet the employee off the site?
 - What is the worker's native language?
 - Is the employee exhibiting symptoms of exposure?
 - Was the employee taken to a health care provider?
 - Who was the health care provider?
 - What health care was provided?

G. Inspection Procedures.

1. The assigned CSHO will initiate the inspection within 24 hours. If this time frame cannot be met, the CSHO will document the reason for delay in the case file.
2. The EPA worker exposure rules for pesticides will be used when appropriate to establish a basis for general duty clause violations.
3. The CSHO investigating the alleged exposure should attempt to meet with the affected worker off the property prior to opening with the employer. If a meeting does not occur, the CSHO will document the reason in the case file.
4. The CSHO will evaluate the procedures used by the employer for the handling and application of chemicals. If adequate procedures are not being used, the employer will be required to implement safe workplace procedures. The procedures will include a hazard assessment to determine the need for personal protective equipment. The assessment will assure the safety and health of employees during future chemical application.
5. If the CSHO cannot address the hazards using OSH Division standards or the general duty clause, the ASH bureau chief will be consulted for a referral to any other agency having jurisdiction.

H. IMIS Coding.

The CSHO will write the word "pesticide" next to block 25c of the OSHA-1 for all inspections conducted as a result of this SEP. In addition, write "migrant" in field 25e. Where applicable, write "program improvement" in field 25f for strategic plan activity.

I. Program Evaluation.

The ASH bureau chief will submit to the director an annual evaluation report relating to this SEP. The report will describe the inspections conducted, including a summary of results and an evaluation of the entire program operation. The evaluation will be meet the criteria established in the most current version of CPL 02-00-102 - Procedures for Approval of Local Emphasis Programs.

J. Effective Date.

OPN 116D is canceled. This OPN is effective on the date of signature. It will remain in effect until revised or canceled by the director.

Signed on Original
Regina Cullen
Bureau Chief

Signed on Original
Allen McNeely
Director

3/13/2013
Date of Signature