

Florida Solid and Hazardous Waste Regulation Handbook: Occupational Safety and Health Act (OSHA)¹

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What Is the Occupational Safety and Health Act (OSHA)?

Congress passed the Occupational Safety and Health Act to assure that the workplace environment is safe and healthy. To fulfill this purpose, OSHA authorized the Secretary of Labor, who is the head of the Occupational Safety and Health Administration, to set and enforce safety standards for employees working in dangerous circumstances such as handling hazardous wastes.

How Is OSHA Enforced?

All persons and facilities must deal directly with the federal Occupational Safety and Health Administration to ensure compliance with OSHA.

Who Enforces OSHA?

Since Florida has not yet established its own health and safety program, the federal Occupational Safety and Health Administration is responsible for ensuring compliance. The Occupational Safety and Health Administration may conduct site inspections and require the employer to make self-evaluations.

You should contact the Occupational Safety and Health Administration to gather more information about the safety requirements for employees using pesticides, gasoline, or any other hazardous or potentially hazardous substance.

Are Surprise Inspections Allowed?

Yes. The Occupational Safety and Health Administration needs only reasonable suspicion of a violation of OSHA's safety standards before it may enter the facility to conduct an inspection without prior notice. The inspection, however, must be conducted at a reasonable time.

What Are Employer Self-Evaluations?

The Occupational Safety and Health Administration may require the employer to make periodic self-evaluations to ensure compliance with safety requirements. Employers are encouraged to contact the Occupational Safety and Health Administration to gather more information about these evaluations. Those subject to these requirements may include:

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- construction workers.
- pesticide applicators.
- heavy equipment users.
- toxic chemical users.

What Are the Requirements for Hazardous Materials?

OSHA's health and safety standards are very comprehensive. The standards for handling hazardous wastes include requirements for:

- a site-specific analysis and a plan for protection.
- a minimum level of training for employees exposed to hazardous waste and toxic substances.
- regular medical examinations of employees who handle hazardous substances,
- appropriate personal protective equipment.
- maximum exposure limits.
- engineering controls.
- an informational program to employees who regularly handle hazardous wastes.
- an emergency response plan for accidents involving hazardous wastes.
- handling, transporting, labeling, and disposing of hazardous wastes.

With respect to pesticides, OSHA requires compliance with EPA regulations established under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The label instructions on pesticides ensure that employers and employees are kept safe. Violating the pesticide labeling requirements can trigger penalties under OSHA as well as FIFRA.

What Are the Other Requirements of OSHA?

OSHA also regulates many other activities commonly associated with agriculture, including:

- the construction of, or repairs on, farm buildings.
- the use of heavy machinery.
- the handling of toxic chemicals.

A discussion of these provisions is beyond the scope of this handbook. You should contact OSHA for more information. Penalties for violations may be severe.

What Are the Penalties under OSHA?

Non-compliance with the standards discussed above may subject you to severe civil and criminal penalties. You may also be subject to private lawsuits if an employee is intentionally harmed.

Penalties under OSHA can affect:

- Any employer who violates any part of OSHA or the regulation that is considered "non-serious" may be fined up to \$7000 for each violation.
- Any employer who commits a "serious violation" under OSHA shall be fined up to \$7000 for each violation.
- Any employer who violates any of the posting requirements under OSHA shall be fined up to \$7000 for each violation.
- Any employer who willfully or repeatedly violates OSHA or the regulations may be assessed a fine not less than \$5000 but not more than \$70,000 for each willful violation.
- Any employer who fails to correct a violation within the time given under OSHA may be fined up to \$7000 for each day the violation continues.

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This handbook is designed to provide an accurate, current, and authoritative summary of the principal Florida laws that directly or indirectly relate to agriculture. It should provide a basic overview of the many rights and responsibilities farmers and farmland owners have under Florida laws. The reader is provided information about these rights and responsibilities and the appropriate contacts for more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this publication is based are subject to constant revision, portions of this publication could become outdated at any time. Many details of cited laws are also left out due to space limitations.

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