

The Florida Agricultural Handbook of Solid and Hazardous Waste Regulation: 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 (OSHA) to prevent work-related injuries, illnesses, and deaths by assuring 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 (also referred to as OSHA), to setup 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 regulations.

Who enforces OSHA?

Since Florida has adopted the federal regulations and has not yet established its own health and safety program, the 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 (

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http://osha.gov/dcsp/compliance_assistance/cas_directory_auto.html).

Are surprise inspections allowed under OSHA?

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.

In fact, if you have advance knowledge of an inspection and you give advance notice of a surprise inspection, then you become liable for up to \$10,000 and up to six months in prison.

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 safety requirements may include

- 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 the following requirements:

- 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 Environmental Protection Agency (EPA) regulations established under the Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA ([FE764](#), 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 ([FE786](#), Contact Agencies). Penalties for violations may be severe.

What are the penalties under OSHA?

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

Penalties under OSHA vary:

- Any employer who violates any part of OSHA or the regulations which is considered "non-serious" may be fined up to \$7,000 for each violation
- Any employer who commits a "serious violation" under OSHA shall be fined up to \$7,000 for each violation
- Any employer who violates any of the posting requirements under OSHA shall be fined up to \$7,000 for each violation
- Any employer who willfully or repeatedly violates OSHA or the regulations may be assessed a fine not less than \$5,000 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 \$7,000 for each day the violation continues
- Any employer who lies or makes a false statement, representation, or certification in any application, record, report, plan, or other document filed may be punished by a fine of not more than \$10,000; or by imprisonment for not more than six months; or both