2017 Handbook of Employment Regulations Affecting Florida Farm Employers and Workers: Occupational Safety and Health Act (OSHA) [Federal]¹

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Purpose
Provides general safety standards, inspection, and posting requirements for covered employers and their workers.

Who Must Comply
Employers engaged in businesses involved in interstate commerce are subject to the regulations of the Occupational Safety and Health Act (OSHA).

Exemptions
Exempted from OSHA regulations are the following:

• Family farm operators who employ only immediate family members.
• Agricultural employers who employed ten or fewer employees at all times during the previous twelve months and do not maintain a migrant labor camp.

Note: Exemption means exempt from audits and inspections. It does not mean that the hazards and liability have been removed or eliminated.

Definitions
A farming operation is defined as any operation where a farmer grows or harvests crops, raises livestock or poultry, grows ornamental plants and other nursery products, or is engaged in related activities. Farming operations include farms, ranches, orchards, dairy farms, nurseries, or similar establishments.

Requirements for Employers of Eleven or More Workers
• Inform employees of your safety regulations.
• Post OSHA’s Job Safety and Health poster in a permanent place where notices to employees are customarily posted.

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• Report within eight hours to the nearest OSHA area office (by telephone or in writing) any fatal accident involving an employee or any other accident resulting in the hospitalization of three or more employees.

• Maintain up-to-date (within six working days) records of all occupational injuries and illnesses.

• Post the annual summary of your OSHA No. 200 log on February 1st of the following year; the posting must be maintained for the entire month of February in a conspicuous place.

• Retain all records of occupational injuries and illnesses for five years after the end of the year.

• Furnish a place of employment free from recognized hazards that could cause death or serious physical harm to employees. (This requirement enables an OSHA inspector to cite an employer who should have recognized a serious hazard, even if OSHA does not have a specific standard related to that hazard.)

**OSHA’s Agricultural Standards**

OSHA has the following standards that apply specifically to agriculture:

- Storage and handling of anhydrous ammonia
- Temporary labor camps
- Pulpwood logging
- Slow-moving vehicle emblems, signs, and tags
- Rollover protective structures
- Guarding of farm field equipment, farmstead equipment, and cotton gins
- Field sanitation (enforced by the Wage and Hour Division)

Included in these standards are very specific training requirements. For example, the Hazard Communication Standard requires employers using hazardous chemicals to instruct employees on their safe handling (see EDIS document FE409, *OSHA Hazard Communication Standard [Federal]*).

**Employee Requirements**

Each employee must comply with all safety and health regulations that are applicable to the employee’s own actions and conduct. Each employee must obey all rules, regulations, and safety procedures required by the employer to comply with the law, including participation in safety training and certifying that the employee has received such training. The employee is not subject to fines for noncompliance as is the employer; however, repeated failure to observe recommended safety procedures or use provided safety equipment is grounds for dismissal when properly documented.

**Inspections**

There are four categories of OSHA inspections:

1. Imminent danger
2. Fatality/catastrophic investigations
3. Complaints/referrals
4. Programmed

The first three categories are considered unprogrammed inspections conducted in response to specific evidence of hazardous conditions at a workplace. Programmed inspections can be health or safety inspections and are normally comprehensive in scope.

OSHA is authorized to conduct workplace inspections without advance notice. Inspectors (also called compliance officers) are authorized to enter workplaces without delay and at reasonable times. If an employer refuses admission to the property, OSHA must obtain a warrant.

*Note:* Always insist on seeing an OSHA compliance officer’s credentials. Also, be aware that an OSHA inspector has the right to interview employees during work hours.

**Enforcement**

Penalties for OSHA violations can be very costly. OSHA classifies violations by their nature: willful, repeated, serious, and other-than-serious.

Civil penalties include

1. *Willful and Repeated Violations:* A minimum fine of $8,908 per violation and up to a maximum of $124,709.

2. *Serious Violations:* A mandatory fine of up to $12,471. A serious violation occurs when there is a *substantial probability* of death or physical injury in the workplace and the employer has not exercised *reasonable diligence* to inform employees and mitigate the risk(s).

3. *Other-Than-Serious Violations:* Fines between $0 and $12,471 per violation.
4. **Failure to Abate/Correct a Violation**: Fine up to $12,471 per day for every day after the permitted correction period has expired.

5. **Failure to Publically Post OSHA Requirements**: Fine up to $12,471 per violation.

Amount of civil penalties can take into account the good faith of the employer, previous history, size of the business, and gravity of the violation.

Criminal penalties can arise from a death of an employee or obstruction of an OSHA investigation.

1. For a first time offense when a *willful* violation results in an employee death, up to $10,000 or up to six-months imprisonment, or both.

2. For a second offense when a *willful* violation results in an employee death, up to $20,000 or up to twelve-months imprisonment, or both.

3. Anyone giving false statements pursuant to an OSHA inspection could face up to $10,000 in fines, up to six-months imprisonment, or both.

4. A person giving advanced notice of an OSHA inspection will face criminal penalties of up to $1,000 in fines, up to six-months imprisonment, or both.

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**Job and Workplace Safety Information**

Florida is one of twenty-four states that do not have an approved OSHA state plan. Instead, the state of Florida has formed an alliance with OSHA through the Safety Florida Consultation Program at the University of South Florida in Tampa.

Safety Florida Consultation Program  
University of South Florida  
13201 Bruce B. Downs Boulevard, MDC 56  
Tampa, FL 33612  
Toll-free 1-866-273-1105  
http://www.usfsafetyflorida.com

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**Other Information**

- For additional information, contact your County Cooperative Extension Service Office or the Extension Safety Specialist, Department of Agricultural and Biological Engineering, IFAS, University of Florida, Gainesville, FL 32611, (352) 392-1864 (safety programs, publications, and audio-visual materials are available)

- For pesticide safety training material, contact your County Cooperative Extension Service Office or the Pesticide Information Office, Building 847, University of Florida, Gainesville, FL 32611, (352) 392-4721

- Labor Bulletin No. 469, Florida Fruit and Vegetable Association, Orlando, FL, September 18, 1989

- FFVA Bulletin No. 509, Florida Fruit and Vegetable Association, Orlando, FL, May 31, 1996

- FFVA Bulletin No. 513, Florida Fruit and Vegetable Association, Orlando, FL, February 21, 1997

- Labor Relations Bulletin No. 528, Florida Fruit and Vegetable Association, Orlando, FL, December 10, 1998

- Labor Relations Bulletin No. 531, Florida Fruit and Vegetable Association, Orlando, FL, January 16, 2001

- Labor Relations Bulletin No. 547, Florida Fruit and Vegetable Association, Orlando, FL, February 21, 2001

- Labor Relations Bulletin No. 553, Florida Fruit and Vegetable Association, Orlando, FL, December 18, 2001

*Note: The National Agricultural Safety Database (NASD) provides a compendium of agricultural safety and health resources. It contains OSHA standards that apply to agriculture and that have been reviewed or revised.*

http://www.nasdonline.org/

http://www.osha.gov

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**Responsible Agency**

United States Department of Labor  
Occupational Safety and Health Administration  
200 Constitutional Avenue NW  
Washington, DC 20210  
Toll-free 1-800-321-6742  
http://www.osha.gov/

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**Regional Office**

61 Forsyth Street SW  
Room 6T50  
Atlanta, GA 30303  
(678) 237-0400  
http://www.osha.gov/oshdir/r04.html
Area Offices
Search online at http://osha.gov/oshdir/fl.html or visit one of the area offices listed below.

Fort Lauderdale Office
1000 South Pine Island Road
Suite 1000
Fort Lauderdale, FL 33324
(954) 424-0242

Jacksonville Office
1851 Executive Center Drive
Suite 227
Jacksonville, FL 32207
(904) 232-2895

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5807 Breckenridge Parkway
Suite A
Tampa, FL 33610-4249
(813) 626-1177