

U.S.

● OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

STATUTORY CITATION: 29 USC §§ 651 – 678

RELATED REGULATIONS: 29 CFR Part 1928, Subpts. C and D

GENERAL SUMMARY: The Occupational Safety and Health Act generally requires employers to furnish their workers with employment and a workplace free from recognized hazards that cause or could cause death, harm or serious injury. More specifically, employers subject to the Act must comply with detailed safety and health standards adopted by the U.S. Department of Labor which are applicable to their respective places of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Among other agriculturally related safety and health regulations adopted by the labor department, farm employers who (1) have more than 10 non-family employees, or (2) have operated a temporary labor camp within the preceding 12 months, are required to comply with standards for the safety of employees operating or working around tractors and other farm equipment, briefly summarized here:

ROLL-OVER PROTECTIONS ON TRACTORS — Farm tractors must be properly equipped with structures and devices to protect workers against roll-over hazards. The standards include test procedures and performance requirements for protective frames and enclosures for wheel-type agricultural tractors.

SAFETY MEASURES ON OTHER AGRICULTURAL EQUIPMENT — The regulations prescribe both operating instructions and design specifications to safeguard operators of farm field equipment, stationary farm machinery, and cotton ginning equipment.

SPECIAL NOTES OR ADVISORIES

SMALL-FARM EXEMPTION — A special provision in the annual appropriation bill funding the U.S. Department of Labor prohibits OSHA from conducting inspections or otherwise enforcing the Occupational Safety and Health Act against any farm employer who employs fewer than 11 workers in a given year. An agricultural establishment that operates a temporary labor camp, however, is subject to the Act regardless of the size of its workforce. OSHA is also obligated to conduct an investigation in the event of a death on the job, without regard to the industry involved or the number of workers employed.

PREEMPTION OF JURISDICTION — To the extent that OSHA has established standards regulating a particular occupational safety or health issue, any state or local law that relates to the same issue is preempted by the federal standard and cannot be enforced, except (1) in states that have an OSHA-approved job safety and health plan, and (2) in states that do not have an OSHA-approved plan but where the state or local law is applied only to small farms exempted from federal coverage.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210 (202-693-1999; toll-free 800-321-6742).* OSHA has authority to enter and inspect workplaces, investigate complaints, issue citations, propose and enforce administrative penalties, and file and prosecute civil and criminal actions in federal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – Any state may assume responsibility for developing and enforcing occupational safety and health standards relating to any issue with respect to which a federal standard has been promulgated, by submitting to the Department a Section 18(b) state plan for developing and enforcing such standards. For approval, a plan must contain standards at least as effective in providing safe and healthful employment as the federal counterpart standard, and the state must devote adequate personnel and funds to assure administration and enforcement. In approving a state plan, OSHA in effect removes the preemptive bar against enforcement of state laws dealing with the same subject matter (*see special note above*) and allows the state to enforce its own standards under authority of state law, generally in lieu of enforcement activity by the federal agency.

State plans with provisions regulating safety of tractors and other on-farm agricultural equipment have been approved and are in effect in the following states: *Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming.*

Alabama

○ GENERAL LABOR LAWS (*PROVISION OF SAFE EMPLOYMENT*)

STATUTORY CITATION: Ala. Code 1975 § 25-1-1

GENERAL SUMMARY: In general, employers in Alabama are obligated to furnish employment reasonably safe for their employees, provide appropriate safety devices and safeguards, and do everything reasonably necessary to protect the life, health and safety of their employees and others at the workplace who are not trespassers.

PROVISIONS APPLICABLE TO AGRICULTURE: The employer's statutory duty to assure the well-being of the workforce on the job **does not apply** to agricultural employers or agricultural workers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Alabama Department of Labor, Montgomery, Alabama 36130.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Alaska

● STATE HEALTH, SAFETY AND HOUSING LAWS

STATUTORY CITATION: Alaska Stat. §§ 18.60.010 – 18.60.105

RELATED REGULATIONS: Alaska Admin. Code Title 8, § 61.1010

GENERAL SUMMARY: The state health, safety and housing laws generally require all employers in Alaska to, among other measures, (1) furnish each employee with employment and a place of employment free from recognized hazards that are likely to cause death or serious physical harm to employees, and (2) furnish and use suitable protective equipment, safety devices and safeguards. Among other prescribed protections, an employee who believes that imminent danger exists in the workplace, or that a violation of a safety or health standard exists that threatens harm, may request an inspection by the enforcement agency.

To reduce the incidence of work-related accidents and health hazards in the state, the state labor department is authorized to adopt and enforce specific occupational safety and health standards that prescribe requirements for safe and healthful working conditions in all employment and that are at least as effective as the corresponding federal standards.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state labor department has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Alaska's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) but can be enforced against all agricultural establishments.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. An employee who has suffered any such retaliation may file a complaint with the state enforcement agency.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Occupational Safety and Health Section, Division of Labor Standards and Safety, Department of Labor and Workforce Development, Juneau, Alaska 99811 (907-465-4855)*. This agency is responsible for receiving reports of job-related injuries, illnesses and death, and for responding to requests from workers or their representatives for workplace inspections when there are reasonable grounds to believe a violation of these provisions has occurred or imminent danger to an employee exists. Agents of the Department may enter and inspect workplaces, question employers and employees, subpoena witnesses and records, and issue citations when violations are found. Failure by an employer to correct a violation may result in a civil money penalty and criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Arizona

● ARIZONA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972

STATUTORY CITATION: Ariz. Rev. Stat. §§ 23-401 – 23-433

RELATED REGULATIONS: Ariz. Admin. Code § 20-5-603

GENERAL SUMMARY: Under the Arizona Occupational Safety and Health Act, it is generally every employer's duty to furnish each employee with employment and a place of employment free from recognized hazards that cause or could cause death or serious physical harm to employees, and to comply with specific occupational safety and health standards that are adopted by the administering agency under the Act's rulemaking authority and are applicable to the employer's industry or workplace.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state industrial commission has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Arizona's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Occupational Safety and Health (ADOSH), Industrial Commission of Arizona, Phoenix, Arizona 85005 (855-268-5251)*. ADOSH personnel are empowered to inspect places of employment and question employees to determine employer compliance with the Act and regulations adopted under its authority. Any employee or representative of employees who believes a violation exists which threatens the physical well-being of any worker may request an investigation by the agency. Whenever an inspection or investigation reveals a probable violation, the agency must issue a citation to the employer, who in turn must correct the violation or protest the citation. Employers cited for violations are subject to administrative fines. Willful or repeated infractions which result in an employee's permanent disability or death can result in additional civil penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

● ARIZONA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (*FIELD SANITATION*)

STATUTORY CITATION: Ariz. Rev. Stat. §§ 23-401 – 23-433

RELATED REGULATIONS: Ariz. Admin. Code § 20-5-670

GENERAL SUMMARY: The Arizona Occupational Safety and Health Act authorizes the state industrial commission to establish specific workplace safety and health standards for any occupation in the state and requires compliance by all employers to which such standards apply.

PROVISIONS APPLICABLE TO AGRICULTURE: Every agricultural establishment where a crew of 5 or more workers is performing hand-labor operations in one location on any given day must provide sanitation facilities to the workers, as described in brief below.

DRINKING WATER — For every worker at the job site, covered employers are required to provide no less than 2 gallons of potable drinking water, at a temperature of no more than 80 degrees F. and at a readily accessible location. The water must meet prescribed standards of purity and must be dispensed in single-use drinking cups or by fountains.

TOILET AND HANDWASHING FACILITIES — For workers who perform field work for a period of more than 3 hours during the day (including transportation time to and from the field), there must be at least one toilet and one handwashing facility for every 40 such workers or fraction thereof. Toilet and washing equipment must be located in close proximity to each other, and within 1/4 mile of each employee's place of work in the field. If the terrain prevents the employer from complying with the 1/4-mile distance limit, facilities must be located at the point nearest the workers where entry by vehicle is possible. Sanitary facilities must be kept clean and fully operational, and workers must be allowed reasonable opportunities during the workday to use them.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Occupational Safety and Health (ADOSH), Industrial Commission of Arizona, Phoenix, Arizona 85005 (855-268-5251)*. Any employee or representative of employees who believes a violation exists which threatens the physical well-being of any worker may request an investigation by ADOSH. Whenever an inspection or investigation reveals a probable violation, the agency must issue a citation to the employer, who in turn must correct the violation or protest the citation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

● **ARIZONA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (SHORT-HANDLED HOES)**

STATUTORY CITATION: Ariz. Rev. Stat. §§ 23-401 – 23-433

RELATED REGULATIONS: Ariz. Admin. Code § 20-5-605

GENERAL SUMMARY: The Arizona Occupational Safety and Health Act authorizes the state industrial commission to establish specific workplace safety and health standards for any occupation in the state and requires compliance by all employers to which such standards apply.

PROVISIONS APPLICABLE TO AGRICULTURE: Except in greenhouse or nursery operations, the use of a hoe with a handle less than 4 feet in length for weeding or thinning crops on farms is prohibited.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Occupational Safety and Health (ADOSH), Industrial Commission of Arizona, Phoenix, Arizona 85005 (855-268-5251).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Arkansas

○ STATE LABOR LAWS (*SAFE PLACE OF EMPLOYMENT*)

STATUTORY CITATION: Ark. Code § 11-2-117

GENERAL SUMMARY: Most firms and businesses in Arkansas that employ 5 or more workers are required to furnish safe employment and to do everything reasonably necessary to protect the life, health, safety and welfare of their employees. The law permits the labor department to adopt specific occupational safety rules, imposes employer recordkeeping responsibilities, and prescribes penalties for violations.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions **do not apply** to any employer engaged exclusively in farming operations.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – None. According to the Arkansas Department of Labor, the state's authority to enforce these provisions is effectively preempted by the U.S. Occupational Safety and Health Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

California

● CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973

STATUTORY CITATION: Cal. Lab. Code §§ 6300–6719

RELATED REGULATIONS: Cal. Code Regs. Title 8, §§ 3436–3458.1

GENERAL SUMMARY: Under the California Occupational Safety and Health Act, employers in the state must furnish employment and a place of employment which are safe and healthful for their employees, and employers must provide and use appropriate safety devices and observe preventive work practices. Employers and workers are required to comply with all occupational safety and health standards and other regulations authorized by the Act which are applicable to their respective industries and places of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state administering agency has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. California's agricultural safety regulations are substantially similar to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) but may be applied to any agricultural operation in the state, without respect to the number of workers employed.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Likewise, employees may not be fired or laid off for refusing to work in a workplace or on a job where a real or apparent hazard exists in violation of the Act or its regulations. The name of any person who submits a complaint regarding workplace safety must be kept confidential unless the person requests otherwise.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Occupational Safety and Health (Cal/OSHA), California Department of Industrial Relations, Oakland, California 94612 (510-286-7000)*. Cal/OSHA is responsible for investigating complaints of violations of the California Occupational Safety and Health Act, and for enforcing penalties against employers found in violation. Workers who believe they are or have been exposed to a workplace hazard in violation of the Act may submit a complaint by contacting the nearest Cal/OSHA office, a list of which is accessible online at www.dir.ca.gov/dosh/complaint.htm.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118)*. This agency is responsible for enforcing the law prohibiting retaliation for occupational safety or health activity.

Connecticut

○ CONNECTICUT OCCUPATIONAL SAFETY AND HEALTH ACT

STATUTORY CITATION: Conn. Gen. Stat. §§ 31-367 – 31-385

GENERAL SUMMARY: Connecticut's Occupational Safety and Health Act requires covered employers to furnish their employees with work and a workplace free from recognized hazards that are likely to cause death or serious injury. The state labor commissioner has broad authority to propose and adopt regulations implementing that requirement, and has authority to investigate workplace hazards and related complaints by employees.

PROVISIONS APPLICABLE TO AGRICULTURE: The Connecticut Occupational Safety and Health Act covers state and local governmental agencies only, and thus **does not apply** to agricultural workers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Occupational Safety and Health, Connecticut Department of Labor, Wethersfield, Connecticut 06109.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Delaware

○ GENERAL LABOR LAWS

STATUTORY CITATION: Del. Code Title 19, §§ 101-117

GENERAL SUMMARY: Chapter 1 of Delaware's labor laws grants authority to the state labor department to adopt and enforce rules for the prevention of accidents and employment-related disease in most occupations and at most workplaces, as well as rules for the construction, repair and maintenance of places of employment necessary to render them safe.

PROVISIONS APPLICABLE TO AGRICULTURE: The administrative authority to promulgate occupational safety and health protections **does not apply** to agricultural employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Labor Law Enforcement, Division of Industrial Affairs, Delaware Department of Labor, Wilmington, Delaware 19802.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Georgia

○ GENERAL LABOR LAWS (*WORKPLACE SAFETY*)

STATUTORY CITATION: Ga. Code §§ 34-2-1 – 34-2-14

GENERAL SUMMARY: Chapter 2 of the state labor laws contains a broad requirement that certain employers — generally those with 8 or more employees — furnish employment reasonably safe for their employees, adopt and use methods and processes reasonably adequate to make the job and workplace safe, and do everything reasonably necessary to protect the life, health, safety and welfare of their employees. Covered employers are subject to a fine, imprisonment, or both such penalties for violation of or refusal to comply with these provisions.

PROVISIONS APPLICABLE TO AGRICULTURE: The general obligation to provide safe employment **does not apply** to agricultural employers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Georgia Department of Labor, Atlanta, Georgia 30303.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Hawaii

● HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW

STATUTORY CITATION: Haw. Rev. Stat. §§ 396-1 – 396-20

RELATED REGULATIONS: Hawaii Admin. Rules, § 12-208-1

GENERAL SUMMARY: The Hawaii Occupational Safety and Health Law requires employers, with few exceptions, to furnish their employees with a job and workplace that are safe and free from recognized hazards, and employers must utilize such equipment and adopt such practices as are necessary to meet this general requirement. The law also imposes employer recordkeeping duties, spells out the safety-related rights and responsibilities of workers, and gives the enforcement agency broad authority to prescribe and enforce specific regulations needed to carry out the law's intent.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state labor department has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Hawaii's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) but may be applied to any agricultural operation in the state, without respect to the number of workers employed.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Occupational Safety and Health Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-9110). In addition to its rulemaking functions, the Department is responsible for conducting inspections and investigations necessary to enforce compliance. Acting in response to a complaint or on their own initiative, representatives of the Department have the right to enter any place of employment at reasonable times, to inspect workplace equipment and facilities, to inspect books and records, to question the employer and any employee, and take other steps to assure adequate protection of the life, safety and health of the workers.

The Department may also investigate the cause of all work-related injuries that result in disability or death, and may make reasonable orders and recommendations with respect to the cause.

The Department may issue administrative citations, or may apply to the state circuit courts for injunctive relief, to compel corrective action by employers. The law authorizes both civil money penalties and criminal sanctions against violators.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Illinois

○ OCCUPATIONAL SAFETY AND HEALTH ACT

STATUTORY CITATION: 820 Ill. Comp. Stat. §§ 219/1 – 219/145

GENERAL SUMMARY: The state Occupational Safety and Health Act formally adopts all of the federal standards established by the U.S. Department of Labor under the federal Occupational Safety and Health Act of 1970, and authorizes the state labor director to promulgate additional standards that promote safety in the workplace. Additionally, the state Act creates a framework for workplace inspections and for receiving, investigating and resolving related complaints lodged by employees.

PROVISIONS APPLICABLE TO AGRICULTURE: The Illinois Occupational Safety and Health Act covers only state, county, municipal, and school district employees, and thus **does not apply** to privately employed agricultural workers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Division of Occupational Safety and Health, Illinois Department of Labor, Chicago, Illinois 60601.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Indiana

● INDIANA OCCUPATIONAL SAFETY AND HEALTH ACT

STATUTORY CITATION: Ind. Code §§ 22-8-1.1-1 – 22-8-1.1-52

GENERAL SUMMARY: The Indiana Occupational Safety and Health Act imposes on the state's employers the general duty to establish and maintain working conditions that are reasonably safe and healthful for their employees and free from recognized hazards that could cause death or serious physical harm to the workforce. The Act creates an occupational safety standards commission in the state labor department which is authorized to adopt, modify or revoke specific safety and health standards in Indiana applicable to any or all industries or occupational groups.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state commission has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Indiana's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*). However, except in response to an employee's complaint, the Act prohibits the state enforcement agency from conducting enforcement inspections on the property of any farm establishment that (1) employes 10 or fewer employees and does not maintain a labor camp, or (2) qualifies for a small-business exemption.

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer may not fire, discipline or in any other way discriminate against a worker because the worker files a complaint, testifies in a related proceeding, or exercises any other right under this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Indiana Occupational Safety and Health Administration, Indiana Department of Labor, Indianapolis, Indiana 46204 (317-233-3605)*. In response to a worker's complaint, IOSHA personnel may enter and inspect a workplace to enforce state occupational safety and health standards. If an inspection reveals a violation of the Act or the associated regulations, the Department may issue a written safety order, describing the infractions involved and setting a deadline for abatement. Failure to respond to a safety order, as well as commitment of the violation itself, is grounds for assessment of a civil money penalty by the Department. A person who knowingly violates the Act is also subject to criminal prosecution. Worker complaints may be filed online, at www.in.gov/dol/2733.htm.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Iowa

● OCCUPATIONAL SAFETY AND HEALTH LAW

STATUTORY CITATION: Iowa Code §§ 88.1 – 88.21

RELATED REGULATIONS: Iowa Admin. Code 875.28.1

GENERAL SUMMARY: The state occupational safety and health law imposes a general duty on all Iowa employers to furnish their employees with a job and a workplace free from recognized hazards that threaten serious injury or death, and to comply with specific safety and health standards that are adopted by the state labor commissioner under the law's authority and applicable to their respective industries or workplaces.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the labor commissioner has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Iowa's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that have employed more than 10 workers at any time within the past 12 months, or that maintain a temporary labor camp.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Iowa OSHA Enforcement, Division of Labor, Iowa Workforce Development, Des Moines, Iowa 50319 (515-242-5870). In carrying out its enforcement role under this law, the Division is authorized to enter any workplace in Iowa where employees are engaged, to inspect working conditions and equipment, to subpoena documentary evidence and witnesses, and to hold hearings. When an inspection discloses a violation of any standard promulgated under the authority of the state occupational safety and health statute, the Division may issue a citation, requesting correction of the violation within a specified time span. Failure to respond to a citation may, after opportunity for hearing and appeal, lead to imposition by the Division of a civil fine and criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Kentucky

● KENTUCKY OCCUPATIONAL SAFETY AND HEALTH ACT

STATUTORY CITATION: Ky. Rev. Stat. §§ 338-011 – 338.991

RELATED REGULATIONS: 803 Ky. Admin. Regs. 2:600, §§ 1 – 2

GENERAL SUMMARY: The Kentucky Occupational Safety and Health Act imposes on most employers in the state the duty to furnish their employees with a job and workplace free from life- and health-threatening hazards, and authorizes adoption and enforcement of state safety and health standards covering any industry or occupation in the state. Employers and employees are obligated to comply with any such standard applicable to their respective employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state agency has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Kentucky's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and apply to all agricultural employers, employees and workplaces.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who suffers such discriminatory or retaliatory treatment may file a complaint with the Division.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Occupational Safety and Health Compliance, Kentucky Department of Workplace Standards, Frankfort, Kentucky 40601 (502-564-3218)*. In response to a complaint or on its own initiative, representatives of the Division may, without delay and advance notice, enter any place of employment at any reasonable time to inspect working conditions, question the employer and workers, and review records to determine the cause of or prevent the occurrence of any occupational injury or illness. At the same time, any covered employee who believes a violation of a state occupational safety and health standard has occurred, or that imminent danger exists, may request an inspection by giving written notice to the Division. After inspection and confirmation of a violation, the Division may issue a citation or abatement order, enforceable in court. Failure to correct a safety and health hazard carries both civil and criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Louisiana

○ STATE LABOR LAWS (*EMPLOYERS' DUTY AS TO SAFETY*)

STATUTORY CITATION: La. Rev. Stat. § 23:13

GENERAL SUMMARY: Chapter 1, Part I of the Louisiana labor laws imposes an obligation on most Louisiana employers to furnish employment that is reasonably safe for their employees. Subject employers must provide and use safeguards, and adopt and use methods and processes, reasonably adequate to render the job and workplace safe, considering the normal hazard of such employment.

PROVISIONS APPLICABLE TO AGRICULTURE: The employer's duty to assure safety in the workplace **does not apply** to employment in agricultural field operations.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Workforce Development, Louisiana Workforce Commission, Baton Rouge, Louisiana 70804.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Maryland

● MARYLAND OCCUPATIONAL SAFETY AND HEALTH ACT

STATUTORY CITATION: Md. Code, Lab. & Empl. §§ 5-101 – 5-1103

GENERAL SUMMARY: The Maryland Occupational Safety and Health Act imposes a general duty on virtually every non-federal employer in the state to furnish employees with a safe and healthful job and workplace, free from recognized hazards which could cause death or serious injury to the workers. The Act authorizes the development and implementation of specific safety and health standards for the prevention of conditions detrimental to the well-being of the workers in any occupation or workplace found to require such protection.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state labor commissioner has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Maryland's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and apply to all agricultural employers in the state.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Maryland Occupational Safety and Health Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Hunt Valley, Maryland 21031 (410-527-4499)*. In enforcing compliance with these provisions, representatives of the Division have authority to enter any place of employment in the state, at reasonable times, to inspect the workplace and associated equipment and materials, and to question the employer and employees. If, upon inspection or investigation, the Division believes an employer has violated the general duty created by the Act, or any standard or regulation adopted under the Act's authority, the Division must promptly issue a citation to the employer, fixing a reasonable time for correction of the violation. Failure to respond in good faith to a citation may lead to a formal order against the employer, enforceable in court. Any violation of the Act or the corresponding rules is grounds for assessment of an administrative fine by the Division, and violators are also subject to criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Michigan

● MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT

STATUTORY CITATION: Mich. Comp. Laws §§ 408.1001 – 408.1094

RELATED REGULATIONS: Mich. Admin. Code R. 408.45101 and 408.45301

GENERAL SUMMARY: The Michigan Occupational Safety and Health Act imposes a duty on employers in the state to furnish their employees with a job and workplace free from recognized hazards that could cause death or serious injury, and to comply with the specific safety and health standards adopted under the Act's rulemaking authority and applicable to their respective places of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Michigan's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Michigan Occupational Safety and Health Administration (MIOSHA), Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7777)*. MIOSHA is responsible for administering and enforcing the provisions of the Act relative to occupational safety. Representatives of the agency may enter any workplace in the state to inspect conditions, equipment and materials, and to question the employer and workers regarding safety issues. In investigating a complaint or suspected violation, MIOSHA may compel testimony by witnesses and the production of evidence. Employers found to have violated the Act or a specific occupational safety rule will be cited and given an opportunity to take corrective action. Failure to correct a violation may lead to civil money penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Minnesota

● OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973

STATUTORY CITATION: Minn. Stat. §§ 182.65 – 182.676

RELATED REGULATIONS: Minn. Admin. R. 5205.0010

GENERAL SUMMARY: The state Occupational Safety and Health Act, in part, (1) defines the rights and duties of employers, including the responsibility for furnishing their employees with a job and workplace free from hazards that could cause serious injury or death, (2) defines the rights and duties of employees, including the right to refuse in good faith to work under conditions they believe present an imminent danger of serious harm or death, and (3) authorizes the adoption and enforcement of specific occupational safety and health standards. In general, the Act requires every employer with one or more employees to comply with all such standards that are applicable to their workplace or employees.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state labor department has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Minnesota's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. At any time within 30 days after an alleged retaliatory act, a worker may file a complaint with the Department for redress.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Occupational Safety and Health Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-282-5050; toll-free 877-470-6742).* Agents of the Department are authorized to inspect any workplace in the state and all structures, equipment and materials on the site, either at the request of a worker or on the agency's own initiative. Within 6 months of an inspection or investigation which reveals evidence of a violation of the Act or the associated standards, the Department may issue a written citation to the employer, describing the infraction and fixing a reasonable time for corrective action. Failure to respond to a citation or a subsequent final order may lead to court action to enforce compliance. The Department may assess civil money penalties for any violation of the Act, and willful or repeated violation is grounds for criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Nevada

● NEVADA OCCUPATIONAL SAFETY AND HEALTH ACT

STATUTORY CITATION: Nev. Rev. Stat. §§ 618.005 – 618.990

RELATED REGULATIONS: NVOSHA Operations Manual, Ch. 10, Part I

GENERAL SUMMARY: The Nevada Occupational Safety and Health Act requires virtually every employer in the state (1) to maintain a workplace that is free from recognized hazards that could cause death or serious physical harm to employees, (2) to furnish and use safety devices and workplace practices reasonably adequate to keep the place of employment safe, and (3) to take other steps to protect the life, safety and health of employees. The Act confers broad authority on the state administering agency to develop, implement and enforce occupational safety and health standards applicable to all classes of employment in the state, including agriculture.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state industrial relations agency has adopted the standards established by the U.S. Occupational Safety and Health Administration covering roll-over protections on tractors and safety measures on other agricultural equipment (*see entry, U.S. — Health & Safety — Workplace Safety*). Nevada enforces these standards only on farm operations that employ more than 10 workers in a given year or that maintained a temporary labor camp within the preceding 12 months.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who is subjected to such reprisals may file a complaint with the enforcement agency at any time within 30 days after such action occurs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Nevada Occupational Safety and Health Administration (NVOSHA), Division of Industrial Relations, Nevada Department of Business and Industry, Henderson, Nevada 89074 (702-486-9020)*. Representatives of NVOSHA are authorized to inspect any place of employment, either in response to a worker complaint or on the agency's own initiative, in order to assure compliance with the Act and the standards adopted under its authority. The agency will normally issue a citation to an employer found to have committed a violation, fixing a reasonable time for corrective action. Failure or refusal to respond to a citation or final order for abatement may lead to enforcement action in civil court and assessment of administrative fines.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

New Jersey

○ WORKER HEALTH AND SAFETY ACT

STATUTORY CITATION: N.J. Rev. Stat. §§ 34:6A-1 – 34:6A-24

GENERAL SUMMARY: The Worker Health and Safety Act requires most employers in New Jersey to furnish their workers with a reasonably safe and healthful place of employment, and to install, maintain and use such protective devices and safeguards (including appropriate methods of sanitation and hygiene) as are reasonably necessary to protect the workers' life, health and safety. The state labor commissioner is authorized to promulgate specific rules and regulations to implement this policy in all covered workplaces in the state.

PROVISIONS APPLICABLE TO AGRICULTURE: The Worker Health and Safety Act **does not apply** to agricultural employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Mexico

● OCCUPATIONAL HEALTH AND SAFETY ACT

STATUTORY CITATION: N.M. Stat. §§ 50-9-1 – 50-9-25

RELATED REGULATIONS: N.M. Code R. § 11.5.4.9(A)

GENERAL SUMMARY: The Occupational Health and Safety Act imposes a duty on most New Mexico employers to furnish their employees with a job and workplace free from recognized hazards likely to cause death or serious physical harm to the workers. To assure safe and healthful working conditions, the Act provides for (1) the adoption and effective enforcement of occupational health and safety regulations, (2) state-administered education and training programs for employers and employees, aimed at preventing occupational injuries and illnesses, and (3) appropriate job-related accident and illness reporting procedures.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state Environmental Improvement Board has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. New Mexico's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Compliance Section, Occupational Health and Safety Bureau, New Mexico Environment Department, Santa Fe, New Mexico 87502 (505-476-8711; toll-free 877-610-6742).* Authorized representatives of the Department may enter any place of employment in the state at reasonable times, question the employer and workers, and inspect pertinent working conditions and facilities in connection with enforcement of the Occupational Health and Safety Act. Any worker or worker representative may file a written complaint with the Department concerning a particular workplace hazard or an alleged violation of the Act or its regulations. If investigation of the complaint discloses an infraction, the Department must promptly notify the employer and set a reasonable time for corrective action. The citation may also propose an administrative penalty, and if the employer fails to respond, the citation and proposed penalty are deemed a final Department order and are not subject to review by any court or agency.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New York

○ GENERAL LABOR LAWS (*EMPLOYEE HEALTH AND SAFETY*)

STATUTORY CITATION: N.Y. Labor Law § 200

GENERAL SUMMARY: Every place of employment in New York must be so equipped, arranged and operated as to provide reasonable and adequate protection to the life, health and safety of the workers employed there. To effectuate this general policy, the state labor commissioner may establish specific safety and health standards applicable to the various workplaces subject to this provision.

PROVISIONS APPLICABLE TO AGRICULTURE: Inasmuch as New York does not have an OSHA-approved job safety and health program in the private sector, effectively preempting the state's compliance authority in that area, the state labor department currently enforces **no standards** applicable to the occupational safety and health of private-sector agricultural workers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Safety and Health, Worker Protection Bureau, New York State Department of Labor, Albany, New York 12240.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

North Carolina

● OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA

STATUTORY CITATION: N.C. Gen. Stat. §§ 95-126 – 95-160

RELATED REGULATIONS: 13 N.C. Admin. Code 07F .0301 – .0302

GENERAL SUMMARY: The Occupational Safety and Health Act of North Carolina defines the rights and duties of both employers and employees in reducing the incidence of on-the-job accidents and occupationally related illness. The Act imposes a duty on private employers in the state to furnish a job and workplace free from recognized hazards likely to cause death or serious injury to their workers, and requires employers to comply with specific occupational safety and health standards established by the state administering agency pursuant to the Act's broad rulemaking authority.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state agency has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. North Carolina's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to any such reprisal may file a complaint with the Department up to 180 days after the violation occurs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Agricultural Safety and Health Bureau, Occupational Safety and Health Division, North Carolina Department of Labor, Raleigh, North Carolina 27603 (919-807-2926; toll-free 800-625-2267)*. Authorized representatives of the Department may enter any establishment or workplace in the state at any reasonable time, to inspect working conditions, equipment and materials relevant to worker safety and health, to privately question the employer and employees, and to conduct other activities in connection with a routine inspection or investigation of a specific complaint. If there are reasonable grounds to believe an employer has not fulfilled any duty prescribed in the state Occupational Safety and Health Act or has violated any provision of the Act, the Department may issue a citation, setting a reasonable time for corrective action. Repeated or willful violation of the Act, the associated regulations or standards, or a Department order may result in a civil penalty against the employer, as well as criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

North Dakota

○ WORKERS' COMPENSATION LAW (*SAFETY REGULATIONS*)

STATUTORY CITATION: N.D. Cent. Code §§ 65-03-01 – 65-03-02

GENERAL SUMMARY: Apart from its insurance and benefit provisions, the state workers' compensation law authorizes the administering agency to issue and enforce safety regulations for the prevention of employee injuries at workplaces subject to the law. The state agency may raise by up to 10 percent the workers' compensation insurance premium rating of any employer who fails to comply with a rule or regulation established under this authority.

PROVISIONS APPLICABLE TO AGRICULTURE: North Dakota's workers' compensation law applies only to "hazardous employment," the statutory definition of which explicitly excludes agricultural service. Hence, the law **does not apply** to agricultural employers or workers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *North Dakota Workforce Safety and Insurance, Bismarck, North Dakota 58503.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Ohio

● GENERAL LABOR LAWS (*SAFETY IN THE WORKPLACE*)

STATUTORY CITATION: Ohio Rev. Code §§ 4101.11 – 4101.12 and §§ 4101.15 – 4101.16

GENERAL SUMMARY: Employers in Ohio have a general duty to furnish employment and a place of employment which are reasonably safe for their employees, to use safeguards and adopt practices conducive to workplace safety, and to take every other step reasonably necessary to protect the life, health and safety of their employees.

PROVISIONS APPLICABLE TO AGRICULTURE: The employer's general duty to provide a safe place of employment implicitly applies to all agricultural employers, and protects all farmworkers in Ohio, the same as their counterparts in non-agricultural sectors.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Bureau of Labor and Worker Safety, Division of Industrial Compliance and Labor, Ohio Department of Commerce, Reynoldsburg, Ohio 43068 (614-644-2223). Every day during which an employer fails to observe or comply with these provisions constitutes a separate violation. Violators are subject to a fine of from \$50 to \$1,000 for a first offense, and from \$100 to \$5,000 for each subsequent offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Oregon

● OREGON SAFE EMPLOYMENT ACT

STATUTORY CITATION: Or. Rev. Stat. §§ 654.001 – 654.295

RELATED REGULATIONS: Or. Admin. R. 437-004-0001 – 437-004-9860

GENERAL SUMMARY: The Oregon Safe Employment Act requires all private employers in the state to provide their employees with a job and workplace which are safe and healthful, and to furnish and use whatever safeguards, practices and processes are reasonably necessary to protect the life, safety and health of the workforce. The Act confers broad authority on the state consumer and business services director to set standards to assure every covered employee a safe and healthful place of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the consumer and business services director has adopted workplace safety and health standards explicitly applicable to agricultural operations. Key elements of the standards most relevant to on-farm work activities in the field are summarized below.

SAFETY ORIENTATION FOR WORKERS — Before any seasonal farmworkers begin work for the first time, and whenever working conditions or locations change in a way that could affect their safety and health, their employer must provide an orientation meeting with the workers to review (1) on-the-job safety and health rules, (2) procedures workers should follow to contact supervisors or managers in case of accident, illness or other safety or health problems, (3) procedures for treating injured or sick workers and for summoning emergency assistance, and (4) the location of posted safety and health information. The orientation must be provided in a way that the workers can understand, implicitly including the use of languages other than English for workers with language barriers.

AGRICULTURE EQUIPMENT GUARDING — Employers must protect workers from coming into contact with hazards created by moving machinery, by installing and using prescribed guards, shields or other protective devices. At the time of initial assignment and at least once a year thereafter, employers are required to instruct every worker in the safe operation and servicing of any equipment with which the worker will be involved.

ROLL-OVER PROTECTIONS FOR TRACTORS — Agricultural tractors of more than 20 horsepower must be equipped with prescribed structures, as well as seat belts, to protect the driver from injury in the event of roll-over. Workers who operate tractors must be instructed in certain specified safe operating practices at the time they are first assigned tractor-related duties and at least once a year thereafter.

LADDERS — Ladders used in agricultural operations must be in sound condition; ladders with cracked or broken side rails, missing steps, loose hardware or braces, or similar defects may not be used. Portable stepladders must be equipped with a metal spreader or locking device strong enough to hold the ladder open. Orchard ladders longer than 16 feet are prohibited.

MEDICAL SERVICES AND FIRST AID — Every agricultural employer must have minimum prescribed first-aid supplies in proximity to all workers. Where workers handle corrosive chemical substances, or pesticide products labeled "Danger" or "Poison," the employer must provide an emergency eyewash or shower that meets prescribed standards for decontamination. The employer must also develop an emergency medical plan, under which seriously ill or injured workers can get timely medical attention.

SPECIAL NOTES OR ADVISORIES

LIMITATION ON AGRICULTURAL INSPECTIONS — Agricultural employers with 10 or fewer permanent, year-round employees (both full-time and part-time) are subject to scheduled inspections only if (1) a valid complaint of a violation of the Safe Employment Act has been filed against the employer, or (2) there has been a death or serious disabling injury at the employer's agricultural workplace within the preceding 2 years due to a violation of the Act, or (3) the employer and principal supervisors at the workplace have not completed at least 4 hours of documented instruction on agricultural safety and health procedures each year.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Any worker who has been subjected to retaliatory treatment may file a complaint with the Bureau of Labor and Industries at any time within 90 days after learning of the alleged violation. A complaint of this nature is processed by the Bureau as if it were a complaint charging unlawful employment discrimination under the state civil rights laws.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689).* Oregon OSHA is responsible for assuring employer compliance with the Act and the regulations, standards and orders issued thereunder. In response to a valid worker complaint, representatives of the agency are authorized to enter and inspect workplaces in the state, and to cite employers found in violation. Non-compliance with an applicable standard or an Oregon OSHA order may result in assessment of a civil money penalty and, for certain serious infractions, criminal prosecution. In addition, the agency may use a red warning notice to prohibit the use of any hazardous machine, device or place of employment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Wage and Hour Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844).* In exercising its inspection authority under other statutory provisions, the Bureau must report to Oregon OSHA any violation of the occupational safety or health laws encountered at any place of employment, farm labor camp, field or facility inspected by the Bureau. This agency is also responsible for enforcing the anti-retaliation provision noted above (*Civil Rights Division, 971-673-0764*).

Pennsylvania

○ GENERAL SAFETY LAW

STATUTORY CITATION: 43 Pa. Stat. §§ 25-1 – 25-15

GENERAL SUMMARY: With few exceptions, Pennsylvania's general safety law provides that places of employment must be so constructed, equipped, arranged, operated and conducted as to provide reasonable and adequate protection to the life, health and safety of the workforce. The state labor department is given broad authority to adopt rules implementing this general policy and to enforce compliance by the employers to whom they apply.

PROVISIONS APPLICABLE TO AGRICULTURE: The general safety law **does not apply** to agricultural workplaces.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Occupational and Industrial Safety, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17121.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Puerto Rico

● OCCUPATIONAL SAFETY AND HEALTH ACT

STATUTORY CITATION: 29 Laws P.R. Ann. §§ 361 - 361aa

GENERAL SUMMARY: It is the intent of the Occupational Safety and Health Act to assure, as far as possible, that every worker in Puerto Rico has safe and healthful working conditions and to preserve the Commonwealth's human resources, in large part by (1) imposing on employers a general duty to furnish a job and workplace free from recognized hazards which may cause death or serious physical harm to the workforce, and (2) requiring employers to comply with specific safety and health standards adopted or approved by Puerto Rico's labor secretary which are applicable to their respective places of employment. The scope of the Act encompasses all fields of labor except domestic service.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the labor secretary has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Puerto Rico's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and apply only to farm operations that employ 10 or more workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has suffered from an act of retaliation may file a complaint with the Department, as if reporting any other violation of the Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Puerto Rico Occupational Safety and Health Administration, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2172)*. Apart from its rulemaking functions under the Act, the Department is responsible for investigating reported or suspected violations. Representatives of the Department are authorized to enter places of employment, observe working conditions, examine structures and equipment, and question employees, either in connection with any such investigation or as a matter of routine inspection. Discovery of a violation of the Act or the associated standards or regulations may result in issuance of a citation against the employer involved, describing the nature of the violation and fixing a reasonable time for corrective action. The Department may also assess civil money penalties for any infraction. Certain serious violations are also punishable as a criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Rhode Island

○ OCCUPATIONAL SAFETY DIVISION LAW

STATUTORY CITATION: 28 R.I. Gen. Laws §§ 28-20-1 – 28-20-34

GENERAL SUMMARY: Chapter 20 of the Rhode Island labor laws creates an occupational safety division in the state labor department, and makes that unit responsible for enforcing all laws, regulations and standards pertaining to the occupational safety and health of employees. Among other provisions, the law imposes on all agricultural and non-agricultural employers in the state the duty to furnish each of their employees a job and workplace which are free from recognized safety and health hazards likely to cause death or serious physical harm, and to comply with the specific safety and health codes promulgated under the law's authority which are applicable to their respective places of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Despite statutory authority to do so, the state labor department has adopted **no standards** explicitly applicable to farmworkers or agricultural employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Occupational Safety Unit, Workforce Regulation and Safety Division, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

South Carolina

● OCCUPATIONAL HEALTH AND SAFETY LAW

STATUTORY CITATION: S.C. Code §§ 41-15-80 – 41-15-520

RELATED REGULATIONS: S.C. Code Regs. Ch. 71, Art. 1, Subart. 8

GENERAL SUMMARY: Chapter 15 of the state labor laws regulates occupational health and safety in South Carolina, in part by (1) requiring employers to provide their workers with employment and a place of employment which are free from recognized hazards that could lead to death or serious injury, and (2) empowering the state labor director to adopt and enforce specific rules to protect the health and safety of employees, both agricultural and non-agricultural.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state labor director has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. South Carolina's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. At any time within 30 days after the occurrence of such a violation, the worker may file a complaint with South Carolina OSHA.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *South Carolina Occupational Safety and Health Administration, South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina 29211 (803-896-7682)*. Representatives of South Carolina OSHA may enter any workplace at any reasonable time to inspect working conditions, examine records, question the employer and employees, and take other steps necessary to check and enforce compliance with the occupational health and safety law and the corresponding regulations. If routine inspection or investigation of a specific complaint reveals evidence of a violation, the agency may cite the employer and set a timetable for corrective action. Shortly after issuing a citation, the agency will notify the employer of the administrative penalty to be imposed, if any. Certain serious and willful violations may also be prosecuted as criminal offenses.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Tennessee

● OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972

STATUTORY CITATION: Tenn. Code §§ 50-3-101 – 50-3-2001

RELATED REGULATIONS: Tenn. Comp. R. & Regs. 0800-01-07

GENERAL SUMMARY: Tennessee's Occupational Safety and Health Act, in part, makes it the duty of most employers in the state to provide their employees with working conditions and a workplace which are free from potentially life-threatening or other serious hazards, and imposes on employers the responsibility to comply with the specific safety and health standards adopted by the state enforcement agency which apply to their respective places of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the Act's broad rulemaking authority, the state labor department has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Tennessee's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may file a complaint with the enforcement agency within 30 days after such violation occurs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Safety Compliance Section, Occupational Safety and Health Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-741-2793; toll-free 844-224-5818)*. On the agency's own initiative or in response to an employee's complaint or request for inspection, representatives of TOSHA are authorized to enter any premises where workers are employed and inspect all conditions, structures, equipment and materials which have a bearing on worker safety and health. If an inspection or investigation reveals evidence of a violation of the Act or a related standard or regulation, the agency must cite the employer and set a deadline for corrective action. TOSHA has explicit authority to assess monetary penalties for any such violation. Certain serious infractions may also be prosecuted as criminal offenses.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Utah

● UTAH OCCUPATIONAL SAFETY AND HEALTH ACT

STATUTORY CITATION: Utah Code §§ 34A-6-101 – 34A-6-307

RELATED REGULATIONS: Utah Admin. Code R. 614-3

GENERAL SUMMARY: The Utah Occupational Safety and Health Act is intended, in part, to provide for the safety and health of workers and thereby preserve the state's human resources. In furtherance of that policy, the Act requires employers in Utah to furnish their employees with a job and workplace free from recognized hazards that could cause death or serious physical harm, and obligates employers and employees alike to comply with the specific occupational safety and health standards adopted by the state enforcement agency which are applicable to their respective trades and industries.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state agency has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Utah's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has experienced retaliation in such a case may file a discrimination complaint with UOSH within 30 days after the violation occurs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Compliance Section, Occupational Safety and Health Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6901).* Representatives of the Occupational Safety and Health Division (UOSH) are authorized to enter any place of employment in the state, without delay and at reasonable times, for the purpose of inspecting working conditions, investigating health and safety complaints by employees, and carrying out other duties under the Act. If an inspection or investigation reveals evidence of a violation of the Act or the associated regulations, UOSH may issue the employer a citation, describing the infraction and fixing a reasonable time for corrective action; the citation may be followed by assessment of a civil money penalty. Failure to correct a violation may result in a final order for abatement and a penalty against the employer. The Act also prescribes criminal penalties for certain willful and knowing violations.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● WORKERS' COMPENSATION ACT (*PROTECTION OF LIFE, HEALTH, AND SAFETY*)

STATUTORY CITATION: Utah Code § 34A-2-301

GENERAL SUMMARY: Apart from its primary purpose of providing economic compensation for workers injured in job-related accidents, the Workers' Compensation Act includes language prohibiting most employers in the state from (1) maintaining any workplace that is not safe, (2) requiring or knowingly permitting an employee to be in a workplace that is not safe, (3) failing to provide and use safety devices and safeguards, (4) failing to adopt and use methods and processes reasonably adequate to render the job and workplace safe, or (5) failing or neglecting to do every other thing reasonably necessary to protect the life, health and safety of their employees.

When a job-related injury is found to have been caused by the employer's willful failure to comply with the Act or its associated regulations, whatever monetary compensation is otherwise payable to the worker will be increased by 15 percent.

With some exceptions, the Act applies to every employer who regularly employs one or more workers in the same business or establishment.

PROVISIONS APPLICABLE TO AGRICULTURE: In the agricultural sector, the Workers' Compensation Act — and thus the employer's legal obligation to assure a safe place of employment — applies only to farm operators and other agricultural establishments that (1) paid \$20,000 or more in cash wages for agricultural labor in any calendar quarter of the current or preceding calendar year, or (2) employed 10 or more workers in agricultural labor for some part of a day in each of 20 different calendar weeks in the current or preceding calendar year.

SPECIAL NOTES OR ADVISORIES

LIABILITY OF CREW LEADERS AND LABOR CONTRACTORS — In cases where farmworkers performing agricultural labor are furnished to a farm operator by a crew leader who (1) is registered under the Migrant and Seasonal Agricultural Worker Protection Act, (2) pays members of the crew their earnings, and (3) has not entered into a written agreement with the farm operator under which the crew leader is designated as an employee of the farm operator, the crew leader is treated as the workers' employer. Under any other circumstances, crew members are considered employees of the farm operator, and wages paid to the workers by the crew leader are deemed to be wages paid by the farm operator.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Industrial Accidents Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6800; toll-free 800-530-5090).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Vermont

● OCCUPATIONAL SAFETY AND HEALTH LAWS

STATUTORY CITATION: Vt. Stat. Title 21, §§ 201 – 232

RELATED REGULATIONS: Vt. Code R. 24-050-039

GENERAL SUMMARY: Chapter 3, Subchapters 4 and 5 of the state labor statutes provide, in part, that (1) insofar as practicable no employee should suffer diminished health, functional capacity or life expectancy as a result of his or her work experience, (2) all employers in Vermont must furnish their employees with a job and workplace which are free from recognized hazards that could cause death or significant physical harm to their workforce, and (3) employers must comply with safety and health standards adopted by the state labor commissioner and applicable to their respective places of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the labor commissioner has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Vermont's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may submit a discrimination complaint to the state enforcement agency at any time within 30 days of the violation, and the Department has 90 days thereafter to investigate the charges and notify the worker of its findings. As an alternative, the worker may bring suit against the employer in civil court, using a private attorney or public legal service provider.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Vermont Occupational Safety and Health Administration (VOSHA), Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-5084)*. Aside from the agency's role in developing rules related to occupational safety, representatives of VOSHA are authorized to enter and inspect any place of employment in the state, either in response to a specific employee complaint or on their own initiative. If inspection or investigation yields evidence of a violation of these provisions, VOSHA may issue a citation, describing the nature of the infraction and giving the employer a reasonable time to take corrective action. A citation, along with any proposed administrative fine, may be enforced by the agency in court. The statutes also prescribe criminal penalties for certain serious or willful violations.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Virginia

● OCCUPATIONAL SAFETY AND HEALTH LAWS

STATUTORY CITATION: Va. Code §§ 40.1-49.3 – 40.1-51.3:2

RELATED REGULATIONS: 16 Va. Admin. Code § 25-190-1928

GENERAL SUMMARY: Chapter 3, Article 5 of the state labor and employment statutes authorizes the adoption of regulatory standards to protect the safety and health of Virginia's labor force, and outlines procedures for the investigation and abatement of occupational safety and health hazards. Apart from the rulemaking and enforcement provisions is additional legislative language requiring employers (1) to furnish their employees with a job and workplace free from recognized hazards which could cause death or serious physical harm, and (2) to comply with all state occupational safety and health standards applicable to their respective operations.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state safety and health codes board has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Virginia's agricultural safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Within 60 days of any such retaliatory act, the worker may file a complaint with the state enforcement agency, which has authority to bring suit in circuit court for appropriate relief. If the agency refuses to issue a charge for the alleged violation, the worker may file a civil complaint against the employer in circuit court directly.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Occupational Safety and Health Compliance, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-786-7776)*. If the Department has cause to believe an employer has violated any standards adopted pursuant to the state occupational safety and health laws, the employer must be promptly cited and given reasonable time to correct the violation; a civil money penalty may also be proposed at the time the citation is issued. Failure to abate a violation may result in legal action against the employer to enforce compliance and collect civil penalties. Certain willful infractions are also grounds for criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Washington

● WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973

STATUTORY CITATION: Wash. Rev. Code §§ 49.17.010 – 49.17.910

RELATED REGULATIONS: Wash. Admin. Code Ch. 296-307, Parts B, C, D, E, F

GENERAL SUMMARY: Under the Washington Industrial Safety and Health Act, employers are obligated to furnish their employees a place of employment free from recognized hazards which could cause serious injury or death, and to comply with the specific health and safety rules promulgated under the Act which apply to their respective places of employment. Using the Act's authority to develop and enforce workplace standards to protect the safety and health of the state's workforce, the state labor and industries director has adopted numerous standards explicitly applicable to all agricultural employers, workers and workplaces. Key provisions most relevant to farmworkers in the field are briefly summarized below.

SPECIFIC TERMS AND CONDITIONS

ACCIDENT PREVENTION AND FIRST AID — Agricultural employers are required to develop a written accident prevention program that includes, among other elements, (1) how, when and where to report injuries and illnesses, (2) how to report unsafe conditions and practices, (3) the use and care of personal protective equipment, (4) emergency procedures, and (5) identification of hazardous materials and how to use them safely. Employers must provide their workers with instruction in safe work practices at the beginning of their employment, and at least once a month employers must conduct a walk-around safety inspection of active job sites, materials, equipment, and operating procedures. A representative chosen by the workers must be invited and allowed to accompany the employer on the inspection.

In the absence of a nearby clinic or hospital to treat injured employees, a person must be adequately trained to render first aid. Appropriate first aid supplies must be on hand and easily accessible to all employees, and where there is potential for major exposure of a worker's body or eyes to corrosive materials or toxic chemicals, the employer must provide emergency washing facilities.

HAND TOOLS — The use of hoes with handles less than 4 feet long, or any hand tool used for weeding or thinning crops in a stooped position, is prohibited.

ORCHARD LADDERS — At the beginning of employment, employers who require workers to use ladders for tree maintenance or harvesting must provide workers with training on their proper use, including how to set them up and how to dismount with a full load. Ladders used for orchard harvesting must be checked regularly for defects, must be maintained in good condition at all times, and must be properly stored. Ladders longer than 16 feet are prohibited.

VEHICLES AND FARM FIELD EQUIPMENT — Tractors and other motor vehicles used on farms and adjacent highways must have prescribed lamps, reflectors and safety emblems, and must be equipped with guards and other safety features described in the regulations. Only qualified drivers who have a current motor vehicle operator's license may drive farm vehicles.

ROLLOVER PROTECTIVE STRUCTURES FOR TRACTORS — Agricultural tractors that were manufactured after October 25, 1976, and that are not exempted from this requirement must be equipped with protective structures intended to prevent worker injuries in the event of a rollover. Each such tractor is also required to have a seat belt, and drivers are required to use it. Tractor operators must be trained in proper operating practices at the time of their initial assignment and at least once a year thereafter.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Retaliation should be reported to the Department of Labor and Industries within 30 days after the violation occurs. If investigation confirms the occurrence of a retaliatory act, the agency may bring action in superior court to restrain the employer from further violation and require appropriate restitution.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233).* In response to an employee complaint or on the agency's own initiative, representatives of the Department are authorized to enter workplaces to inspect working conditions and equipment, question the employer and employees, and take other steps to determine compliance with the Act. If inspection or investigation reveals a violation, the Department may issue a citation, informing the employer of the nature of the infraction and setting a reasonable time for corrective action. Employers who violate the Act are subject to Department-imposed civil money penalties, while certain specified offenses may also lead to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

West Virginia

○ EMPLOYEE SAFETY AND WELFARE LAWS (*EMPLOYER'S GENERAL DUTY*)

STATUTORY CITATION: W. Va. Code § 21-3-1

GENERAL SUMMARY: A provision in Article 3 of the state labor statutes requires employers in West Virginia to (1) furnish employment which is reasonably safe for the workers, and (2) provide and use safety devices, methods and processes reasonably adequate to make the workplace safe and to protect the life, health, safety and welfare of the employees. To effectuate these general mandates, the state labor commissioner is authorized to administratively prescribe reasonable means of protecting the workers in any industry, implicitly including agriculture.

PROVISIONS APPLICABLE TO AGRICULTURE: Despite statutory authority to do so, the state labor commissioner has adopted **no standards** explicitly applicable or closely related to farmworkers or agricultural employment.

SPECIAL NOTES OR ADVISORIES

PREEMPTION BY FEDERAL LAW — It is the position of the state labor department that this provision is preempted by the U.S. Occupational Safety and Health Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Labor, West Virginia Department of Commerce, Charleston, West Virginia 25305.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Wisconsin

○ REGULATION OF INDUSTRY GENERAL PROVISIONS

STATUTORY CITATION: Wis. Stat. §§ 101.01 – 101.11

RELATED REGULATIONS: Wis. Admin. Code Chs. SPS 301 – 500

GENERAL SUMMARY: Chapter 101, Subchapter I of the Wisconsin statutes defines the functions of the Department of Safety and Professional Services and contains both general and specific standards relating to the welfare of employees and others who frequent places of employment. The state safety department has explicit authority under these provisions to prescribe and enforce rules regulating workplace safety and health in all industries and occupations in Wisconsin, except where the U.S. Occupational Safety and Health Administration has established standards that are not enforced by the state under an OSHA-approved enforcement plan.

PROVISIONS APPLICABLE TO AGRICULTURE: Since Wisconsin does not have an OSHA-approved state plan, the state safety department has **no authority** to regulate workplace safety and health in private-sector workplaces, in either the agricultural or non-agricultural sector.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Legal Services and Compliance Division, Wisconsin Department of Safety and Professional Services, Madison, Wisconsin 53708.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Wyoming

● WYOMING OCCUPATIONAL HEALTH AND SAFETY ACT

STATUTORY CITATION: Wyo. Stat. §§ 27-11-101 – 27-11-114

RELATED REGULATIONS: Wyo. Code R. 053-0006 Chs. 3 and 4

GENERAL SUMMARY: The Wyoming Occupational Health and Safety Act authorizes administrative adoption of standards for the protection of the health and safety of employees in any industry in the state. Employers are generally obligated to comply with all state occupational health and safety standards applicable to their respective workplaces.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state OSHA Commission has adopted workplace safety standards covering roll-over protections on tractors and safety measures on other agricultural equipment. Wyoming's agricultural safety regulations are essentially identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Workplace Safety*) and may be enforced against any farm operation in the state.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wyoming OSHA, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7786)*. Representatives of the Department are authorized to enter and inspect any place in the state where individuals are employed, to investigate working conditions and ascertain compliance with the Occupational Health and Safety Act. When inspection or investigation discloses a violation of the Act or any of the associated administrative standards, the Department will serve notice on the employer and fix a timeframe for corrective action; the Department may also propose a civil money penalty. Certain willful and knowing violations are grounds for criminal prosecution in addition to civil liability.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.