

U.S.

● OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (*ANHYDROUS AMMONIA*)

STATUTORY CITATION: 29 USC §§ 651 – 678

RELATED REGULATIONS: 29 CFR § 1910.111

GENERAL SUMMARY: Under authority of the Occupational Safety and Health Act, the U.S. Department of Labor has developed and implemented standards for the storage and handling of anhydrous ammonia, which is a hazardous and commonly used agricultural fertilizer.

SPECIFIC TERMS AND CONDITIONS: Agricultural employers subject to the Act (*see special note below*) must comply with the requirements outlined below and take steps to assure that employees immediately involved in the use of ammonia and related equipment observe precautions to protect their own safety and the safety of co-workers.

CONSTRUCTION OF AMMONIA CONTAINERS — All containers used for the transportation, storage or application of anhydrous ammonia, as well as the fittings, valves and other appurtenances connected to such containers, must be built in accordance with detailed specifications prescribed in the regulations, and containers and valves must be properly marked with certain identifying information.

ON-FARM EQUIPMENT — The regulations require that farm vehicles used to transport ammonia in containers of 1,200-gallon capacity or less be equipped with at least 5 gallons of clean water for use in case of accidental contamination of a worker. Ammonia tanks must be safely mounted on the vehicle or trailer, and trailers must be securely attached to the vehicle drawing them. Similarly, containers of 250-gallon capacity or less that are mounted on farm equipment and used for the application of ammonia in the field must be securely attached and fitted with a level gauge and certain prescribed valves. All ammonia tanks must be marked with the words "Caution — Ammonia," in letters at least 4 inches high.

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, question employees, and conduct other investigative activities, either in response to a worker's complaint or on its own initiative. Whenever violations are confirmed, the agency is authorized to issue citations, propose and enforce administrative penalties, 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 storage and handling of anhydrous ammonia in agricultural workplaces 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.*

Alaska

● **STATE HEALTH, SAFETY AND HOUSING LAWS (ANHYDROUS AMMONIA)**

STATUTORY CITATION: Alaska Stat. §§ 18.60.010 – 18.60.105

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

GENERAL SUMMARY: Under Alaska's health, safety and housing laws, the state labor department is authorized to adopt and enforce specific occupational safety and health standards conducive to safe and healthful working conditions in all workplaces. These standards must be at least as effective as the corresponding regulations adopted by the U.S. Occupational Safety and Health Administration.

PROVISIONS APPLICABLE TO AGRICULTURE: The state labor department has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Alaska's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) and may be enforced against any agricultural establishment.

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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Arizona

● **ARIZONA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (ANHYDROUS AMMONIA)**

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

RELATED REGULATIONS: Ariz. Admin. Code § 20-5-602

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: The state industrial commission has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Arizona's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

California

● CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973 (*ANHYDROUS AMMONIA*)

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

GENERAL SUMMARY: The California Occupational Safety and Health Act authorizes administrative adoption of specific safety and health standards in virtually any industry or occupation in the state.

PROVISIONS APPLICABLE TO AGRICULTURE: The state administering agency has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. California's ammonia safety regulations are substantially similar to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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)*. 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.

Colorado

● ANHYDROUS AMMONIA ACT

STATUTORY CITATION: Colo. Rev. Stat. §§ 35-13-101 – 35-10-109

RELATED REGULATIONS: 8 Code Colo. Regs. 1202-5

GENERAL SUMMARY: Article 13 of the Colorado agricultural statutes authorizes the state agriculture department to adopt specific safety standards governing the design, construction, location, installation and operation of equipment for storing, handling, transporting and utilizing anhydrous ammonia as an agricultural fertilizer.

SPECIFIC TERMS AND CONDITIONS: Farm operators who use ammonia on the farm must comply with the following regulatory requirements established by the state agriculture department under the Anhydrous Ammonia Act.

CONSTRUCTION OF AMMONIA CONTAINERS — All containers used for the transportation, storage or application of anhydrous ammonia, as well as the fittings, valves and other appurtenances connected to such containers, must be built in accordance with detailed specifications prescribed in the regulations, and containers and valves must be properly marked with certain identifying information.

ON-FARM EQUIPMENT — The regulations require that ammonia containers of 3,000-gallon capacity or less that are attached to farm vehicles for transportation to and from the fields must be safely mounted on the vehicle or trailer, and trailers must be securely attached to the vehicle drawing them. Similarly, all containers mounted on farm equipment and used for the application of ammonia to the soil must be securely attached and fitted with a level gauge and certain prescribed valves.

SAFETY EQUIPMENT AND TRAINING — At all places where anhydrous ammonia is handled or transported, there must be on hand at least one pair of tight-fitting goggles or a full-face shield, at least one pair of protective gloves, and a container of not less than 5 gallons of readily available clean water. Personnel required to handle ammonia must be trained in safe operating practices and appropriate procedures in the event of emergencies.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Inspection and Consumer Services Division, Colorado Department of Agriculture, Broomfield, Colorado 80021 (303-867-9213).* This agency has authority to make periodic inspections and respond to complaints in an effort to disclose and correct violations of these provisions. Whenever an infraction or deficiency is not corrected after notice and reasonable time, the agency may seek injunctive relief in state court. The Department may also impose civil penalties of up to \$750 per day per violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Hawaii

● **HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW (*ANHYDROUS AMMONIA*)**

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

RELATED REGULATIONS: Hawaii Admin. Rules, § 12-60-50

GENERAL SUMMARY: The Hawaii Occupational Safety and Health Law gives the state labor department broad authority to prescribe and enforce specific regulations needed to carry out the law's intent.

PROVISIONS APPLICABLE TO AGRICULTURE: The state agency has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Hawaii's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Indiana

● AGRICULTURAL AMMONIA LAW

STATUTORY CITATION: Ind. Code §§ 15-16-1-1 – 15-16-1-16

RELATED REGULATIONS: 355 Ind. Admin. Code §§ 3-1-1 – 3-10-6

GENERAL SUMMARY: With the aim of protecting users of such materials and safeguarding the public at large, the agricultural ammonia law regulates facilities where anhydrous ammonia is distributed for use as an agricultural fertilizer within the state, and authorizes the adoption of minimum safety standards covering the storage, handling, utilization and transportation of ammonia and ammonia solutions.

SPECIFIC TERMS AND CONDITIONS: Among the specific protections spelled out in the law and administrative regulations are these:

DESIGN REQUIREMENTS — Tanks and other containers used to transport anhydrous ammonia to and from the fields, or to apply ammonia to the soil, must be designed according to detailed specifications established by the state chemist. All such containers must also be properly equipped with prescribed gauges, valves, hoses and other fittings. The regulations also require that certain identifying markings and emergency information be affixed to each ammonia container.

LOCATION AND EMERGENCY INFORMATION — Ammonia containers at any permanent or satellite storage area must be located at least 400 feet from any residence, 1,000 feet from any school, and 2,000 feet from any hospital or nursing home. At all vehicle entry points at each permanent or satellite storage facility, there must be emergency response information posted, to include the name of the manager and at least one other responsible person, the telephone number of each person listed, the 911 address assigned to the location, and the phrase "Anhydrous Ammonia."

MOUNTING REQUIREMENTS — Tanks used for on-farm transportation or application of ammonia must be securely attached to the trailer, tractor or other farm vehicle on which they are mounted. Every trailer carrying an ammonia field storage tank is required to carry a container of 5 gallons or more of fresh water.

UNLAWFUL ACTS — Among other offenses defined in the law, it is illegal (1) to store, transport or use any agricultural ammonia or ammonia solution in violation of the rules and regulations adopted under the law's authority, (2) to fail to install or maintain ammonia equipment in a safe operating condition, or (3) to violate a corrective order issued by the enforcement agency.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Pesticide Section, Office of Indiana State Chemist, Purdue University, Lafayette, Indiana 47907 (765-494-1492).* Upon confirming a violation of the agricultural ammonia law or its associated regulations, the state chemist's office, or any agent authorized by the office, may issue a written order to the owner or operator of the facility or equipment involved to correct the violation. Such an order will normally include a time limit for corrective action, but the deadline is subject to extension when circumstances warrant.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● INDIANA OCCUPATIONAL SAFETY AND HEALTH ACT (*ANHYDROUS AMMONIA*)

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

GENERAL SUMMARY: The Indiana Occupational Safety and Health 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 applicable to any or all industries or occupational groups.

PROVISIONS APPLICABLE TO AGRICULTURE: The commission has adopted standards for the storage and handling of anhydrous ammonia. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*), but except in response to an employee's complaint, the state enforcement agency is prohibited from conducting enforcement inspections on the property of any farm establishment that (1) employs 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Iowa

● **OCCUPATIONAL SAFETY AND HEALTH LAW (ANHYDROUS AMMONIA)**

STATUTORY CITATION: Iowa Code §§ 88.1 – 88.21

RELATED REGULATIONS: Iowa Admin. Code 875.10.20

GENERAL SUMMARY: Iowa's occupational safety and health law authorizes the state labor commissioner to establish and enforce specific safety and health standards in any industry in the state.

PROVISIONS APPLICABLE TO AGRICULTURE: The labor commissioner has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Iowa's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Kansas

● KANSAS ANHYDROUS AMMONIA LAW

STATUTORY CITATION: Kan. Stat. §§ 2-1212 – 2-1219

RELATED REGULATIONS: Kan. Admin. Regs. §§ 4-10-1 – 4-10-17

GENERAL SUMMARY: For the safety of farm fertilizer users and the public at large, the Kansas Anhydrous Ammonia Law directs the state agriculture board to adopt regulations for the safe handling, storage and transportation of anhydrous ammonia, and defines certain unlawful acts involving the use of ammonia.

SPECIFIC TERMS AND CONDITIONS

REGULATORY STANDARDS — Tanks or other containers used to transport anhydrous ammonia to and from the fields, or to apply ammonia to the soil, must comply with regulatory standards established by the agriculture board, as outlined in brief below.

On-Farm Transportation Systems — Tanks that are mounted on wagon-type farm vehicles and used to transport ammonia must be designed according to quantitative and qualitative safety specifications, must be equipped with prescribed gauges, valves and hoses, and must be properly marked with identifying information and warnings. Each tank must be securely attached to its vehicle or trailer, and there must be a 5-gallon container of water on the trailer or inside the pulling vehicle.

On-Farm Application Systems — Containers attached to tractors or other farm implements and used for the application of anhydrous ammonia must be constructed, equipped, mounted and labeled with warning and safety information as prescribed in the regulations. A 5-gallon container of water must be carried on the trailer to which each ammonia tank is attached, or carried inside the pulling vehicle.

PROHIBITED ACTS — Among other offenses defined in the statute, it is unlawful for anyone to use any equipment intended for the handling of anhydrous ammonia when such equipment is defective or otherwise unsafe.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Pesticide and Fertilizer Program, Kansas Department of Agriculture, Manhattan, Kansas 66502 (785-564-6688)*. Department inspectors have the right to enter private property to inspect ammonia facilities and equipment. When inspection reveals evidence of a violation, the agency may issue a warning or stop-use order and may also pursue prosecution in the courts. Violators are subject to a fine of up to \$500.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Kentucky

● **KENTUCKY OCCUPATIONAL SAFETY AND HEALTH ACT (*ANHYDROUS AMMONIA*)**

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

RELATED REGULATIONS: 803 Ky. Admin. Regs. 2:307

GENERAL SUMMARY: The Kentucky Occupational Safety and Health Act authorizes adoption and enforcement of state safety and health standards covering any industry or occupation in the state.

PROVISIONS APPLICABLE TO AGRICULTURE: Standards for the storage and handling of anhydrous ammonia have been adopted under the authority of the state Occupational Safety and Health Act. Those standards are identical to the anhydrous ammonia regulations established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Louisiana

● ANHYDROUS AMMONIA LAW OF LOUISIANA

STATUTORY CITATION: La. Rev. Stat. §§ 40:1911 – 40:1917

RELATED REGULATIONS: La. Admin. Code Title 55, Part IX, Ch. 15

GENERAL SUMMARY: In the interest of public safety, the Anhydrous Ammonia Law authorizes, among other measures, the adoption and enforcement of rules governing the storage, utilization, sale and transportation of anhydrous ammonia intended for use as a fertilizer.

SPECIFIC TERMS AND CONDITIONS: Using the authority noted above, the state Liquefied Petroleum Gas Commission has adopted the 1989 editions of the American National Standards Institute's safety requirements for the storage and handling of anhydrous ammonia (except for systems mounted on railcars). The following are key provisions relevant to agricultural employees working with or in proximity to anhydrous ammonia.

CONSTRUCTION OF CONTAINERS — Tanks used for the storage and transportation of anhydrous ammonia must be constructed in accordance with detailed specifications referenced in the ANSI standards. All such containers must be equipped with prescribed gauges and valves and must be properly marked with required warnings. Hoses, valves and other fittings must meet specified safety standards.

ON-FARM EQUIPMENT — Tanks attached to farm wagons or trailers for transportation of anhydrous ammonia to and from the fields must be securely mounted, and each wagon or trailer must be securely attached to the tractor or other vehicle pulling it.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Liquefied Petroleum Gas Commission, Louisiana Department of Public Safety and Corrections, Baton Rouge, Louisiana 70806 (225-925-4895)*. The law confers access rights to private farming operations on inspectors authorized by the Commission, for purposes of inspecting equipment used to dispense or apply anhydrous ammonia. To prevent or stop any violation of the safety standards applicable to this compound, the Commission is empowered to seek injunctive relief through the courts in the parish in which the agricultural operator is domiciled or where the violation is occurring.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Maryland

● **MARYLAND OCCUPATIONAL SAFETY AND HEALTH ACT (ANHYDROUS AMMONIA)**

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

GENERAL SUMMARY: The Maryland Occupational Safety and Health 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: The state labor commissioner has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Maryland's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) but may be enforced against any agricultural 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 – *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)*. Any violation of the Act or the corresponding rules is grounds for assessment of an administrative fine by the Division. Violators are also subject to criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Michigan

● MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (*ANHYDROUS AMMONIA*)

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

RELATED REGULATIONS: Mich. Admin. Code R. 408.45501 – 408.45502

GENERAL SUMMARY: The Michigan Occupational Safety and Health Act authorizes the state administering agency to establish specific safety and health standards with respect to any industry or occupation in the state.

PROVISIONS APPLICABLE TO AGRICULTURE: The state labor department has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Michigan's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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)*. In response to a complaint or on its own initiative, MIOSHA staff may enter any public or private property in the state to enforce the anhydrous ammonia standard. Employers found to have violated any aspect of the standard 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 (*ANHYDROUS AMMONIA*)

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

RELATED REGULATIONS: Minn. Admin. R. 5205.0010

GENERAL SUMMARY: The state Occupational Safety and Health Act authorizes the adoption and enforcement of specific occupational safety and health standards.

PROVISIONS APPLICABLE TO AGRICULTURE: The state labor department has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Minnesota's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● FERTILIZER, SOIL AMENDMENT, AND PLANT AMENDMENT LAW

STATUTORY CITATION: Minn. Stat. §§ 18C.001 – 18C.80

RELATED REGULATIONS: Minn. Admin. R. 1513.0010 – 1513.1100

GENERAL SUMMARY: The Fertilizer, Soil Amendment, and Plant Amendment Law regulates the sale, use and storage of fertilizers and related products used to promote plant growth. Under rulemaking authority granted by this statute, the state agriculture commissioner has adopted regulations governing the design, construction, location, installation and operation of anhydrous ammonia systems, which are widely used in agriculture.

SPECIFIC TERMS AND CONDITIONS: Among many other provisions, the anhydrous ammonia regulations enforced by the state agriculture department include provisions relevant to workers who transport or apply ammonia in the fields.

SAFETY TRAINING — Workers required to handle, transport or otherwise work with ammonia must receive federally prescribed safety training.

CONTAINERS — Tanks attached to farm wagons and other implements used to transport ammonia must be securely mounted, and all gauges, connections, valves, guards and other appurtenances must comply with qualitative and quantitative standards spelled out in the regulations.

WARNING SIGNS — On each side and at each end of an on-farm ammonia container, the words "Anhydrous Ammonia" and "Inhalation Hazard" must appear, in letters at least 2 inches high.

SAFETY EQUIPMENT — An ammonia tank must be equipped with at least 5 gallons of clean water, in a vessel designed to provide ready access to the water for flushing any area of the body contacted by ammonia.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Regulation, Inspection and Enforcement Division, Minnesota Department of Agriculture, St. Paul, Minnesota 55155 (651-201-6333).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Missouri

● **SEED, FERTILIZER, AND FEED LAWS (ANHYDROUS AMMONIA STANDARDS)**

STATUTORY CITATION: Mo. Rev. Stat. § 266.355

RELATED REGULATIONS: Mo. Code Regs. Title 2, § 90-11.010

GENERAL SUMMARY: Chapter 266 of the state statutes includes a provision authorizing adoption and enforcement of minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting and utilizing anhydrous ammonia as an agricultural fertilizer.

SPECIFIC TERMS AND CONDITIONS: Under the statutory authority noted above, the state agriculture department has adopted the American National Standards Institute's safety requirements for the storage and handling of anhydrous ammonia. The ANSI standards prescribe detailed specifications for the construction of ammonia storage tanks and associated components such as valves, hoses, gauges and other fittings. The standards also generally require that all personnel handling ammonia be trained in safe operating practices and appropriate emergency procedures.

More specifically, tanks attached to farm wagons, tractors or trailers for the purpose of transporting anhydrous ammonia to and from the fields, or applying ammonia to crops, must be securely mounted, equipped with certain required fittings and gauges, and properly labeled with prescribed identifying information. Storage and application tanks used in the field must be accompanied by one pair of goggles or a face shield, a pair of protective gloves, and a container of not less than 5 gallons of water for emergency purposes.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Weights and Measures, Missouri Department of Agriculture, Jefferson City, Missouri 65102 (573-751-7062)*. This agency is responsible for performing safety inspections on anhydrous ammonia storage facilities, nurse tanks, and applicators.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Montana

● ANHYDROUS AMMONIA FACILITIES SAFETY ACT

STATUTORY CITATION: Mont. Code §§ 80-10-501 – 80-10-509

RELATED REGULATIONS: Mont. Admin. R. 4.12.701 – 4.12.743

GENERAL SUMMARY: The Anhydrous Ammonia Facilities Safety Act authorizes the state agriculture department to adopt rules applicable to facilities used to process, store, distribute and apply anhydrous ammonia, a commonly used and hazardous agricultural fertilizer.

SPECIFIC TERMS AND CONDITIONS: In addition to provisions governing the design, construction, repair, alteration, location, installation and operation of off-farm anhydrous ammonia tanks and related equipment, the regulations include requirements for the safe transportation, handling and application of ammonia by on-farm personnel.

ON-FARM TRANSPORTATION SYSTEMS — Containers of 2,000 gallons capacity or less that are mounted on farm wagons used to transport ammonia are subject to detailed qualitative and quantitative standards governing construction, mountings, valves and accessories, and safety markings identifying the substance inside. The wagons must be securely attached to the vehicle pulling them and constructed to prevent the towed wagon from whipping or swerving from side to side.

All farm wagons are required to carry at least 5 gallons of readily accessible clean water, for emergency treatment in the event of injuries to workers handling or applying the product.

ON-FARM APPLICATION SYSTEMS — Containers mounted on farm implements used for the field application of ammonia must meet prescribed standards of construction, must be mounted securely, and must be marked clearly to identify the substance inside. Each such container must be equipped with a liquid-level gauge, a shutoff valve, and related devices. Applicators may not be filled any closer than 100 yards from any occupied building.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Commodity Services Bureau, Montana Department of Agriculture, Helena, Montana 59601 (406-444-5419)*. The Department has authority to access and inspect any anhydrous ammonia facility in Montana, and when a violation is confirmed the agency may — after an opportunity for a hearing — certify the facts to a prosecuting attorney. Penalties range from \$300 to \$500 first a first violation, and up to \$1,000 thereafter.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Nevada

● **NEVADA OCCUPATIONAL SAFETY AND HEALTH ACT (*ANHYDROUS AMMONIA*)**

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 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 for the storage and handling of anhydrous ammonia, a hazardous and commonly used agricultural fertilizer (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*). 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Mexico

● OCCUPATIONAL HEALTH AND SAFETY ACT (*ANHYDROUS AMMONIA*)

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 provides for the adoption and effective enforcement of occupational health and safety regulations, state-administered education and training programs for employers and employees, and appropriate job-related accident and illness reporting procedures.

PROVISIONS APPLICABLE TO AGRICULTURE: The state Environmental Improvement Board has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. New Mexico's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

North Carolina

● OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA (*ANHYDROUS AMMONIA*)

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

RELATED REGULATIONS: 13 N.C. Admin. Code 07F .0101

GENERAL SUMMARY: The Occupational Safety and Health Act of North Carolina 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: The state labor department has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. North Carolina's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

North Dakota

● ANHYDROUS AMMONIA FACILITIES LAW

STATUTORY CITATION: N.D. Cent. Code §§ 19-20.2-01 – 19-20.2-10

RELATED REGULATIONS: N.D. Admin. Code 7-12-01

GENERAL SUMMARY: Chapter 19-20.2 of the state statutes regulates large-capacity facilities used to store anhydrous ammonia, a hazardous chemical commonly used as an agricultural fertilizer. A key section in the law provides for adoption of the 1989 American National Standards Institute's safety requirements for the storage and handling of anhydrous ammonia, which includes measures relevant to agricultural employees working with or in proximity to anhydrous ammonia on the farm and in the fields.

SPECIFIC TERMS AND CONDITIONS

CONSTRUCTION OF CONTAINERS — Tanks used for the storage and transportation of anhydrous ammonia must be constructed in accordance with detailed specifications referenced in the ANSI standards. All such containers must be equipped with prescribed gauges and valves and must be properly marked with required warnings. Hoses, valves and other fittings must meet specified safety standards.

ON-FARM EQUIPMENT — Tanks attached to farm wagons or trailers for transportation of anhydrous ammonia to and from the fields must be securely mounted, and each wagon or trailer must be securely attached to the tractor or other vehicle pulling it.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Pesticide Enforcement Program, North Dakota Department of Agriculture, Bismarck, North Dakota 58505 (701-328-4922)*. In addition to its associated licensing authority, the Department is responsible for inspecting on- and off-farm installations for the storage of anhydrous ammonia and farm transportation vehicles designed to apply ammonia as an agricultural fertilizer. The Department may suspend or revoke the license of any storage facility, and may order the discontinuation of use of any farm implement, found in violation of these provisions. Violators may also be charged with a misdemeanor.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Ohio

● FERTILIZER LAWS (ANHYDROUS AMMONIA)

STATUTORY CITATION: Ohio Rev. Code §§ 905.40 – 940.411

RELATED REGULATIONS: Ohio Admin. Code 901:5-3-01 – 901:5-3-14

GENERAL SUMMARY: Chapter 905 of the Ohio state statutes regulates, in part, the manufacture, distribution and application of fertilizers in the state. It includes provisions (1) requiring prior state approval for construction of anhydrous ammonia storage facilities, (2) authorizing the state agriculture director to adopt and enforce rules governing the storage and handling of anhydrous ammonia used for agricultural purposes, and (3) prohibiting the use of equipment or systems found out of compliance with those rules.

SPECIFIC TERMS AND CONDITIONS: Using the rulemaking authority cited above, the agriculture director has adopted anhydrous ammonia safety standards immediately relevant to workers on farms and in the field.

ON-FARM DELIVERY SYSTEMS — Containers of 3,000 gallons capacity or less that are mounted on farm wagons used to transport ammonia are subject to detailed qualitative and quantitative standards governing construction, mountings, valves and accessories, and safety markings identifying the substance inside. The wagons must be securely attached to the vehicle pulling them.

All farm wagons are required to carry at least 5 gallons of readily accessible clean water, for emergency treatment in the event of injuries to workers handling or applying the product.

ON-FARM APPLICATION SYSTEMS — Containers mounted on farm implements used for the field application of ammonia must meet prescribed standards of construction, must be mounted securely, and must be marked clearly to identify the substance inside. Each such container must be equipped with a liquid-level gauge, a shutoff valve, and related devices.

Each unit transporting ammonia must (1) carry at least 5 gallons of water, for emergency treatment in the event of injuries to workers handling or applying the product, and (2) be equipped with rubber gloves and either a full face mask, a pair of tight-fitting goggles or a full face shield.

SAFETY TRAINING — Workers required to handle ammonia must be trained in safe operating practices and proper action to take in the event of emergencies.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Enforcement Division, Ohio Department of Agriculture, Reynoldsburg, Ohio 43068 (614-728-6270).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Oregon

● **OREGON SAFE EMPLOYMENT ACT (ANHYDROUS AMMONIA)**

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

RELATED REGULATIONS: Or. Admin. R. 437-004-0800

GENERAL SUMMARY: The Oregon Safe Employment Act confers broad authority on the state consumer and business services department to set standards to assure every covered employee a safe and healthful place of employment.

SPECIFIC TERMS AND CONDITIONS: The consumer and business services department has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Oregon's ammonia safety regulations are substantially similar to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) and apply to 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. 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Civil Rights Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0764).* This agency is responsible for enforcing the anti-retaliation provision noted above.

Puerto Rico

● OCCUPATIONAL SAFETY AND HEALTH ACT (*ANHYDROUS AMMONIA*)

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

GENERAL SUMMARY: The Occupational Safety and Health Act authorizes Puerto Rico's labor secretary to establish or approve specific safety and health standards applicable to any field of labor except domestic service.

PROVISIONS APPLICABLE TO AGRICULTURE: The labor secretary has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Puerto Rico's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

South Carolina

● OCCUPATIONAL HEALTH AND SAFETY LAW (*ANHYDROUS AMMONIA*)

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

RELATED REGULATIONS: S.C. Code Regs. Ch. 71, Art. 1, Subart. 6

GENERAL SUMMARY: The occupational health and safety law authorizes 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: The labor director has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. South Carolina's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Utah

● **UTAH OCCUPATIONAL SAFETY AND HEALTH ACT (*ANHYDROUS AMMONIA*)**

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

RELATED REGULATIONS: Utah Admin. Code R. 614-1

GENERAL SUMMARY: The Utah Occupational Safety and Health Act authorizes the state enforcement agency to establish specific safety and health regulations for any trade or industry.

PROVISIONS APPLICABLE TO AGRICULTURE: The state agency has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Utah's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Vermont

● OCCUPATIONAL SAFETY AND HEALTH LAWS (*ANHYDROUS AMMONIA*)

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

RELATED REGULATIONS: Vt. Code R. 24-050-004

GENERAL SUMMARY: Chapter 3, Subchapter 5 of the state labor laws authorizes the state labor commissioner and the state human services secretary to develop and enforce safety and health rules consistent with the federal Occupational Safety and Health Act.

PROVISIONS APPLICABLE TO AGRICULTURE: The labor commissioner has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Vermont's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Virginia

● OCCUPATIONAL SAFETY AND HEALTH LAWS (*ANHYDROUS AMMONIA*)

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

RELATED REGULATIONS: 16 Va. Admin. Code § 25-90-1910

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.

PROVISIONS APPLICABLE TO AGRICULTURE: Using the statutory authority referred to above, the state safety and health codes board has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Virginia's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Washington

● **WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973 (ANHYDROUS AMMONIA)**

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

RELATED REGULATIONS: Wash. Admin. Code Ch. 296-307, Part U-1

GENERAL SUMMARY: Under the Washington Industrial Safety and Health Act, the state labor and industries director has adopted numerous standards explicitly applicable to agricultural employers in the state, including rules for the storage and handling of anhydrous ammonia, a hazardous and commonly used agricultural fertilizer.

SPECIFIC TERMS AND CONDITIONS

Washington's ammonia safety regulations are essentially identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) and may be enforced against any agricultural 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. 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Wisconsin

○ REGULATION OF INDUSTRY GENERAL PROVISIONS (*ANHYDROUS AMMONIA*)

STATUTORY CITATION: Wis. Stat. § 101.10

RELATED REGULATIONS: Wis. Admin. Code Ch. SPS 343

GENERAL SUMMARY: Chapter 101 of the Wisconsin statutes includes a provision regulating the storage and handling of anhydrous ammonia, a hazardous chemical commonly used as an agricultural fertilizer. Under the law's rulemaking authority, the state safety department has adopted the American National Standards Institute's safety requirements for the storage and handling of anhydrous ammonia (K61.1-1999). The ANSI standards prescribe detailed specifications for the construction of ammonia storage tanks and associated components such as valves, hoses, gauges and other fittings. The standards also generally require that all personnel handling ammonia be trained in safe operating practices and appropriate emergency procedures.

PROVISIONS APPLICABLE TO AGRICULTURE: State law explicitly prohibits the safety department from regulating workplace safety and health in agricultural and non-agricultural workplaces 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. Since OSHA has adopted anhydrous ammonia safety standards and Wisconsin does not have an OSHA-approved state plan, the state anhydrous ammonia regulations are **not enforced** in the private 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 (*ANHYDROUS AMMONIA*)**

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

RELATED REGULATIONS: Wyo. Code R. 053-0006 Ch. 2

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.

PROVISIONS APPLICABLE TO AGRICULTURE: The state OSHA Commission has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Wyoming's ammonia safety regulations are essentially identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) and apply to all agricultural operations 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).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*