

## ● 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.*