

● 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.*