

OSHA Targets Agribusiness Industry with New Citations

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10.27.2015

In recent months, the Occupational Safety and Health Administration (OSHA) cited several agribusiness employers for alleged violations of its standards, proposing significant penalties against them.

OSHA and Agricultural Employers

OSHA is the federal agency that adopts and enforces health and safety regulations for the workplace in 25 states, including Alabama, Florida, and Georgia. In the other 25 states, including North and South Carolina, state OSHA agencies enforce rules comparable to those of the federal agency.

OSHA officials have stated that “Agricultural facilities can be dangerous work environments.” While many activities at “small farming operations” (defined as farms with no more than 10 employees and no temporary labor camp) are exempt from OSHA enforcement, the agency and its state counterparts have become aggressive about inspecting and citing other agricultural operations.

OSHA Citations

Most OSHA citations are categorized as other-than-serious, serious, willful, and repeat. An alleged violation is “serious” if death or serious physical harm could result from a hazard an employer knew or should have known exists. An alleged violation is “willful” if the employer either knowingly failed to comply with a standard or acted with plain indifference to employee safety.

An OSHA citation is not a finding of fact, but rather only an allegation. Employers cited by the agency have the opportunity to contest citations and proposed penalties, and to present evidence that contradicts OSHA before the independent Occupational Safety and Health Review

Commission.

Recent OSHA Citations Against Agricultural Employers

Below are summaries of five recent OSHA enforcement actions against employers in the farming industry:

1. In May 2015, OSHA cited a poultry producer for one willful violation, four repeat violations, and one serious violation at an Ohio poultry processing facility. The agency claimed machinery at the plant lacked proper safety guards and workers faced possible amputation while operating saws and grinders. Machine hazards are one of the most frequently cited OSHA standards. OSHA also accused the company of allowing electrical hazards and failing to maintain an accurate log of worker injuries and illnesses. The agency proposed fines of \$126,500.
2. In August 2015, OSHA again cited the same poultry producer, this time for two willful, 20 repeat, and 30 serious alleged violations at a different plant in Ohio. According to OSHA, the facility exposed employees to amputation and fall hazards and violated electrical safety standards. The agency also found a lack of personal protective equipment and emergency eye-wash stations, and improperly stored oxygen cylinders. OSHA proposed \$861,500 in penalties, one of the agency's largest fines of 2015. OSHA also added the company to its Severe Violator Enforcement Program.
3. In May 2015, OSHA issued 29 citations for alleged serious violations at a grain elevator and feed mill in Ohio, recommending fines of \$102,900. The agency claimed the employer failed to train employees on grain bin and confined space hazards and neglected to provide adequate rescue equipment for employees who entered the bin. Other alleged violations included exposing employees to combustible grain dust hazards; moving machinery parts without guards; electrical hazards; falls from unguarded railings, climbing on lift trucks, and improper use of ladders; and improper storage of inflammable materials.
4. In March 2015, OSHA cited a dairy farm in Missouri for eight alleged serious violations following the death of a maintenance worker who fell from a 12-foot ladder while repairing an overhead door. The agency claimed that the power to the overhead door was not turned off during maintenance; an animal carousel was not powered down during maintenance; and electrical boxes lacked covers. OSHA also concluded the employer lacked adequate safety procedures for entering permit-required confined spaces for cleaning and maintenance, thus exposing workers to dangerous chemicals. It proposed fines totaling \$54,500.
5. In February 2015, OSHA cited a pork processing plant in Oklahoma for seven serious alleged violations, proposing fines of \$51,000. According to the agency, the facility failed to provide proper written procedures, safety practices, worker training, and equipment testing for its two anhydrous ammonia refrigeration systems. OSHA also cited the facility for exposing workers to fall, electrical, and machine guarding hazards.

OSHA Compliance

Given OSHA's focus on agricultural facilities, agribusiness employers should make safety and health compliance a top priority.

A good way to prepare for an OSHA inspection is to conduct an audit of facilities and operations. To do this, the employer must become knowledgeable about applicable OSHA standards and procedures.

In addition, developing written safety rules, implementing safety practices and training programs, and making sure all required documentation is up to date are good ways to reduce employee injuries and avoid OSHA citations and penalties.

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