



# OSHA Agriculture Standards Requiring Programs, Inspections, Procedures, Records and/or Training



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**This guide is in a series of industry guides focused on standards requiring programs, training, recordkeeping, inspections, procedures and/or documentation. It is intended to be consistent with all existing OSHA standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the OSHA standard should be followed.**

**To obtain additional copies of this guide, or if you have questions about North Carolina occupational safety and health standards or rules, please contact:**

**N.C. Department of Labor  
Education, Training and Technical Assistance Bureau  
1101 Mail Service Center  
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**Phone: 919-807-2875 or 1-800-625-2267**

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Additional sources of information are listed on the inside back cover of this guide.

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The projected cost of the NCDOL OSH program for federal fiscal year 2014–2015 is \$18,237,603. Federal funding provides approximately 29 percent (\$5,302,500) of this total.



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## Foreword

In North Carolina, the N.C. Department of Labor enforces the federal Occupational Safety and Health Act through a state plan approved by the U.S. Department of Labor. NCDOL offers many educational programs to the public and produces publications to help inform people about their rights and responsibilities regarding occupational safety and health.

When reading this guide, please remember the mission of the N.C. Department of Labor is greater than just regulatory enforcement. An equally important goal is to help citizens find ways to create safe workplaces. Everyone profits when managers and employees work together for safety. This booklet, like the other educational materials produced by the N.C. Department of Labor, can help.

Cherie Berry  
Commissioner of Labor

## Overview

This industry guide is designed to assist employers in the agricultural industry in complying with standards that have special requirements such as written programs, inspections, competent persons, training and recordkeeping requirements that are applicable to agricultural industry. We encourage you to use the information provided in this industry guide as necessary to accomplish this goal. You may also copy any of the material in this guide to be used in your safety and health efforts.

The information in this guide is provided voluntarily by the N.C. Department of Labor's Education, Training and Technical Assistance Bureau as a public service and is made available in good faith. It is provided as a compliance aid and does not constitute a legal interpretation of OSHA standards, nor does it replace the need to be familiar with and follow the OSHA standards (including any North Carolina-specific changes.)

While all attempts have been made to ensure the accuracy of the content and completeness in the information provided, it may not include all the standards that require programs, training, procedures, inspections and records that may be required by an OSHA standard. To ensure completeness in required documentation and records, the specific standard should be referenced for specific requirements.

The NCDOL Occupational Safety and Health Division's Consultative Services Bureau can be contacted for assistance in helping you set up your individual safety and health management program and with on-site surveys. Feel free to contact them at 1-800-NC-LABOR (1-800-625-2267) or 919-807-2899. You may also want to visit their website at <http://www.nclabor.com/osha/consult/consult.htm>.

For agricultural events and publications, contact the Agricultural Safety and Health (ASH) Bureau at 919-807-2923 or access the ASH website at <http://www.nclabor.com/ash/ash.htm>. For general industry and construction training events, publications, PowerPoint presentations and standard interpretations, please contact the Education, Training and Technical Assistance (ETTA) Bureau at 919-807-2875 or access the ETTA website at <http://www.nclabor.com/osha/etta/etta.htm>.

**Enforcement Guidance for Small Farming Operations.** The Appropriations Act exempts small farming operations from enforcement of all rules, regulations, standards or orders under the Occupational Safety and Health Act.

A. A farming operation is exempt from all OSHA activities if it:

1. Employs 10 or fewer employees currently and at all times during the last 12 months; and
2. Has not had an active temporary labor camp during the proceeding 12 months.

Note: Family members of farm employers are not counted when determining the number of employees.

B. A farming operation with 10 or fewer employees that maintains a temporary labor camp or has maintained a temporary labor camp within the last twelve months is not exempt from inspection. For OSHA, the inspection may include all working conditions covered by OSHA standards except for Field Sanitation, 29 CFR 1928.110, and except as noted, Temporary Labor Camps, 29 CFR 1910.142, which are being enforced by the Wage and Hour Division under Secretary of Labor Order 6-96.5

1. OSHA, however, retains inspection responsibility for those camps of employees engaged in eggs or poultry production (SIC 025) or red meat production (SIC 021) or engaged in the post-harvest processing of agricultural or horticultural commodities. Generally, post-harvest processing can be thought of as changing the character of the product (canning, making cider or sauces, etc.) or a higher degree of packaging (washing, bundling and bagging carrots) versus field sorting in a shed for size.

<b>OSHA Activity</b>	<b>Farm with 10 or fewer EES and no TLC activity with 12 mo.</b>	<b>Farm with more than 10 EES or a farm with an active TLC with 12 mo.</b>	<b>Non-Farm ERS with 10 or fewer EES in a SIC listed Appendix A</b>
Programmed Safety Inspections	Not Permitted	Can Inspect	Cannot Inspect
Programmed Health Inspections	Not Permitted	Can Inspect	Can Inspect
Employee Complaint	Not Permitted	Can Inspect	Can Inspect (See Limits on Citations and Penalties)
FAT/CAT and Accidents	Not Permitted	Can Inspect	Can Inspect
Imminent Danger	Not Permitted	Can Inspect	Can Inspect
11 C	Not Permitted	Can Inspect	Can Inspect
Consultation & Technical Assistance	Not Permitted	Permitted	Permitted
Education and Training	Not Permitted	Permitted	Permitted
Conduct Surveys & Studies	Not Permitted	Permitted	Permitted

TLC=Temporary Labor Comp      EES=Employees      ERS=Employer

## How to Use This Industry Guide

This guide was developed to help employers comply with standards that have special requirements such as:

- Programs
- Policies
- Procedures
- Plans
- Inspections
- Tests
- Recordkeeping
- Certifications
- Training
- Exposure monitoring
- Medical surveillance
- Competent person
- Qualified person
- Instructions
- Signs
- Markings
- Tags
- Regulated areas
- Designs
- Professional registered engineer

The first section contains tables that provide a quick overview of the special requirements by standard; including North Carolina state-specific standards. The key for the tables are below.

**P: Programs, policies and procedures-related requirement:** Indicates required programs or policies, which can be written or unwritten, and/or be a mix of procedures, policies or plans required to meet a rule’s requirements.

**I: Inspections and tests requirement:** Indicates required inspections, workplace evaluations, hazard assessments, visual examinations tests, and/or surveys, documented and undocumented.

**RK: Recordkeeping requirement:** Indicates rules that have recordkeeping requirements for activities such as injury reporting, equipment inspections, surveys, tests, medical monitoring, exposure monitoring, training, records and other documentation requirements.

**C: Certification requirement:** Indicates rules that have a certification component. Certification will usually mean a written, signed, and dated statement confirming the performance of a requirement—also called a “certification record” in many rules.

**T: Training and communications requirement:** Indicates rules that have requirements for employee training, instruction, communications and/or providing information.

**EM: Exposure monitoring requirement:** Indicates rules that require exposure monitoring or other monitoring components for workplace hazards such as noise, chemicals and air contaminants.

**MS: Medical surveillance requirement:** Indicates rules that require regular medical examinations and consultations for employees who may be overexposed to hazardous substances during their work and/or a medical or a physically qualified component.

**CP: Competent person requirement:** Indicates rules that have requirements for “competent persons.” An OSHA “competent person” is defined as “one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.”

**QP: Qualified person requirement:** Indicates rules that have requirements for “qualified persons.” “Qualified” means one who, by possession of a recognized degree, certificate or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated his or her ability to solve or resolve problems relating to the subject matter, the work, or the project. This will include registered professional engineers, physicians, designated persons and authorized persons.

**SMT: Signs, markings and tags requirement:** Indicates rules that have requirements for some type of labeling component for equipment, machines and tools or signs for regulated areas, or requirement for establishing a regulated area, posting and placarding.

**O: Other requirements:** Indicates rules that have special requirements other than those listed above.

*Note: An asterisk (\*) within a special requirement box marked with an X in the following tables located in Section 1 denotes a written and/or documented component. When a special requirement has a written and/or documented component, the recordkeeping box will also be marked with an X.*

Section 2 contains state-specific standards, Section 3 contains recordkeeping standards, and Section 4 contains agriculture standards. These sections are broken out by subpart and sections within the subpart that have special requirements. Each section will contain a “**Scope/Application**” that explains the scope or application of the standard (who is covered). This will help the user identify whether the standard applies to them. If there is an “**Exception**” to the scope, that will also be provided following the “**Scope/Application.**”

Following the “B” (or “B”) will be a list of the “**Standard Highlights**” that is the special requirements found in the standard. Following the “**Standard Highlights,**” each special requirement will be broken into sections containing individual rules that have that special requirement. Key words within each rule are *italicized* for quick review while written and/or documentation requirements are *italicized and bolded*.

# SECTION 1

## NORTH CAROLINA GENERAL STATUTES

### CHAPTER 95, ARTICLE 19—MIGRANT HOUSING ACT

SECTION	P	I	RK	C	T	EM	MS	CP	QP	SMT	O
95-226—Application for Inspection— 95-229.1—Actions Upon Finding Uninhabitable Migrant Housing	X	X*	X*		X*						

## 13 NORTH CAROLINA ADMINISTRATIVE CODE

### CHAPTER 7—OFFICE OF OCCUPATIONAL SAFETY AND HEALTH

#### SUBCHAPTER 7A—GENERAL RULES AND OPERATIONAL PROCEDURES

SECTION	P	I	RK	C	T	EM	MS	CP	QP	SMT	O
7A .0600—Safety and Health Programs and Committees	X*	X	X*		X						

## 29 CFR PART 1904—RECORDKEEPING

### SUBPARTS B—F—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

SECTION	P	I	RK	C	T	EM	MS	CP	QP	SMT	O
1904.0—Purpose—1904.46—Definitions	X		X*	X*	X					X	

## 29 CFR PART 1928—AGRICULTURE

### SUBPART B—APPLICABILITY OF STANDARDS

SECTION	P	I	RK	C	T	EM	MS	CP	QP	SMT	O
1928.21—Applicability of Standards in 29 CFR Part 1910 (See Below)											
1910.111—Storage and Handling of Anhydrous Ammonia		X	X*	X*					X		
1910.142—Temporary Labor Camps	X				X					X	
1910.145—Slow Moving Vehicles					X						
1910.266—Logging Operations		X	X*	X*	X*				X		
1910.1027—Cadmium	X*		X*		X*	X*	X*		X*	X	
1910.1200—Hazard Communication	X*		X*		X*				X*	X*	X*
1910.1201—Retention of DOT Markings, Placards and Labels										X	



**29 CFR PART 1928—AGRICULTURE**

**SUBPART C—EMPLOYEE OPERATING INSTRUCTION**

<b>SECTION</b>	<b>P</b>	<b>I</b>	<b>RK</b>	<b>C</b>	<b>T</b>	<b>EM</b>	<b>MS</b>	<b>CP</b>	<b>QP</b>	<b>SMT</b>	<b>O</b>
1928.51—Roll-Over Protective Structures (ROPS) for Tractors Used in Agricultural Operations	X	X			X					X	
1928.52—Protective Frames for Wheel-Type Agricultural Tractors	X	X	X*								
1928.52—Protective Enclosures for Wheel-Type Agricultural Tractors	X	X	X*								

**29 CFR PART 1928—AGRICULTURE**

**SUBPART D—SAFETY FOR AGRICULTURAL EQUIPMENT**

<b>SECTION</b>	<b>P</b>	<b>I</b>	<b>RK</b>	<b>C</b>	<b>T</b>	<b>EM</b>	<b>MS</b>	<b>CP</b>	<b>QP</b>	<b>SMT</b>	<b>O</b>
1928.57—Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins		X			X				X	X	X

**29 CFR PART 1928—AGRICULTURE**

**SUBPART I—GENERAL ENVIRONMENTAL CONTROLS**

<b>SECTION</b>	<b>P</b>	<b>I</b>	<b>RK</b>	<b>C</b>	<b>T</b>	<b>EM</b>	<b>MS</b>	<b>CP</b>	<b>QP</b>	<b>SMT</b>	<b>O</b>
1928.110—Field Sanitation	X				X						

**29 CFR PART 1928—AGRICULTURE**

**SUBPART M—OCCUPATIONAL HEALTH**

<b>SECTION</b>	<b>P</b>	<b>I</b>	<b>RK</b>	<b>C</b>	<b>T</b>	<b>EM</b>	<b>MS</b>	<b>CP</b>	<b>QP</b>	<b>SMT</b>	<b>O</b>
1928.1027—Cadmium	X*		X*		X*	X*	X*			X	
1910.1020—Access to Employee Exposure and Medical Records			X*		X*						

## SECTION 2

In 1989, the General Assembly enacted the Migrant Housing Act of North Carolina, establishing a single set of standards for inspecting all agricultural migrant housing. Since then, the N.C. Department of Labor has conducted an annual housing registration, inspection and compliance program to ensure the safety and healthful condition of migrant housing. A grower who owns or operates a housing unit for any number of migrant workers must register the housing with the Department of Labor. After registration, the Department of Labor must inspect the housing before the migrants can occupy the unit.

In 2007, the General Assembly amended the Migrant Housing Act in order to require owners and operators of migrant housing to provide migrant workers a bed with “a mattress in good repair with a clean cover” and to add additional regulatory and reporting requirements for the Department of Labor.

You may also find more information about the Migrant Housing Act on our website, [www.nclabor.com/ash/ash.htm](http://www.nclabor.com/ash/ash.htm), including an electronic copy of this and other publications, information regarding our Gold Star Grower program, a migrant housing inspection checklist, and information regarding the Agricultural Safety and Health Council. You can also register your migrant housing online at [www.nclabor.com/ash/ashform.htm](http://www.nclabor.com/ash/ashform.htm).

### North Carolina General Statutes Chapter 95, Article 19—Migrant Housing Act

**Scope/Application:** *This Article sets forth the purpose and policy of the General Assembly to conform migrant housing standards to, as much as reasonably possible, the Occupational Safety and Health Act of North Carolina, and to ensure safe and healthy migrant housing conditions. The General Assembly finds that the general welfare of the State requires the enactment of this law under the police power of the State.*

#### ARTICLE HIGHLIGHTS

- Programs, Policies and Procedures—locate alternative housing or repairs
- Inspections and Tests\*— inspections, guide copy, certification
- Recordkeeping\*—reporting requirements
- Certification\*—inspection results
- Training and Communications—reporting requirements

#### Programs, Policies and Procedures

**95-229.1—Actions upon finding uninhabitable migrant housing**—If the Department of Labor of North Carolina *determines that housing provided to migrants under this Article is uninhabitable, but is not reasonably expected to cause death or serious physical harm, the migrants shall be allowed to remain in the housing for a reasonable period, not to exceed 14 days, while the operator locates alternative housing or makes necessary repairs to make the housing habitable.* No additional civil penalties arising from the condition of the housing shall be levied against the operator *during the 14-day period* after the housing has been determined to be uninhabitable in which the migrants are allowed to remain in the housing. The alternative housing shall be provided at the same rate or less than the rate paid by the migrants for the uninhabitable housing. If the Director determines, after recommendation by an inspector, that housing provided to migrants could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated, the migrants shall not be allowed to stay in the housing, and alternative housing shall be provided by the operator at the same rate or less than the rate paid by the migrants for the uninhabitable housing.

#### Inspections and Tests

**95-226—Application for inspection**—(a) Except as provided in *subsection (f) of this section*, every operator shall request a *preoccupancy inspection at least 45 days prior to the anticipated date of occupancy* by applying directly to the Department of Labor of North Carolina or to the local health department. Upon receipt of an application by the Department of Labor of North Carolina, the Department of Labor of North Carolina shall immediately notify, in writing, the appropriate local health department; and the local health department shall inspect the migrant housing for compliance with *G.S. 95-225(c) and (d)—Adoption of Standards and Interpretation*. Upon receipt of the application by the local health department, the local health department shall immediately notify, in **writing**, the Department of Labor of North Carolina and shall inspect the migrant housing for compliance with *G.S. 95-225(c) and (d)—Adoption of Standards and Interpretation*.

The local health department shall forward the results of its inspection to the Department of Labor of North Carolina and to the operator. The Department of Labor of North Carolina shall inspect the migrant housing and **certify** to the operator the results of the inspection.

At the time the Department of Labor of North Carolina conducts a preoccupancy inspection, the Department of Labor of North Carolina shall provide the operator with a copy of the guide for employers on compliance with the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq., as amended, prepared by the United States Department of Justice.

**95-226—Application for inspection—(b)** The Department of Labor of North Carolina shall provide local health departments and Agricultural Extension offices with blank copies of forms for applying for preoccupancy inspections. (Note: Reference 95-226(c) for application information.)

**95-226—Application for inspection—(d)** Except as provided in subsections (e) and (f) of this section, an operator may allow the migrant housing to be occupied only if the migrant housing has been certified by the Department of Labor of North Carolina or the United States Department of Labor to be in compliance with all of the standards under this Article, except that an operator may allow migrant housing to be occupied on a provisional basis if the operator applied for a preoccupancy inspection at least 45 days prior to occupancy and the preoccupancy inspection was not conducted by the Department of Labor of North Carolina at least four days prior to the anticipated occupancy. Upon subsequent inspection by the Department of Labor of North Carolina, the provisional occupancy shall be revoked if any deficiencies have not been corrected within the period of time specified by the Department of Labor of North Carolina, or within two days after receipt of written notice provided on-site to the operator. No penalties may be assessed for any violation of this Article which are found during the preoccupancy inspection, unless substantive violations exist during provisional occupancy.

**95-226—Application for inspection—(e)** If an operator has applied for an inspection pursuant to this Article and one or more migrants arrives in advance of the arrival date stated in the application, the operator shall notify the Department of Labor of North Carolina within two working days of the occupancy of the migrant housing.

**95-226—Application for inspection—(f)** If an operator receives a preoccupancy inspection rating from the Department of Labor of North Carolina of one hundred percent (100%) compliance for a particular migrant housing unit for two consecutive years, in the third year the operator shall have the right to conduct the preoccupancy inspection for that particular migrant housing unit himself or herself. Operators conducting their own preoccupancy inspections pursuant to this subsection shall, at least 45 days prior to occupancy, register the migrant housing with the Department of Labor of North Carolina and notify in writing the appropriate local health department. The local health department shall inspect the migrant housing for compliance with G.S. 95-225(c) and (d)—Adoption of Standards and Interpretation. The operator shall request a preoccupancy inspection under subsection (a) of this section in the year following a year when the operator conducted a self-inspection under this subsection.

**95-226—Application for inspection—(g)** In addition to any other applicable federal or State law or regulation, the Department may only conduct a postoccupancy inspection of operators:

- (1) Who were subject to an annual preoccupancy inspection by the Department of Labor of North Carolina and found not to be in one hundred percent (100%) compliance at that inspection.
- (2) Who were assessed a civil penalty by the Department of Labor of North Carolina during the previous calendar year for violations of this Article or pursuant to G.S. 95-136(a)(3).
- (3) Who did not undergo a preoccupancy inspection, unless the operator conducted a self-inspection pursuant to subsection (f) of this section.
- (4) In response to a referral from a federal, State, county, or local government official or any person with firsthand knowledge of an alleged violation of this Article or of an alleged safety or health hazard whom the Department of Labor of North Carolina deems to have provided a credible referral.

## Recordkeeping

**95-226—Application for inspection—(a)** Except as provided in *subsection (f) of this section*, every operator shall request a preoccupancy inspection at least 45 days prior to the anticipated date of occupancy by applying directly to the Department of Labor of North Carolina or to the local health department. Upon receipt of an application by the Department of Labor of North Carolina, the Department of Labor of North Carolina shall immediately notify, in writing, the appropriate local health department; and the local health department shall inspect the migrant housing for compliance with *G.S. 95-225(c) and (d)—Adoption of Standards and Interpretation*. Upon receipt of the application by the local health department, the local health department shall immediately notify, in writing, the Department of Labor of North Carolina and shall inspect the migrant housing for compliance with *G.S. 95-225(c) and (d)—Adoption of Standards and Interpretation*.

The local health department shall forward the results of its inspection to the Department of Labor of North Carolina and to the operator. The Department of Labor of North Carolina shall inspect the migrant housing and certify to the operator the results of the inspection.

At the time the Department of Labor of North Carolina conducts a preoccupancy inspection, the Department of Labor of North Carolina shall provide the operator with a copy of the guide for employers on compliance with the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq., as amended, prepared by the United States Department of Justice.

**95-226—Application for inspection—(d)** Except as provided in *subsections (e) and (f) of this section*, an operator may allow the migrant housing to be occupied only if the migrant housing has been certified by the Department of Labor of North Carolina or the United States Department of Labor to be in compliance with all of the standards under this Article, except that an operator may allow migrant housing to be occupied on a provisional basis if the operator applied for a preoccupancy inspection at least 45 days prior to occupancy and the preoccupancy inspection was not conducted by the Department of Labor of North Carolina at least four days prior to the anticipated occupancy. Upon subsequent inspection by the Department of Labor of North Carolina, the provisional occupancy shall be revoked if any deficiencies have not been corrected within the period of time specified by the Department of Labor of North Carolina, or within two days after receipt of written notice provided on-site to the operator. No penalties may be assessed for any violation of this Article which are found during the preoccupancy inspection, unless substantive violations exist during provisional occupancy.

**95-226—Application for inspection—(f)** If an operator receives a preoccupancy inspection rating from the Department of Labor of North Carolina of one hundred percent (100%) compliance for a particular migrant housing unit for two consecutive years, in the third year the operator shall have the right to conduct the preoccupancy inspection for that particular migrant housing unit himself or herself. Operators conducting their own preoccupancy inspections pursuant to this subsection shall, at least 45 days prior to occupancy, register the migrant housing with the Department of Labor of North Carolina and notify in writing the appropriate local health department. The local health department shall inspect the migrant housing for compliance with *G.S. 95-225(c) and (d)—Adoption of Standards and Interpretation*. The operator shall request a preoccupancy inspection under *subsection (a) of this section* in the year following a year when the operator conducted a self-inspection under this subsection.

## Certification

**95-226—Application for inspection—(a)** Except as provided in *subsection (f) of this section*, every operator shall request a preoccupancy inspection at least 45 days prior to the anticipated date of occupancy by applying directly to the Department of Labor of North Carolina or to the local health department. Upon receipt of an application by the Department of Labor of North Carolina, the Department of Labor of North Carolina shall immediately notify, in writing, the appropriate local health department; and the local health department shall inspect the migrant housing for compliance with *G.S. 95-225(c) and (d)—Adoption of Standards and Interpretation*. Upon receipt of the application by the local health department, the local health department shall immediately notify, in writing, the Department of Labor of North Carolina and shall inspect the migrant housing for compliance with *G.S. 95-225(c) and (d)—Adoption of Standards and Interpretation*.

The local health department shall forward the results of its inspection to the Department of Labor of North Carolina and to the operator. The Department of Labor of North Carolina shall inspect the migrant housing and certify to the operator the results of the inspection.

At the time the Department of Labor of North Carolina conducts a preoccupancy inspection, the Department of Labor of North Carolina shall provide the operator with a copy of the guide for employers on compliance with the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq., as amended, prepared by the United States Department of Justice.

**95-226—Application for inspection—(d)** Except as provided in *subsections (e) and (f) of this section*, an operator may allow the migrant housing to be occupied only if the migrant housing has been certified by the Department of Labor of North Carolina or the United States Department of Labor to be in compliance with all of the standards under this Article, except that an operator may allow migrant housing to be occupied on a provisional basis if the operator applied for a *preoccupancy inspection at least 45 days prior to occupancy and the preoccupancy inspection was not conducted by the Department of Labor of North Carolina at least four days prior to the anticipated occupancy*. Upon subsequent inspection by the Department of Labor of North Carolina, the provisional occupancy shall be revoked if any deficiencies have not been corrected within the period of time specified by the Department of Labor of North Carolina, or within two days after receipt of written notice provided on-site to the operator. No penalties may be assessed for any violation of this Article which are found during the preoccupancy inspection, unless substantive violations exist during provisional occupancy.

### **Training and Communications**

**95-226—Application for inspection—(e)** If an operator has applied for an inspection pursuant to this Article and one or more migrants arrives in advance of the arrival date stated in the application, the operator shall notify the Department of Labor of North Carolina within two working days of the occupancy of the migrant housing.

**95-226—Application for inspection—(f)** If an operator receives a *preoccupancy inspection rating* from the Department of Labor of North Carolina of one hundred percent (100%) compliance for a particular migrant housing unit for two consecutive years, in the third year the operator shall have the right to conduct the *preoccupancy inspection for that particular migrant housing unit himself or herself*. Operators conducting their own *preoccupancy inspections pursuant to this subsection shall, at least 45 days prior to occupancy, register the migrant housing with the Department of Labor of North Carolina and notify in writing the appropriate local health department*. The local health department shall inspect the migrant housing for compliance with *G.S. 95-225(c) and (d)—Adoption of Standards and Interpretation*. The operator shall request a *preoccupancy inspection* under *subsection (a) of this section in the year following a year when the operator conducted a self-inspection* under this subsection.

**95-226—Application for inspection—(g)** In addition to any other applicable federal or State law or regulation, the Department may only conduct a *postoccupancy inspection of operators*:

- (1) Who were subject to an *annual preoccupancy inspection* by the Department of Labor of North Carolina and found not to be in one hundred percent (100%) compliance at that inspection.
- (2) Who were assessed a *civil penalty* by the Department of Labor of North Carolina during the previous calendar year for violations of this Article or pursuant to *G.S. 95-136(a)(3)*.
- (3) Who did not undergo a *preoccupancy inspection*, unless the operator conducted a *self-inspection pursuant to subsection (f) of this section*.
- (4) *In response to a referral* from a federal, State, county, or local government official or any person with firsthand knowledge of an alleged violation of this Article or of an alleged safety or health hazard whom the Department of Labor of North Carolina deems to have provided a *credible referral*.

At the time the Department of Labor of North Carolina conducts a *preoccupancy inspection*, the Department of Labor of North Carolina shall provide the operator with a copy of the guide for employers on compliance with the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq., as amended, prepared by the United States Department of Justice.

**95-226—Application for inspection—(d)** Except as provided in *subsections (e) and (f) of this section*, an operator may allow the migrant housing to be occupied only if the migrant housing has been certified by the Department of Labor of North Carolina or the United States Department of Labor to be in compliance with all of the standards under this Article, except that an operator may allow migrant housing to be occupied on a provisional basis if the operator applied for a *preoccupancy inspection at least 45 days prior to occupancy and the preoccupancy inspection was not conducted by the Department of Labor of North Carolina at least four days prior to the anticipated occupancy*. Upon subsequent inspection by the Department of Labor of North Carolina, the provisional occupancy shall be revoked if any deficiencies have not been corrected within the period of time specified by the Department of Labor of North Carolina, or within two days after receipt of written notice provided on-site to the operator. No penalties may be assessed for any violation of this Article which are found during the preoccupancy inspection, unless substantive violations exist during provisional occupancy.

# 13 NCAC Chapter 7—Office of Occupational Safety and Health

## Subchapter 7A—General Rules and Operational Procedures

### 7A.0600—Safety and Health Programs and Committees

**Scope/Application:** *This section sets forth rules of procedure for implementation of N.C. Gen. Stat. 95, Article 22, which is titled “Safety and Health Programs and Committees.”*

#### STANDARD HIGHLIGHTS

- Programs, Policies and Procedures\*—training, audits, accident investigations, plans, inspections, communications, applicable programs, committees
- Training and Communications—on or off-site, knowledgeable trainer, applicable standards
- Recordkeeping\*—reporting requirements
- Inspections and Tests\*—quarterly inspections, self-audits, checklists

#### Programs, Policies and Procedures

**7A.0601(b)—Purpose and Scope**—The purpose of this Section is to *establish programs* which will promote safety and health for all North Carolina employers *with a workers’ compensation experience rate modifier of 1.5 or above. Employee Safety and Health Committees will be established by all North Carolina employers having 11 or more employees and an experience rate modifier of 1.5 or above.*

**Note to Section 7A.0601(b):** *Reference Section 07A.0603(b) for Minimum Elements of the Safety and Health Programs and N.C. Gen. Stat. § 95-251(b)(1)-(9) for specific requirements.*

**7A.0603 Safety and Health Programs**—(b) The *written program* shall also include:

- (4) The manner in which workplace accidents *will be investigated and corrective action* implemented. The employer shall keep a *comprehensive record* of accident investigations, findings, and corresponding corrective action taken.
- (5) The manner in which near-miss incidents will be investigated. Special emphasis will be placed on identifying all contributing factors to any near-miss incident. The employer shall keep a *comprehensive record* of each such incident and the findings relating to it, and *shall keep a record* of all corresponding corrective action taken.
- (6) The *methods used to identify, analyze and control* new or existing hazards, conditions and operations, and the manner in which changes will be incorporated into the safety program, *safety committee checklist, and communicated* to all affected employees.
- (7) **Written compliance plans** as required by either the Mine Safety laws or OSHA standards, whichever is applicable to the employer. **Written compliance plans** shall include, the following OSHA standards, when applicable: Excavations, Hazard Communication, Occupational Noise Exposure, Control of Hazardous Energy Sources (Lockout/Tagout), Respiratory Protection, Process Safety Management of Highly Hazardous Chemicals, Bloodborne Pathogens, Life Safety Code, Cotton Dust, and Confined Spaces.
- (8) A **written checklist** of all potential hazards to *be inspected during the quarterly inspections* required pursuant to G.S. 95-252(c)(4)d, if applicable, including, but not limited to, checking for properly marked doors (including exit doors and doors not leading to an exit); properly working fire extinguishers; unlisted hazardous substances, improperly located hazardous substances, or hazardous substances for which there are no *material safety data sheets*; doorways or exit pathways that are cluttered; improperly grounded equipment and exposed live wiring and parts; and unguarded machinery. Each item on the aforementioned **written checklist** shall be checked during the *quarterly inspections* and a **copy of the list shall be retained** by the employer for not less than *two years*. All conditions or items deemed to be out of compliance shall be immediately abated, unless circumstances beyond the control of the employer requires a longer period of time.
- (9) The employer *shall conduct an annual self-audit* of all required safety and health programs. **Written findings and a statement** of remedial actions taken shall be *retained for not less than two years*. Companies with less than 11 employees that are not required to have safety and health committees *shall appoint a company safety officer* to conduct the *annual self-audit*.

**7A.0606 Training and Education**—(b) There shall also be established for employees whether or not a safety and health committee is required:

- (1) *A system for training and education* of all employees in occupational safety and health hazards at the work-site. The system shall contain specific requirements that new employees not be allowed to begin work, except when participating in carefully supervised on-the-job training, until thoroughly trained in the safe use of all applicable equipment and substances, and procedures relating to their workplace environment.
- (2) *A system of training and education* for any existing employee given a new work assignment.
- (3) *A system of training and education* for all affected employees when a new substance, process, procedure or piece of equipment is introduced into the workplace and presents a new hazard to safety or health.
- (4) *A system of training and education* for all affected employees when any new personal protective equipment or different work practice is used on existing hazards.

**7A.0604—Selection of Safety Committees**—(a) An employer *may elect to implement any one of the selection processes [found in 13 NCAC 07A .0604] as a means of meeting the requirements for selection of representatives to employee Safety and Health committees* pursuant to G.S. 95-252(d). The employer *shall retain written documentation* outlining any utilized selection process. An employer whose employees are represented by a collective bargaining representative must utilize either subsection 8, 9, or 10 for committee selection purposes. Any non-management employees who choose not to participate in the collective bargaining process are still considered to be represented by the collective bargaining representative for purposes of this Rule for committee selection purposes.

*Note to Section 7A.0604: Reference Section 07A.0604 [Selection of Safety Committees], Section 07A.0605 [Safety and Health Committee Requirements], and N.C. Gen. Stat. § 95-252(d) [Safety and Health Committees for specific requirements].*

**7A.0605—Safety & Health Committee Requirements**—(b) Multi-Employer Worksites:

- (2) The general contractor or equivalent *shall designate a representative* to attend the Safety and Health Committee meetings of the notifying employer(s).
- (3) The notifying employer shall work with the general contractor or equivalent to *distribute information as required by G.S. 95-251(b)(9)*.

### **Training and Communications**

**7A.0603 Safety and Health Programs**—(b) The *written program* shall also include:

- (2) The manner in which the *plan will be communicated* to all affected employees so that they are informed of work-related hazards and controls.
- (6) The methods used to identify, analyze and control new or existing hazards, conditions and operations, and the manner in which changes will be incorporated into the safety program, *safety committee checklist*, and *communicated to all affected employees*.
- (11) The methods used to *communicate requirements of the program to other employers* or subcontractors and their employees who may be present at the same site.

**7A.0606—Training and Education**—(a) All safety and health committee members *shall receive training and education* based on the type of business activity in which the employer is involved and the scope of the committee's duties.

*Note to Section 7A.0606: Reference Section 7A.0606—Training and Education for specific training requirements.]*

**7A.0606 Training and Education**—(b) There shall also be established for employees whether or not a safety and health committee is required:

- (5) *Training to comply with all applicable OSHA employee training requirements*, including, but not limited within General Industry to Means of Egress; Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms; Occupational Health and Environmental Control; Hazardous Materials; Personal Protective Equipment; General Environmental Controls; Medical and First Aid; Fire Protection; Materials Handling and Storage; Machinery and Machine Guarding; Welding, Cutting and Brazing; Special Industries; Electrical; Commercial Diving Operations; Toxic and Hazardous Substances, and Occupational Exposure to Hazardous

Chemicals in Laboratories; including, but not limited within the Construction Industry to General Safety and Health Provisions; Occupational Health and Environmental Controls; Personal Protective and Life Saving Equipment; Fire Protection and Prevention; Signs, Signals, and Barricades; Tools—Hand and Power; Welding and Cutting; Electrical; Ladders and Scaffolding; Cranes, Derricks, Hoists, Elevators and Conveyors; Motor Vehicles, Mechanized Equipment, and Marine Operations; Excavations; Concrete and Masonry Construction; Underground Construction, Caissons, Cofferdams and Compressed Air; Demolitions; Blasting and Use of Explosives; Power Transmission Distribution; Stairways and Ladders; including, but not limited within Agriculture to Roll-Over Protective Structures, and Safety for Agricultural Equipment; and including, but not limited to the Process Safety Management Standard, the Confined Spaces Standard, Hazard Communication Standard, and the Bloodborne Pathogens Standard.

**7A.0606—Training and Education—**(c) The required safety and health training *shall be provided by someone trained to recognize, evaluate and control safety and health hazards. The training may be provided on-site or off-site.*

### **Recordkeeping**

**7A.0603 Safety and Health Programs—**(b) The *written program* shall also include:

- (4) The manner in which workplace accidents *will be investigated and corrective action* implemented. The employer shall keep a *comprehensive record* of accident investigations, findings, and corresponding corrective action taken.
- (5) The manner in which near-miss incidents will be investigated. Special emphasis will be placed on identifying all contributing factors to any near-miss incident. The employer shall keep a *comprehensive record* of each such incident and the findings relating to it, and *shall keep a record* of all corresponding corrective action taken.
- (6) The *methods used to identify, analyze and control* new or existing hazards, conditions and operations, and the manner in which changes will be incorporated into the safety program, *safety committee checklist, and communicated* to all affected employees.
- (7) *Written compliance plans* as required by either the Mine Safety laws or OSHA standards, whichever is applicable to the employer. *Written compliance plans* shall include, the following OSHA standards, when applicable: Excavations, Hazard Communication, Occupational Noise Exposure, Control of Hazardous Energy Sources (Lockout/Tagout), Respiratory Protection, Process Safety Management of Highly Hazardous Chemicals, Bloodborne Pathogens, Life Safety Code, Cotton Dust, and Confined Spaces.
- (8) A *written checklist* of all potential hazards to be *inspected during the quarterly inspections* required pursuant to G.S. 95-252(c)(4)d, if applicable, including, but not limited to, checking for properly marked doors (including exit doors and doors not leading to an exit); properly working fire extinguishers; unlisted hazardous substances, improperly located hazardous substances, or hazardous substances for which there are no *material safety data sheets*; doorways or exit pathways that are cluttered; improperly grounded equipment and exposed live wiring and parts; and unguarded machinery. Each item on the aforementioned *written checklist* shall be checked during the *quarterly inspections and a copy of the list shall be retained* by the employer for not less than *two years*. All conditions or items deemed to be out of compliance shall be immediately abated, unless circumstances beyond the control of the employer requires a longer period of time.
- (9) The employer *shall conduct an annual self-audit* of all required safety and health programs. *Written findings and a statement* of remedial actions taken shall be *retained for not less than two years*. Companies with less than 11 employees that are not required to have safety and health committees *shall appoint a company safety officer* to conduct the *annual self-audit*.

**7A.0604—Selection of Safety Committees—**(a) An employer *may elect to implement any one of the selection processes [found in 13 NCAC 07A.0604] as a means of meeting the requirements for selection of representatives to employee Safety and Health committees* pursuant to G.S. 95-252(d). The employer *shall retain written documentation* outlining any utilized selection process. An employer whose employees are represented by a collective bargaining representative must utilize either subsection 8, 9, or 10 for committee selection purposes. Any non-management employees who choose not to participate in the collective bargaining process are still considered to be represented by the collective bargaining representative for purposes of this Rule for committee selection purposes.



*Note to Section 7A.0604: Reference Section 07A.0604 [Selection of Safety Committees], Section 07A.0605 [Safety and Health Committee Requirements], and N.C. Gen. Stat. § 95-252(d) [Safety and Health Committees for specific requirements].*

**7A.0607—Reports**—The report **forms** required from employers within 60 days of notification by the Commissioner of Labor of inclusion in the program shall include [specific information.]

*Note to Section 7A.0605: Reference Section 07A.0605 [Reports for specific requirements].*

**7A.0607—Reports—(10)** A timetable for delivery of training to employees and committee members. In no case shall the timetable for delivery of training exceed an additional 90 days beyond notification to the Commissioner of Labor of compliance with these Rules.

## **Inspections and Tests**

**13 NCAC 07A.0603 Safety and Health Programs**—(b) The *written* program shall also include:

- (8) A *written* checklist of all potential hazards to be inspected during the quarterly inspections required pursuant to G.S. 95-252(c)(4)d, if applicable, including, but not limited to, checking for properly marked doors (including exit doors and doors not leading to an exit); properly working fire extinguishers; unlisted hazardous substances, improperly located hazardous substances, or hazardous substances for which there are no *material safety data sheets*; doorways or exit pathways that are cluttered; improperly grounded equipment and exposed live wiring and parts; and unguarded machinery. Each item on the aforementioned **written** checklist shall be checked during the quarterly inspections and a **copy** of the list shall be retained by the employer for not less than *two years*. All conditions or items deemed to be out of compliance shall be immediately abated, unless circumstances beyond the control of the employer requires a longer period of time.
- (9) The employer shall conduct an annual self-audit of all required safety and health programs. **Written findings and a statement** of remedial actions taken shall be retained for not less than *two years*. Companies with less than 11 employees that are not required to have safety and health committees shall appoint a company safety officer to conduct the annual self-audit.

## SECTION 3

### 29 CFR 1904 Subparts B–F—Recordkeeping

**Scope/Application:** *The purpose of this rule (Part 1904—Recordkeeping) is to require employers to record and report work-related fatalities, injuries and illnesses. All employers covered by the Occupational Safety and Health Act (OSH Act) are covered by these Part 1904 regulations. However, most employers do not have to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs them in writing that they must keep records. For example, employers with 10 or fewer employees and business establishments in certain industry classifications are partially exempt from keeping OSHA injury and illness records.*

#### STANDARD HIGHLIGHTS

- Programs, Policies and Procedures—review
- Recordkeeping\*—reporting fatalities, hospitalizations, retention
- Certification\*—certify annual summary
- Training and Communications—inform employees
- Signs, Markings and Tags—posting log

#### Programs, Policies, and Procedures

**1904.32(a)**—Annual **Summary**. *Basic requirement.* At the end of each calendar year, you must:

**1904.32(a)(1)**—*Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;*

**1904.32(a)(2)**—*Create an annual summary of injuries and illnesses recorded on the OSHA 300 Log;*

**1904.35(b)(1)(i)**—Employee Involvement. *You must set up a way for employees to report work-related injuries and illnesses promptly.*

#### Recordkeeping

**1904.1(a)(1)**—Partial Exemption for Employers With 10 or Fewer Employees—If your company had ten (10) or fewer employees at all times during the last calendar year, you do not need to keep OSHA injury and illness **records** unless OSHA or the BLS *informs you in writing that you must keep records under § 1904.41 [Annual OSHA Injury and Illness Survey of Ten or More Employers] or § 1904.42 [Requests From the Bureau of Labor Statistics for Data]*. However, as required by § 1904.39 *[Reporting Fatalities and Multiple Hospitalization Incidents to OSHA]*, all employers covered by the OSH Act *must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees.*

**1904.1(a)(2)**—Partial Exemption For Employers With 10 or Fewer Employees. If your company had more than ten (10) employees at any time during the last calendar year, *you must keep OSHA injury and illness records unless your establishment is classified as a partially exempt industry under § 1904.2 [Partial Exemption for Establishments in Certain Industries].*

**1904.2(a)(1)**—Partial exemption for establishments in certain industries. *Basic requirement.* If your business establishment is classified in a specific industry group listed in appendix A to this subpart, you do not need to keep *OSHA injury and illness records* unless the government asks you to keep the **records** under 1904.41 or 1904.42. However, all employers *must report* to OSHA any workplace incident that results in an employee’s fatality, inpatient hospitalization, amputation, or loss of an eye (*Reference 1904.39*).

**1904.2(a)(2)**—Partial Exemption for Establishments in Certain Industries. If one or more of your company’s establishments are classified in a non-exempt industry, *you must keep OSHA injury and illness records* for all of such establishments unless your company is partially exempted because of size under § 1904.1 *[Partial Exemption for Employers With 10 or Fewer Employees]*.

**1904.4(a)**—Recording Criteria—Basic requirement. Each employer required by this Part to keep **records** of fatalities, injuries, and illnesses *must record each fatality, injury and illness.*

**Note to paragraph 4(a):** *Specific requirements are found in 1904.4(a).*

**1904.7(b)(1)**—General Recording Criteria—How do I decide if a case meets one or more of the general recording criteria? A work-related injury or illness *must be recorded* if it results in one or more criteria.

*Note to paragraph (7)(b)(1): Reference 1904.7(b)(1) for more specific requirements.*

**1904.8(a)**—Recording Criteria for Needlestick and Sharps Injuries—Basic requirement. *You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person’s blood or other potentially infectious material (as defined by 29 CFR 1910.1030 [Bloodborne Pathogens]). You must enter the case on the OSHA 300 Log as an injury.* To protect the employee’s privacy, you may not enter the employee’s name on the OSHA 300 Log (see the requirements for privacy cases in *paragraphs 1904.29(b)(6)—Forms through 1904.29(b)(9)*).

**1904.10(a)**—Recording Criteria for Cases Involving Occupational Hearing Loss. Basic requirement. If an employee’s hearing test (audiogram) reveals that the employee has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee’s total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, *you must record the case* on the OSHA 300 Log.

**1904.11(a)**—Recording Criteria for Work-Related Tuberculosis Cases. Basic requirement. If any of your employees has been occupationally exposed to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, *you must record the case* on the OSHA 300 Log by checking the “respiratory condition” column.

**1904.30(a)**—Multiple Business Establishments. Basic requirement. *You must keep a separate OSHA 300 Log for each establishment* that is expected to be in operation for one year or longer.

**1904.31(a)**—Covered Employees. Basic requirement. *You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis.* If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

**1904.33(a)**—Retention and Updating—Basic requirement. *You must save the OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms for five (5) years* following the end of the calendar year that these records cover.

**1904.33(b)(1)**—Retention and Updating—Do I have to update the OSHA 300 Log during the five-year storage period? Yes, during the storage period, *you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses.* If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.

**1904.34**—Change in Business Ownership. If your business changes ownership, *you are responsible for recording and reporting work-related injuries and illnesses only for that period of the year during which you owned the establishment.* You must transfer the Part 1904 records to the new owner. The new owner *must save all records* of the establishment kept by the prior owner, as required by § 1904.33 [Retention and Updating] of this Part, but need not update or correct the records of the prior owner.

## **Certification**

**1904.32(a)**—Annual Summary. *Basic requirement.* At the end of each calendar year, you must:

**1904.32(a)(3)**—*Certify the summary.*

**1904.32(b)(1)**—Annual Summary—How extensively do I have to review the OSHA 300 Log entries at the end of the year? *You must review the entries as extensively as necessary to make sure that they are complete and correct.*

**1904.32(b)(3)**—Annual Summary—How do I certify the annual summary? A company executive *must certify* that he or she has examined the OSHA 300 Log and that he or she reasonably believes, based on his or her knowledge of the process by which the information was recorded, that the annual Summary is correct and complete.

## Training and Communications

**1904.2(a)(1)**—Partial exemption for establishments in certain industries. Basic requirement. If your business establishment is classified in a specific industry group listed in appendix A to this subpart, you do not need to keep *OSHA injury and illness records* unless the government asks you to keep the *records* under 1904.41 or 1904.42. However, all employers *must report* to OSHA any workplace incident that results in an employee’s fatality, inpatient hospitalization, amputation, or loss of an eye (*Reference 1904.39*).

**1904.35(a)(1)**—Employee Involvement. *You must inform each employee* of how he or she is to *report* an injury or illness to you.

**1904.35(b)(1)(ii)**—Employee Involvement. *You must tell each employee how to report* work-related injuries and illnesses to you.

**1904.35(b)(2)(v)(A)**—Employee Involvement—When an employee, former employee, or personal representative asks for a *copy* of the *OSHA 301 Incident Report* describing an injury or illness to that employee or former employee, *you must give the requester a copy of the OSHA 301 Incident Report containing that information by the end of the next business day*.

**1904.35(b)(2)(v)(B)**—Employee Involvement. When an authorized employee representative asks for a copies of the *OSHA 301 Incident Reports* for an establishment where the agent represents employees under a collective bargaining agreement, *you must give copies of those forms to the authorized employee representative within 7 calendar days*. You are only required to give the authorized employee representative information from the *OSHA 301 Incident Report* section titled “Tell us about the case.” You must remove all other information from the *copy* of the *OSHA 301 Incident Report* or the equivalent substitute form that you give to the authorized employee representative.

**1904.39(a)(1)**—*Reporting fatalities, hospitalizations, amputations, and losses of an eye* as a result of work-related incidents to OSHA. Basic requirement. *Within eight (8) hours after the death* of any employee as a result of a work-related incident, *you must report* the fatality to the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

**1904.39(a)(2)**—*Reporting fatalities, hospitalizations, amputations, and losses of an eye* as a result of work-related incidents to OSHA. Basic requirement. *Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee’s amputation or an employee’s loss of an eye*, as a result of a work-related incident, *you must report the in-patient hospitalization, amputation, or loss of an eye to OSHA*.

**1904.39(a)(3)**—*Reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents* to OSHA. Basic requirement. *You must report the fatality, inpatient hospitalization, amputation, or loss of an eye* using one of the following methods. [**Note:** *Reference 1904.39(a)(3) for specific methods.*]

**1904.39(b)(5)**—*Reporting Fatalities and Multiple Hospitalization Incidents to OSHA*. *Do I have to report a fatality caused by a heart attack at work? Yes*, your local OSHA Area Office director will decide whether to investigate the incident, depending on the circumstances of the heart attack.

**1904.39(b)(7)**—*What if I don’t learn about an incident right away?* If you do not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under *paragraphs (a) [Basic Requirement] and (b) [Implementation]* of this section, *you must make the report within eight (8) hours of the time the incident is reported to you or to any of your agent(s) or employee(s)*.

**1904.40(a)**—*Reporting Fatalities and Multiple Hospitalization Incidents to OSHA*. Basic requirement. When an authorized government representative *asks for the records you keep under Part 1904 [Recordkeeping]*, *you must provide copies of the records within four (4) business hours*.

**1904.41(a)**—*Annual OSHA Injury and Illness Survey of Ten or More Employers*. Basic requirement. If you receive *OSHA’s annual survey form*, *you must fill it out and send it to OSHA or OSHA’s designee*, as stated on the survey form.

**1904.41(b)(2)**—*Annual OSHA Injury and Illness Survey of Ten or More Employers*. *How quickly do I need to respond to an OSHA survey form?* *You must send the survey reports to OSHA, or OSHA’s designee, by mail or other means described in the survey form, within 30 calendar days, or by the date stated in the survey form, whichever is later*.

**1904.42(a)**—*Requests From the Bureau of Labor Statistics for Data*. Basic requirement. If you receive a *Survey of Occupational Injuries and Illnesses Form* from the Bureau of Labor Statistics (BLS), or a BLS designee, *you must promptly complete the form and return it* following the instructions contained on the survey *form*.

## Signs, Markings and Tags

**1904.32(a)**—Annual **Summary**. Basic requirement. *At the end of each calendar year, you must:*

**1904.32(a)(4)**—Post the annual summary.

**1904.32(b)(5)**—Annual **Summary**—How do I post the annual **summary**? *You must post a **copy** of the annual **summary** in each establishment in a conspicuous place or places where notices to employees are customarily **posted**. You must ensure that the **posted** annual summary is not altered, defaced or covered by other material.*

**1904.32(b)(6)**—Annual **Summary**—When do I have to post the annual **summary**? *You must post the **summary** no later than February 1 of the year following the year covered by the **records** and keep the **posting** in place until April 30.*

## SECTION 4

### 29 CFR 1928 Subpart B—Applicability of Standards

#### 1928.21—APPLICABILITY OF STANDARDS IN 29 CFR PART 1910

**Scope/Application:** *The following standards in part 1910 of this Chapter shall apply to agricultural operations; Storage and handling of anhydrous ammonia (1910.111(a) and (b)), Temporary labor camps (1910.142), Slow-moving vehicles (1910.145), Logging operations (1910.266), Cadmium (1910.1027), Hazard communication (1910.1200), and Retention of DOT markings, placards, and labels (1910.1201).*

#### 1910.111—STORAGE AND HANDLING OF ANHYDROUS AMMONIA

**Scope/Application:** *This section applies to the storage and handling of anhydrous ammonia.*

**Exception:** *This standard does not apply to ammonia manufacturing plants, refrigeration plants where ammonia used and solely as a refrigerant.*

#### STANDARD HIGHLIGHTS

- Inspections and Tests—periodic inspections and tests
- Recordkeeping\*—documents
- Certification\*—records, signed
- Qualified Person—registered professional engineer

#### Inspections and Tests

**1910.111(b)(1)(iii)**—It is a type which no nationally recognized testing laboratory does, or will undertake to, accept, *certify*, list, label, or determine to be safe; and such equipment *is inspected or tested* by any Federal, State, municipal, or other local authority responsible for enforcing occupational safety provisions of a Federal, State, municipal or other local law, code, or regulation pertaining to the storage, handling, transport, and use of anhydrous ammonia, and found to be in compliance with either the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1, in effect at the time of installation.

**1910.111(b)(1)(v)**—For the purposes of this *paragraph (b)(1) [Approval of Equipment and Systems]*, the word “listed” means that equipment is of a kind mentioned in a list which is published by a nationally recognized laboratory *which makes periodic inspection* of the production of such equipment, and states such equipment meets nationally recognized standards or *has been tested* and found safe for use in a specified manner. “Labeled” means there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, *makes periodic inspections* of the production of such equipment, and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner. “Certified” means it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or is of a kind whose production is *periodically inspected by a nationally recognized testing laboratory, and it bears a label, tag, or other record of certification.*

#### Recordkeeping

**1910.111(b)(1)(iv)**—It is a custom-designed and custom-built unit, which no nationally recognized testing laboratory, or Federal, State, municipal or local authority responsible for the enforcement of a Federal, State, municipal, or local law, code or regulation pertaining to the storage, transportation and use of anhydrous ammonia is willing to undertake to accept, *certify, list, label or determine to be safe, and the employer has on file a document attesting to its safe condition* following the conduct of appropriate tests. The *document shall be signed by a registered professional engineer or other person having special training or experience* sufficient to permit him to form an opinion as to safety of the unit involved. The *document shall set forth the test bases, test data and results, and also the qualifications of the certifying person.*

## Certification

**1910.111(b)(1)(iv)**—It is a custom-designed and custom-built unit, which no nationally recognized testing laboratory, or Federal, State, municipal or local authority responsible for the enforcement of a Federal, State, municipal, or local law, code or regulation pertaining to the storage, transportation and use of anhydrous ammonia is willing to undertake to accept, *certify, list, label or determine to be safe, and the employer has on file a document attesting to its safe condition* following the conduct of appropriate tests. The *document shall be signed by a registered professional engineer or other person having special training or experience* sufficient to permit him to form an opinion as to safety of the unit involved. The *document* shall set forth the test bases, test data and results, and also the qualifications of the *certifying* person.

**1910.111(b)(1)(v)**—For the purposes of this *paragraph (b)(1) [Approval of Equipment and Systems]*, the word “listed” means that equipment is of a kind mentioned in a list which is published by a nationally recognized laboratory *which makes periodic inspection* of the production of such equipment, and states such equipment meets nationally recognized standards *or has been tested* and found safe for use in a specified manner. “Labeled” means there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, *makes periodic inspections* of the production of such equipment, and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner. “Certified” means it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or is of a kind whose production is *periodically inspected by a nationally recognized testing laboratory, and it bears a label, tag, or other record of certification.*

## Qualified Person

**1910.111(b)(1)(iv)**—It is a custom-designed and custom-built unit, which no nationally recognized testing laboratory, or Federal, State, municipal or local authority responsible for the enforcement of a Federal, State, municipal, or local law, code or regulation pertaining to the storage, transportation and use of anhydrous ammonia is willing to undertake to accept, *certify, list, label or determine to be safe, and the employer has on file a document attesting to its safe condition* following the conduct of appropriate tests. The *document shall be signed by a registered professional engineer or other person having special training or experience* sufficient to permit him to form an opinion as to safety of the unit involved. The *document* shall set forth the test bases, test data and results, and also the *qualifications of the certifying person.*

## 1910.142—TEMPORARY LABOR CAMPS

**Scope/Application:** *This rule applies to temporary labor camps.*

### STANDARD HIGHLIGHTS

- Programs, Policies and Procedures—duty, reporting
- Training and Communications—reporting
- Signs, Markings and Tags—signs

### Programs, Policies and Procedures

**1910.142(l)(1)**—It shall be *the duty of the camp superintendent to report immediately* to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease.

**1910.142(l)(2)**—Whenever there shall occur in any camp a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it *shall be the duty of the camp superintendent to report immediately* the existence of the outbreak to the health authority by telegram, telephone, electronic mail or any method that is equally fast.

### Training and Communications

**1910.142(k)(1)**—Adequate first aid facilities *approved by a health authority shall be maintained and made available* in every labor camp for the emergency treatment of injured persons.

**1910.142(l)(1)**—It shall be *the duty of the camp superintendent to report immediately* to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease.

**1910.142(i)(2)**—Whenever there shall occur in any camp a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it *shall be the duty of the camp superintendent to report immediately* the existence of the outbreak to the health authority by telegram, telephone, electronic mail or any method that is equally fast.

### **Signs, Markings and Tags**

**1910.142(d)(4)**—Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each sex. These rooms *shall be distinctly marked "for men" and "for women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols.* If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.

## **1910.145—SPECIFICATIONS FOR ACCIDENT PREVENTION SIGNS AND TAGS**

**Scope/Application:** *This rule provides specifications for color identification for signs, tags, equipment (including slow-moving vehicles) and containers.*

### **STANDARD HIGHLIGHTS**

- Training and Communications—initial instruction, employees informed
- Signs, Markings and Tags—slow moving vehicle emblem

### **Training and Communications**

**1910.145(c)(2)(ii)**—All employees *shall be instructed that caution signs* indicate a possible hazard against which proper precaution should be taken.

### **Signs, Markings and Tags**

**1910.145(c)(2)(ii)**—All employees *shall be instructed that caution signs* indicate a possible hazard against which proper precaution should be taken.

1910.145(d)(10)—Slow-moving vehicle emblem. This emblem (see fig. J-7) consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescent triangle is a highly visible color for daylight exposure. The reflective border defines the shape of the fluorescent color in daylight and creates a hollow red triangle in the path of motor vehicle headlights at night. *The emblem is intended as a unique identification for, and it shall be used only on, vehicles which by design move slowly (25 m.p.h. or less) on the public roads.* The emblem is not a clearance marker for wide machinery nor is it intended to replace required lighting or marking of slow-moving vehicles. Neither the color film pattern and its dimensions nor the backing shall be altered to permit use of advertising or other markings. The material, location, mounting, etc., of the emblem shall be in accordance with the American Society of Agricultural Engineers Emblem for Identifying Slow-Moving Vehicles, ASAE R276, 1967, or ASAE S276.2 (ANSI B114.1-1971), which are incorporated by reference as specified in Sec. 1910.6.

## **1910.266—LOGGING OPERATIONS**

**Scope/Application:** *This standard applies to all logging operations as defined by this section. This standard establishes safety practices, means, methods and operations for all types of logging, regardless of the end use of the wood. These types of logging include, but are not limited to, pulpwood and timber harvesting and the logging of sawlogs, veneer bolts, poles, pilings and other forest products.*

**Exception:** *This standard does apply to the construction or use of cable yarding systems.*

### **STANDARD HIGHLIGHTS**

- Inspections and Tests—initial and during each work shift inspections
- Recordkeeping\*—records
- Certification\*—records
- Training and Communications\*—initial training, instructions for maintenance, monthly meetings
- Qualified Person—designated person



## Inspections and Tests

**1910.266(d)(1)(ii)**—The employer shall assure that personal protective equipment, including any personal protective equipment provided by an employee, *is inspected before initial use during each workshift*. Defects or damage shall be repaired or the unserviceable personal protective equipment shall be replaced before work is commenced.

**1910.266(e)(1)(ii)**—The employer shall assure that each tool, including any tool provided by an employee, *is inspected before initial use during each workshift*.

**1910.266(f)(1)(ii)**—The employer shall assure that each machine, including any machine provided by an employee, *is inspected before initial use during each workshift*. Defects or damage shall be repaired or the unserviceable machine shall be replaced before work is commenced.

**1910.266(g)(2)**—The employer shall assure that each vehicle used to perform any logging operation *is inspected before initial use during each workshift*. Defects or damage shall be repaired or the unserviceable vehicle shall be replaced before work is commenced.

## Recordkeeping

**1910.266(i)(7)(ii)**—The employer *shall assure* that each employee's *first-aid and CPR training and/or certificate of training remain current*.

**1910.266(i)(10)(i)**—The employer *shall verify compliance with paragraph (i) [Training]* of this section by *preparing a written certification record*. The *written certification record* shall contain the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer. If the employer relies on training conducted prior to the employee's hiring or completed prior to the effective date of this section, the *certification record* shall indicate the date the employer determined the prior training was adequate.

**1910.266(i)(10)(ii)**—*The most recent training certification shall be maintained.*

## Certification

**1910.266(i)(7)(ii)**—The employer *shall assure* that each employee's *first-aid and CPR training and/or certificate of training remain current*.

**1910.266(i)(10)(i)**—The employer *shall verify compliance with paragraph (i) [Training]* of this section by *preparing a written certification record*. The *written certification record* shall contain the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer. If the employer relies on training conducted prior to the employee's hiring or completed prior to the effective date of this section, the *certification record* shall indicate the date the employer determined the prior training was adequate.

## Training and Communications

**1910.266(f)(1)(iii)**—The employer shall assure that operating and *maintenance instructions are available on the machine or in the area where the machine is being operated*. Each machine operator and maintenance employee shall comply with the operating and maintenance instructions.

**1910.266(g)(3)**—The employer shall assure that operating and *maintenance instructions are available* in each vehicle. Each vehicle operator and maintenance employee shall comply with the operating and maintenance instructions.

**1910.266(i)(1)**—The employer *shall provide training* for each employee, including supervisors, at no cost to the employee. [*Note: Reference paragraph (i)(3) for training information.*]

**1910.266(i)(2)**—*Frequency. Training shall be provided as follows:*

- **1910.266(i)(2)(i)**—*As soon as possible but not later than the effective date of this section for initial training for each current and new employee;*
- **1910.266(i)(2)(ii)**—*Prior to initial assignment for each new employee;*

- **1910.266(i)(2)(iii)**—Whenever the employee *is assigned new work tasks, tools, equipment, machines or vehicles; and*
- **1910.266(i)(2)(iv)**—*Whenever an employee demonstrates unsafe job performance.*

**1910.266(i)(5)(iii)**—The employer *shall train each current and new employee in those elements for which the employee has not received training.*

**1910.266(i)(7)(i)**—The employer *shall assure* that each employee, including supervisors, *receives or has received first-aid and CPR training meeting at least the requirements specified in Appendix B—First Aid and CPR Training.*

**1910.266(i)(11)**—*Safety and health meetings.* The employer *shall hold safety and health meetings as necessary and at least each month* for each employee. Safety and health meetings may be conducted individually, in crew meetings, in larger groups, or as part of other staff meetings.

### Qualified Person

**1910.266(i)(8)**—All training *shall be conducted by a designated person.*

## 1910.1027—CADMIUM

**Scope/Application:** *This standard applies to all occupational exposures to cadmium and cadmium compounds, in all forms, and in all industries covered by the Occupational Safety and Health Act, except the construction-related industries, which are covered under 29 CFR [1926.1127] [Cadmium].*

**Exception:** *This standard does not apply to exposures in the construction industry which is covered by 29 CFR [1926.1127] [Cadmium].*

### STANDARD HIGHLIGHTS

- Programs, Policies and Procedures\*—work controls established, compliance program, respirator program, emergency action plan, medical surveillance program, hazard communication program
- Recordkeeping\*—records, retention requirements, safety data sheets
- Training and Communications\*—initial and annual training
- Medical Surveillance\*—program, initial, annual, termination and “other” examinations, information provided to physician, hazard communication program
- Exposure Monitoring\*—determination, initial and semi-annual monitoring, posted results
- Qualified Person—physician
- Signs, Markings and Tags—regulated areas established, posted signs

### Programs, Policies and Procedures

**1910.1027(f)(1)(i)**—Except as specified in *paragraphs (f)(1)(ii), (iii) and (iv) [Methods of Compliance]* of this section the employer *shall implement engineering and work practice controls* to reduce and maintain employee exposure to cadmium at or below the PEL, except to the extent that the employer can demonstrate that such controls are not feasible.

**1910.1027(f)(1)(ii)**—Except as specified in *paragraphs (f)(1)(iii) and (iv) [Methods of Compliance]* of this section, in industries where a separate engineering control air limit (SECAL) has been specified for particular processes (See Table 1), the employer *shall implement engineering and work practice controls* to reduce and maintain employee exposure at or below the SECAL, except to the extent that the employer can demonstrate that such controls are not feasible.

**1910.1027(f)(2)(i)**—Where the PEL is exceeded, the employer *shall establish and implement a **written** compliance program* to reduce employee exposure to or below the PEL by means of engineering and work practice controls, as required by *paragraph (f)(1) [Methods of Compliance]* of this section. To the extent that engineering and work practice controls cannot reduce exposures to or below the PEL, the **employer shall include in the written compliance program** the use of appropriate respiratory protection to achieve compliance with the PEL.

**1910.1027(g)(2)(i)**—The employer *must implement a respiratory protection program in accordance with 1910.134 [Respiratory Protection] (b) through (d) (except (d)(1)(iii)), and (f) through (m),* which covers each employee required by this section to use a respirator.

**1910.1027(h)**—Emergency situations. The employer *shall develop and implement a **written** plan for dealing with emergency situations* involving substantial releases of airborne cadmium. The plan shall include provisions for the use of appropriate respirators and personal protective equipment. In addition, employees not essential to correcting the emergency situation shall be restricted from the area and normal operations halted in that area until the emergency is abated.

**1910.1027(l)(1)(i)(A)**—Currently exposed—The employer *shall institute a medical surveillance program* for all employees who are or may be exposed to cadmium at or above the action level unless the employer demonstrates that the employee is not, and will not be, exposed at or above the action level on 30 or more days per year (twelve consecutive months).

**1910.1027(m)(1)(i)**—Chemical manufacturers, importers, distributors and employers *shall comply with all requirements of the Hazard Communication Standard (HCS) (Sec. 1910.1200)* for cadmium.

**1910.1027(m)(1)(iii)**—Employers *shall include cadmium in the hazard communication program established to comply with the HCS (Sec. 1910.1200)*. Employers shall ensure that each employee has *access to labels on containers of cadmium and to **safety data sheets**, and is trained in accordance with the requirements of HCS and paragraph (m)(4) [Employee Information and Training]* of this section.

### **Recordkeeping**

**1910.1027(d)(5)(i)**—The employer *must, within 15 working days after the receipt of the results* of any monitoring performed under this section, *notify each affected employee of these results either individually in **writing** or by **posting** the results* in an appropriate location that is accessible to employees.

**1910.1027(d)(5)(ii)**—Wherever monitoring results indicate that employee exposure exceeds the PEL, the employer *shall include in the **written** notice a **statement*** that the PEL has been exceeded and a description of the *corrective action being taken* by the employer to reduce employee exposure to or below the PEL.

**1910.1027(f)(2)(i)**—Where the PEL is exceeded, the employer *shall establish and implement a **written** compliance program* to reduce employee exposure to or below the PEL by means of *engineering and work practice controls*, as required by *paragraph (f)(1) [Methods of Compliance]* of this section. To the extent that *engineering and work practice controls* cannot reduce exposures to or below the PEL, the **employer shall include in the written compliance program** the use of appropriate respiratory protection to achieve compliance with the PEL.

**1910.1027(l)(10)(i)**—The employer *shall promptly obtain a **written, medical opinion*** from the examining physician for each medical examination performed on each employee.

**Note to Paragraph (l):** *Reference paragraph (l) for specific information.*

**1910.1027(m)(1)(iii)**—Employers *shall include cadmium in the hazard communication program established to comply with the HCS (Sec. 1910.1200)*. Employers shall ensure that each employee has *access to labels on containers of cadmium and to **safety data sheets**, and is trained in accordance with the requirements of HCS and paragraph (m)(4) [Employee Information and Training]* of this section.

**1910.1027(n)(1)(i)**—The employer *shall establish and keep an accurate **record*** of all air monitoring for cadmium in the workplace.

**1910.1027(n)(1)(iii)**—The employer *shall maintain this **record** for at least thirty (30) years, in accordance with 29 CFR 1910.1020 [Access to Employee Exposure and Medical Records]*.

**1910.1027(n)(2)(ii)**—The employer *shall establish and maintain a **record** of the objective data for at least 30 years.*

**1910.1027(n)(3)(i)**—The employer *shall establish and maintain an accurate **record** for each employee covered by medical surveillance under paragraph (l)(1)(i) [Medical Surveillance]* of this section.

**1910.1027(n)(4)(ii)**—*Within 15 days after a request, the employer shall make an employee's medical **records** required to be kept by paragraph (n)(3) [Medical Surveillance]* of this section available for examination and copying to the subject employee, to designated representatives, to anyone having the *specific **written** consent of the subject employee*, and after the employee's death or incapacitation, to the employee's family members.

**1910.1027(n)(5)**—*Transfer of records.* Whenever an employer ceases to do business and there is no successor employer to receive and retain **records** for the prescribed period or the employer intends to dispose of any **records** required to be preserved for at least 30 years, the employer shall comply with the requirements concerning transfer of **records** set forth in 29 CFR 1910.1020(h) [Access to Employee Exposure and Medical Records].

### **Training and Communications**

**1910.1027(d)(5)(i)**—The employer *must*, within 15 working days after the receipt of the results of any monitoring performed under this section, *notify each affected employee of these results either individually in **writing** or by **posting** the results* in an appropriate location that is accessible to employees.

**1910.1027(d)(5)(ii)**—Wherever monitoring results indicate that employee exposure exceeds the PEL, the employer shall include in the **written** notice a **statement** that the PEL has been exceeded and a description of the *corrective action being taken* by the employer to reduce employee exposure to or below the PEL.

**1910.1027(l)(9)**—**Information provided to the physician:** The employer shall provide **information** to the examining physician. [Note: Reference paragraph (l) for specific information.]

**1910.1027(l)(15)(i)**—The employer shall provide a **copy** of the physician's **written** medical opinion to the examined employee within two weeks after receipt thereof.

**1910.1027(l)(15)(ii)**—The employer shall provide the employee with a **copy** of the employee's biological monitoring results and an explanation **sheet** explaining the results within two weeks after receipt thereof.

**1910.1027(m)(1)(iii)**—Employers shall include cadmium in the hazard communication program established to comply with the HCS (Sec. 1910.1200). Employers shall ensure that each employee has access to labels on containers of cadmium and to **safety data sheets**, and is trained in accordance with the requirements of HCS and paragraph (m)(4) [Employee Information and Training] of this section.

**1910.1027(m)(4)(i)**—The employer shall train each employee who is potentially exposed to cadmium in accordance with the requirements of this section. The employer shall institute a training program, ensure employee participation in the program, and maintain a **record** of the contents of such program.

**1910.1027(m)(4)(ii)**—Training shall be provided prior to or at the time of initial assignment to a job involving potential exposure to cadmium and at least annually thereafter.

*Note to Paragraph (m)(4): Reference paragraph (m)(4) for specific information.*

### **Medical Surveillance**

**1910.1027(l)(1)(i)(A)**—Currently exposed—The employer shall institute a medical surveillance program for all employees who are or may be exposed to cadmium at or above the action level unless the employer demonstrates that the employee is not, and will not be, exposed at or above the action level on 30 or more days per year (twelve consecutive months).

**1910.1027(l)(2)(i)**—The employer shall provide an initial (preplacement) examination to all employees covered by the medical surveillance program required in paragraph (l)(1)(i) [Medical Surveillance] of this section. The examination shall be provided to those employees within 30 days after initial assignment to a job with exposure to cadmium or no later than 90 days after the effective date of this section, whichever date is later.

**1910.1027(l)(4)(i)**—*Periodic medical surveillance.* For each employee who is covered under paragraph (l)(1)(i)(A) [Medical Surveillance], the employer shall provide at least the minimum level of periodic medical surveillance, which consists of periodic medical examinations and periodic biological monitoring. A periodic medical examination shall be provided within one year after the initial examination required by paragraph (l)(2) [Initial Examination] and thereafter at least biennially. Biological sampling shall be provided at least annually, either as part of a periodic medical examination or separately as periodic biological monitoring.

**1910.1027(l)(4)(iii)**—*Periodic biological monitoring shall be provided* in accordance with paragraph (l)(2)(ii)(B) [Medical Surveillance].

**1910.1027(l)(5)(i)**—If the results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with cadmium toxicity that does not require employer action under *paragraphs (l)(2), (3) or (4) [Medical Surveillance]* of this section, the employer, *within 30 days, shall reassess the employee's occupational exposure to cadmium and take corrective action until the physician determines they are no longer necessary.*

**1910.1027(l)(6)(i)**—To determine an employee's fitness for respirator use, the employer shall provide a medical examination that includes the elements specified in *paragraph (l)(6)(A)-(D) [Examination for Respirator Use]*. This examination *shall be provided prior to the employee's being assigned to a job that requires the use of a respirator or no later than 90 days after this section goes into effect, whichever date is later, to any employee without a medical examination within the preceding 12 months that satisfies the requirements of this paragraph.*

**1910.1027(l)(7)(i)**—In addition to the medical surveillance required in *paragraphs (l)(2)-(6) [Medical Surveillance]* of this section, the employer *shall provide a medical examination as soon as possible to any employee who may have been acutely exposed to cadmium because of an emergency.*

**1910.1027(l)(8)(i)**—*At termination of employment, the employer shall provide a medical examination in accordance with paragraph (l)(4)(ii) [Periodic Medical Surveillance] of this section, including a chest X-ray, to any employee to whom at any prior time the employer was required to provide medical surveillance under paragraphs (l)(1)(i) or (l)(7) [Medical Surveillance] of this section. However, if the last examination satisfied the requirements of paragraph (l)(4)(ii) [Periodic Medical Surveillance] of this standard and was less than six months prior to the date of termination, no further examination is required unless otherwise specified in paragraphs (l)(3) [Biological Monitoring] or (l)(5) [Actions Triggered by Medical Examinations].*

**1910.1027(l)(9)**—*Information provided to the physician: The employer shall provide **information** to the examining physician.*

*Note to Paragraph (l): Reference paragraph (l) for specific information.*

**1910.1027(l)(10)(i)**—The employer *shall promptly obtain a **written, medical opinion** from the examining physician for each medical examination performed on each employee.*

*Note to Paragraph (l): Reference paragraph (l) for specific information.*

- **1910.1027(l)(10)(i)(E)**—A **statement** that the physician has clearly and carefully explained to the employee the results of the medical examination, including all biological monitoring results and any medical conditions related to cadmium exposure that require further evaluation or treatment, and any limitation on the employee's diet or use of medications.

**1910.1027(l)(11)(v)**—However, when in the examining *physician's opinion* continued exposure to cadmium will not pose an increased risk to the employee's health and there are special circumstances that make continued medical removal an inappropriate remedy, the *physician shall* fully discuss these matters with the employee, and then in a **written determination** may return a worker to his/her former job status despite what would otherwise be unacceptably high biological monitoring results. Thereafter, the returned employee *shall continue to be provided with medical surveillance* as if he/she were still on medical removal until the employee's levels of CdU fall to or below 3 µg/g Cr, CdB falls to or below 5 µg/lwb, and β<sub>2</sub>-M falls to or below 300 µg/g Cr.

**1910.1027(l)(11)(i)(D)**—For any employee who is medically removed under the provisions of *paragraph (l)(11)(i) [Medical Removal Protection]* of this section, the employer shall provide follow-up biological monitoring *in accordance with (l)(2)(ii)(B) [Biological Monitoring] at least every three months and follow-up medical examinations semi-annually at least every six months until in a **written** medical opinion the examining physician determines that either the employee may be returned to his/her former job status as specified under paragraph (l)(11)(iv)-(v) [Medical Removal Protection] or the employee must be permanently removed from excess cadmium exposure.*

**1910.1027(l)(12)(iii)(A)**—The employer shall make available to the employee a medical examination pursuant to this section in order to *obtain a final medical determination* as to whether the employee may be returned to his/her former job status or must be permanently removed from excess cadmium exposure.

**1910.1027(l)(15)(i)**—The employer *shall provide a **copy** of the physician's **written** medical opinion to the examined employee within two weeks after receipt thereof.*

**1910.1027(l)(15)(ii)**—The employer *shall provide the employee with a **copy** of the employee's biological monitoring **results** and an explanation **sheet** explaining the results within two weeks after receipt thereof.*

**1910.1027(l)(15)(iii)**—*Within 30 days after a request by an employee, the employer shall provide the employee with the information the employer is required to provide the examining physician under paragraph (l)(9) [Information Provided to a Physician] of this section.*

### **Exposure Monitoring**

**1910.1027(d)(1)(i)**—Each employer who has a workplace or work operation covered by this section *shall determine if any employee may be exposed to cadmium at or above the action level.*

**1910.1027(d)(2)(i)**—*Initial monitoring.* Except as provided for in *paragraphs (d)(2)(ii) and (d)(2)(iii) [Exposure Monitoring]* of this section, the employer *shall monitor employee exposures and shall base initial determinations on the monitoring results.*

**1910.1027(d)(3)(i)**—If the initial monitoring or periodic monitoring reveals employee exposures to be at or above the action level, the employer *shall monitor at a frequency and pattern needed to represent the levels of exposure of employees and where exposures are above the PEL to assure the adequacy of respiratory selection and the effectiveness of engineering and work practice controls. However, such exposure monitoring shall be performed at least every six months.* The employer, at a minimum, *shall continue these semi-annual measurements unless and until the conditions set out in paragraph (d)(3)(ii) [Exposure Monitoring] are met.*

**1910.1027(d)(3)(ii)**—If the initial monitoring or the periodic monitoring indicates that employee exposures are below the action level *and that result is confirmed by the results of another monitoring taken at least seven days later,* the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

**1910.1027(d)(4)**—*Additional Monitoring.* The employer also *shall institute the exposure monitoring required under paragraphs (d)(2)(i) and (d)(3) [Exposure Monitoring] of this section whenever there has been a change in the raw materials, equipment, personnel, work practices, or finished products that may result in additional employees being exposed to cadmium at or above the action level or in employees already exposed to cadmium at or above the action level being exposed above the PEL, or whenever the employer has any reason to suspect that any other change might result in such further exposure.*

**1910.1027(d)(5)(i)**—The employer *must, within 15 working days after the receipt of the results of any monitoring performed under this section, notify each affected employee of these results either individually in writing or by posting the results in an appropriate location that is accessible to employees.*

**1910.1027(d)(5)(ii)**—Wherever monitoring results indicate that employee exposure exceeds the PEL, the employer *shall include in the written notice a statement that the PEL has been exceeded and a description of the corrective action being taken by the employer to reduce employee exposure to or below the PEL.*

**1910.1027(l)(15)(ii)**—The employer *shall provide the employee with a copy of the employee's biological monitoring results and an explanation sheet explaining the results within two weeks after receipt thereof.*

### **Qualified Person**

**1910.1027(l)(11)(v)**—However, when in the examining *physician's opinion* continued exposure to cadmium will not pose an increased risk to the employee's health and there are special circumstances that make continued medical removal an inappropriate remedy, the *physician shall* fully discuss these matters with the employee, and then in a *written determination* may return a worker to his/her former job status despite what would otherwise be unacceptably high biological monitoring results. Thereafter, the returned employee *shall continue to be provided with medical surveillance* as if he/she were still on medical removal until the employee's levels of CdU fall to or below 3 µg/g Cr, CdB falls to or below 5 µg/lwb, and β<sub>2</sub>-M falls to or below 300 µg/g Cr.

**1910.1027(l)(11)(i)(D)**—For any employee who is medically removed under the provisions of *paragraph (l)(11)(i) [Medical Removal Protection]* of this section, the employer shall provide follow-up biological monitoring *in accordance with (l)(2)(ii)(B) [Biological Monitoring] at least every three months and follow-up medical examinations semi-annually at least every six months until in a written medical opinion the examining physician determines that either the employee may be returned to his/her former job status as specified under paragraph (l)(11)(iv)-(v) [Medical Removal Protection] or the employee must be permanently removed from excess cadmium exposure.*

**1910.1027(l)(15)(i)**—The employer *shall provide a copy of the physician's written medical opinion to the examined employee within two weeks after receipt thereof.*

**1910.1027(l)(15)(iii)**—*Within 30 days after a request by an employee, the employer shall provide the employee with the information the employer is required to provide the examining physician under paragraph (l)(9) [Information Provided to a Physician] of this section.*

### **Signs, Markings and Tags**

**1910.1027(d)(5)(i)**—*The employer must, within 15 working days after the receipt of the results of any monitoring performed under this section, notify each affected employee of these results either individually in writing or by posting the results in an appropriate location that is accessible to employees.*

**1910.1027(e)(1)**—*Establishment. The employer shall establish a regulated area wherever an employee's exposure to airborne concentrations of cadmium is, or can reasonably be expected to be in excess of the permissible exposure limit (PEL).*

**1910.1027(e)(2)**—*Demarcation. Regulated areas shall be demarcated from the rest of the workplace in any manner that adequately establishes and alerts employees of the boundaries of the regulated area.*

**1910.1027(k)(7)**—*Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closed, impermeable containers. These bags and containers shall be labeled in accordance with paragraph (m) [Communication of Cadmium Hazards] of this section.*

**1910.1027(m)(1)(iii)**—*Employers shall include cadmium in the hazard communication program established to comply with the HCS (Sec. 1910.1200). Employers shall ensure that each employee has access to labels on containers of cadmium and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (m)(4) [Employee Information and Training] of this section.*

**1910.1027(m)(2)(i)**—*Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.*

**1910.1027(m)(3)(i)**—*Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in paragraph (m)(1) [Hazard Communication] of this section.*

## **1910.1020—ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS**

**Scope/Application:** *The purpose of this section is to provide employees and their designated representatives a right of access to relevant exposure and medical records; and to provide representatives of the Assistant Secretary a right of access to these records in order to fulfill responsibilities under the Occupational Safety and Health Act. Access by employees, their representatives, and the Assistant Secretary is necessary to yield both direct and indirect improvements in the detection, treatment, and prevention of occupational disease. Each employer is responsible for assuring compliance with this section, but the activities involved in complying with the access to medical records provisions can be carried out, on behalf of the employer, by the physician or other health care personnel in charge of employee medical records. This section applies to all employee exposure and medical records, and analyses thereof, of such employees, whether or not the records are mandated by specific occupational safety and health standards. The requirements apply to all industries and employers.*

### **STANDARD HIGHLIGHTS**

- Recordkeeping\*—retention requirements, safety data sheets
- Training and Communications\*—inform employees

### **Recordkeeping**

**1910.1020(d)(1)(i)**—*Employee medical records. The medical record for each employee shall be preserved and maintained for at least the duration of employment plus thirty (30) years.*

**1910.1020(d)(1)(ii)**—*Employee exposure records. Each employee exposure record shall be preserved and maintained for at least thirty (30) years.*

- **1910.1020(d)(1)(ii)(A)**—*Background data to environmental (workplace) monitoring or measuring, such as laboratory **reports** and **worksheets**, need only be retained for one (1) year so long as the sampling results, the collection methodology (sampling plan), a **description** of the analytical and mathematical methods used, and a **summary** of other background data relevant to interpretation of the results obtained, are retained for at least thirty (30) years.*
- **1910.1020(d)(1)(ii)(B)**—***Safety data sheets** and paragraph (c)(5)(iv) [**Employee Exposure Record**] concerning the identity of a substance or agent need not be retained for any specified period as long as some **record** of the identity (chemical name if known) of the substance or agent, where it was used, and when it was used is retained for at least thirty (30) years.*

**Please Note:** ***Safety data sheets** must be kept for those chemicals currently in use that are effected by the Hazard Communication Standard in accordance with 29 CFR 1910.1200(g) [**Hazard Communication**].*

**1910.1020(d)(1)(ii)(C)**—*Biological monitoring results designated as exposure **records** by specific occupational safety and health standards shall be preserved and maintained as required by the specific standard.*

**1910.1020(d)(1)(iii)**—*Analyses using exposure or medical **records**. Each analysis using exposure or medical **records** shall be preserved and maintained for at least thirty (30) years.*

**1910.1020(e)(1)(i)**—*Whenever an employee or designated representative requests access to a **record**, the employer shall assure that access is provided in a reasonable time, place, and manner. If the employer cannot reasonably provide access to the **record** within fifteen (15) working days, the employer shall within the fifteen (15) working days apprise the employee or designated representative requesting the **record** of the reason for the delay and the earliest date when the **record** can be made available.*

**1910.1020(g)(1)**—*Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform current employees covered by this section specific information. [**Note:** Reference paragraph (g)(1) for specific information.]*

**1910.1020(g)(2)**—*Each employer shall keep a **copy** of this section and its appendices, and make **copies** readily available, upon request, to employees. The employer shall also distribute to current employees any informational **materials** concerning this section which are made available to the employer by the Assistant Secretary of Labor for Occupational Safety and Health.*

**1910.1020(h)(1)**—*Whenever an employer is ceasing to do business, the employer shall transfer all **records** subject to this section to the successor employer. The successor employer shall receive and maintain these **records**.*

### **Training and Communications**

**1910.1020(g)(1)**—*Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform current employees covered by this section specific information. [**Note:** Reference paragraph (g)(1) for specific information.]*

**1910.1020(h)(2)**—*Whenever an employer is ceasing to do business and there is no successor employer to receive and maintain the **records** subject to this standard, the employer shall notify affected current employees of their rights of access to **records** at least three (3) months prior to the cessation of the employer's business.*

## **1910.1200—HAZARD COMMUNICATION**

**Scope/Application:** *This section applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.*

### **STANDARD HIGHLIGHTS**

- Programs, Policies and Procedures\*—written hazard communication program
- Recordkeeping\*—SDS readily available, update in 3 months
- Training and Communications\*—initial training
- Qualified Person\*—physician
- Signs, Markings and Tags\*—chemicals labeled, written materials, update in 3 months
- Other\*—trade secrets, written requests



## Programs, Policies and Procedures

**1910.1200(e)(1)**—Employers *shall develop, implement, and maintain at each workplace, a **written** hazard communication program* which at least describes how the criteria specified in *paragraphs (f), (g), and (h) of this section for labels and other forms of warning, **safety data sheets**, and employee information and training will be met.*

*Note to Paragraph (e): Reference paragraph (e) for specific information.]*

**1910.1200(e)(5)**—Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the **written** hazard communication program *may be kept at the primary workplace facility.*

**1910.1200(g)(2)**—The chemical manufacturer or importer *preparing the **safety data sheet*** shall ensure that it is in English (although the employer may maintain copies in other languages as well), and includes at least the following section numbers and headings, and associated *information* under each heading, in the order listed (*See Appendix D to §1910.1200—Safety Data Sheets*, for the specific content of each section of the safety data sheet).

*Note to Paragraph (g)(2): Reference paragraph (g)(2) for specific information.]*

**1910.1200(g)(3)**—If no relevant information is found for any sub-heading within a section on the **safety data sheet**, the chemical manufacturer, importer or employer *preparing the **safety data sheet** shall mark* it to indicate that no applicable information was found.

**1910.1200(g)(4)**—Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer *may prepare one **safety data sheet*** to apply to all of these similar mixtures.

**1910.1200(g)(5)**—The chemical manufacturer, importer or employer preparing the **safety data sheet** shall *ensure that the **information** provided accurately reflects the scientific **evidence*** used in making the hazard classification. If the chemical manufacturer, importer or employer *preparing the **safety data sheet*** becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new **information** *shall be added to the **safety data sheet** within three months.* If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the **information** *to the **safety data sheet** before the chemical is introduced into the workplace again.*

**1910.1200(g)(6)(i)**—Chemical manufacturers or importers shall ensure that distributors and employers *are provided an appropriate **safety data sheet** with their initial shipment, and with the first shipment after a **safety data sheet** is updated.*

**1910.1200(g)(6)(iii)**—If the **safety data sheet** *is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer shall obtain one* from the chemical manufacturer or importer as soon as possible.

**1910.1200(g)(10)**—**Safety data sheets** *may be kept in any form, including operating procedures,* and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the *required **information** is provided for each hazardous chemical, and is readily accessible during each work shift to employees* when they are in their work area(s).

## Recordkeeping

**1910.1200(g)(5)**—The *chemical manufacturer, importer or employer* preparing the **safety data sheet** shall *ensure that the **information** recorded accurately reflects the scientific evidence* used in making the hazard determination. If the chemical manufacturer, importer or employer *preparing the **safety data sheet*** becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information *shall be added to the **safety data sheet** within three months.* If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the **safety data sheet** before the chemical is introduced into the workplace again.

**1910.1200(g)(8)**—The employer *shall maintain in the workplace **copies*** of the required **safety data sheets** for each hazardous chemical, and shall ensure that they *are readily accessible during each work shift* to employees when they are in their work area(s). (Electronic access, microfiche, and other alternatives to *maintaining paper **copies** of the **safety data sheets*** are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

**1910.1200(g)(9)**—Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the *safety data sheets may be kept at the primary workplace facility*. In this situation, the employer shall ensure that employees *can immediately obtain the required information in an emergency*.

**1910.1200(g)(11)**—*Safety data sheets shall also be made readily available*, upon request, to designated representatives, the Assistant Secretary, and the Director, in accordance with the requirements of 29 CFR 1910.1020(e) [Access to Records].

**1910.1200(i)(2)**—Where a *treating physician* or nurse *determines that a medical emergency exists* and the specific chemical identity and/or specific percentage of composition of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity or percentage composition of a trade secret chemical to that treating physician or nurse, *regardless of the existence of a written statement of need or a confidentiality agreement*. The chemical manufacturer, importer, or employer may require a *written statement of need and confidentiality agreement*, in accordance with the provisions of paragraphs (i)(3) and (4) [Trade Secrets] of this section, as soon as circumstances permit.

### **Training and Communications**

**1910.1200(f)(7)**—The employer *may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials* in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and *conveys the information* required by paragraph (f)(6) [Workplace Labeling] of this section to be on a label. The employer shall ensure the *written materials* are readily accessible to the employees in their work area throughout each work shift.

**1910.1200(g)(6)(ii)**—The chemical manufacturer or importer *shall either provide safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment*;

**1910.1200(g)(6)(iv)**—The chemical manufacturer or importer *shall also provide distributors or employers with a safety data sheet upon request*.

**1910.1200(g)(7)(i)**—Distributors *shall ensure that safety data sheets, and updated information, are provided* to other distributors and employers with their initial shipment and with the first shipment after a *safety data sheet* is updated.

**1910.1200(g)(7)(ii)**—The distributor *shall either provide safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment*;

**1910.1200(g)(7)(iii)**—Retail distributors selling hazardous chemicals to employers having a commercial account *shall provide a safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a safety data sheet is available*.

**1910.1200(g)(7)(iv)**—Wholesale distributors selling hazardous chemicals to employers over-the-counter *may also provide safety data sheets upon the request of the employer at the time of the over-the-counter purchase, and shall post a sign or otherwise inform such employers that a safety data sheet is available*.

**1910.1200(g)(7)(v)**—If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have *safety data sheets* on file (i.e., the retail distributor does not have commercial accounts and does not use the materials), the retail distributor *shall provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a safety data sheet can be obtained*.

**1910.1200(g)(7)(vi)**—Wholesale distributors *shall also provide safety data sheets* to employers or other distributors upon request.

**1910.1200(g)(7)(vii)**—Chemical manufacturers, importers, and distributors need not provide *safety data sheets to retail distributors that have informed them* that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.

**1910.1200(g)(9)**—Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the *safety data sheets may be kept at the primary workplace facility*. In this situation, the employer shall ensure that employees *can immediately obtain the required information in an emergency*.

**1910.1200(g)(10)**—*Safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the **required information** is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).*

**1910.1200(h)(1)**—*Employers shall provide employees with effective **information** and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. **Information** and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific **information** must always be available through labels and **safety data sheets**.*

*Note to Paragraph (h): Reference paragraph (h) for specific information.]*

**1910.1200(i)(2)**—*Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity and/or specific percentage of composition of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity or percentage composition of a trade secret chemical to that treating physician or nurse, regardless of the existence of a **written** statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a **written** statement of need and confidentiality agreement, in accordance with the provisions of paragraphs (i)(3) and (4) [Trade Secrets] of this section, as soon as circumstances permit.*

**1910.1200(i)(3)**—*In non-emergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, or percentage composition otherwise permitted to be withheld under paragraph (i)(1) [Trade Secrets] of this section, to a health professional (i.e. physician, industrial hygienist, toxicologist, epidemiologist, or occupational health nurse) providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:*

- **1910.1200(i)(3)(i)**—*The request is in **writing**.*

**1910.1200(i)(3)(iii)(v)**—*The health professional, and the employer or contractor of the services of the health professional (i.e. downstream employer, labor organization, or individual employee), employee, or designated representative, agree in a **written** confidentiality agreement that the health professional, employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to OSHA, as provided in paragraph (i)(6) [Trade Secrets] of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.*

**1910.1200(i)(7)**—*If the chemical manufacturer, importer, or employer denies a **written** request for disclosure of a specific chemical identity or percentage composition, the denial must:*

- **1910.1200(i)(7)(i)**—*Be provided to the health professional, employee, or designated representative, within thirty days of the request.*
- **1910.1200(i)(7)(ii)**—*Be in **writing**.*

**1910.1200(i)(8)**—*The health professional, employee, or designated representative whose request for information is denied under paragraph (i)(3) [Trade Secrets] of this section may refer the request and the **written** denial of the request to OSHA for consideration.*

**1910.1200(i)(9)**—*When a health professional, employee, or designated representative refers the denial to OSHA under paragraph (i)(8) [Trade Secrets] of this section, OSHA shall consider the **evidence**.*

**1910.1200(i)(12)**—*Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the Assistant Secretary any **information** which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the Assistant Secretary so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.*

## Qualified Person

**1910.1200(i)(3)(iii)(v)**—The *health professional*, and the employer or contractor of the services of the health professional (i.e. downstream employer, labor organization, or individual employee), employee, or designated representative, agree in a **written confidentiality agreement** that the health professional, employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to OSHA, as provided in *paragraph (i)(6) [Trade Secrets]* of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.

**1910.1200(i)(8)**—The *health professional*, employee, or designated representative whose *request for information is denied under paragraph (i)(3) [Trade Secrets]* of this section may refer the request and the **written denial** of the request to OSHA for consideration.

**1910.1200(i)(9)**—When a *health professional*, employee, or designated representative refers the denial to OSHA under *paragraph (i)(8) [Trade Secrets]* of this section, OSHA shall consider the **evidence**.

## Signs, Markings and Tags

**1910.1200(f)(5)**—Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace *is labeled, tagged, or marked* in accordance with this section in a manner which does not conflict with the requirements of the *Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and regulations issued under that Act by the Department of Transportation*.

**1910.1200(f)(6)**—Workplace *labeling*. Except as provided in *paragraphs (f)(7) and (f)(8) [Labels and Other Forms of Warning]* of this section, the employer shall ensure that each container of hazardous chemicals in the workplace *is labeled, tagged or marked*.

**1910.1200(f)(7)**—The employer *may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials* in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and *conveys the information* required by *paragraph (f)(6) [Workplace Labeling]* of this section to be on a label. The employer shall ensure the **written materials** are readily accessible to the employees in their work area throughout each work shift.

**1910.1200(f)(9)**—The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container *is immediately marked* with the required information.

**1910.1200(f)(10)**—The employer shall ensure that *workplace labels or other forms of warning are legible*, in English, and *prominently displayed on the container, or readily available* in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the **material** presented, as long as the information is presented in English as well.

**1910.1200(f)(11)**—Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical *shall revise the labels for the chemical within six months of becoming aware of the new information, and shall ensure that labels on containers of hazardous chemicals shipped after that time contain the new information*. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor, or employer *shall add the information to the label* before the chemical is shipped or introduced into the workplace again.

**1910.1200(g)(3)**—If no relevant information is found for any sub-heading within a section on the safety data sheet, the chemical manufacturer, importer or employer *preparing the safety data sheet shall mark* it to indicate that no applicable information was found.

**1910.1200(g)(6)(iii)**—If the **safety data sheet** is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer shall obtain one from the chemical manufacturer or importer as soon as possible.

**1910.1200(g)(7)(iii)**—Retail distributors selling hazardous chemicals to employers having a commercial account *shall provide a safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a safety data sheet is available*.

**1910.1200(g)(7)(iv)**—Wholesale distributors selling hazardous chemicals to employers over-the-counter *may also provide safety data sheets upon the request of the employer at the time of the over-the-counter purchase, and shall post a sign or otherwise inform such employers that a safety data sheet is available*.

## Other

**1910.1200(i)(2)**—Where a treating physician or nurse *determines that a medical emergency exists* and the specific chemical identity and/or specific percentage of composition of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity or percentage composition of a trade secret chemical to that treating physician or nurse, *regardless of the existence of a **written** statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a **written** statement of need and confidentiality agreement,* in accordance with the provisions of paragraphs (i)(3) and (4) [Trade Secrets] of this section, as soon as circumstances permit.

**1910.1200(i)(3)**—*In non-emergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, or percentage composition otherwise permitted to be withheld under paragraph (i)(1) [Trade Secrets] of this section, to a health professional (i.e. physician, industrial hygienist, toxicologist, epidemiologist, or occupational health nurse) providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:*

- **1910.1200(i)(3)(i)**—*The request is in **writing**.*

**1910.1200(i)(3)(iii)(v)**—*The health professional, and the employer or contractor of the services of the health professional (i.e. downstream employer, labor organization, or individual employee), employee, or designated representative, agree in a **written** confidentiality agreement that the health professional, employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to OSHA, as provided in paragraph (i)(6) [Trade Secrets] of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.*

**1910.1200(i)(7)**—If the chemical manufacturer, importer, or employer *denies a **written** request* for disclosure of a specific chemical identity or percentage composition, the denial must:

- 1910.1200(i)(7)(i)—Be provided to the health professional, employee, or designated representative, *within thirty days of the request.*
- 1910.1200(i)(7)(ii)—Be in **writing**.

**1910.1200(i)(8)**—*The health professional, employee, or designated representative whose request for information is denied under paragraph (i)(3) [Trade Secrets] of this section may refer the request and the **written** denial of the request to OSHA for consideration.*

**1910.1200(i)(9)**—*When a health professional, employee, or designated representative refers the denial to OSHA under paragraph (i)(8) [Trade Secrets] of this section, OSHA shall consider the **evidence**.*

**1910.1200(i)(12)**—Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the Assistant Secretary any **information** which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, *such claim shall be made no later than at the time the information is provided* to the Assistant Secretary so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

## 1910.1201—RETENTION OF DOT MARKINGS, PLACARDS AND LABELS

**Scope/Application:** *This section applies to DOT markings, placards and labels.*

### STANDARD HIGHLIGHTS

- Signs, Markings and Tags—labeling, marking, placarding

### Signs, Markings and Tags

**1910.1201(c)**—*Markings, placards and labels shall be maintained in a manner that ensures that they are readily visible.*

**1910.1201(d)**—For non-bulk packages which will not be reshipped, the provisions of this section are met if a label or other acceptable marking is *affixed in accordance with the Hazard Communication Standard (29 CFR 1910.1200).*

## 29 CFR 1928 Subpart C—Employee Operating Instruction

### 1928.51—ROLL-OVER PROTECTIVE STRUCTURES (ROPS) FOR TRACTORS USED IN AGRICULTURAL OPERATIONS

*Scope/Application:* This section applies to ROPS for tractors used in agriculture operations.

#### STANDARD HIGHLIGHTS

- Programs, Policies and Procedures—practices
- Inspections and Tests—tests
- Training and Communications—initial and annual training
- Signs, Markings and Tags—labels

#### Programs, Policies and Procedures

**1928.51(d)**—*Operating instructions.* Every employee who operates an agricultural tractor *shall be informed* of the *operating practices* contained in *Appendix A [Employee Operating Instruction]* of this part and of any other practices dictated by the work environment. Such information *shall be provided at the time of initial assignment and at least annually* thereafter.

#### Inspections and Tests

**1928.51(b)(1)**—Roll-over protective structures (ROPS). ROPS shall be provided by the employer for each tractor operated by an employee. Except as provided in *paragraph (b)(5) [Exempted Uses]* of this section, a ROPS used on wheel-type tractors *shall meet the test and performance requirements of 29 CFR 1928.52 [Protective Frames for Wheel-Type Agricultural Tractors—Test Procedures and Performance Requirements], 1928.53 [Protective Enclosures for Wheel-Type Agricultural Tractors—Test Procedures and Performance Requirements], or 1926.1002 [Protective Frames (Roll-Over Protective Structures, Known as ROPS) for Wheel-Type Agricultural and Industrial Tractors Used in Construction]* as appropriate. A ROPS used on track-type tractors shall meet the test and performance requirements of *29 CFR 1926.1001 [Minimum Performance Criteria for Rollover Protective Structures for Designated Scrapers, Loaders, Dozers, Graders, and Crawler Tractors]*.

**1928.51(c)**—*Labeling.* Each ROPS *shall have a label, permanently affixed* to the structure, which states:

- **1928.51(c)(4)** That the ROPS model was tested in accordance with the requirements of this subpart.

#### Training and Communications

**1928.51(d)**—*Operating instructions.* Every employee who operates an agricultural tractor *shall be informed* of the *operating practices* contained in *Appendix A [Employee Operating Instruction]* of this part and of any other practices dictated by the work environment. Such information *shall be provided at the time of initial assignment and at least annually* thereafter.

#### Signs, Markings and Tags

**1928.51(c)**—*Labeling.* Each ROPS *shall have a label, permanently affixed* to the structure, which states:

- **1928.51(c)(1)** Manufacturer's or fabricator's name and address;
- **1928.51(c)(2)** ROPS model number, if any;
- **1928.51(c)(3)** Tractor makes, models, or series numbers that the structure is designed to fit; and
- **1928.51(c)(4)** That the ROPS model *was tested in accordance* with the requirements of this subpart.

## 29 CFR 1928 Subpart D—Safety for Agricultural Equipment

### 1928.57—GUARDING OF FARM FIELD EQUIPMENT, FARMSTEAD EQUIPMENT, AND COTTON GINS

*Scope/Application:* This section applies to the hazards associated with moving machinery parts of farm field equipment, farmstead equipment, and cotton gins used in any agricultural operation.

#### STANDARD HIGHLIGHTS

- Inspections and Tests—daily inspections
- Training and Communications—initial and annual instructions
- Qualified Person—authorized persons
- Signs, Markings and Tags—signs
- Other—warning signal

#### Inspections and Tests

1928.57(d)—Cotton ginning equipment.

- **1928.57(d)(1)(iii)**—Belts guarded by railings *shall be inspected for defects at least daily*. The machinery shall not be operated until all defective belts are replaced.

#### Training and Communications

1928.57(a)(6)—*Operating instructions. At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all covered equipment with which he is or will be involved, including safe operating practices. (Note: Reference paragraph (a)(6) for specific information.)*

- **(a)(6)(ii)** Permit no riders on farm field equipment other than persons required *for instruction or assistance in machine operation*;
- **(a)(6)(iii)** Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case the employer *shall instruct employees* as to all steps and procedures which are necessary to safely service or maintain the equipment.

#### Qualified Person

1928.57(d)—Cotton ginning equipment.

- **1928.57(d)(1)(viii)**—In power plants and power development rooms where *access is limited to authorized personnel*, guard railings may be used in place of guards or guarding by location. *Authorized employees* having access to power plants and power development rooms shall be instructed in the safe operation and maintenance of the equipment in accordance with *paragraph (a)(6) [Operating instructions]* of this section.

#### Signs, Markings and Tags

**1928.57(b)(1)(iv)**—*Signs shall be placed at prominent locations* on tractors and power take-off driven equipment specifying that power drive system safety shields must be kept in place.

**1928.57(b)(4)**—Access to moving parts.

- **1928.57(b)(4)(ii)(B)**—*A safety sign warning the employee.*

**1928.57(c)**—Farmstead equipment.

- **1928.57(c)(1)(iii)**—*Signs shall be placed at prominent locations* on power take-off driven equipment specifying that power drive system safety shields must be kept in place.

**1928.57(c)(4)**—Access to moving parts.

- **1928.57(c)(4)(ii)(B)**—*A safety sign warning the employee.*

**1928.57(c)(5)**—Electrical disconnect means.

- **1928.57(c)(5)(ii)(C)**—*A sign is prominently posted* near each hazardous component which warns the employee that, unless the electrical disconnect switch is utilized, the motor could automatically reset while the employee is working on the hazardous component.

#### **Other**

**1928.57(d)(3)**—*Warning device. A warning device shall be installed* in all gins to provide an *audible signal* which will indicate to employees that any or all of the machines comprising the gin are about to be started. The *signal* shall be of sufficient volume to be heard by employees, and shall be sounded each time before starting the gin.



## Subpart I—General Environmental Controls

### 1928.110—FIELD SANITATION

**Scope/Application:** *This section applies to any agricultural establishment where employees are engaged on any given day in hand-labor operations in the field. Reference 13 NCAC 07F .0302—General Environmental Controls does not limit scope to any specific number of employees.*

#### STANDARD HIGHLIGHTS

- Programs, Policies and Procedures—procedures, practices
- Training and Communications—inform employees

#### Programs, Policies and Procedures

**1928.110(c)(3)**—Maintenance. Potable drinking water and toilet and handwashing facilities *shall be maintained in accordance with appropriate public health sanitation practices. [Note: Refer to paragraph (c)(3) for specific requirements.]*

**1928.110(c)(4)**—Reasonable use. The employer *shall notify each employee* of the location of the sanitation facilities and water and shall allow each employee reasonable opportunities during the workday to use them. The employer *also shall inform each employee* of the importance of each of the following *good hygiene practices* to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine and agrichemical residues.

#### Training and Communications

**1928.110(c)(4)**—Reasonable use. The employer *shall notify each employee* of the location of the sanitation facilities and water and shall allow each employee reasonable opportunities during the workday to use them. The employer *also shall inform each employee* of the importance of each of the following *good hygiene practices* to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine and agrichemical residues.

## **OSH Publications**

We provide a variety of OSH publications. These include general industry and construction regulations, industry guides that cover different OSH topics, quick cards, fact sheets and brochures that cover a wide variety of serious safety and health workplace hazards. Workplace labor law posters are available free of charge. To obtain publications, call toll free at 1-800-NC-LABOR (1-800-625-2267) or direct at 919-807-2875. You may view the list of publications and also download many of them at **[www.nclabor.com/pubs.htm](http://www.nclabor.com/pubs.htm)**.

# Occupational Safety and Health (OSH)

## Sources of Information

You may call 1-800-NC-LABOR (1-800-625-2267) to reach any division of the N.C. Department of Labor (NCDOL);  
or visit the NCDOL home page on the Internet: <http://www.nclabor.com>.

### Occupational Safety and Health Division

Mailing Address:  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
Local Telephone: 919-807-2900 Fax: 919-807-2856

Physical Location:  
111 Hillsborough St.  
(Old Revenue Building, 3rd Floor)

*For information concerning education, training, interpretations of occupational safety and health standards, and OSH recognition programs contact:*

### Education, Training and Technical Assistance Bureau

Mailing Address:  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
Telephone: 919-807-2875 Fax: 919-807-2876

Physical Location:  
111 Hillsborough St.  
(Old Revenue Building, 4th Floor)

*For information concerning occupational safety and health consultative services contact:*

### Consultative Services Bureau

Mailing Address:  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
Telephone: 919-807-2899 Fax: 919-807-2902

Physical Location:  
111 Hillsborough St.  
(Old Revenue Building, 3rd Floor)

*For information concerning migrant housing inspections and other related activities contact:*

### Agricultural Safety and Health Bureau

Mailing Address:  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
Telephone: 919-807-2923 Fax: 919-807-2924

Physical Location:  
111 Hillsborough St.  
(Old Revenue Building, 2nd Floor)

*For information concerning occupational safety and health compliance contact:*

### Safety and Health Compliance District Offices

**Raleigh District Office** (3801 Lake Boone Trail, Suite 300, Raleigh, NC 27607)

Telephone: 919-779-8570 Fax: 919-420-7966

**Asheville District Office** (204 Charlotte Highway, Suite B, Asheville, NC 28803-8681)

Telephone: 828-299-8232 Fax: 828-299-8266

**Charlotte District Office** (901 Blairhill Road, Suite 200, Charlotte, NC 28217-1578)

Telephone: 704-665-4341 Fax: 704-665-4342

**Winston-Salem District Office** (4964 University Parkway, Suite 202, Winston-Salem, NC 27106-2800)

Telephone: 336-776-4420 Fax: 336-767-3989

**Wilmington District Office** (1200 N. 23rd St., Suite 205, Wilmington, NC 28405-1824)

Telephone: 910-251-2678 Fax: 910-251-2654

\*\*\*To make an OSH Complaint, **OSH Complaint Desk**: 919-807-2796\*\*\*

*For statistical information concerning program activities contact:*

### Planning, Statistics and Information Management Bureau

Mailing Address:  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
Telephone: 919-807-2950 Fax: 919-807-2951

Physical Location:  
111 Hillsborough St.  
(Old Revenue Building, 2nd Floor)

*For information about safety videos, labor-related books or electronic resources contact:*

### N.C. Department of Labor Library

Mailing Address:  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
Telephone: 919-807-2850 Fax: 919-807-2849

Physical Location:  
111 Hillsborough St.  
(Old Revenue Building, 5th Floor)

### N.C. Department of Labor (Other than OSH)

1101 Mail Service Center  
Raleigh, NC 27699-1101  
Telephone: 919-733-7166 Fax: 919-733-6197