

NOV 11-13, 2019

**SUSTAINABLE AG EXPO
&
INTERNATIONAL SUSTAINABLE
WINEGROWING SUMMIT**

SAN LUIS OBISPO, CALIFORNIA

Laws, Regulations & Issues on Pesticides & Agricultural Safety

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AgSafe

Laws, Regs and Issues

- Current Enforcement Trends
- Cal/OSHA Reporting Requirements
- Night Work in Agriculture
- Indoor Heat Illness Prevention Standard

Current Cal/OSHA Enforcement Trends

Cal/OSHA Standard	# of Citations	Fines
3395 - Heat Illness Prevention	26	\$ 112,785
3441 - Operation of Agricultural Equipment	6	\$ 43,085
3328 -Machinery and Equipment	2	\$ 35,480
3314 - Lockout/Tagout	2	\$ 33,750
342 - Reporting Notifications	4	\$ 16,000
4002 - Moving Parts of Machinery	1	\$ 22,500
	115	\$ 336,095

41 inspections averaged 2.8 citations with \$8,000 in fines

Cal/OSHA Reporting Requirements

- AB 1805 – Effective January 1, 2020
 - Modified definition of “serious injury or illness”
 - Now reporting all in-patient hospitalizations, other than medical observation or diagnostic testing
 - Now reporting an amputation, loss of an eye or serious degrees of permanent disfigurement

Cal/OSHA Reporting Requirements

- AB 1805 – Effective January 1, 2020
 - Modified definition of “serious exposure”
 - Refers to exposure of an employee to a hazardous substance
 - Now if that exposure creates a “realistic” possibility of serious injury or death as a result of the “actual hazard”

Cal/OSHA Reporting Requirements

- AB 1804 – Effective January 1, 2020
 - Currently must report a serious injury, illness or fatality within 8 hours to Cal/OSHA
 - Via phone call or email
 - Email to be replaced with online submission portal created and maintained by Cal/OSHA

Night Work in Agriculture

- Creates new standard for outdoor agricultural operations between sunset and sunrise
- April 2019 – first draft of language presented to the Cal/OSHA Standards Board
- October 18, 2019 – comments due on the second draft of the language

Night Work in Agriculture

Illumination Requirements – 30” off the ground

Foot-candles	Lux	Areas or Tasks
0.09-0.19	1-2	Poultry harvesting or catching operations
3	32.29	Meeting area and meal/rest area
5	53.82	General movement during outdoor ag operations; Pathways leading to and around restrooms and water; Inside restrooms; Storage area accessed by employees; Areas within 25' of agricultural equipment where workers are present
10	107.64	Intermittently exposed or exposed point of operation equipment; Operationally visible moving parts of machinery; Task lighting for active agricultural operations (harvesting, irrigation)
20	215.30	Task lighting for maintenance work on equipment

Night Work in Agriculture

- Provide personal, hands-free lighting if needed to meet the illumination requirements
- Conduct training at the start of each shift to review the location of the meal/rest area, restrooms, drinking water, bodies of water and other potential hazards including high traffic areas
- Provide and require employees to wear Class 2 high visibility safety clothing

Night Work in Agriculture

Light meter specifications from Cal/OSHA:

- Brands:
 - Davis
 - SPER
 - Extech
- Meter range (difference between lowest level and highest level it can record): max 50,000 Lux to 400,000 Lux
- Max. Resolution: 0.1Fc / 1Lux
- Basic Accuracy: $\pm 5\%$

Indoor Heat Illness Prevention

2016 – SB 1167

- Directed Cal/OSHA to develop an Indoor Heat Illness Prevention Standard by January 2019
- Intended to mirror the outdoor standard
- Most recent draft made available for review in April 2019
- Final draft, once available, will go to the Department of Finance for fiscal impact review
- Brought back to the Cal/OSHA Standards Board for review, stakeholder comment and approval

Indoor Heat Illness Prevention

- Applies to all indoor work areas regardless of industry when workers wear clothing that restricts heat removal and the temperatures equal or exceed 82 degrees Fahrenheit.
- Applies to all other indoor work areas where temperatures equal or exceed 87-degrees Fahrenheit when employees are present.
- Provide fresh, pure, suitably cool water at no cost, located as close as practicable to employees.

Indoor Heat Illness Prevention

- Maintain at least 1 cool-down area at all times with enough space to accommodate all employees on break, sitting in normal posture without touching one another. The cool-down area shall maintain a temperature of less than 82-degrees Fahrenheit.
- Provide appropriate first aid/emergency response if employee exhibits signs or symptoms of heat illness.
- Implement temperature assessment, documentation and control measures when temperatures equal or exceed 87 degrees Fahrenheit.

Indoor Heat Illness Prevention

- Have a written Indoor Heat Illness Prevention Plan that includes appropriate emergency response procedures.
- Ensure close observation of employees during acclimatization.
- Provide training for employees and supervisors prior to possible exposure.

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