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Marshfield, Wisconsin

They didn't mean ignore us.

How OSHA has inappropriately ignored the needs of agricultural workplaces.

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Agriculture: high rates of work-related injuries and deaths

- In the United States, farming and ranching have among the highest rates of work related injury and death of any industry.
 - Fatality rate for farming and ranching: 38.5/100,000
 - Overall industry fatality rate: 3.3/100,000.
- Limited data for non-fatal injuries and illnesses in agriculture.
 - What data do exist suggest high rates of non fatal injuries.
 - For larger agricultural firms on which the US Bureau of Labor Statistics (BLS) has data, rates for non-fatal injuries and illnesses in agriculture are among the highest of any industry.



Vulnerable workforce in agriculture

- 1/3 of hired agricultural workers - immigrant, non-English speaking and often unauthorized to work in the US
- Cultural and linguistic barriers
- Limited access to health care
- Limited health and safety training



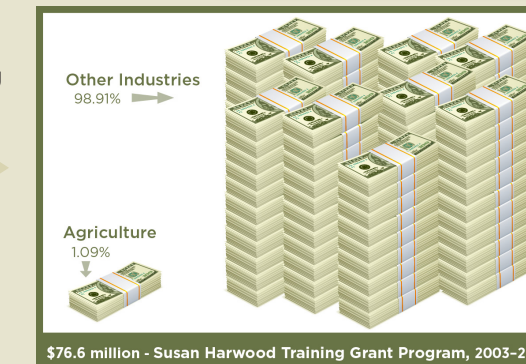
Agricultural Exceptionalism:

agricultural workers largely excluded from regulatory protections

- Fair Labor Standards Act (1938)
- National Labor Relations Act (1935)
- Occupational Safety and Health Act (1970)
 - Only 7 general standards that apply to agriculture
 - Congress weakens OSHA enforcement efforts in agriculture through the annual farming appropriations rider that states: "none of the funds appropriated under this paragraph [OSHA funds] shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees."
- Workers' Compensation
 - Only 13 states require employers to provide workers' compensation coverage to migrant and seasonal agricultural workers to the same extent as other workers.
- Federal Insecticide, Fungicide, and Rodenticide Act (1947)
 - The Environmental Protection Agency is responsible protecting agricultural workers from pesticide overexposure.
- Worker Protection Standard
 - Weaker than standards in other industries
 - Poorly enforced

OSH Act: research, training and education

- Calls for the National Institute for Occupational Safety and Health (NIOSH) to:
 - Develop education programs to provide qualified personnel to execute the OSH Act.
 - Conduct research into occupational hazards and methods for their reduction.
 - In 1990, Congress specified funds for NIOSH to carry out a health and safety research program in agriculture. Focus has been largely on research with limited attention to training health and safety professionals in agriculture.
- Requires the Department of Labor (DOL) to establish education and training programs for employers and employees to recognize, avoid and prevent unsafe or unhealthful working conditions.
- OSHA has invested millions of dollars for health and safety training in other industries. Almost nothing has been allocated to improve agricultural health and safety.
- OSHA continues to foster agricultural exceptionalism in training and education, an area of focus that has no regulatory exclusions. Why?



Recommendations

1. Congress should direct funding to OSHA to allow the enforcement and inspection agricultural operations with less than 11 workers and to require such operations to participate in injury reporting.
2. OSHA should remove agricultural exclusions specific to existing standards. OSHA should include agricultural workers in existing, relevant regulations that protect workers in other occupations from hazards as well as in the standards currently being developed regarding fall protection and injury and illness prevention.
3. OSHA should adopt policies to enhance monitoring of state plans for compliance with specific agricultural health and safety benchmarks (e.g., the inclusion of specific reporting and auditing criteria regarding states' enforcement of field sanitation and temporary labor camp standards).
4. DOL, OSHA and NIOSH should direct funding to the National Academies of Science to review and make recommendations about the existing status and the unmet need for agricultural safety standards, training programs and consultation capabilities and that the DOL, OSHA and NIOSH undertake the development of a comprehensive program aimed at providing protection for the agricultural workforce. The program should include but not be limited to the support of NIOSH in the development of practical standards, the support of academic centers in the development of safety and health training programs for agriculture professionals and the training of a consulting workforce with expertise in agricultural health and safety.
5. OSHA and EPA should improve cooperative efforts to reduce the occupational risks associated with pesticides used in agriculture. OSHA and EPA should develop a memorandum of understanding with regard to the EPA's Worker Protection Standard, particularly as to the enforcement of that standard.

