



The Cultivator

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Cherie Berry
Commissioner of Labor



Gold Star Grower

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Celebrating 25 Years of *The Cultivator*

In 1989, the North Carolina legislature passed the Migrant Housing Act, which established standards for the housing growers provide for their agricultural workers. The Division of Migrant Housing—as the Agricultural Safety and Health Bureau was originally known—was put in charge of the inspections of migrant housing. *The Cultivator* began as a bulletin to inform registered growers of the latest health information and improvements in living and workplace standards. ASH is proud to look back on 25 years of *The Cultivator* and 25 years of progress in worker safety.

Looking back at our progress:

- ★ **1990:** The migrant housing program began—1,454 registered, 1,159 inspected, 908 certified; 110 employers used H-2A workers; 100 inspections for occupied camps; top-ranking citations: unapproved water and septic systems, inoperable smoke alarms, and unsanitary kitchens.
- ★ **1991:** ASH publishes the first issue of *The Cultivator*, originally named *The Migrant Housing Bulletin*; completes 763 inspections with staff from the OSH Division.
- ★ **1992:** The Gold Star Grower recognition program began—letters, with a star, were mailed to 135 growers thanking them for their efforts in housing compliance.
- ★ **1993:** There were 238 Gold Star Growers. The Division of Migrant Housing becomes the Agricultural Safety and Health Section.
- ★ **1995:** Gold Star workshop/luncheons held in Kernersville, Garner and Kinston. The publication *The Migrant Housing Bulletin* was renamed *The Cultivator*.
- ★ **1995:** The Gold Star Self-Inspection Program starts. It is for growers who have reached Gold Star status for two out of three years. Growers are able to conduct their own housing inspections, following a checklist and a training provided by Agricultural Safety and Health.
- ★ **1999:** A Gold Star Grower becomes a finalist in the Housing North Carolina Awards, which recognizes

people for providing excellent affordable housing for those who would usually be excluded from the market.

- ★ **2001:** Cherie Berry begins her first term as commissioner of labor.
- ★ **2002:** Zelenka Nursery in Wilson earns the first Gold Star Flag, which is used to recognize growers who have consistently provided safe working environments for their workers over at least a two-year period.
- ★ **2007:** Agricultural Safety and Health makes its first farm safety DVD and distributes it to growers.
- ★ **2008:** Agricultural Safety and Health partners with growers to host first on-farm safety trainings.
- ★ **2013:** 100 growers are eligible for Double Gold Star Status and for conducting their own housing inspections. ASH conducts a survey of these growers to see where they strive to make improvements. The majority insists that clean, well-maintained living spaces are the best way to go above and beyond for your workers.
- ★ **2014:** 1,711 registered, 1,645 inspected, 1,589 sites certified.

2015: Remembering our successes while also striving for continuous progress: While the standards for work safety and migrant housing have come a long way in 25 years, there is still plenty of work to be done. When asked about her wishes for the future of ASH and migrant housing, Bureau Chief Regina Cullen said, “I’m so proud of the work everyone has done to promote the safety of farm workers and growers in North Carolina. We have advanced quite a lot in 25 years. Ultimately, I would like to see more Gold Star Growers and a reduction of work-related injuries or fatalities. ASH and growers have to keep working together to make that happen.”

The Agricultural Safety and Health Bureau would like to thank you for your unwavering commitment to worker safety. We look forward to many more years of collaboration and progress with you.

Hands-on Training in Sampson County

On June 10, 2015, more than 130 workers and growers attended a comprehensive safety and health training held by the NCDOL Agricultural Safety and Health Bureau in Sampson County. The training was hosted by Kenneth Fann of Fann Farms. The Farm Labor Practices Group sponsored the training.

In addition to the Agricultural Safety and Health Bureau, training providers included participants with the NCDOL Mine and Quarry Bureau, the USDOL Wage and Hour Division, the Office of Rural Health in the N.C. Department of Health and Human Services, the federal Equal Opportunity Commission, and East Carolina University's Agromedicine Institute's AgriSafe-NC Program.

Presenters covered a wide range of topics during the three-hour event, including hands-only CPR, heart attack prevention and first aid; field sanitation standards and heat stress prevention; tobacco harvester and baler safety; and federal labor laws applying to agriculture and concerning workplace retaliation and discrimination. The Agricultural Safety and Health staff distributed a variety of pamphlets, informing workers of the dangers of heat stroke, green tobacco sickness, and North Carolina's poisonous plants and animals.



Rick Blaylock, USDOL Wage Hour Division Director, discusses wage payment regulations with farm owners and farm workers.

About 30 growers and 100 farmworkers received the training. Training was provided in English and in Spanish. Groups with an average size of 20 people rotated around seven different stations from 9 a.m. until noon, and then lunch was provided by the Farm Labor Practices Group. Each group spent 20 minutes at a training station, and each session was interactive, with trainers answering questions as they arose. The first aid station was highly interactive. Each student practiced CPR on a mannequin.

Workers felt like they walked away with a better knowledge of field safety and health concerns. When asked about his favorite part of the training, one worker said, "I really liked learning CPR and practicing



Larry Watts, NCDOL Agricultural Safety & Health compliance officer, conducted sessions on tobacco harvester safety.

it on the mannequins. I learned a lot today." Others preferred the videos about heat stress and green tobacco sickness or the station dedicated to preventing discrimination in the workplace.

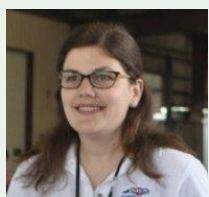
NCDOL initiated on-farm training sessions in 2008. The trainings have grown in attendance and partnerships every year. ASH is very proud to offer these training events to growers and workers, as recognition of a safety hazard is one of the best ways to prevent injuries in the workplace. The training event in Sampson County was the second of three events planned for the 2015 growing season. Mark Ross Farm in Martin County hosted the first event in early June, and Bennie Barham Farm in Wake County hosted the third in early July.

When asked why he thinks growers and workers should participate in on-farm trainings, ASH inspector Larry Watts said, "On-farm trainings are important because they provide on-the-job training about specific farming equipment. They're also important because they provide an opportunity for partnership with workers."

When asked the same question, ASH Bureau Chief Regina Cullen said, "On-farm trainings put all parties on the same team. Ultimately, everyone wants to prevent injuries and fatalities."

Farm operator and host Kent Fann mentioned, "On-farm training give participants an opportunity to have issues explained so there is no confusion as to what a regulation actually means. It's often confusing trying to make sense of them whether you are reading them in English or in Spanish."

If you would like to host or attend an on-farm training, please contact ASH Bureau Chief Regina Cullen at regina.cullen@labor.nc.gov. If you are not able to attend a training, but would still like to distribute safety and health information to your workers, please visit the Department of Labor's website (www.nclabor.com) and click on the link to agricultural safety and health. Once on our page, click the link that says "ASH publications." There you will find some of the pamphlets and videos used during the training.



*Regan Buchanan, a junior at UNC Chapel Hill, interned with the Agricultural Safety and Health Bureau during the months of June and July 2015. As a Spanish speaker, she assisted with on-farm trainings, and she also worked on various publications, including this edition of *The Cultivator*. We are grateful for her efforts.*

NCDOL Photo Library

What's the Law? Seatbelts on Farm Vehicles

Accidents involving farm machinery and passenger vehicles can be deadly, and seatbelts greatly reduce the risk of injury or death in the event of an accident. There have also been cases of workers falling off tractors in the field, which could also be prevented by the use of seatbelts.

When is a seatbelt required? Do I have to wear a seatbelt when driving my tractor?

Yes. Tractors manufactured after Oct. 25, 1976, are required to have roll-over protective structures (ROPS) and seatbelts (OSHA standard 29 CFR 1928.51: Roll-over protective structures (ROPS) for tractors used in agricultural operations). The standard specifies that the employer must provide each tractor with a seatbelt, ensure that each employee uses such seatbelt while tractor is moving, and ensure that each employee tightens the seatbelt sufficiently to confine that employee to the protected area provided by the ROPS. And the description of the seatbelt? That is covered as well: "Each seatbelt shall meet the requirements set forth in Society of Automotive Engineer Standard SAE J4C, 1965 Motor Vehicle Seat Belt Assemblies."

What about on a forklift?

Yes, employers must require operators of powered industrial trucks equipped with operator restraint devices, including seat belts, to use the devices. The OSHA standards for agriculture (29 CFR 1928) and the Powered Industrial Trucks Standard (29 CFR 1910.178) do not contain explicit requirements for the use of seatbelts by forklift operators. Federal OSHA issued a compliance directive (CPL 2-1.28A: Compliance Assistance

for the Powered Industrial Truck Operator Training Standards) that provides compliance guidance on seatbelt use. Violations would be cited under N.C. Gen. Stat. 95-129(1), commonly referred to as the General Duty Clause, which requires that "Each employer shall furnish to each of his employees conditions of employment and a place of employment that are free from recognized hazards that are likely to cause death or serious physical harm to his employees."

In other words, a forklift tipover is a recognized industry hazard, and it is the responsibility of the employer to protect employees from the hazard by providing operator restraint devices, which can include seatbelts, on all forklifts and requiring forklift operators to use them.

What about on a tobacco harvester?

Well, it depends. A tobacco harvester is a self-propelled implement and is therefore excluded from the requirements of 1928.51, which covers seat belt use on tractors. In some cases, however, a farmer could be held responsible for providing seatbelts on tobacco harvesters under the General Duty Clause.

What about other farm vehicles? When do you have to wear a seatbelt?

A seatbelt is required:

- ☞ When riding in any passenger vehicle made after 1967.
- ☞ When riding in vans, SUVs and pickup trucks made after 1971.
- ☞ When riding in a bus weighing less than 10,000 pounds.

New and Improved Safety DVDs in Production

The Agricultural Safety and Health Bureau, in partnership with the Farm Labor Practices Group, is working with N.C. State University to produce an updated and comprehensive agricultural safety and health DVD. When the DVDs were first made, different safety topics were filmed and then put on a DVD. As topics were added, a separate DVD was created. Now a single DVD will have all of the most important safety information. Former safety topics will be there, but streamlined, and there will be additional modules covering wage and hour rules; information on complaint filing; discussion of harassment and retaliation in the workplace; and information on personal protective equipment. The housing standards will also be addressed, and minimal versus exceptional housing will be highlighted.

The goal of the new DVD is to make safety training easier and more time efficient for growers and for farmworkers. Now a grower will just need one DVD, and the safety information will be more concise and easier to remember. The DVD topics will be presented in 15 minute modules, so a grower can play the video in individual segments at the times that are most convenient. It is important that workers are provided with all of the necessary safety information, and now it will be much more accessible and useful. All modules will be in English and in Spanish.

Please be on the lookout for more information about the new and improved training DVD. It is on schedule to be completed by the end of the summer 2016. ASH will notify growers when it is available.

Safety topics featured in this new DVD include:

- ★ Tobacco Production Overview (*includes burley tobacco*)
- ★ Field Sanitation
- ★ Heat Stress
- ★ Green Tobacco Sickness
- ★ Pesticide Safety
- ★ Equipment Safety
 - ☞ tractors,
 - ☞ forklifts
 - ☞ tobacco balers
 - ☞ tobacco harvesters
- ★ Housing
- ★ Wage and Hour Issues



Learn more about our **Gold Star Grower** recognition program!

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What Can Stop a Beating Heart? A Heart Attack, A Serious Health Risk

Heart attack. It goes by so many fancy names: cardiac arrest, myocardial infarction (MI), acute myocardial infarction (AMI), coronary thrombosis, coronary occlusion. All of these phrases mean heart attack.

Your heart is a muscle. If you look at your hand and make a fist, your heart is roughly the same size as your fist. So for most of us, it's a small muscle. A very hard-working small muscle.

In recent years, there has been an increase in heart attacks in the United States, and heart attacks have also become a serious threat to the health of migrant workers. William Gerring, bureau chief of the Mine and Quarry Bureau, conducted on-farm CPR classes with farmers and farmworkers. In these classes, Gerring explained how people can reduce the risk of heart attack, described the symptoms of a heart attack, and discussed what to do for someone who is suffering from a heart attack.

Gerring recommends prevention—the first line of defense—by cultivating healthy habits. We have translated the suggestions into Spanish so that you can communicate them with your workers.

1. Healthy diet

- a. If overweight, lose weight.
- b. Eat more fruits and vegetables.
- c. Limit your consumption of alcohol.
- d. Don't smoke.
- e. Avoid foods that are high in cholesterol and fat.

2. Sufficient exercise

- a. At least 30 minutes of moderate activity, five times a week.

3. Listen to your body

- a. Have a professional check your cholesterol level, your blood sugar and blood pressure.

4. Be careful when you work in the heat, and drink enough water.

Signs of a heart attack:

1. Persistent discomfort, pain or pressure in the chest
2. Pain that may spread to neck, jaw, shoulder or arm
3. Shortness of breath
4. Dizziness
5. Pale skin or breaking out in a cold sweat

In addition, the following symptoms are more common in women:

1. Shortness of breath
2. Severe weakness, fatigue
3. Indigestion
4. Nausea or vomiting
5. Back or jaw pain

If someone is suffering from a heart attack:

1. Call 911, have person sit down, stop activities. Put person in a comfortable position and observe them. If person is dizzy, they may want to lie down.
2. If not allergic, give one aspirin.
3. Start CPR if needed; this is typically when breathing stops or there is no pulse.

¿Qué puede parar un corazón que late? Un ataque cardíaco, un riesgo muy grave

Ataque cardíaco: Se conoce por muchos nombres complicados: paro cardíaco, infarto de miocardio (IM), infarto agudo de miocardio (IAM), trombosis coronaria u oclusión coronaria. Todas estas frases significan ataque cardíaco.

Su corazón es un músculo. Si miras su mano y cierras el puño, su corazón es aproximadamente del mismo tamaño de su puño. Para la mayoría de nosotros, es un músculo pequeño. Un músculo pequeño muy trabajador.

En años recientes, ha habido un aumento en ataques cardíacos en los Estados Unidos, y los ataques cardíacos también se han convertido en una amenaza seria para la salud de los trabajadores migrantes. William Gerring, jefe de la Oficina de Mina y Cantera, condujo en la granja, junto con los rancheros y empleados de la granja, clases de RPC (reanimación cardiopulmonar) o primeros auxilios. En estas clases, Gerring explicó como las personas pueden reducir el riesgo a sufrir un ataque cardíaco, describió los síntomas de un ataque cardíaco y discutió que hacer cuando alguien está sufriendo un ataque cardíaco.

Gerring recomendó prevención—la primera línea de defensa—cultivando buenos hábitos de salud.

1. Un modo de comer saludable

- a. Si usted es con sobrepeso, pierda peso
- b. Coma más frutas y verduras
- c. Delimite su consumación de alcohol
- d. No fume
- e. Evite comida que tiene mucha grasa o colesterol

2. Ejercicio suficiente

- a. Por lo menos 30 minutos de actividad moderada, 5 veces cada semana

3. Escuche a su cuerpo

- a. Haga que un doctor chequea su nivel de colesterol, azúcar en sangre, y presión sanguínea

4. Tenga cuidado cuando trabaja en el calor, beba suficiente agua.

Señales de un ataque al corazón:

1. Incomodidad persistente, dolor o presión en el pecho
2. Dolor que puede propagar al cuello, mandíbula, hombro, o brazo
3. Falta de aire
4. Mareo
5. Piel pálido o un sudor frío

Ademas los siguientes síntomas son más comunes en mujeres:

1. Falta de aire
2. Debilidad severo
3. Indigestión
4. Nausea o vomitar
5. Dolor en la espalda o mandíbula

Si alguien sufra de un ataque:

1. Llame a 911, haga que la víctima se siente y que este en una posición cómoda. Si la víctima está mareado es posible que la víctima querrá echarse.
2. Si la víctima no tiene una alergia a aspirina, dalo un aspirina.
3. Si la víctima no tiene pulso o no respira, empiece CPR.