

Which Standards Apply

29 CFR 1928—AGRICULTURE STANDARDS

OVERVIEW:

North Carolina is an [OSHA-approved State Plan](#) that covers both private and state and local government workers. With certain exceptions, the N.C. Department of Labor (NCDOL) adopts federal OSHA standards verbatim. [Standards information and activity](#) provides the status of the Occupational Safety and Health (OSH) Division's adoption of federal standards and compliance dates. When OSH Administrative rules differ from federal OSHA standards, employers must comply with the state-specific rules.

The OSH Division [enforcement procedures](#) provide guidance to compliance personnel, to ensure responsibilities related to enforcement of the OSHA standards are carried out in an effective, efficient and consistent manner. Some of the guidance documents are federal documents that have been adopted for use in N.C. while others have been created specifically for N.C. To learn more about the inspection process, go to the [compliance inspection process](#) webpage.

Many employers have questions regarding which Occupational Safety and Health standards apply to them. For this reason, the OSH Division has put together information at the following links that will help the employer determine which standards apply to them as it pertains to [recordkeeping](#), [general industry](#), [construction](#), [agriculture](#), [shipyard employment](#) (public sector only) and [marine terminals](#) (public sector only). This includes [North Carolina state-specific](#) standards. The OSH Division *does not* have enforcement jurisdiction for the longshoring standards.

This document will address standards applicable to **Agriculture** and applicable **North Carolina state-specific** standards. Agriculture is regulated by OSHA's agriculture standards, directives, and standard interpretations.

INSTRUCTIONS:

To assist the employer in identifying which **Agriculture and North Carolina state-specific** standards apply to them, questions regarding the subparts and subsequent standards are provided to help the employer identify which are applicable to the worksite. Once the standards have been identified, the employer is better able to develop their own safety and health management program.

To start this process, please go through each subpart below to identify the standards that apply to your organization by answering yes, no, or unsure. Be sure to come back to the subpart or standard for any answers that were identified as “unsure”.

***Note:** This document is intended to be consistent with 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.*

KEY POINTS:

- Whenever a standard provides a “scope” and/or “application”, be sure to read it. The scope and application state who, what or how a standard applies. It also provides any exemptions from the standard. In some cases, you may find that a standard does not apply to your organization based on the scope and application.
- If a standard provides “definitions”, be sure to read them. Information about a standard such as who and how it applies can also be found in a definition.
- Any time you see “general requirements” listed as a standard in a subpart that you need to comply with, that will generally be an automatic “yes”.
- [Subpart A](#) covers scope and purpose pertaining to the agriculture standards. [Subparts E - H and J - L](#) are currently reserved. As such, these subparts will not be covered in this document.
- Most standards have [interpretations](#) which should be referenced when available for clarification of the standard. Other useful [compliance enforcement documents](#) to reference include compliance directives (CPL), field operations manual (FOM), standards directives (STD), and *operational procedure notices (OPN)*.

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“WHICH STANDARDS APPLY”—EXERCISE

Subpart B—Applicability of Standards

Does “[Subpart B—Applicability of Standards](#)” apply to you?

This subpart provides the general industry standards that are applicable to agricultural operations. They include temporary labor camps, storage and handling of anhydrous ammonia, logging operations, specifications for accident prevention signs and tags, hazard communication, cadmium, and retention of DOT markings, placards, and labels.

Note: Appendices and references applicable to this subpart are located at the end of this section.

Yes / No / Unsure If yes, please continue.

Do you have temporary labor camps? Yes / No / Unsure

The following standard requires that you need to comply with the general industry standard, 1910.142—[temporary labor camps](#). This standard provides requirements for the site (i.e., camps to be adequately drained, of an adequate size), shelter (i.e., construction, seven foot ceilings, sleeping quarters, living quarters, cooking facilities, heating and cooling), water supply (i.e., convenient, water outlets), toilet facilities (i.e., capacity, accessible, location, lighting), sewage disposal facilities, laundry, handwashing and bathing facilities (i.e., ratios, adequate supply of running water, cleanliness), lighting, refuse disposal, construction and operation of kitchens, dining hall, and feeding facilities, first aid, and reporting communicable diseases.

[1928.21\(a\)\(1\)](#)—Applicability of standards in 29 CFR Part 1910.

Do you handle or store anhydrous ammonia? Yes / No / Unsure

The following standard requires that you comply with [paragraphs \(a\)](#) and [\(b\)](#) of the general industry standard, 1910.111—[storage and handling of anhydrous ammonia](#). It applies to the design, construction, location, installation, and operation of anhydrous ammonia systems including refrigerated ammonia storage systems.

This standard does not apply to:

- Ammonia manufacturing plants
- Refrigeration plants where ammonia is used solely as a refrigerant

[Paragraph \(a\)](#) provides the scope and definitions for the standard. [Paragraph \(b\)](#) provides basic rules such as approval for systems and equipment (i.e., NRTL, ANSI), requirements for construction, original test and requalification of nonrefrigerated containers, marking nonrefrigerated containers, marking refrigerated containers, location of containers, container appurtenances (accessories), hose

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specifications, piping, tubing, and fittings, charging of containers, safety relief devices, transfer of liquids, tank car unloading points and operations, liquid-level gaging device, and electrical equipment and wiring.

1928.21(a)(2)—Applicability of standards in 29 CFR Part 1910.

Do you have logging operations? Yes / No / Unsure

*The following standard requires that you comply with the general industry standard, 1910.266—logging operations. It applies to 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. This standard does not cover the construction or use of cable yarding systems. **Note:** Hazards and working conditions not specifically addressed by this standard are covered by other applicable general industry standards.*

Logging operations - Operations associated with felling and moving trees and logs from the stump to the point of delivery, such as, but not limited to, marking danger trees and trees/logs to be cut to length, felling, limbing, bucking, debarking, chipping, yarding, loading, unloading, storing, and transporting machines, equipment and personnel to, from and between logging sites.

This standard provides general requirements (i.e., personal protective equipment, first aid kits, seatbelts, fire extinguishers, electrical lines, flammable liquids, explosives), hand and portable powered tools (i.e., chainsaws), machine use, vehicles, tree harvesting, and employee training. It also references consensus standards, 1910.6—incorporated by reference.

1928.21(a)(3)—Applicability of standards in 29 CFR Part 1910.

Do you have slow moving vehicles? Yes / No / Unsure

The following standard requires that you comply with the general industry standard paragraph (d)(10) of the general industry standard, 1910.145—specifications for accident prevention signs and tags. Paragraph (d)(10) applies to the specifications for slow moving vehicle signs.

Slow-moving vehicle emblem - This emblem 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, 1910.6.

1928.21(a)(4)—Applicability of standards in 29 CFR Part 1910.

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Do you have employees that may be exposed to any chemical under normal conditions or in foreseeable emergencies? Yes / No / Unsure

The following standard requires that you comply with the general industry standard, 1910.1200—[hazard communication](#). It 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.

This standard does not apply to:

- *Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;*
- *Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations.*
- *Tobacco or tobacco products;*
- *Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility (wood or wood products which have been treated with a hazardous chemical covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted);*
- *Articles; **Note:** Defined as a manufactured item other than a fluid or particle: (i) which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under paragraph (d) of this section), and does not pose a physical hazard or health risk to employees.*
- *Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;*
- *Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);*
- *Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;*
- *Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act and Federal Hazardous Substances Act, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the*

purpose intended;

- *Nuisance particulates where the chemical manufacturer or importer can establish that they do not pose any physical or health hazard covered under this section;*
- *Ionizing and nonionizing radiation; and*
- *Biological hazards.*

The standard does not require labeling of the following chemicals:

- *Any pesticide when subject to the labeling requirements of Federal Insecticide, Fungicide, and Rodenticide Act and labeling regulations issued under that Act by the Environmental Protection Agency;*
- *Any chemical substance or mixture that are subject to the labeling requirements the Toxic Substances Control Act and labeling regulations issued under that Act by the Environmental Protection Agency;*
- *Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g. flavors and fragrances), when they are subject to the labeling requirements under Federal Food, Drug, and Cosmetic Act or the Virus-Serum-Toxin Act by either the Food and Drug Administration or the Department of Agriculture;*
- *Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, when subject to the labeling requirements of Federal Alcohol Administration Act and labeling regulations issued under that Act by the Bureau of Alcohol, Tobacco, Firearms and Explosives;*
- *Any consumer product or hazardous substance when subject to a consumer product safety standard or labeling requirement of Consumer Product Safety Act and Federal Hazardous Substances Act or regulations issued under those Acts by the Consumer Product Safety Commission; and*
- *Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act and the labeling regulations issued under that Act by the Department of Agriculture.*

This standard applies to laboratories only as follows:

- *Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;*
- *Employers shall maintain any safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible during each workshift to laboratory employees when they are in their work areas;*
- *Employers shall ensure that laboratory employees are provided information and training; and*
- *Laboratory employers that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor under this rule, and thus must ensure that any containers of hazardous chemicals leaving the laboratory are correctly labeled and that a safety data sheet is provided to distributors and other employers per requirements of the standard.*

This standard provides the requirements for a written hazard communication program, labels and other forms of warning, safety data sheets, information and training, trade secrets, hazard classification,

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chemical inventory, and non-routine tasks.

Chemical - Means any substance, or mixture of substances.

Foreseeable emergency - Means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

Label - Means an appropriate group of written, printed or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

Safety data sheet (SDS) - Means written or printed material concerning a hazardous chemical that is prepared in accordance with the standard.

1928.21(a)(5)—Applicability of standards in 29 CFR Part 1910.

Do your employees have occupational exposure to cadmium? Yes / No / Unsure

The following standard requires complying with the general industry standard, 1910.1027—cadmium. It 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.

This standard provides the permissible exposure limit (PEL) and the requirements for exposure monitoring, regulated areas, methods of compliance (i.e., engineering controls, work practice controls, written compliance program), respirator program (Reference general industry standard, 1910.134—respiratory protection standard), protective work clothing and equipment (Reference general industry standard, 1910.133—eye and face protection), hygiene facilities and practices (Reference general industry standard, 1910.141—sanitation), hazard communication program (Reference general industry standard, 1910.1200—hazard communication), housekeeping, signs and labels, medical surveillance, employee information and training, recordkeeping (Reference general industry standard, 1910.1020—access to employee exposure and medical records).

1928.21(a)(6)—Applicability of standards in 29 CFR Part 1910.

Do you receive containers or packages with DOT markings, placards, or labels? Yes / No / Unsure

The following standard requires complying with the general industry standard, 1910.1201—retention of DOT markings, placards and labels. It applies to the department of transportation markings, placards, and labels for:

- Packages of hazardous material received by the employer;
- Freight containers;
- Rail freight cars;
- Motor vehicles;

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- *Transport vehicles.*

This standard provides the requirements pertaining to maintaining the visibility of markings, placards and labels, and maintaining labels in accordance with the general industry standard, 1910.1200—[hazard communication](#).

[1928.21\(a\)\(7\)](#)—Applicability of standards in 29 CFR Part 1910.

SUBPART B APPENDICES:

Logging operations:

1910.266, [appendix A](#) provides a list for first aid kits.

1910.266, [appendix B](#) provides an acceptable first aid and CPR training program.

Cadmium:

1910.1027, [appendix A](#) provides the substance safety data sheet.

1910.1027, [appendix B](#) provides the substances technical guidelines for cadmium.

1910.1027, [appendix D](#) pertaining to occupational health history interview with reference to cadmium exposure.

1910.1027, [appendix E](#) provides cadmium in workplace atmospheres.

1910.1027, [appendix F](#) pertains to nonmandatory protocol for biological monitoring.

Hazard communication:

1910.1200, [appendix A](#) provides the health hazard criteria.

1910.1200, [appendix B](#) provides the physical criteria.

1910.1200, [appendix C](#) provides the allocation of label elements.

1910.1200, [appendix D](#) provides the safety data sheets.

1910.1200, [appendix E](#) provides the definition of "trade secret".

1910.1200, [appendix F](#) pertains to the guidance for hazard classifications re: carcinogenicity.

SUBPART B REFERENCES:

Acids and bases

Agricultural safety and health (ASH)

Ammonia and ammonia refrigeration

Arboriculture

Bloodborne pathogens

Compressed gases

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Electrical safety

Employee exposure and medical records

Eyewash stations and emergency showers

Flammable liquids

Hazard communication

Hierarchy of controls

Logging

Machine guarding

Medical services and first aid

Organic solvents

Personal protective equipment

Respiratory protection

Sanitation

Signs, markings and tags

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Subpart C—Employee Operating Instruction

Does “[Subpart C](#)—Employee Operating Instruction” apply to you?

This subpart provides standards for agricultural operations.

Note: *References applicable to this subpart are located at the end of this section.*

Yes / No / Unsure If yes, please continue.

Do your employees use tractors for agricultural operations? Yes / No / Unsure

The following standard provides the general requirements for the protection of operators. It includes definitions, general requirements (i.e., test and performance of ROPS, seatbelts, protection from spillage, protection from sharp surfaces, use of low profile tractors), labeling and operating instructions.

Agricultural tractor means a two or four-wheel drive type vehicle, or track vehicle, of more than 20 engine horsepower, designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All self-propelled implements are excluded.

Low profile tractor means a wheeled tractor possessing the following characteristics:

- The front wheel spacing is equal to the rear wheel spacing, as measured from the centerline of each right wheel to the centerline of the corresponding left wheel.*
- The clearance from the bottom of the tractor chassis to the ground does not exceed 18 inches.*
- The highest point of the hood does not exceed 60 inches, and*
- The tractor is designed so that the operator straddles the transmission when seated.*

[1928.51](#)—Roll-over protective structures (ROPS) for tractors used in agricultural operations.

Do you perform test procedures or ensure performance requirements are met for ROPS? (*The following two standards apply to testing of ROPS*) Yes / No / Unsure

The following standard provides requirements pertaining to laboratory tests, field-upset tests, test procedures, and performance requirements for protective frames.

[1928.52](#)—Protective frames for wheel-type agricultural tractors -- test procedures and performance requirements.

Note: *This document is intended to be consistent with 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.*

Do you perform test procedures or ensure performance requirements are met for ROPS? (The following two standards apply to testing of ROPS) Yes / No / Unsure

The following standard provides requirements pertaining to laboratory tests, field-upset tests, test procedures, and performance requirements for protective enclosures.

1928.53—Protective enclosures for wheel-type agricultural tractors -- test procedures and performance requirements.

SUBPART C APPENDICES:

1928, appendix A provides employee operating instructions.

SUBPART C REFERENCES:

Agricultural safety and health (ASH)

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Subpart D—Safety for Agricultural Equipment

Does “[Subpart D](#)—Safety for Agricultural Equipment” apply to you?

This subpart provides the standards the protection of employees from the hazards associated with moving machinery parts of farm field equipment, farmstead equipment, and cotton gins used in any agricultural operation.

Note: References applicable to this subpart are located at the end of this section.

Yes / No / Unsure If yes, please continue.

Do employees use farm field equipment? Yes / No / Unsure

The following standard applies to all farm field equipment, farmstead equipment, and cotton gins. This standard is broken out in 4 sections: paragraph (a) - general requirements for all equipment, paragraph (b) - farm field equipment, paragraph (c) - farmstead equipment and paragraph (d) - cotton gins.

[Paragraph \(a\)](#) contains general requirements which apply to all covered equipment (i.e., field equipment, farmstead equipment, cotton gins) and includes operating instructions, methods of guarding, strength and design of guards, guarding by location, guarding by railings, and servicing and maintenance.

[Paragraph \(b\)](#) applies to farm field equipment. It provides requirements pertaining to power-take-off guarding, and other power transmission components (i.e., guarding, safety sign warnings, not removing guards).

[Farm field equipment](#) - Means tractors or implements, including self-propelled implements, or any combination thereof used in agricultural operations.

[1928.57](#)—Guarding of farm field equipment, farmstead equipment, and cotton gins.

Do employees use farmstead equipment? Yes / No / Unsure

The following standard applies to all farm field equipment, farmstead equipment, and cotton gins. This standard is broken out in 4 sections: paragraph (a) - general requirements for all equipment, paragraph (b) - farm field equipment, paragraph (c) - farmstead equipment and paragraph (d) - cotton gins.

[Paragraph \(a\)](#) contains general requirements which apply to all covered equipment (i.e., field equipment, farmstead equipment, cotton gins) and includes operating instructions, methods of guarding, strength and design of guards, guarding by location, guarding by railings, and servicing and maintenance.

[Paragraph \(c\)](#) applies to farmstead equipment. It provides requirements pertaining to power-take-off guarding, signs for power drive safety shields, other power transmission components (i.e., guarding, safety sign warnings, not removing guards), and electrical disconnect means (i.e., maintenance and servicing, signage).

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Farmstead equipment - Means agricultural equipment normally used in a stationary manner. This includes, but is not limited to, materials handling equipment and accessories for such equipment whether or not the equipment is an integral part of a building.

1928.57—Guarding of farm field equipment, farmstead equipment, and cotton gins.

Do employees use cotton gins? Yes / No / Unsure

The following standard applies to all farm field equipment, farmstead equipment, and cotton gins. This standard is broken out in 4 sections: paragraph (a) - general requirements for all equipment, paragraph (b) - farm field equipment, paragraph (c) - farmstead equipment and paragraph (d) - cotton gins.

Paragraph (a) contains general requirements which apply to all covered equipment (i.e., field equipment, farmstead equipment, cotton gins) and includes operating instructions, methods of guarding, strength and design of guards, guarding by location, guarding by railings, and servicing and maintenance.

Paragraph (d) applies to cotton gins. It provides requirements pertaining to power transmission components (i.e., guards), functional components (i.e., guards), and warning devices.

Cotton gins - Systems of machines which condition seed cotton, separate lint from seed, convey materials, and package lint cotton.

1928.57—Guarding of farm field equipment, farmstead equipment, and cotton gins.

SUBPART D REFERENCES:

Amputations

Agricultural safety and health (ASH)

Machine guarding

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Subpart I—General Environmental Controls

Does “[Subpart I—General Environmental Controls](#)” apply to you?

This subpart provides the field sanitation requirements that applies to any agricultural establishment where eleven or more employees are engaged on any given day in hand-labor operations in the field.

Note: References applicable to this subpart are located at the end of this section.

Yes / No / Unsure If yes, please continue.

Are you an agricultural establishment where employees (any number) are engaged, on any given day, in hand-labor operations in the field? Yes / No / Unsure

The following standard provides general requirements for employees engaged in hand-labor operations in the field and pertains to potable drinking water, toilet and handwashing facilities, and maintenance of facilities (i.e., clean and sanitary, disposal of wastes, drinking water), reasonable use (i.e., good hygiene practices, use of facilities).

Also reference the North Carolina State Specific Standard, 13 NCAC 07F .0302—[general environmental controls](#), modified the scope of 29 CFR 1928.110—[field sanitation, paragraph \(a\)](#), as follows: "The scope shall not be limited to any specific number of employees."

Agricultural establishment - A business operation that uses paid employees in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

Agricultural employer - Means any person, corporation, association, or other legal entity that:

- Owns or operates an agricultural establishment;
- Contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or
- Recruits and supervises employees or is responsible for the management a condition of an agricultural establishment.

Hand-labor operations - Means agricultural activities or agricultural operations performed by hand or with hand tools. It also includes other activities or operations performed in conjunction with hand labor in the field. Some examples of "hand labor operations" are the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings or other crops, including mushrooms, and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field. "Hand-labor" does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

[1928.110](#)—Field sanitation.

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SUBPART I REFERENCES:

Agricultural safety and health (ASH)

Sanitation

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Subpart M—Occupational Health

Does “[Subpart M—Occupational Health](#)” apply to you?

This subpart provides contains the cadmium standard.

Note: *Appendices and references applicable to this subpart are located at the end of this section.*

Yes / No / Unsure If yes, please continue.

Do your employees have occupational exposure to cadmium? Yes / No / Unsure

The following standard references the general industry standard, 1910.1027—[cadmium](#). It 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.

This standard provides the PEL and the requirements for exposure monitoring, regulated areas, methods of compliance (i.e., engineering controls, work practice controls, written compliance program), respirator program (Reference 1910.134—[respiratory protection](#)), protective work clothing and equipment (Reference 1910.133—[eye and face protection](#)), hygiene facilities and practices (Reference 1910.141—[sanitation](#)), hazard communication program (Reference 1910.1200—[hazard communication](#)), housekeeping, signs and labels, medical surveillance, employee information and training, recordkeeping (Reference 1910.1020—[access to employee exposure and medical records](#)).

[1928.1027](#)—Cadmium.

SUBPART M APPENDICES:

Cadmium (References the general industry standard, 1910.1027—Cadmium):

1910.1027, [appendix A](#) provides the substance safety data sheet.

1910.1027, [appendix B](#) provides the substances technical guidelines for cadmium.

1910.1027, [appendix D](#) pertaining to occupational health history interview with reference to cadmium exposure.

1910.1027, [appendix E](#) provides cadmium in workplace atmospheres.

1910.1027, [appendix F](#) pertains to nonmandatory protocol for biological monitoring.

Note: This document is intended to be consistent with 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.

SUBPART M REFERENCES:

Employee exposure and medical records

Hazard communication

Hierarchy of controls

Personal protective equipment

Respiratory protection

Sanitation

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North Carolina State-Specific Standards

13 NCAC CHAPTER 7—OFFICE OF OCCUPATIONAL SAFETY & HEALTH

Subchapter 7A—General Rules and Operational Procedures

Does “Subchapter 7A—General Rules and Operational Procedures” apply to you?

This subchapter contains state-specific standards requiring "Safety and Health Programs and Committees." These standards apply to general industry and construction worksites with an experience modifier of 1.5 or higher.

Note: *If this subchapter applies, then most of the standards within this subchapter will be applicable. References applicable to this subchapter are located at the end of this section.*

Yes / No / Unsure If yes, please continue.

Do you have an experience rate modifier of 1.5 or higher? Yes / No / Unsure

The following state-specific standards requires businesses with a workers' compensation experience rate modifier (ERM) of 1.5 or higher to improve their workplace safety and health efforts by establishing a safety and health program.

Experience rate modifier ERM [AKA - (EMR) - Experience modification rate] - *Is a rate modifier used to establish a company's insurance premium for worker's compensation (WC).*

ERM is based on your past three years (skipping the most current year in effect) of WC claims history for injuries and illnesses. An ERM of 1.0 is considered to be the average industry rate for a company and it can go up or down based on your claims history when comparing claims to other similar type industries. The more claims you have, the higher your ERM and the more you pay in WC premiums. If you have fewer claims, the lower your ERM and the less you pay in WC premiums.

Do you have an ERM of 1.5 or higher? Yes / No / Unsure

The following standard provides the purpose and scope of this subchapter.

7A .0601—Purpose and scope.

Do you have an ERM of 1.5 or higher? Yes / No / Unsure

The following standard provides the definitions for this subchapter.

7A .0602—Definitions.

Note: *This document is intended to be consistent with 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.*

Do you have an ERM of 1.5 or higher? Yes / No / Unsure

The following standard provides requirements pertaining to written safety and health programs that includes workplace inspection checklists, accident investigations, safe work practices, self-audits, purpose of the safety committee, required OSHA programs, and communication of hazards to employees.

7A 0603—Safety and health programs.

Do you have 11 or more employees and an ERM of 1.5 or higher? Yes / No / Unsure

The following standard provides requirements pertaining to the safety and health committee including selection of management, non-management members, and collective bargaining agents.

7A .0604—Selection of safety committees.

Do you have 11 or more employees and an ERM of 1.5 or higher at each location? Yes / No / Unsure

The following standard provides requirements pertaining to the safety and health committee as it relates to multi-site and multi-employer worksites.

7A .0605—Safety & health committee requirements.

Do you have an ERM of 1.5 or higher? Yes / No / Unsure

The following standard provides requirements pertaining to training and education for safety and health committee members and for employees that are not part of the committee. Training should include hazard identification, accident investigations, employee rights and responsibilities, recordkeeping requirements, common causes of accidents, PPE use, OSHA required training and on frequently cited OSHA violations.

7A .0606—Training and education.

SUBCHAPTER 7A REFERENCES:

Safety and health programs and committees

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Subchapter 7F .0302—General Environmental Controls

Does “[Subchapter 7F .0302](#)—General Environmental Controls” apply to you?

This subchapter contain a state-specific standard for the agriculture industry. It changes the scope for includes the promulgation of the 29 CFR Part 1910 standards (7F .0100—General Industry), and an amendment to 1910.120—HAZWOPER training requirement.

Note: References applicable to this subchapter are located at the end of this section.

Yes / No / Unsure If yes, please continue.

Are you an agricultural establishment where employees (any number) are engaged, on any given day, in hand-labor operations in the field? Yes / No / Unsure

The state-specific standard modifies the "scope" of 1928.110—[field sanitation](#) to read "The scope shall not be limited to any specific number of employees."

1928.110—[field sanitation](#) provides general requirements for employees engaged in hand-labor operations in the field and pertains to potable drinking water, toilet and handwashing facilities, and maintenance of facilities (i.e., clean and sanitary, disposal of wastes, drinking water), reasonable use (i.e., good hygiene practices, use of facilities).

Agricultural establishment - A business operation that uses paid employees in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

Agricultural employer - Means any person, corporation, association, or other legal entity that:

- *Owns or operates an agricultural establishment;*
- *Contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or*
- *Recruits and supervises employees or is responsible for the management a condition of an agricultural establishment.*

Hand-labor operations - Means agricultural activities or agricultural operations performed by hand or with hand tools. It also includes other activities or operations performed in conjunction with hand labor in the field. Some examples of "hand labor operations" are the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings or other crops, including mushrooms, and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field. "Hand-labor" does not include such activities as logging

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operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

13 NCAC 07F .0302—General environmental controls.

SUBPART I REFERENCES:

Agricultural safety and health (ASH)

Sanitation

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NORTH CAROLINA GENERAL STATUTE (NCGS)

NCGS 95-129—Rights and Duties of Employers

Does “[NCGS 95-129](#)—Rights and Duties of Employers” apply to you?

The General Duty Clause is used only where there is no standard that applies to the particular hazard. Employers can be cited for violation of the General Duty Clause if a recognized serious hazard exists in their workplace and the employer does not take reasonable steps to prevent or abate the hazard.

Note: References applicable to this subchapter are located at the end of this section.

Yes / No / Unsure If yes, please continue.

Are you covered by the OSH Act? Yes / No / Unsure

The following standard applies to everyone covered under the OSH Act. The GDC is used when there isn't a standard for a recognized hazard that can cause death or serious injury or serious physical harm. Examples of GDC violations can include hazards such as heat stress, seatbelt not on a forklift, and ergonomics.

"Each employer shall furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or serious physical harm to his employees."

[NCGS 95-129\(1\)](#)—General Duty Clause.

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NCGS 95-173 - 218—Hazardous Chemical Right to Know Act

Does "[NCGS 95-173-218—Hazardous Chemical Right to Know Act](#)" apply to you?

This state statute (Article 18 – Identification of Toxic or Hazardous Substances) consists of two major parts; public safety and emergency response right to know, and community right to know. The state-specific standard provides the requirements pertaining to a hazardous substance list, safety data sheets (SDS), labels, emergency information, complaints, investigations and penalties, employee rights, withholding hazardous substance trade secret information, medical emergency and nonemergency situations, community information on hazardous chemicals, exemptions (i.e., farming operations, distilled spirits, tobacco, patient care medicines), preemption of local regulations, and severability.

Note: References applicable to this subchapter are located at the end of this section.

Public safety and emergency response right to know - Requires employers who manufacture, process, use, store or produce at least 55 gallons or 500 pounds, whichever is greater, of hazardous chemicals to compile and annually update a list of the hazardous chemicals including the identity of each such chemical and their respective quantities. A copy of this list must be provided to the local fire chief.

Community right to know - Permits any person in North Carolina to request a list of chemicals used or stored at a given facility. The request must be in writing and applies to employers who must compile a hazardous chemicals list and for those chemicals included on the list. In addition, an employer claiming a trade secret may withhold the identity of the chemical.

Yes / No / Unsure If yes, please continue.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard provides that the article will be referred to as the Hazardous Chemical Right to Know Act.

[95-173](#)—Short title.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard provides the definitions applicable to this rule.

[95-174](#)—Definitions.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

Note: This document is intended to be consistent with 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.

The following state-specific standard provides the requirements for maintaining a hazardous substance list. It requires that it be updated at least annually if not more frequently. A copy of this list must be provided to the local fire chief.

[95-191](#)—Hazardous substance list.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard requires that the most current SDS be maintained by the employer.

[95-192](#)—Safety data sheets.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard requires that all labels not be removed or defaced.

[95-193](#)—Labels.

Do you store more 55 gallons or 500 pounds of any hazardous substance? Yes / No / Unsure

The following standard requires that the local fire department be notified in writing of a contact person and the list of hazardous substances at the site. It also provides for updating the local fire department of updates in the list, allow for on-site inspections by the fire department, and preparing an emergency response plan for the facility.

[95-194](#)—Emergency information.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard provides for filing of complaints to the Commissioner of Labor and allows for on-site investigations and penalties.

[95-195](#)—Complaints, investigations, penalties.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard protects employees from being disciplined as it relates to complaint inspections.

[95-196](#)—Employee rights.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard allows for an employer to withhold hazardous chemical information as long as it is provided to the local fire department who will maintain confidentiality.

[95-197](#)—Withholding hazardous substance trade secret information.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

In an emergency situation, the employer must immediately disclose the information to the healthcare provider. For nonemergency situations, the provider can request the information and the employer shall disclose the information but may still request confidentiality.

[95-198](#)—Medical emergency and nonemergency situations.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard allows for any person in North Carolina to request in writing a list of hazardous chemicals kept at the worksite.

[95-208](#)—Community information on hazardous chemicals.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard provides the exemptions to Article 18 – Identification of Toxic or Hazardous Substances. These include chemicals in or on any of the following: (1) Hazardous substances while being transported in interstate commerce into or through this State. (2) Products intended for personal consumption by employees in the facilities. (3) Retail food sale establishments and all other retail trade establishments in North American Industry Classification System Codes 44 through 45, exclusive of processing and repair areas, except that the employer must comply with the provisions of G.S. 95-194(a)(i). (4) Any food, food additive, color additive, drug or cosmetic as such terms are defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301, et seq.). (5) A laboratory under the direct supervision or guidance of a technically qualified individual provided that: a. Labels on containers of

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incoming chemicals shall not be removed or defaced; b. SDSs received by the laboratory shall be maintained and made accessible to employees and students; c. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes; and d. The laboratory operator complies with the provisions of G.S. 95-194(a)(i). (6) Any farming operation which employs 10 or fewer full-time employees, except that if any hazardous chemical in an amount in excess of 55 gallons or 500 pounds, whichever is greater, is normally stored at the farming operation, the employer must comply with the provisions of G.S. 95-194(a)(i). (7) Any distilled spirits, tobacco, and untreated wood products. (8) Medicines used directly in patient care in health care facilities and health care facility laboratories.

95-216—Exemptions.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard states that local government are preempted from exercising their powers to require disclosure, directly or indirectly, of information regarding the use or storage of hazardous chemicals by employers to any members of the public, or to any branch or agent of State or local government in any manner other than as provided for in this Article.

95-217—Preemption of local regulations.

Do you manufacture, process, use, store, or produce hazardous chemicals in quantities of at least 55 gallons or 500 pounds? Yes / No / Unsure

The following standard provides for severability of the standards within this Article.

95-218—Severability.

NORTH CAROLINA GENERAL STATUTE REFERENCES:

[Hazard communication](#)

[Hazardous chemicals right to know](#)

North Carolina field operations manual, [chapter IV](#) - violations

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OSH DIVISION OUTREACH RESOURCES AND SERVICES:

[Safety and health programs and plans](#) (i.e., example programs to be made site-specific)

[Safety and health topics](#) (i.e., learn more about safety and health topics)

[Which standards apply?](#) (identify the standards applicable to your worksite)

[Safety and health presentations](#) (downloadable presentations to be made site-specific)

[OSH training calendar](#) (i.e., register for webinars, in-person classroom training, virtual events)

[Streaming video services](#) (on-demand training)

[Request outreach services](#) (i.e., request training, booths, guest speaker)

[AskOSH](#) (interpretations)

[NCDOL library](#) (i.e., consensus standards, research assistance)

[Inspections](#) (general industry standards that require inspections)

[Programs, plans and procedures](#) (general industry standards that require programs, plans, procedures)

[Training](#) (general industry standards that require training)

[OSH enforcement procedures](#) (e.g., compliance directives, operational procedure notices)

OTHER OUTREACH RESOURCES:

[Establishment search](#) (search OSHA enforcement inspections nationwide)

[Interpretations](#) (federal OSHA interpretations for general industry)

[Training](#) (Susan Harwood Grant PowerPoints)

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