A Summary of Laws and Regulations Affecting Agriculture

An explanation of pertinent parts of laws and regulations that affect agricultural machinery use in Pennsylvania.

This fact sheet is an explanation of pertinent parts of laws and regulations that affect agricultural machinery use in Pennsylvania, including the Occupational Safety and Health Act (OSHA), the Hazardous Occupations Order in Agriculture Order, and the Pennsylvania Vehicle Code.

**Occupational Safety and Health Act (OSHA)**

As with many laws that have been in effect for some time, important points about the law are sometimes confusing, unclear, or forgotten. Several points about OSHA regulations and application to agriculture need to be clearly understood by everyone in agriculture. First, an employer/employee relationship has to exist for OSHA to apply to the business or operation. This means that if a farm operation uses only his or her own labor, or uses only family labor, that OSHA has little or no jurisdiction in that operation.

OSHA became effective in 1971 but has had little direct influence upon most agricultural operations. Since October 1976 Congress has restricted OSHA from expending any of its funds to enforce rules and regulations on any farm with 10 or fewer employees. This restriction, known as the "small farm exemption," has been in effect since 1976.

As an industry and occupation, agricultural has never been "exempted" from OSHA. This fact that OSHA cannot enforce its rules and regulations on farms with 10 or fewer employees does not mean that these farm operations are exempt from OSHA jurisdiction. Rather, it means that these farm operations cannot be inspected for compliance but can be inspected under the "general duty clause." This may seems like a trivial distinction, but it can be significant in a court of law.

OSHA's "General Duty Clause" requires that each employer furnish a place of employment free from recognized hazards that may cause death or serious physical harm to employees and employers must comply with OSHA safety and health standards. OSHA also requires that each employee comply with safety and health rules, such as shutting off power to equipment before working on any machine; wearing personal protective equipment, and informing employers of hazards. Because the general duty clause is part of the Act itself, and not a rule or regulation, all businesses covered by OSHA are included in this provision. Should a farm incident occur that seriously injures or kills an employee, the employer may be held liable if it is subsequently shown that the incident resulted from an uncorrected recognized hazard.
The following are the main OSHA regulations that are specific to farming:

**Tractor Rollover Protection**
Also known as the ROPS standard, ROPS have been required on all tractors operated by employees since 1976. OSHA regulations state that employers are required to provide safety operating instructions to employees when they start an assigned job and annually thereafter. Employers are to require seatbelt usage by employees when they are operating a tractor equipped with a ROPS. The only exemption to this standard is a low-profile tractor used in orchards, greenhouses, and other buildings. Training for employees should be comprehensive and cover topics about the tractor, safe operating procedures, and rules for tractor operation.

**Accident Prevention Signs and Tags**
This OHSA regulation defines the proper usage of the slow moving vehicle (SMV) emblem. The SMV should be constructed of the proper material and displayed appropriately at the rear of the tractor and/or tractor implement combination. The purpose of the SMV is to alert vehicle operators approaching from the rear that the farm vehicle is unable to travel faster than 25 mph.

In regards to tags, an employer must provide lock out (LO) or tag out (TO) procedures to prevent accidental application of electrical power to farmstead equipment. Employee education is a required part of this standard to provide instruction in safe operation and servicing of all equipment that an employee will operate and general safety operational procedures.

**Machinery Guarding**
This OSHA standard requires that all farm field and farmstead equipment, regardless of date of manufacture, be equipped with power take-off (PTO) guarding. In addition to PTO guarding, equipment should be equipped with nip point guarding which guards against pinch points on gears, belts, and pulleys.

**Confined Spaces**
OSHA regulations for confined spaces do not apply to agriculture but the general duty clause recommends that an employer completely explain the purpose and risk associated with confined spaces (e.g., silos, manure pits, grain bins and elevators, and controlled atmosphere storages).

**Worker's Compensation Laws**
Worker's Compensation (WC) laws provide financial help to workers injured on the job. In Pennsylvania, an employer that employs a person in agriculture must provide worker's compensation coverage for that person is covered by the law, if the worker earns more than $1,200 in a calendar year, or if the employee works more than 30 days. Both the employer and employee pay into the WC fund of their home state based on their hours of employment. If an employee is injured, they must file a claim with their employers which will then be reviewed by approved providers. Compensation is dependent on the extent of the injury and medical check-ups may be required to determine the length of payments and a return-to-work date.

**Hazardous Occupations Order in Agriculture**
Since 1969, the U.S. Department of Labor has declared many agricultural tasks to be hazardous for youth under the age of 16. With certain exemptions, employment of youth under the age of 16 for these tasks is illegal. The law does not apply to youth under 16 who are employed, either with or without compensation, by their parents.

As part of the Department of Labor's Fair Labor Standards Act, the Hazardous Occupations Order in Agriculture (HOOA) established a procedure where youth 14 and 15 years of age could be exempted from certain portions of the regulation. The exemption states that with successful completion of a 10-hour training program, 14 and 15 year-old youths can be employed to "operate a tractor of over 20 PTO horsepower, or connect or disconnect an implement or any of
its parts to or from such a tractor."

Additionally, with successfully completing a 20-hour training program, these youths can be employed to "operate or assist to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machine":

- Cornpicker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger or mobile pea viner;
- Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a non-gravity type self-unloading wagon or trailers;
- Power post hole digger, power post driver, or nonwalking rotary tiller.

With the 10-hour training program, youths are allowed only to operate a tractor that essentially has no powered equipment hooked behind it. To do field work of any kinds, youths need to complete the 20-hour training program. In the definitions section of this law, the term "agriculture" is defined to include "farming in all its branches and among other things includes…preparation for market, delivery to market, delivery to storage or to market or to carriers for transportation to market." This statement permits a properly trained youth to transport produce and other products to markets, between farms, etc., however provisions in your state vehicle code may preclude this activity by 14- and 15-year-olds.

There are several tasks that are allowable for 14- and 15 year-olds to complete under the Fair Labor Standards including the following:

- Loading and unloading trucks
- Operating small tractors (under 20 horsepower)
- Picking vegetables and berries
- Placing vegetables and fruits on conveyors or into boxes
- Clearing brush and harvesting trees up to 6 inches in butt diameter
- Working with animals on the farm or at fairs and shows (except for specified breeding stock in confined areas, such as cows with newborn calves in closed box stalls, bulls, or sows with newborn piglets)
- Raising and caring for poultry
- Milking cows
- Cleaning barns, equipment, and storage buildings
- Mowing lawns
- Riding, driving, or exercising horses
- Picking cotton
- Handling irrigation pipes
- Riding on transplanters

An employer may be strictly penalized if they subject a youth worker to hazardous occupations. Remember the youth is not penalized but the employer is the person held responsible with a first offense fine up to $10,000 and a second offense could include a fine and possible imprisonment. The HOOA does not permit youth younger than age 14 to complete the exemption training therefore they cannot be hired by an agricultural employer to operate tractors or machinery.

Worker Protection Standard

Although not a farm machinery safety regulation the Worker Protection Standard (WPS) regulations of the Environmental Protection Agency (EPA) require employers to take steps to reduce the risk of pesticide-related illness and injury to those persons who use or are exposed to pesticides on farms, forests, nurseries, and greenhouses. No size of farm operation is exempt. The regulation requires the following:

- Employer provides information to their workers about pesticide safety, emergency procedures, and recent pesticide applications.
- Employer must properly train their workers about pesticide safety when they begin work and at least every five years.
- Each handlers and early-entry workers must be provided with appropriate personal protective equipment.
- In the event of an emergency, the employer must provide transportation for any employee who has been injured in a pesticide-related incident to an appropriate medical facility for treatment.
- Employers must provide notifications (e.g., oral, written, posted) to alert employees about restricted-entry intervals.
- Commercial handlers must provide the employer with complete details about the pesticide, warnings, and safety requirements prior to use.
- Employers must provide an accessible and complete decontamination area within ¼ mile of all workers and handlers.

Pennsylvania Vehicle Code

The Pennsylvania Vehicle Code includes several provisions that apply to the movement of agricultural equipment upon public roadways. Of particular concern to agricultural producers are the definitions used in the code concerning implement of husbandry and highway.

Implement of husbandry is a vehicle designed or adapted and determined by the Department of Transportation to be used exclusively for agricultural operations and infrequently
operated or moved upon highways. Highway is the entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for purposes of vehicle travel.

The following resources outline recommendations related to visibility in agricultural and rural communities:

- **Laws and Regulations on Use of Pennsylvania Agricultural Vehicle** (PA Farm Bureau)
- **Lighting and Marking for Horse Drawn Buggies, Carriages, Carts, and Wagons** (Penn State Extension)
- **Rx for SMV Highway Safety: Be Conspicuous** (Penn State Extension)

Be aware that the State Vehicle Codes are subject to change.

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