



A Summary of Laws Relating To Agricultural Machinery Safety

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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 in Agriculture Order and the Pennsylvania Vehicle Code, which prohibits some activity by 14 and 15 year olds.

Occupational Safety and Health Act (OSHA)

As with many laws that have been in effect for some time, important points about the law sometimes are confusing or unclear. Several points about OSHA and its 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 a business or operation. This means that if a farm operator uses only his or her own labor, or uses only family labor, OSHA has no jurisdiction in that operation.

OSHA became effective in 1971 but has had little director influence upon most agricultural operations since October 1976. That is when Congress 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, agriculture has never been “exempted” from OSHA. The fact that OSHA cannot enforce its rules and regulations on farms with 10 or fewer employees does not mean that these farm operations are exempted from OSHA jurisdiction. Rather, it just means that these farm operations can not be inspected for compliance. This may seem 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. Because the general duty clause is part of the Act itself, and not a rule or regulation, all businesses

covered by OSHA fall under this provision. Should a farm accident seriously injure or kill an employee, the employer may be held liable if it is subsequently shown that the accident resulted from an uncorrected recognized hazard.

It is also relevant that two standards issued by OSHA specifically for agriculture have always been in effect. The Roll-Over Protective Structures standard (of the ROPS standard, as it is commonly called) and the Machinery Guarding standard apply to tractor and machinery manufacturers. These standards became effective in 1976. The ROPS standard assures farm tractor operators that if the tractor overturns, the protective frame or cab will remain substantially intact and protect the operator (assuming the tractor seatbelt is being worn) from being crushed during the overturn. The machinery guarding standard assures farmers purchasing a new machine that it will be guarded according to OSHA standards.

Employers that fail to provide employees with a tractor having ROPS, or fail to maintain properly guarded machinery, are not only greatly increasing the risk of accidental injury to the employee, but are increasing their liability during any subsequent lawsuit. This is true regardless of the number of employees.

Hazardous Occupations 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 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 this declaration, a procedure was established by the Department of Labor so that youths 14 and 15 years of age could be exempted from certain portions of the law. This exemption has to do with agricultural tractors and specific types of farm machinery. More specifically, 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.”

Additional, 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 machines:

- (i) cornpicker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger or mobile pea viner;
- (ii) feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer;
- (iii) 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 kind, 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 allows a properly trained youth to haul produce and other products to markets, between farms, etc. However, a provision in the state vehicle code precludes this activity by 14 and 15 year-old youths.

Pennsylvania Vehicle Code

The Pennsylvania Vehicle Code, last revised in 1977, has several provisions that apply to the movement of agricultural equipment upon public roadways. Of particular concern to agricultural employers that wish to hire youthful workers, are two definitions used in the code, and references concerning licensing and exemptions from licensing.

The first definition defines an "implement of husbandry" as:

"A vehicle designed or adapted and determined by the department to be used exclusively for agricultural operations and only incidentally operated or moved upon highways."

A second definition of importance is "highway":

" 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."

Any road open to the public is referred to as a highway, including shoulders and berms.

Section 1501 of the code has a general statement that requires all persons who operate motor vehicles upon a highway to have a license unless specifically exempted elsewhere in the code.

Section 1502 then goes on to explain exemptions to the licensing requirement. Part (5) says:

"Persons 14 or 15 years of age are restricted to the operation of implements of husbandry on one and two lane highways which bisect or immediately adjoin the premises upon which such person resides."

In other words, 14 and 15 year-olds can operate farm tractors only on public roadways that bisect or adjoin their place of residence.

Additional References

To learn more details about the three laws mentioned above, consult the following references:

Agricultural Engineering Fact Sheet E 9—OSHA ROPS and Operator Instruction Requirements

Agricultural Engineering Fact Sheet E 10—OSHA Machine Guarding Standard

Federal Register, Volume 35, No. 4 Part 1500—Child Labor Regulations, Orders, and Statements of Interpretation. January 7, 1970. Also available are training programs for the 10- and 20-hour certification programs.

Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, Public Law 707, No. 230.

These references may be obtained by contacting your county extension office or Agricultural and Biological Engineering Department.

Regardless of legal liabilities or whether a person is a hired employee, a neighbor helping out, or a member of your own family, farm operators have a moral responsibility to provide worksites as free of recognized hazards as possible. This means applying the spirit of safety laws and regulations to all persons visiting or working on farms.