

**CHAPTER 5206**  
**DEPARTMENT OF LABOR AND INDUSTRY**  
**EMPLOYEE RIGHT-TO-KNOW STANDARDS**

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**FARMING OPERATIONS TRAINING PLAN**

**5206.1300 PURPOSE.**

The standards in parts 5206.1300 to 5206.1900 implement provisions of the Employee Right-to-Know Act of 1983, Laws of Minnesota 1983, chapter 316, which require the commissioner of the Department of Labor and Industry to develop and implement a training program for farming operations. These standards, which apply to farming operations only, require each employer who is engaged in a farming operation and employs more than ten employees or who is engaged in a farming operation and maintains a temporary labor camp and employs any of its residents to provide training and information to employees who are routinely exposed to hazardous substances or harmful physical agents.

**Statutory Authority:** *MS s 182 655*

**History:** *10 SR 623*

**5206.1400 SCOPE.**

Farming operations that employ more than ten employees or that operate a temporary labor camp and employ any of its residents must comply with all requirements of this chapter at the time the employer has more than ten employees or at the time the camp is maintained. Persons who only provide housing facilities for seasonal or temporary migrant agricultural workers employed by another employer are exempt from the requirements of parts 5206.1300 to 5206.1900. Farming operations that employ ten or fewer employees and do not maintain a temporary labor camp are exempt from the provisions of parts 5206.1300 to 5206.1900 except that label information must be furnished to employees or their representatives upon request as provided in Minnesota Statutes, section 182.654.

**Statutory Authority:** *MS s 182 655*

**History:** *10 SR 623*

**5206.1500 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 5206.1300 to 5206.1900 have the meanings given them in this part.

Subp. 2. **Data sheet.** "Data sheet" means a document such as a material safety data sheet (OSHA Form 20), operation standard, or placard which contains information required by Minnesota Statutes, section 182.653, subdivisions 4b and 4e regarding the physical, chemical, and hazardous properties of a substance or mixture and is used by an employer to communicate to an employee the information required under Minnesota Statutes, section 182.653, subdivisions 4b and 4e.

Subp. 3. **Employee.** "Employee" means any person suffered or permitted to work by an employer including any person acting directly or indirectly in the interest of or as a representative of an employer. It includes any child employed in accordance with Minnesota Statutes, chapter 181A.

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Subp. 4. **Handler.** "Handler" means any person who handles, mixes, or applies hazardous substances.

Subp. 5 **Harmful physical agent.** "Harmful physical agent" means a physical agent determined by the commissioner as part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee.

Subp. 6. **Hazardous substance.** "Hazardous substance" means a chemical or substance, or mixture of chemicals or substances, which:

A: is regulated by the Federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z;

B. is a pesticide used in agricultural operations registered with the United States Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), section 3,

C. is either toxic or highly toxic, an irritant; corrosive, a strong oxidizer; a strong sensitizer, combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating, a compressed gas; a carcinogen; a teratogen; a mutagen; a reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance, or

D. is determined by the commissioner as part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination

Subp. 7. **Non-handler.** "Non-handler" means any person who does not handle, use, or apply a hazardous substance but is exposed to hazardous substances such as in field work.

Subp. 8. **Incidental farm worker.** "Incidental farm worker" means any person who is not a handler of hazardous substances and is employed for not more than five days

Subp. 9. **Routinely exposed.** "Routinely exposed" means a reasonable potential for exposure exists during the normal course of assigned work. It includes the exposure of an employee to a hazardous substance when assigned to work in a field where a hazardous substance has been applied to that field within the last 30 days. It does not include a simple walk through of an area where a hazardous substance is present.

Subp. 10. **Temporary labor camp.** "Temporary labor camp" means any facility arranged, paid for, or maintained by an employer in which that employer's seasonal or temporary agricultural workers are required to live as a condition of employment. A "temporary labor camp" may consist of one or more buildings or structures, tents, or vehicles. It also includes a barracks-type camp, in which sleeping quarters are arranged on the dormitory plan, and a family-type camp that provides individual dwelling quarters for single family units.

**Statutory Authority:** *MS's 182.655*

**History:** *10 SR 623*

### 5206.1600 HAZARDOUS SUBSTANCES AND HARMFUL PHYSICAL AGENTS.

Subpart 1. **Hazardous substances list.** The commissioner has determined that part 5206.0400, subpart 2 "Exemptions" and subpart 5 "List of hazardous substances" shall be incorporated by reference and shall be covered by the provisions of parts 5206.1300 to 5206.1900. The list of hazardous substances includes the majority of hazardous substances, including pesticides, that will be

encountered in Minnesota. It does not include all hazardous substances and will not always be current. Employers shall exercise reasonable diligence in evaluating their farming operation with respect to other recognized hazardous substances and assure that employees are provided with the training required in part 5206.1700.

Subp. 2. **Harmful physical agents covered by this chapter.** The commissioner has determined that indoor heat shall be covered by the provisions of this chapter governing harmful physical agents. Where there is a reasonably foreseeable potential for exposure to heat in an indoor work environment where the temperature may be expected to reach or exceed the permissible exposure limit, the employer must provide training to employees as required in part 5206.1700

**Statutory Authority:** *MS s 182 655*

**History:** *10 SR 623*

### 5206.1700 TRAINING.

Subpart 1 **General.** The requirements in items A to G apply to training programs provided to employees concerning hazardous substances and harmful physical agents.

A. Training shall be made available by, and at the cost of, the employer

B. Records of training provided under the requirements of this chapter must be maintained by the employer, retained for five years, and made available, upon request, for review by employees or their representatives and by the commissioner or his or her authorized representative.

C. Information and training programs may relate to specific exposure hazards; the common hazards of a group of hazardous substances, or to the hazards of a complete production operation, whichever is more effective. Specific information on individual hazardous substances or mixtures and harmful physical agents must be available in writing for employees' use.

D. Once training has been completed, an employer may request the employee to sign a statement that the employee has been trained as required by parts 5206.1300 to 5206 1900.

E. Frequency of training.

(1) Training must be provided to an employee prior to initial assignment to a worksite where the employee may be routinely exposed to a hazardous substance or harmful physical agent.

(2) Additional training must be provided to a non-handler of hazardous substances prior to the time the employee may be routinely exposed to a hazardous substance or harmful physical agent with properties not covered in the generic training program. Additional training must be provided to a handler of hazardous substances prior to the time the employee may be routinely exposed to a new hazardous substance or harmful physical agent.

(3) Training must be provided at intervals of not greater than one year. Maintenance of a private applicator's certification or commercial applicator's license fulfills the annual training requirement.

(4) Employees performing the same or similar job assignments for more than one employer during the current growing season need only be trained once. The current employer must produce verification of the training, in a timely manner, upon request of the commissioner or an authorized representative of the commissioner

F. The commissioner may, upon request of an employer or an employer's representative, certify a training program as complying with this chapter.

G. The employer shall maintain current information for training or information requests by employees.

Subp. 2. **Training program for hazardous substances.** Training for employees

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who may be routinely exposed to hazardous substances shall be provided in a manner which can be reasonably understood by the employees. For employees who do not understand English, training must be provided in a language understood by the employee.

### A. Training program for handlers of hazardous substances.

(1) The oral training program for handlers of hazardous substances must include the following:

(a) the name or names of the substance including any generic or chemical name, trade name, and commonly used name;

(b) the level, if any and if known, at which exposure to the substance has been restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups which have conducted research to determine the hazardous properties of potentially hazardous substances;

(c) the known acute and chronic effects of exposure at hazardous levels (including routes of entry into the body);

(d) the known symptoms of the effects;

(e) any potential for flammability, explosion, or reactivity of the substance,

(f) appropriate emergency treatment;

(g) the known proper conditions for safe use of and exposure to the substance;

(h) procedures for cleanup of leaks and spills;

(i) the name, phone number, and address of a manufacturer of the hazardous substance; if the name and phone number of a manufacturer is not available, the phone number of a local poison control center or the Chemical Transportation Emergency Center (CHEMTREC) must be provided.

(2) A written copy of the information required in subitem (1) shall be readily accessible in the area or areas in which the hazardous substance is used or handled.

(3) In lieu of the oral training program required in subitem (1), employees who handle or use hazardous substances may obtain and hold a valid private applicator's certification from the Minnesota Department of Agriculture by completing the training program available through the county extension agent or may fulfill licensing requirements and secure a commercial applicator's license as provided for in Minnesota Statutes, section 18A.26, subdivision 2. Maintenance of a private applicator's certification or commercial applicator's license fulfills the annual training requirement of subpart 1, item E, subitem (3).

B. The oral training program for non-handlers of hazardous substances must include the following:

(1) Proper conditions of exposure:

(a) where label information restricts re-entry after application to other than when sprays have dried or dusts have settled, employees must be provided with the name of the substance, the time of application, and the re-entry time; and

(b) where label information does not restrict re-entry or restricts entry until sprays have dried or dusts have settled, employees must be instructed not to re-enter a field treated with the pesticide until the spray has dried or the dust has settled since application.

(2) Routes of entry into the body:

(a) methods of preventing entry;

(b) emergency procedures to be followed in case of accidental exposure; and

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- (c) first aid and other applicable nonemergency procedures.
  - (3) Symptoms of exposure:
    - (a) possible allergies, symptoms, or sensitivities that may occur;
- and
- (b) hazards to special at-risk groups such as children and pregnant women as information is available.
  - (4) Procedures to follow if symptoms appear.
  - (5) A written copy of the information in item B must be available for employee use. For employees who do not read English, a written notice in a language understood by the employee must be provided advising employees of the name and address of an agency that will translate the written information for them.

- (6) Provision of information for medical treatment:
  - (a) Information required for medical treatment as described in unit (b) must be provided immediately upon request to an employee, or the employee's representative, who reports symptoms of exposure. If symptoms appear, the employee or employee representative shall request information for medical treatment from the employer.
  - (b) The employer shall give the employee or employee representative the name of the substance, the date it was applied, the rate at which it was applied, and either the material safety data sheet or the label for the substance applied.
  - (c) Employees who are unfamiliar with the community or who do not speak English must be provided information in a language understood by the employee concerning the appropriate agency to contact for assistance and medical treatment.

C. Hazardous substance training for incidental farm workers may be fulfilled by providing incidental farm workers with written information in a language understood by the employee. The written statement shall include the information required in item B, subitems (1) to (5). The written information shall be provided to incidental farm workers prior to assignment to work in a field where a hazardous substance has been applied.

D. The training program developed or approved by the Department of Labor and Industry meets the requirements of this chapter.

**Subp. 3. Training program for harmful physical agents.** The training program for employees who may be routinely exposed to heat in an indoor work environment where the temperature may be expected to reach or exceed the permissible exposure limit shall be provided in a manner which can be reasonably understood by the employees. For employees who do not understand English, training must be provided in a language understood by the employees.

- A. Training on heat must include the following:
  - (1) the known proper conditions for exposure and recommended protective measures;
  - (2) the known acute and chronic effects of exposure at hazardous levels;
  - (3) the known symptoms of the effects,
  - (4) appropriate emergency treatment, and
  - (5) the effects of heat to special at-risk groups such as persons with heart disease and high blood pressure.

B. A written copy of the information in item A must be available for employees' use. For employees who do not read English, a written notice in a language understood by the employee must be provided advising employees of the name and address of an agency that will translate the written information for them.

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C In lieu of an oral training program, written documentation of the information required in item A may be provided to employees. For employees who do not read English, the written documentation must be in a language understood by the employee.

**Statutory Authority:** *MS s 182.655*

**History:** *10 SR 623*

### **5206.1800 AVAILABILITY OF INFORMATION.**

Subpart 1 **Data sheets.** A written document containing the information required in the training programs described in part 5206.1700, subparts 2 and 3, shall be available for each hazardous substance or harmful physical agent to which employees are routinely exposed. Written information for hazardous substances must include the information required in part 5206 1700, subpart 2, item A, subitem (1), units (a), (c), (d), (f), and (g). Written information for heat must include the information required in part 5206 1700, subpart 3, item A.

Subp. 2. **OSHA Form 20.** Provision of a properly completed federal OSHA Form 20, "Material Safety Data Sheet," shall be prima facie proof of compliance with the information requirements of a data sheet or the requirements under Minnesota Statutes, section 182.653, subdivisions 4b, 4c, and 4e.

Subp 3. **Translation of data sheet information.** For employees who do not read English, a written notice in a language understood by the employee must be included with the material safety data sheet indicating the name and address of an agency that will translate the information for the employee.

Subp. 4. **Data sheets not available.** If a material safety data sheet is not available from the manufacturer, label information must be provided to employees. The employer shall maintain a record of notices concerning the unavailability of data sheets.

**Statutory Authority:** *MS s 182.655*

**History:** *10 SR 623*

### **5206.1900 LABELING.**

Employers engaged in a farming operation must comply with the labeling requirements for hazardous substances and harmful physical agents found in parts 5206.1000 and 5206.1100. The registered Environmental Protection Agency label meets the requirements of this part. Label information must be provided to employees or their representatives within 24 hours of the request.

**Statutory Authority:** *MS s 182.655*

**History:** *10 SR 623*

### **5206.2000 EFFECTIVE DATE.**

Minnesota Rules, parts 5206.1300 to 5206 1900 are effective March 1, 1986.

**Statutory Authority:** *MS s 182.655*

**History:** *10 SR 623*