HO-CHUNK NATION CODE (HCC)
TITLE 6 – PERSONNEL, EMPLOYMENT AND LABOR CODE
SECTION 8 – OCCUPATIONAL SAFETY AND HEALTH PROGRAM ACT OF 2002
SUBSECTION 19 – AGRICULTURAL SAFETY

ENACTED BY LEGISLATURE: MAY 20, 2002

CITE AS: 6 HCC § 8-19

1. **Authority**. See basic document (Occupational Safety and Health Program Act).

2. **Purpose**. This subsection of the Occupational Safety and Health Program Act provides the requirements necessary to minimize the consequences of accidents and injuries on agricultural operations managed or controlled by the Ho-Chunk Nation. It is the expressed intent of the Ho-Chunk Nation to develop, implement, establish and update effective farm safety policies and procedures at all agricultural facilities operated or leased to or from the Ho-Chunk Nation.

3. **General**. Farming is a demanding business that exposes Ho-Chunk Nation workers to a wide range of safety hazards on a daily basis. It involves, for example, extensive use of:

a. Heavy machinery and moving equipment, which can cause serious personal injury or death.

b. Agricultural chemicals toxic to both humans and animals.

c. A wide variety of tools, implements and equipment that can fall on farm workers, slip during use and take off a limb if used improperly or without adequate protective measures.

d. Electrical, fuel-driven and propane-driven machinery and tools that can cause injury or property damage.

e. Bulk commodities and supplies, which can fall on workers or into which workers can fall.

f. Scaling equipment such as ladders, scaffolding, and overhead walkways can become worn or slippery

4. **Scope**. Agricultural safety requirements as set forth in this Act apply all agricultural operations and specialized agricultural operations engaged in by the Ho-Chunk Nation. These requirements are intended to assist in the task of general agricultural safety.

Agricultural site managers responsible for specialized agricultural operations are tasked with development of site specific safety policies and procedures in accordance with the guidance provided in each of the following areas:

a. Accident Prevention.

(1) Agricultural employees shall and are required to receive instruction in safe working practices.

(2) Emergency phone numbers shall be listed and posted in prominent places (e.g. by telephones and in main work areas).

b. Medical.

(1) Emergency medical care and equipment shall be made available at each agricultural location (office or other designated location).

(2) A properly stocked first kit shall available for when workers are not within easy access to the farmyard or farm office.

(3) Each agricultural location shall designate an employee(s), and provide training in first aid and CPR, or have the employee certified as a Medical 1st Responder.

c. Farm Machinery.

(1) Guards and shields shall always be kept in place when farm machinery is in use.

(2) Power shall always be turned off before machinery is adjusted, repaired or unclogged.

(3) It is the standard rule of the farm not to allow extra riders on farm equipment.

(4) Farm employees shall always check to ensure that other workers, visitors or animals are not close by before starting up farm machinery or equipment.

(5) Seatbelts will be worn on equipment were installed.

(6) Drawbar loads will always be hitched to a drawbar rather than to the tractor axle, frame or raised three-point hitch.

(7) Manufacturer's recommendations for adding front-end weights will always be followed when using rear mounted implements on tractors.

(8) All self-propelled equipment fueled by diesel or gasoline shall be equipped with a dry chemical fire extinguisher (5# or larger).

(9) Doors and windows will always be open when vehicles or equipment with internal combustion engines are started or run indoors, unless the space is equipped with flexible evacuation piping.

(10) Flashing warning lights shall be mounted on all self- propelled farm equipment.

(11) When operating machinery, employees will wear clothing that is tight fitting and not torn or ragged.

(12) Farm equipment shall have operators/users manuals available for employees/operators.

(13) All self-propelled farm equipment shall be kept in good working order (e.g. periodic brake adjustments, properly inflated tires, hydraulic hoses kept in good condition, internal combustion engines periodically maintained).

(14) Operators will use jacks and blocks to stabilize equipment when servicing or repairing.

(15) Trailing equipment will be fitted with safety chains and locking devices to keep hitch pins from falling out.

(16) Scaling equipment (e.g. ladders, scaffolds, etc.) shall be kept in good operating condition.

d. Agricultural Chemicals.

(1) All employees who use agricultural chemicals shall have completed the Hazardous Communications training required in accordance with 6 HCC § 8-3, Hazard Communication.

(2) All agricultural chemicals shall be stored in a locked building, room or cabinet container away from animals, feed seeds and living quarters.

(3) All chemical storage areas to warn of potential hazards shall post signage.

(4) Chemicals shall be stored in their original containers with labels clearing intact.

(5) Empty chemical containers shall always be disposed of promptly and safely and in accordance with local policy.

(6) Chemical mixing area(s) shall be outside, if in a building the area will be open and well ventilated.

(7) Non-compatible chemicals shall be physically stored and isolated from each other.

e. Fuel Storage.

(1) Fuel storage tanks shall be at least 25 feet from the nearest building.

(2) Fuel storage areas shall be located where vehicles and machinery will not strike them.

(3) Fuel storage tanks (above or below ground) shall be checked periodically to ensure there is no leakage.

(4) Dry chemical fire extinguisher(s) with a minimum B-C rating shall be readily available at fueling areas/locations.

(5) Fuel storage hoses nozzles and pumps will always be kept in good condition, and vents kept clean and free of dirt.

(6) Approved safety containers will used to store small quantities of gasoline, kerosene, or diesel fuel for user consumption.

(7) Bulk storage propane tanks shall be located at least a minimum of 10 feet from the nearest building.

(8) Propane system regulators and gauges will be protected from the elements.

(9) Areas around fuel storage sites shall be kept free of weeds, trash, and other combustible materials.

(10) **"No Smoking"** signs shall be posted in all fuel storage and handling areas and other places where flammable and combustible materials are stored.

f. Electricity.

(1) All wiring, power cords, plugs and switches in farm buildings and around the farm shall be kept in good condition, and inspected quarterly.

(2) Electrical systems shall be capable of and have ample capacity to handle all loads.

(3) Electrical circuits shall be equipped with properly sized fuses or circuit breakers.

(4) Main power switches controlling electrically operated farm equipment have a lockout device to prevent accidental starting of equipment while servicing or repairing.

(5) Electrical wire in the yard area or near field entrances shall be overheaded high enough to adequately clear machinery.

(6) Electrical equipment, appliances and power tools purchased shall be UL approved.

(7) Light bulbs or tubes in livestock or storage buildings shall be shielded or protected from breakage.

(8) Electrical outlets in buildings with high moisture content or where water is sprayed shall be moisture proof and be protected by a local or common GFI to prevent electrical shock.

g. Buildings and Materials.

(1) Buildings, entrances and passageways shall be kept clear of stored materials or trash that may catch fire, cause falls or fall on employees.

(2) Steps and stairways shall be kept free of objects and substances that would make them slippery and/or cause falls.

(3) Rails shall guard floor openings/hole into which persons can accidentally walk or grating with openings no more than one inch.

(4) Materials shall be stacked and stored safely (e.g. by removing loose nails and other sharp objects from loose boards or by not stacking materials in high places that may fall on people).

(5) Entrances (doors or gates) to hazardous areas (e.g. silo entrances, manure storage areas, animal quarters, and chemical storage) kept closed and secured at all times, and entrances are properly labeled and identified.

(6) Fire fighting equipment and fire extinguishers shall be kept in good working order, placed in all buildings and kept in compliance with National Fire Protection requirements.

(7) Equipment requiring shields and guards shall have all belts, pulleys, and chain drives properly shielded and/or guarded.

h. Animal Facilities.

(1) All loading troughs on augers, elevators and conveyors shall be covered with a guard or grating.

(2) Slippery surfaces, such as parlour steps, walkways and stable stalls will be roughed up to prevent slips and falls.

(3) Ventilation fans and vents in confinement housing shall be kept in good working condition.

(4) Heat lamps or other heat sources used for animal comfort or care shall be kept away from or shielded from combustible materials.

(5) Manure pits and lagoons shall be guarded by grates, covers or fencing that is sturdy and of adequate size to prevent access.

(6) Manure pits and lagoons shall be posted with appropriate warning signs.

(7) If portable heaters are used they will be kept away from combustible materials and if they are fuel burning properly vented to prevent carbon monoxide leakage.

i. Grain and Silage Storage Structures.

(1) Entrances to grain and silage storage areas shall be kept closed and locked to prevent unintended access.

(2) Loading and unloading machinery with rotating augers, belts, pulleys or chains shall be shielded at all times.

(3) If fixed ladders more than 20 feet in length are affixed to silos or bins they must have cages constructed (see 29 C.F.R. § 1910.27, Fixed Ladders (d) Special Requirements).

(4) Power to grain or silo structures shall be capable of being locked out/isolated so as to prevent accidental starting of equipment if someone is working inside the structure.

j. Hand and Power Tools.

(1) Stationary power tools shall be grounded and portable power tools shall be either double insulated or of the three-wire grounded type.

(2) Stationary tools such as grinders and saws shall be properly shielded and guarded. Saws such as table saws shall have kickback dogs, and a spreader in place, and radial arm saws shall have kickback dogs, and an adjustable stop.

(3) Hand tools shall be properly stored to prevent falling or accidentally being brushed against.

(4) Hearing protection devices shall be used when operating noisy machinery and power tool.

(5) Welding areas shall be well ventilated or have fume evacuation hoods.

(6) Welding areas shall provide or have shielding to prevent flash injury to passers-by.

(7) Proper lighting shall be required in all work areas.

5. **Management Responsibilities**. Agricultural facility managers and supervisors have the responsibility for the safety and health of their employees. They shall enforce all safety rules and regulations and safe work practices.

6. **Training**.

a. Initial Training. Each employee presently involved in farm operations and each employee prior to being involved in farm operations shall be trained in a safety overview of the farm safety program to include site specific policies and procedures. The training shall include emphasis on safety and health hazards, emergency operations including severe weather and fire, and safe work programs applicable to the employee's job task.

b. Refresher Training. Refresher training shall be provided at least annually and more often if necessary to each employee involved in agricultural operations to ensure that the employee understands and adheres to current operating/work procedures.

7. **Administration and Enforcement**. See paragraph 12 of basic document (Occupational Safety and Health Program Act).

Legislative History:

12/5/01	Reviewed by Administration Committee.
1/9/02	Legislature posts for 45-day Public Review.
5/20/02	Enacted as Agricultural Safety (6 HCC § 8-19) by Legislative Resolution 5/20/02E.