

<h1 style="margin: 0;">Regulatory Analysis Form</h1>		This space for use by IRRC 2000 JAN 31 PM 3: 39 REGULATORY REVIEW COMMISSION	
		<b>Harbison</b>  IRRC Number: <i>2089</i>	
(1) Agency  Pennsylvania Department of Agriculture			
(2) I.D. Number (Governor's Office Use)  2-119			
(3) Short Title  The Farm Safety and Occupational Health Small Grants Program ("FSOH")			
(4) PA Code Cite  7 Pa.Code, Chapter 138k.1.-138k.10.		(5) Agency Contacts & Telephone Numbers  Primary Contact: John Tacosky 717-772-5217  Secondary Contact: Phillip Pitzer 717-772-5206	
(6) Type of Rulemaking (check one)  Proposed Rulemaking <input checked="" type="checkbox"/> X Final Order Adopting Regulation Final Order, Proposed Rulemaking Omitted		(7) Is a 120-Day Emergency Certification Attached?  No: <input checked="" type="checkbox"/> X Yes: By the Attorney General Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language.  <p>This regulation establishes criteria for the FSOH. The purpose of the FSOH is to award grants to statewide farm organizations and volunteer fire companies, ambulance services and rescue squads for providing farm safety, occupational health and emergency response programs. The regulation establishes the procedures governing submission, processing and review of grant applications. In addition, it sets forth the documentation required to accompany such applications, eligibility criteria for determining grant amounts and notification and reporting requirements.</p>			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions.  <p>The Farm Safety and Occupational Health Act ("Act")(3 P.S. § 1901-1915). Section 6(c)(2) of the act (3 P.S. § 1906(c)(2)) sets forth the specific authority for the FSOH.</p> <p>There are no state or federal court decisions regarding this regulation.</p>			

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The Farm Safety and Occupational Health Act ("Act")(3 P.S. §§ 1901-1915) confers upon the Secretary of Agriculture ("Secretary") the authority to promulgate regulations necessary to implement and administer the act. Section 6(c)(2) of the act (3 P.S. § 1906(c)(2)) states that the Secretary may provide for the establishment of a grant program for the purpose of awarding grants to specific organizations for providing farm safety, occupational health and emergency response programs. Section 13 of the act (3 P.S. § 1913) provides that the Secretary may promulgate, adopt and use guidelines to implement provisions of the act. Such guidelines are effective for a period of not more than two years from the effective date of the act. The Department of Agriculture ("Department") implemented the FSOH through the promulgation of a Statement of Policy (7 Pa.Code §§ 138g.1.-138g.10.). Pursuant to the requirements of the act these guidelines are no longer effective and the Department must promulgate regulations in order to continue to implement and administer the FSOH.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The compelling public interest addressed by this regulation is reducing, preventing and rapidly treating injuries in the agricultural industry. Agriculture is the Nation's most hazardous industry and farming accounts for 80 percent of Agriculture's injury toll. The agriculture industry's work death rate is 22 percent higher than the second most hazardous industry. From 1990 through 1995 at least 249 Commonwealth citizens lost their life to hazards associated with farming. In 1994 alone, there were 5,100 injuries and 250 permanent disability injuries related to farming. The core concept of the FSOH is to provide the maximum educational outreach to the farm community, as well as, quick medical responses to farm emergencies at minimum costs. Grant money under this regulation will go to train, educate and provide proper equipment to statewide farm organizations and volunteer fire companies, ambulance services and rescue squads who provide farm safety and occupational health education programs and emergency response services. The agricultural community and the general public both benefit from programs which reduce injuries, disabilities and death.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Increased or at the very least sustained high incidents of farm accidents, occupational injuries and diseases, disabilities and death related to farming activities. A lack of trained emergency response and medical personnel to deal with farm related accidents, injuries and diseases. Trained and properly prepared and equipped emergency response personnel benefit everyone.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The regulation benefits the entire farm community and the general public in the manner described in the answers to questions (11) and (12). Statewide farm organizations and volunteer fire companies, ambulance services and rescue squads benefit through better training and equipment. The farm community and general public benefit through better training in avoidance of injuries, better trained emergency response personnel, better equipped emergency response personnel and fewer injuries, disabilities and deaths. The number of individuals to benefit from this regulation will be related to the number of grant applications received and approved. The Department does not have verifiable statistics on the number of individuals who have benefited from the FSOH since its inception in 1996.

### Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The FSOH regulations will have no adverse effect on any person or group of persons. The grant program is a voluntary program and the only expense to participants is related to record keeping requirements, which are not onerous. The farm community and the general public both benefit through the reduction of injuries, disabilities and death and the increased training and response capabilities of ambulance services, rescue squads and volunteer fire departments.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The FSOH is a voluntary program and the only expense to participants is related to record keeping requirements, which are not onerous. Only those eligible organizations who apply and are approved for a grant under the FSOH will be required to comply with the regulations.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Farm Safety and Occupational Health Advisory Board, which is composed of the Secretary of Agriculture, the Secretary of Health, three farmers who represent different statewide farm organizations, a representative of an agricultural equipment manufacturer or dealer, a farm insurance representative, a rural youth organization representative, a manufacturer or dealer of agricultural chemicals, a vocational agriculture instructor, an emergency service provider representative, the director of PEMA and the dean of the College of Agricultural Sciences of The Pennsylvania State University, was involved in the review and promulgation of the Statement of Policy and this regulation. The program has been administered under the Statement of Policy for the past two years and the input received from the grant recipients has been favorable. The proposed regulation mirrors the Statement of Policy.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

As set forth in the answer to question (20) and detailed in the answer to question (20a), the potential savings to the regulated community is \$816,000 per year. This is a very conservative estimate. The estimate is based on National Safety Council data. The Department's saving estimate is arrived at by presuming that the program will prevent just one death and one disabling injury per year. It is likely the program will be much more effective. The costs associated will be minimal. The costs will be paper work costs and the cost of those attending and participating in farm safety programs. The accounting and paperwork is simple and should not require the grant recipient to incur any legal or consulting fees.

### Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

The regulation will impose no costs and have no fiscal impact upon local governments. Local governments are not required to comply with the regulations. Only eligible applicants who apply for a grant and receive a grant are subject to the regulations. Although, not specifically quantifiable, local governments will benefit through decreased farm related deaths, disabilities and injuries.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Department has an appropriation for use in developing the FSOH. The cost of the program is \$50,000 per year. This estimate is based on actual funds available and budgeted for grant applicants. The paperwork and administrative costs are minimal and the program has operated successfully for two years. The savings to state government associated with implementation of the regulations again is not specifically quantifiable other than to reference the projected savings associated with preventing one death and one injury per year. In addition, a well-trained and properly prepared rescue squad is priceless and serves to enhance the health and safety of the entire community.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated</b>	816,000	816,000	816,000	816,000	816,000	816,000
<b>Local Government</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>State Government</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>Total Savings</b>	816,000	816,000	816,000	816,000	816,000	816,000
<b>COSTS:</b>						
<b>Regulated</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>Local Government</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>State Government</b>	50,000	50,000	50,000	50,000	50,000	50,000
<b>Total Costs</b>	50,000	50,000	50,000	50,000	50,000	50,000
<b>REVENUE LOSSES:</b>						
<b>Regulated</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>Local Government</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>State Government</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>Total Revenue Losses</b>	-0-	-0-	-0-	-0-	-0-	-0-

(20a) Explain how the cost estimates listed above were derived.

**Savings:**

Savings estimates are based on National Safety Council data indicating that one death costs \$790,000 in lost wages, medical and funeral expenses, replacement labor, lost production, investigations, government subsidies and insurance claims, etc. and one disabling injury presents costs of \$26,000. Recent surveys suggest that Pennsylvania has 42 farm related deaths annually and 4,200 injuries that result in at least one lost school or workday. These injury cases are defined as disabling injuries. These statistics result in estimated losses of \$33,180,000 for deaths and \$109,200,000 from injuries annually. Prevention of just one death and injury saves society \$816,000.

**Costs:**

Costs associated with this regulation are based on actual amounts available and budgeted for grant applicants. Grants are given to volunteer fire companies, ambulance corps, quick response teams, emergency medical groups, and other groups defined by the act. The grants are for training and equipment related to farm rescue and accident prevention. Each year new applications must be filed in order to receive grant monies from the FSOH. Repeat applicants should demonstrate new and innovative training and/or emergency response methods.

## Regulatory Analysis Form

(20b) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
		\$50,000	\$50,000	\$50,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The cost of administering the program is \$50,000 per year plus minimal administrative and record keeping costs. The potential benefit to the farming community and the general public is a savings of \$816,000, and this figure presumes that only one life will be saved and one disabling injury prevented.

Agriculture ranks number 1 as the Nation's most dangerous profession. According to the National Safety Council, growers and farm workers earn their living in a sector of the economy where one person in 2,000 dies as a result of an occupational accident.

The FSOH is designed to promote agricultural worker safety and occupational health through preventative safety practices by providing the agricultural community, volunteer fire companies, ambulance corps, quick response teams, emergency medical groups, and other groups defined in the act with the training and equipment needed to quickly and properly respond to farm accidents. In addition, the FSOH provides training related to farm rescue and accident prevention and methods, as well as, training and information regarding topics such as agricultural equipment technology safety. The FSOH will provide sensible solutions to address agricultural occupational health concerns and will do so at minimal cost to the farm community, the grant recipients and the general public.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

The act provides for specific grant and loan programs to address the problem of Farm Safety and Occupational Health. The act requires such programs to be administered through regulations. Therefore, no nonregulatory alternatives were considered. The cost associated with not pursuing the programs delineated in the act are increased or at least sustained costs of death and injury related to agricultural operations.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

The act is very definitive with regard to the programs allowed and the parameters and criteria of those programs. The regulations define and set forth those parameters and criteria.

(23) Continued

**Strict Regulatory Control Alternative:**

OSHA on the farm would be diametrically opposed by Pennsylvania's farming community as overburdensome government regulation. OSHA regulations may impose restrictions that would limit a farmer's ability to grow certain crops or produce certain types of livestock. Overly restrictive regulations would only add to the farm community's economic struggle for profitability. In light of Pennsylvania's agricultural diversity strict OSHA regulations would be virtually impossible to promulgate equably, thus potentially creating an artificial shift in agricultural production. The alternatives considered would result in higher agriculture production costs and higher costs to the consumer.

The major benefits to be derived from the FSOH include local farm safety networking, enhanced technological information and answers to questions regarding best management safety practices, as well as, quick medical responses to farm emergencies.

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**Regulatory Analysis Form**

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

With the adoption of the FSOH and its regulations, Pennsylvania will assume a leadership role among other states in the Farm Safety and Occupational Health area. The regulation will not put Pennsylvania at a competitive disadvantage with other states. The regulation does not impose any costs on the farm community. The regulation, as explained previously, will save money for the regulated community, the farm community and the general public through education and quick and proper emergency response with regard to farm accidents. Training, education and quick response will decrease death rates and disabling injuries on the farm and in the community.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will work in conjunction with the proposed regulations regarding the Farm Safety and Occupational Health Tuition Assistance Program and the Farm Safety and Occupational Health Developmental and Instructional Program. No other regulations of this agency or any other agency will be affected.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No, except as required by the Independent Regulatory Review Commission.

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## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No. The FSOH has been in existence and administered through a Statement of Policy for two years. The regulation mirrors the Statement of Policy. The reporting, record keeping and other paperwork requirements are already in place and will not be changed or effected by the regulation. The regulation requires minimal paperwork, accounting and reporting requirements. Many of the requirements follow standard accounting procedures implemented and adopted throughout the Commonwealth.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The FSOH recognizes special need groups and persons through AgrAbility for Pennsylvanians, which is part of a national information and technology network for farmers, farm workers and family members who are continuing to farm despite on-going physical or medical difficulties. All farmers, regardless of their race, gender, age or nationality will benefit from the educational programs, training and quick response programs encouraged and funded by the FSOH. In addition, volunteer fire and ambulance companies are the entities eligible for FSOH grants, therefore, the FSOH caters to small businesses and small and rural communities.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Upon passing through the regulatory review process, the regulation will take effect immediately. This regulation is not controversial and we expect final approval and promulgation of this regulation by December of 1999. The regulation sets forth the criteria for grant application review and processing. The FSOH is a voluntary program. Only those eligible entities who apply and whose grant proposal is accepted will be subject to the regulation. There are no permits or licenses required.

(31) Provide the schedule for continual review of the regulation.

Grant recipients are required to provide the Department with a final report. The final report shall include pertinent documentation and a narrative report describing the effectiveness of the funded project, experience gained and knowledge acquired. The Department will use such reports to judge the effectiveness of the FSOH and any changes which, may be needed to the regulatory criteria in order to make the program more effective. In addition, section 5(c) (3 P.S. § 1905(c)) of the act requires the Secretary to submit an annual report to the chairmen of the House and Senate Agriculture and Rural Affairs Committee covering the administration and operation of the act. The report is to include a summary of program activities, statistics on farm accidents and occupational injuries and diseases, an assessment of the number of persons participating in the programs, recommendations to increase acceptance and utilization of the programs and any comments, recommendations or assessments which the advisory board submits for inclusion in the report.



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LEGISLATIVE DOCUMENTARY  
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

#2089

Copy below is hereby approved as to  
form and legality. Attorney General

*Walter J. ...*  
DEPUTY ATTORNEY GENERAL

JAN 27 2000

DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections  
attached.

Copy below is hereby certified to be a true and correct copy  
of a document issued, prescribed or promulgated by:

Department of Agriculture  
(AGENCY)

DOCUMENT/TITLE/NOTE NO. 2-119

DATE OF ADOPTION:

*Samuel E. Hayes, Jr.*

Samuel E. Hayes, Jr.

TITLE: Secretary of Agriculture

EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY

Copy below is hereby approved as  
to form and legality. Executive or Indepen-  
dent Agencies.

*Samdra W. Stone*

12/22/99  
DATE OF APPROVAL

(Deputy General Counsel)  
(Chief Counsel, Independent Agency)  
(Strike inapplicable title)

Check if applicable. No Attorney Ge-  
neral approval or objection within 5  
days after submission.

PROPOSED RULEMAKING  
Department of Agriculture  
7 Pa. Code §§ 138k.1. - 138k.10.  
Farm Safety and Occupational  
Health Grant Program

**Department of Agriculture – Notice of Proposed Rulemaking**

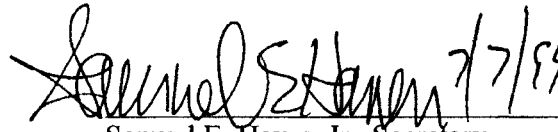
**PA Code Cite:** 7 Pa. Code §§ 138k.1. – 138k.10.

**Regulation Title:** Farm Safety and Occupational Health Grant Program

**I.D. Number:** 2-119

**SECRETARY'S CERTIFICATION**

I, Samuel E. Hayes, Jr. do hereby certify that I have reviewed this regulation and determined that the regulation is consistent with the principles outlined in Executive Order 1996-1.

 7/7/99  
\_\_\_\_\_  
Samuel E. Hayes, Jr., Secretary (Date)

**TITLE 7 – AGRICULTURE  
(7 Pa. Code Chapter 138k)  
FARM SAFETY AND OCCUPATIONAL HEALTH  
GRANT PROGRAM**

The Department of Agriculture ("Department"), under the specific authority conferred by Sections 5 and 6 (3 P.S. §§ 1905 and 1906) of the act of December 12, 1994, P.L. 944, No. 134, known as the Farm Safety and Occupational Health Act ("Act") (3 P.S. §§ 1901-1915), hereby proposes to establish Chapter 138k. (7 Pa.Code §§ 138k.1. -138k.10.). Section 5 of the act delineates the duties of the Secretary of Agriculture ("Secretary") and directs the Secretary to "...adopt and promulgate any regulations which may be necessary to implement and administer the act." Section 6(c)(2) of the act allows the Secretary to establish a grant program for the purpose of awarding grants to Statewide farm organizations and volunteer fire companies, ambulance services and rescue squads for providing farm safety, occupational health and emergency response programs. Section 6(d) of the act requires the Secretary to adopt and promulgate regulations to govern the awarding of grants under Section 6.

The proposed regulation establishes the procedures governing the submission, processing and review of grant applications. In addition, it sets forth the documentation required to accompany such applications, eligibility criteria, criteria for determining grant amounts and notification and reporting requirements.

**BACKGROUND**

Pennsylvania's approximately 51,000 farms are the foundation of a \$35 billion industry, employing over 650,000 workers in farming and related services, food processing and food wholesale and retail sales. The National Safety Council reports

Agriculture as this Nation's most hazardous industry with a work death rate 22 percent higher than the second most hazardous industry, mining and quarrying. Farming accounts for over 80 percent of Agriculture's injury toll. From 1990 through 1995 at least 249 Commonwealth citizens have lost their life to hazards associated with farming. The victims included 17 infants, toddlers and preschoolers - all under the age of five. Another 29 victims were at least 75 years of age. The oldest was 89 years old. In 1994, a statewide survey showed one in every ten farm operations in the state had at least one recordable work-related injury. Even more startling was that approximately five percent of those injuries resulted in some type of permanent disability to the victim. The numbers evidence the need for farm safety and occupational health programs. In 1994 alone, there was a total of 5100 injuries and 250 permanent disability injuries related to farming.

The FSOH program was first developed and implemented by the Department in 1996. The Department administered the FSOH program under a Statement of Policy (7 Pa.Code §§ 138g.1. -138g.10.), authorized under Section 13 of the act (3 P.S. § 1913). The FSOH program has proven to be an effective program.

The core concept of the FSOH program was to provide the maximum educational outreach to the farm community, as well as, quick medical responses to farm emergencies at the minimum costs. The FSOH has been successful in providing educational and technical assistance to the agriculture community and in disseminating information regarding best management farm safety practices to those engaged in production agriculture. As such, the FSOH program has become a very important component in assuring the success of the Farm Safety and Occupational Health Act.

Therefore, in the interest of continuing to carry out its statutory duties and promoting the development and implementation of best management farm safety practices and quick medical responses to farm emergencies, the Department has promulgated this proposed regulation. This regulation is intended to establish reasonable guidelines, standards, criteria and procedures for the continued administration and implementation of the FSOH program. Given the success of the FSOH program to date, the language of the proposed regulation is virtually unchanged from that of the Statement of Policy.

The only changes appear at sections 138k.5. (relating to application deadline) and 138k.6.(a)(3) and (b)(11) (relating to review of application). The changes require applications to be submitted by October 31 of the year proceeding the fiscal year in which grant funds are sought and require an applicant to disclose the amount of tuition it intends to charge for courses which would be administered under the program(s) delineated in the grant application.

The major features of the proposed regulation are summarized as follows:

#### **SUMMARY OF MAJOR FEATURES**

**Section 138k.1.** (relating to program objectives) sets forth that the objective of the grant program is to fund projects which will increase the awareness of farm safety and occupational health issues and other issues specific to emergency response programs. The awarding of the grant moneys are on a funds available basis and through a competitive application process.

**Section 138k.2.** (relating to definitions) defines various recurring terms such as "Statewide farm organizations", "Volunteer Fire Company", "Volunteer Ambulance Services" and "Volunteer Rescue Squad".

**Section 138k.3.** (relating to limitations on grants) describes the type of organization which is eligible for the grant awards. This section specifically delineates that eligible applicants may be awarded financial assistance in amounts of up to \$2,500.

**Section 138k.4.** (relating to applications generally) provides that an application is required and from whom organizations may request applications.

**Section 138k.5.** (relating to application deadline) provides that the application deadline will be October 31 of the year proceeding the fiscal year in which grant funds are sought.

**Section 138k.6.** (relating to review of application) sets forth the grant application requirements and the factors which the Board or the Secretary may consider in reviewing grant applications.

**Section 138k.7.** (relating to disposition of application) describes the time frame for notification of rejection or approval of the application and the procedure by which the Secretary will notify the applicant.

**Section 138k.8.** (relating to recordkeeping) describes what type of records must be kept by the grant recipient and for how long those records must be kept. This section also provides for inspection and audit of those records by the Department.

**Section 138k.9.** (relating to verification of use) requires a grant recipient to document the expenditures of grant funds within 3 months of project completion. This section also specifically delineates the ramifications of failure to provide such documentation.

**Section 138k.10.** (relating to grant cancellation) provides for the cancellation of a grant which is not being spent in accordance with the grant agreement and the repayment thereof.

This proposed regulation sets forth the basic process by which the Department may exercise its administrative discretion with respect to the expenditure of the funds appropriated to it by the General Assembly for Farm Safety and Occupational Health Programs.

This proposed regulation is intended to supplant the current Statement of Policy (7 Pa.Code §§ 138g.1. - 138g.10.) under which the FSOH program is being administered.

### **FISCAL IMPACT**

#### **Commonwealth**

The proposed regulation will impose minimal costs and have minimal fiscal impact upon the Commonwealth, including projected increases in program costs. The Department of Agriculture has an appropriation for use in developing the Farm Safety and Occupational Health Grant Program.

#### **Political Subdivisions**

The proposed regulation will impose no costs and have no fiscal impact upon political subdivisions.

### **Private Sector**

The proposed regulation will impose minimal costs on those organizations that are interested in applying for grant moneys. The costs most likely will be associated with attending and participating in farm safety training programs.

### **General Public**

The proposed regulation will impose no costs and have no fiscal impact on the general public.

### **PAPERWORK REQUIREMENTS**

The proposed regulation will not result in an appreciable increase of paperwork. The Department has developed a grant application form for use in administering the FSOH program and has administered the program, under a Statement of Policy, since 1996.

### **REGULATORY REVIEW**

Under Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), (71 P.S. §§ 745.1 – 745.15), as amended by the Act of June 25, 1997 (P.L. 252, No. 24), the Department submitted a copy of these proposed regulations on January 31, 2000 to the Independent Regulatory Review Commission and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee. In addition to submitting the proposed regulation, the Department has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1 ("Regulatory Review and Promulgation"). A copy of this material is available to the public upon request.



If the Commission has any objections to any portion of the proposed regulation, it will notify the Department within 30 days after the close of the public comment period. Such notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

**CONTACT PERSON**

Further information is available by contacting the Department of Agriculture, Farm Safety and Occupation Health Grant Program, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408; Attn: John Tacelosky (717) 772-5217.

**EFFECTIVE DATE**

This proposed regulation is effective upon publication in the *Pennsylvania Bulletin*.

By the Department of Agriculture

SAMUEL E. HAYES, JR., SECRETARY

**ANNEX A**  
**TITLE 7. AGRICULTURE**  
**CHAPTER 138k. Farm Safety and**  
**Occupational Health Grant Program**

**Sec.**

- 138k.1. Program objectives.**
- 138k.2. Definitions.**
- 138k.3. Limitations on grants.**
- 138k.4. Applications generally.**
- 138k.5. Application deadline.**
- 138k.6. Review of application.**
- 138k.7. Notice of disposition of application.**
- 138k.8. Recordkeeping.**
- 138k.9. Verification of use.**
- 138k.10. Grant cancellation.**

**138k.1. Program objectives.**

(a) **Purpose.** The purpose of the FSOH Grant Program is to fund projects which will increase the knowledge and awareness of farm safety measures and occupational health issues in this Commonwealth, in particular, among the rural youth of this Commonwealth.

(b) **Competitive program.** The FSOH Grant Program is competitive. Grant requests and related documentation will be collected by the Department and reviewed by the Board and Secretary. Grants will be awarded annually.

(c) **Funds available basis.** Grants will not be awarded unless funds are available for this purpose.

**§138k.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act* - The Farm Safety and Occupational Health Act (3 P.S. §§ 1901-1915).

*Board* - The Farm Safety and Occupational Health Advisory Board.

*Department* - The Department of Agriculture of the Commonwealth.

*FSOH Grant Program* - The Farm Safety and Occupational Health Grant Program.

*Secretary* - The Secretary of Agriculture of the Commonwealth.

*Statewide farm organizations* - The term includes any of the following organizations located in this Commonwealth:

- (i) Farmers organizations.
- (ii) Dairy organizations.
- (iii) Livestock and poultry organizations.
- (iv) Veterinary associations.
- (v) Commodity organizations.
- (vi) Food industry organizations.
- (vii) Horticulture and agronomy organizations.
- (viii) Agricultural promotional organizations.
- (ix) Agricultural equipment organizations, including a local, county or regional chapter thereof.

*Volunteer ambulance services* - A nonprofit chartered corporation, association or organization located in this Commonwealth and which is regularly engaged in the services of providing emergency medical care and transportation of patients.

*Volunteer fire company* - A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and other voluntary emergency services within this Commonwealth.

*Volunteer Rescue Squad* - A nonprofit chartered corporation, association or organization located in this Commonwealth which provides rescue services in this Commonwealth.

**§138k.3. Limitations on grants.**

**(a) Financial assistance.** The FSOH Grant Program will award financial assistance, of up to \$2,500, to Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth that wish to develop and deliver farm safety, occupational health and emergency response programs.

**(b) Eligible applicants.** Eligible applicants will not be awarded more than one \$2,500 grant per State fiscal year. An applicant may submit more than one type of grant application.

**(c) Recipient's use of FSOH grant funds.** Grants awarded to an organization may be used only for the specific project/event/activity described in the grant application. Grants shall only be used to fund projects within the geographic boundaries of this Commonwealth and may be awarded for the following types of projects:

- (1) Projects related to methods of preventing or mitigating farm accidents.
- (2) Educational programs relating to agricultural equipment safety programs for farm youth.

- (3) Educational seminars or field demonstrations relating to first aid programs for farm youth.
- (4) Agriculture safety training programs at day camps and demonstration projects for farm youth.
- (5) Development and implementation of age-appropriate rural school curricula.
- (6) Fire/educational safety programs specific to farms.
- (7) Development and implementation of age-appropriate adult farmer and farm worker safety training programs.
- (8) Farm related emergency response training programs.

**138k.4. Applications generally.**

**(a) Application required.** Interested Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth may submit grant applications to the Department at the address listed in subsection (b).

**(b) Obtaining an application and technical assistance.** Application for grants under this chapter shall be made on forms prepared by the Department. For applications and for assistance, please contact the Farm Safety and Occupational Health Grant Program, Department of Agriculture, 2301 N. Cameron St., Harrisburg, Pennsylvania 17110, (717) 787-4843.

**(c) Additional information.** The Board and the Secretary may require that an applicant submit additional documentation to complete, verify or clarify the application.

**138k.5. Application deadline.**

An application for a grant under this chapter shall be received by the Department at the address set forth in §138k.4(b) (relating to applications generally) by October 31 of the year proceeding the fiscal year in which the grant funds are sought.

**138k.6. Review of application.**

**(a) Grant application requirements.** The Board or the Secretary will not consider an application for a grant unless the following items are attached:

- (1) A detailed description of the project to be funded by the grant.
- (2) A reasonable and accurate statement of the projects estimated cost. A separate breakdown on the labor portion of the cost, on the materials portion of the cost, and on any other type of expense anticipated shall be provided.
- (3) A statement regarding the amount of tuition to be charged for the course(s).
- (4) A copy of the official organization board minutes where action was taken on this project.
- (5) Information of the project or area to be served by the proposed project. Maps or other geographic aids may be attached.
- (6) A biographical sketch of primary persons involved in the project which indicates skills, knowledge and prior experience required for the completion of the project.

**(b) Factors.** Factors to be considered by the Board or the Secretary in selecting grant recipients include the following:

- (1) The relevance of the project to farm safety or rural health issues.

(2) The innovativeness of the project.

(3) The scope of the project and the number of people who will be affected by the project as described in the application.

(4) The value to the agricultural community of the project described in the application.

(5) The willingness of the applicant to make in kind or financial contributions, or both, to the project.

(6) The availability of funding for the project from a source other than the FSOH Grant Program.

(7) The impact the project will have upon rural youth or farmers, growers or producers within this Commonwealth.

(8) The value to those who work directly with farm accident victims.

(9) Whether the applicant has been, in whole or in part, the recipient of another grant under the act within the same State fiscal year.

(10) Whether a local, county or regional farm organization is affiliated with a Statewide farm organization.

(11) The amount of tuition the applicant intends to charge for the course(s) administered under the project.

**(c) Approval power.** The Secretary may impose restrictions or special conditions upon the issuance of a grant. The Secretary will review the recommendations of the Board, but will have final authority to accept or reject these recommendations.

**138k.7. Notice of disposition of application.**

Grant applicants will be notified by the Secretary within 30 days of a decision to reject or approve the grant. This notice will be sent by regular mail to the address indicated by the applicant on the grant application. Recipients will receive a grant agreement which shall be executed by the recipient and the Department prior to the release of funds. Grant money shall be used within 1 year of the date of the grant agreement unless an extension is granted by the Secretary.

**138k.8. Recordkeeping.**

Financial records, supporting documents, statistical records and other records pertaining to the project shall be retained for 3 years beginning at the end of the grant year. The records and documents shall be available for inspection or audit at all reasonable times by the Department or its authorized representative.

**138k.9. Verification of use.**

**(a) Verification.** An organization receiving a grant shall maintain books, records and other evidence pertaining to costs incurred for expenditures associated with the project funded by the grant. The books and records shall be maintained according to generally accepted accounting principles. Within 3 months of the project completion date specified in the grant agreement, the recipient shall submit to the Department written receipts for the project costs. Grant recipients shall provide to the Department a final report, which includes pertinent documentation, as well as a narrative report describing the effectiveness of the project, experience gained and knowledge acquired.



**(b) Failure to verify use.** If required receipts or documentation, or both, are not submitted to the Department as described in subsection (a), the Secretary may demand, in writing, the return by the grant recipient of the entire grant sum or a lesser amount, plus appropriate legal interest. The grant recipient shall repay a sum demanded by the Department within 60 days of a written demand.

**138k.10. Grant cancellation.**

The Department may cancel a grant if the Secretary determines that grant funds are not being spent in accordance with the terms and conditions of the grant agreement. In the event of cancellation, the Department may demand the return of the grant sum, or a portion thereof, plus legal interest thereon.



COMMONWEALTH OF PENNSYLVANIA  
**DEPARTMENT OF AGRICULTURE**  
LEGAL OFFICE

January 31, 2000

The Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17120

**RE: NOTICE OF PROPOSED RULEMAKING**  
**Department of Agriculture, Bureau of Plant Industry**  
**7 Pa. Code Chapter 138k: Farm Safety and Occupational Health**  
**Grant Program**  
**I.D. No. 2-119**

Dear Sir or Madam:

Please find enclosed copies of the Face Sheet, Preamble, Annex "A" and Regulatory Analysis Form with respect to the above proposed regulation.

Copies of these documents have been submitted to the majority and minority chairpersons of the House and Senate Agriculture and Rural Affairs Committees and to the Legislative Reference Bureau on this date.

The proposed regulation will be published in the February 12, 2000 edition of the *Pennsylvania Bulletin*. If I may be of further information, please advise.

Sincerely,

A handwritten signature in cursive script that reads "David C. Kennedy".

David C. Kennedy  
Assistant Counsel

Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

RECEIVED

I.D. NUMBER: 2-119  
 SUBJECT: Farm Safety & Occupational Health Grant Program  
 AGENCY: DEPARTMENT OF AGRICULTURE

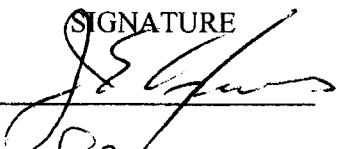


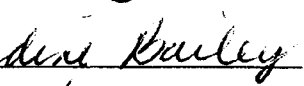
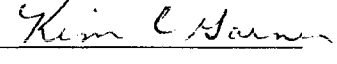
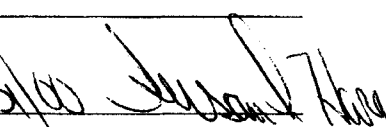
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INDEPENDENT REGULATORY  
REVIEW COMMISSION

**TYPE OF REGULATION**

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
1-31		HOUSE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
1-31		
1/31		SENATE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
1-31		
1/31/00		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
1/31/00		LEGISLATIVE REFERENCE BUREAU

January 25, 2000