

**CHAPTER 138i. FARM SAFETY AND OCCUPATIONAL HEALTH  
TUITION ASSISTANCE PROGRAM**

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**Authority**

The provisions of this Chapter 138i issued under the Farm Safety and Occupational Health Act (3 P. S. §§ 1901—1915), unless otherwise noted.

**Source**

The provisions of this Chapter 138i adopted March 30, 2001, effective March 31, 2001, 31 Pa.B. 1729, unless otherwise noted.

**§ 138i.1. Program objectives.**

(a) *Purpose.* The purpose of the Program is to provide tuition assistance to rural emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production, to allow them to attend farm safety and occupational health projects and emergency response programs.

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

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

**§ 138i.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).

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

*Agricultural Production*—The production for commercial purposes of crops, livestock and livestock products. The term includes the processing or retail

marketing of these crops, livestock or livestock products if more than 50% of the processed or merchandised products are produced by the farmer.

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

*Designee*—A person chosen or appointed by the Secretary to carry out the Secretary's duties under this chapter.

*Farm*—Land in this Commonwealth which is being used for agricultural production, including all farm structures, buildings, facilities and farm family residences situated on the land.

*Farmer*—A person who is engaged in agricultural production for commercial purposes.

*Farm laborer*—An individual employed by a farmer in raising, cultivating, fertilizing, seeding, planting, pruning, harvesting, gathering, washing, sorting, weighing or handling, drying, packing, packaging, grading, storing or delivering to market in its unmanufactured state, an agricultural commodity as defined in 3 Pa.C.S. Chapter 45 (relating to agricultural commodities marketing) or a farm product as defined in 1 Pa.C.S. § 1991 (relating to definitions).

*Members of farm family*—Any son, daughter or spouse of a farmer or any lineal relation of the farmer who works on the farm or any collateral relation of the first degree (such as nieces, nephews or grandchildren) who works on the farm.

*Person*—An individual, partnership, corporation, association or other form of business enterprise.

*Program*—The Farm Safety and Occupational Health Tuition Assistance Program.

*Project*—A course, training, program, activity or event pertaining to farm safety and occupational health or emergency response programs.

*Rural emergency services providers*—An employe, agent member or officer of a paid or volunteer fire company, ambulance service or rescue squad located in or servicing a rural area of this Commonwealth which is regularly engaged in providing emergency medical care and transportation, fire protection services or rescue services.

*Secretary*—The Secretary of Agriculture of the Commonwealth or a designee.

*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 within this Commonwealth.

**§ 138i.3. Limitation on grants.**

(a) *Tuition assistance.* The Program will award grants to provide tuition assistance to approved applicants under this chapter. The Program will provide grants of up to \$100 per calendar year to an approved applicant.

(b) *Grant awards.* An eligible applicant may apply for more than one Program grant per year. However, an eligible applicant may not be awarded more than \$100 in tuition assistance grants in any calendar year.

(c) *Recipient's use of Program grant funds.* A recipient of a Program grant may only use the funds to cover or supplement the cost of tuition for the specific project delineated in the recipient's grant application.

(d) *Substitution of person.* Once an applicant has been approved to receive tuition reimbursement for a specific project, no other person or project may be substituted. Any change in person or project shall require submission and review of a new application.

(e) *Eligible courses, programs, training, activities or events.* Program grants may be awarded to cover or supplement tuition for the types of projects delineated in section 4(b) of the act (3 P. S. § 1904(b)).

(f) *Additional limitations.*

(1) Program grant funds may only be used to provide tuition assistance for farm safety and occupational health projects or emergency response programs administered within the geographic boundaries of this Commonwealth.

(2) Program grant funds may not be used to cover the cost of travel, lodging or any other expenses incurred by the grant recipient other than the cost of tuition.

(3) Program grant funds may not be used for or applied to any training, programs, activities, certification or licensing requirement or events pertaining to the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.60) or Chapters 128 and 128a (relating to pesticides; and chemsweep pesticide disposal program—statement of policy).

(4) Program grant funds shall be awarded to reimburse the tuition expenses of an approved applicant who submits the documentation required by this chapter.

**§ 138i.4. General conditions.**

(a) *Grant agreement.* The approved, signed application for a Program grant shall constitute the grant agreement. The recipient of a Program grant shall sign the application which shall set forth the amount of the grant and other terms and conditions as the Department may reasonably require. Upon completion of all the terms of the agreement, a reimbursement check will be issued in the name of the recipient and mailed to the address indicated on the recipient's approved and signed application.

(b) *Default.* Any recipient of a Program grant who fails to abide by the terms of the grant agreement or the act or this chapter shall be in default. The Secretary may waive a default after consultation with the Advisory Board in the event of a physical disability suffered by the recipient or as a result of other extenuating circumstances.

(c) *Verification.* To receive a Program reimbursement payment, a recipient shall, within 2 weeks of the completion of the specific project delineated in the recipient's grant application, submit to the Department a final report which includes a written receipt evidencing the cost of tuition and records or any other pertinent documentation evidencing the grant recipient's attendance and the program agenda. In addition, the final report shall include a narrative report of at least one page but not more than two pages, describing the effectiveness of the project and the experience gained and personal knowledge acquired.

(d) *Failure to verify.* If a fully completed final report containing the required receipts, records and documentation is not submitted within the 2-week period, the Program grant recipient shall be deemed to have defaulted. The Secretary may direct that no Program grant funds be paid to the defaulting recipient. The Secretary will notify the grant recipient in writing of a default due to the grant recipient's failure to supply a completed final report. The recipient will have 10 days, from the receipt of the written notice to remedy the default. The Secretary may extend the verification deadline if the Secretary determines the grant recipient has made a reasonable effort to verify, but the verification was incomplete, or for extenuating circumstances.

### § 138i.5. Applications.

(a) *Application required.* An interested rural emergency service provider, farmer, member of a farm family, farm laborer or anyone else involved in agricultural production within this Commonwealth, may submit a grant application to the Department.

(b) *Grant application requirements.* An application for a program grant will not be considered by the Secretary unless the following items are attached:

- (1) A detailed description of the farm safety project to be attended by the applicant, including documentation delineating the focus of the project.
- (2) A reasonable and accurate statement of the estimated or actual cost of tuition.
- (3) Information regarding the skills, knowledge or experience to be gained from the project.
- (4) Documentation regarding the name and location of the person administering the project.

(c) *Obtaining an application and assistance.* An application for a grant under this chapter shall be made on a form prepared by the Department. For applica-

tions and for assistance, contact the Farm Safety and Occupational Health Grant Program, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110.

(d) *Additional information.* The Secretary may require an applicant to submit additional documentation as may be necessary to complete, verify or clarify the application.

(e) *Application deadline.* Applications for grants under this chapter shall be received by the Department 30 days prior to the date of the project the applicant wishes to attend. The Secretary may approve an application submitted after this deadline if it is determined there is adequate time for a thorough review of the application and to issue written approval to the applicant.

#### Cross References

This section cited in 7 Pa. Code § 138i.7 (relating to review of applicants).

### § 138i.6. Processing of applications.

(a) *Approval or denial.* The Secretary will approve, approve with special conditions or reject grant applications and issue grants in accordance with the general considerations and criteria of the act and this chapter. The Secretary may exercise his judgment in approving grant applications and in determining the distribution of grants so that the widest possible audience becomes acquainted with farm safety and occupational health practices and techniques espoused by the act and this chapter. The Secretary may impose restrictions or special conditions upon the issuance of a grant.

(b) *Processing.* An application for a program grant shall be processed in the following manner:

(1) *Completeness and accuracy.* Upon receipt of an application for a program grant and the required supporting documentation, the Secretary will review this information for completeness and accuracy.

(2) *Complete and accurate applications.* Applications containing all the required information and supporting documentation will be reviewed in accordance with the criteria in the act and this chapter and accepted, accepted with special conditions or rejected. Grant applicants will be notified in writing as set forth in § 138i.8(a) (relating to notice of disposition of application).

(3) *Incomplete or inaccurate applications.* If the Secretary determines an application is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, the request shall be in writing as set forth in § 138i.8(b) and will be sent to the address listed on the grant application. The processing of the application will cease until the applicant supplies the requested data. The Secretary will terminate the processing of an incomplete application when the additional data requested is not supplied within 10 days of the request for the data.

(c) *Advisory Board.* The Advisory Board, as required under section 3(g)(2) and 4(c) of the act (3 P. S. §§ 1903(g)(2) and 1904(c)), shall recommend overall program priorities for each grant program to the Secretary. Additionally, the Advisory Board, as required by section 3(g)(3) of the act (3 P. S. § 1903(g)(3)), shall recommend the amount of funds to be allocated to each grant program. The Advisory Board has no authority to and will not review individual grant applications and will have no input into individual grant awards.

#### Cross References

This section cited in 7 Pa. Code § 138i.8 (relating to notice of disposition of application).

### § 138i.7. Review of applications.

(a) *Evaluation.* The Secretary will evaluate an application based on the applicant eligibility and grant application requirements, as well as the factors in the act and this chapter.

(b) *Applicant eligibility.* To be eligible for a Program grant, the applicant shall be a rural emergency service provider, farmer, member of a farm family or farm laborer or be otherwise involved in agricultural production. An emergency service provider shall submit an application for each individual member for which it wishes to receive a Program grant. Each member for which it receives a Program grant shall comply with the criteria established by the act and this chapter, including the verification criteria.

(c) *Grant application completeness.* An application for a Program grant will not be considered by the Secretary unless it contains the required information and items as set forth in § 138i.5(b) (relating to applications).

(d) *Factors.* Factors to be considered by 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 effect the project will have on hazard elimination.
- (4) The scope of the project and how it relates to program components delineated in section 4(b) of the act (3 P. S. § 1904(b)).
- (5) The number and type of people or groups who will be affected by the project as described in the application.
- (6) The impact upon and the value and benefits to the agricultural community of the project described in the application.
- (7) The continual and progressive nature of the project and the benefits and knowledge gained therefrom.
- (8) The value to those who work directly with farm accident victims.
- (9) Whether the applicant has been the recipient of a Program grant within the same year.
- (10) The availability of funding to the applicant from a source other than the Program.

(11) The priorities as the Secretary, in consultation with the Advisory Board, set in accordance with section 4(c) of the act.

**§ 138i.8. Notice of disposition of application.**

(a) *Applications deemed complete.* The Secretary will notify grant applicants within 30 days of receipt of their completed grant application of a decision to approve, approve with special conditions or reject the grant application. This notice will be sent by regular mail to the address indicated by the applicant on the grant application.

(b) *Applications deemed incomplete.* Within 30 days of receipt of a grant application, the Secretary will notify the applicant of a decision to reject the grant application or notify the applicant of a deficiency in the grant application and request additional data. If additional data is requested, notification shall be in writing and detail the additional data needed. The Secretary will follow the action prescribed in § 138i.6(b)(3) (relating to processing of applications).

**Cross References**

This section cited in 7 Pa. Code § 138i.6 (relating to processing of applications).

**§ 138i.9. Conflict of interest.**

A member of the Advisory Board may apply for a grant if all decisions regarding the grant application are subject to 65 Pa.C.S. § 1103(j) (relating to restricted activities) and the action does not violate the State Adverse Interest Act (71 P. S. §§ 776.1—776.9) or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees).

**§ 138i.10. Recordkeeping.**

A Program grant recipient shall maintain all receipts, supporting documents, final reports and other documents pertaining to the project and the Program grant. These records shall be retained for 1 year beginning at the conclusion of the project. The records shall be made available to the Department upon request.

**§ 138i.11. Grant cancellation.**

A Program grant may be canceled by the Secretary upon a determination that the grant recipient has violated any provision of the act, this chapter or the grant agreement, the grant funds or any portion thereof were not used to implement the project set forth in the grantee's approved grant application, or upon failure of the recipient to satisfy the verification requirements of this chapter. Upon cancellation the Secretary may seek recovery of the grant funds or any portion thereof as delineated in § 138i.12 (relating to right of recovery).

**§ 138i.12. Right of recovery.**

The Department has the right to make a claim for and receive from the grant recipient grant funds not expended in accordance with the act, the grant agreement or this chapter and may demand the return of the grant funds or any portion thereof.

**Cross References**

This section cited in 7 Pa. Code § 138i.11 (relating to grant cancellation).

**§ 138i.13. Deficits.**

The Department's financial obligation is limited to the amount of the grant.

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