

**CHAPTER 138j. FARM SAFETY AND OCCUPATIONAL HEALTH
DEVELOPMENTAL AND INSTRUCTIONAL PROGRAM GRANTS**

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Authority

The provisions of this Chapter 138j issued under sections 5 and 6(c)(2) and (d) of the Farm Safety and Occupational Health Act (3 P. S. §§ 1905 and 1906(c)(1) and (d)), unless otherwise noted.

Source

The provisions of this Chapter 138j adopted April 11, 2001, effective April 12, 2001, 31 Pa.B. 2110, unless otherwise noted.

§ 138j.1. Program objectives.

(a) *Purpose.* The purpose of the Program is to provide financial assistance to the Pennsylvania Fire Academy, public or private colleges or universities, community colleges, or vocational or technical schools within this Commonwealth, that provide technical courses of instruction in farm safety and occupational health to emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production or which develop farm safety and occupational health training programs for implementation by the Department.

(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.

§ 138j.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 the 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.

Eligible applicants—The Pennsylvania Fire Academy, public or private colleges or universities, community colleges or vocational or technical schools within this Commonwealth, that provide technical courses of instruction in farm safety and occupational health to emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production or which develop farm safety and occupational health training programs for implementation by the Department.

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

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, any 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 work on the farm.

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

Program—The Farm Safety and Occupational Health Developmental and Instructional Program.

Project—A course, training, program, activity or event or the development of such, pertaining to farm safety and occupational health programs delineated in the act and this chapter.

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 fire protection services and other voluntary emergency services within this Commonwealth.

§ 138j.3. Limitation on grants.

(a) *Financial assistance*. The Program will award grants to provide financial assistance of up to \$30,000 to eligible applicants.

(b) *Grant awards*. Eligible applicants may apply for more than one Program grant per year. However, an eligible applicant may not be awarded more than \$30,000 in Program grants in a fiscal year.

(c) *Recipient's use of Program grant funds*. A recipient of a Program grant may only use the funds to cover the costs of the specific project delineated in the recipient's approved grant application and signed grant agreement.

(d) *Eligible projects*. Program grants may be awarded to provide financial assistance for implementation or development of the types of projects in section 4(b) of the act (3 P. S. § 1904(b)) and in this chapter.

(e) *Additional limitations*.

(1) Program grant funds may only be used to provide financial assistance for projects administered within the geographic boundaries of this Commonwealth.

(2) Program grant funds may not be used for or applied to any training, programs, activities, certification or licensing requirements or events pertaining to the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.60) or the regulations pertaining to pesticides in Chapters 128 and 128b (relating to pesticides; and Chemsweep Pesticide Disposal Program) or the statement of policy regarding the Chemsweep Pesticide Disposal Program in Chapter 128a (relating to Chemsweep Pesticide Disposal Program—statement of policy).

§ 138j.4. General conditions.

(a) *Grant agreement*. The recipient of a Program grant shall sign a grant agreement setting forth the amount of the grant and other terms and conditions the Department may reasonably require.

(b) *Default*. A 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. In the event of a default, the Secretary may cancel the grant and seek recovery of the grant funds as set forth in § 138j.12 (relating to right of recovery). 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.* Within 3 months of the project completion date specified in the grant agreement, the recipient shall submit to the Department a final report. The final report shall include:

- (1) Written receipts, records and any other financial records or documents evidencing the project's costs.
- (2) Pertinent documentation (such as course syllabi, schedules, attendance records and speaker profiles) evidencing the course's content.
- (3) A narrative report stating the project objectives and setting forth what objectives were accomplished and the methods used to accomplish the stated objectives.

(d) *Failure to verify.* If a fully completed final report containing the required receipts, records, documentation and narrative is not submitted within the 3-month period or a portion of the grant proceeds are not accounted for, the Secretary may demand the recipient repay the entire amount of the grant or a lesser amount. The demand will be made in writing and delineate the deficiencies in the verification documents. The recipient shall have 30 days, from the receipt of written notice, to remedy the stated deficiencies or payment shall be due within 60 days of the written demand.

§ 138j.5. Applications.

(a) *Eligible applicants.* Only eligible applicants 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 project, including objectives, goals and materials to be funded by the grant.
- (2) A reasonable and accurate statement of the estimated cost of the project. The statement shall include a separate breakdown of the personnel portion of the costs, the materials portion of the costs and any other necessary or anticipated costs associated with the project. The applicant shall provide any documentation or financial statements available to support the estimated project costs.
- (3) A statement regarding the amount of tuition to be charged for the courses.
- (4) Information regarding the breadth of the project, including the individuals or groups to be served by the project and the geographic area to be served by the project.
- (5) Information regarding the skills, knowledge or experience to be gained from the project.

(6) Documentation regarding the name and location of the applicant administering the project.

(7) A copy of the official organization board minutes when action was taken on the project or a signed statement attesting to the applicant's commitment to the project.

(8) A biographical sketch of the primary persons involved in the project which indicates skills, knowledge, training and prior experience of the persons developing or administering, or both, 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 applications 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 reasonably necessary to complete, verify or clarify the application.

(e) *Application deadline.* Applications for grants under this chapter shall be submitted to the Department by October 31 of each year.

Cross References

This section cited in 7 Pa. Code § 138j.7 (relating to review of applicants); and 7 Pa. Code § 138j.8 (relating to notice of disposition of application).

§ 138j.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 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 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 § 138j.8(a) (relating to notice of disposition of applications).

(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 § 138j.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 sections 3(g)(2) and 4(c) of the act (3 P. S. §§ 1903(g)(2) and 1904(c)), shall recommend overall priorities for each grant program to the Secretary. Additionally, the Advisory Board, as required by section 3(g)(3) of the act, 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 or have input into individual grant awards.

Cross References

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

§ 138j.7. Review of applications.

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

(b) *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 § 138j.5(b) (relating to applications).

(c) *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 and duration of the project and how it relates to program components 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. A project which involves a wide range of age groups, encourages cooperation between existing community groups and organizations and provides incentives for new groups or organizations to become involved in farm safety and occupational health programs and training will be given priority.
- (6) The impact of and the value and benefits bestowed upon the agricultural community by the project.
- (7) The continual and progressive nature of the project and the benefits and knowledge to be gained therefrom.
- (8) The value to the emergency providers.

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

(12) The amount of tuition the applicant intends to charge for the courses.

(13) The priorities as the Secretary, in consultation with the Advisory Board, sets in accordance with section 4(c) of the act (3 P. S. § 1904(c)).

§ 138j.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 or inaccurate.* 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 § 138j.6(b)(3) (relating to processing of applications).

(c) *Approved applications.* Applicants approved for a Program grant 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 spent by the grant recipient within the time period specified in the grant agreement unless an extension is granted, in writing, by the Secretary. A request for an extension shall be in writing, state the reason the extension is needed and shall be sent to the address in § 138j.5(c) (relating to applications). Failure to spend the grant funds within the specified time period shall constitute a default on the part of the grant recipient. The Secretary may cancel the grant and seek recovery of the grant funds as set forth in §§ 138j.11 and 138j.12 (relating to grant cancellation; and right of recovery).

Cross References

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

§ 138j.9. Conflict of interest.

A member of the Advisory Board may apply for a grant provided 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).

§ 138j.10. Recordkeeping.

A Program grant recipient shall maintain all books, records, receipts, supporting documents, financial statements, final reports and other documents pertaining to the project, the project costs and the Program grant. These records shall be retained for 3 years beginning at the end of the grant year. The books, records, receipts, supporting documents, financial statements, final reports and other documents shall be maintained according to generally accepted accounting principles. The records shall be made available to the Department or its agent upon request.

§ 138j.11. Grant cancellation.

A Program grant may be canceled by the Secretary upon a determination that the grant recipient has violated the act, this chapter or the grant agreement, the grant funds or any portion thereof are not being or were not utilized or spent in the manner delineated in the grantee's approved grant application or were not used to implement the project set forth in the grantee's approved grant application. In addition, a Program grant may be canceled 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 § 138j.12 (relating to right of recovery).

Cross References

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

§ 138j.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 sum, or a portion thereof, plus legal interest thereon.

Cross References

This section cited in 7 Pa. Code § 138j.4 (relating to general conditions); 7 Pa. Code § 138j.8 (relating to notice of disposition of application); and 7 Pa. Code § 138j.11 (relating to grant cancellation).

§ 138j.13. Deficits.

The Department's financial obligation is limited to the amount of the grant. The Department is not responsible for funding any cost overruns incurred by the grant recipient.

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