

Arkansas

○ INDUSTRIAL HEALTH SERVICE ACT

STATUTORY CITATION: Ark. Code §§ 11-5-201 – 11-5-208

GENERAL SUMMARY: The Industrial Health Service Act requires the state health department to investigate places of employment and study conditions which may contribute to ill health among the workforce, and authorizes the State Board of Health to adopt regulations pertaining to the control of industrial health hazards, including rules governing water supplies, toilet facilities, washing facilities and other matters affecting maintenance of workers' health. The Act implicitly applies to agricultural workplaces and to farmworkers.

PROVISIONS APPLICABLE TO AGRICULTURE: The State Board of Health has adopted **no standards** in agriculture under authority of the Industrial Health Service Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Arkansas Department of Health, Little Rock, Arkansas 72205.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

California

● CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973 (*HAND-HELD TOOLS*)

STATUTORY CITATION: Cal. Lab. Code §§ 6300–6719

RELATED REGULATIONS: Cal. Code Regs. Title 8, § 3456

GENERAL SUMMARY: The California Occupational Safety and Health Act authorizes administrative adoption of specific safety and health standards in virtually any industry or occupation in the state.

PROVISIONS APPLICABLE TO AGRICULTURE

SHORT-HANDLED HOES — The use of a hoe or any other hand tool less than 4 feet in length is prohibited in weeding, thinning and similar agricultural operations when the hoe or other tool is used in a stooped, kneeling or squatting position. Likewise, a hand tool 4 feet long or longer used for these same operations may not be used as a short-handled hand tool in a stooped, kneeling or squatting position.

HAND WEEDING — Hand weeding, hand thinning, and hand hot-capping in a stooped, kneeling or squatting position is not permitted in most agricultural operations, unless there is no readily available, reasonable alternative means of performing the work; the employer bears the burden of justifying use of this exception. Likewise, occasional or intermittent hand weeding, hand thinning or hand hot-capping in a stooped, squatting or kneeling position is permissible, provided the worker is devoting no more than 20 percent of his or her weekly work time to hand operations.

HAND WEEDING REQUIREMENTS — In general, employers who require or allow workers to hand weed, hand thin, or hand hot-cap must provide them with an additional 5 minutes of rest time in the middle of each work period. The authorized rest period is figured at the rate of 15 minutes for every 4 hours of work or fraction thereof, which is counted as compensable work time and may not be deducted from wages. Workers engaged in hand weeding, hand thinning, or hand hot-capping must be provided with gloves and knee pads, as well as training to help them avoid related injuries.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Likewise, employees may not be fired or laid off for refusing to work in a workplace or on a job where a real or apparent hazard exists in violation of the Act or its regulations. The name of any person who submits a complaint regarding workplace safety must be kept confidential unless the person requests otherwise.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Occupational Safety and Health (Cal/OSHA), California Department of Industrial Relations, Oakland, California 94612 (510-286-7000)*. Cal/OSHA is responsible for investigating complaints of violations of the California Occupational Safety and Health Act, and for enforcing penalties against employers found in violation. Workers who believe they are or have been exposed to a workplace hazard in violation of the Act may submit a complaint by contacting the nearest Cal/OSHA office, a list of which is accessible online at www.dir.ca.gov/dosh/complaint.htm.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118)*. This agency is responsible for enforcing the law prohibiting retaliation for occupational safety or health activity.

Minnesota

● STATE LABOR LAWS (*WORKING CONDITIONS FOR CORN DETASSELERS*)

STATUTORY CITATION: Minn. Stat. § 181.84

GENERAL SUMMARY: The state labor statutes include certain protections for workers employed to detassel corn in Minnesota, including a requirement for the provision of potable water in the fields.

SPECIFIC TERMS AND CONDITIONS: Every employer of corn detassellers in the state must provide the workers with an accessible supply of potable water in the field, along with cups or other sanitary drinking facilities.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Because this section of the state labor laws does not include enforcement or penalty provisions, the only recourse for corn detassellers denied the benefit of drinking water at the job site is action against the employer in civil court, using a private attorney or public legal service provider. However, there appears to be no statutory right to sue under this law.

New Mexico

● OCCUPATIONAL HEALTH AND SAFETY ACT; MISCELLANEOUS LABOR LAWS (*AGRICULTURAL TOOLS*)

STATUTORY CITATION: N.M. Stat. §§ 50-9-1 – 50-9-25 and § 50.4.31

RELATED REGULATIONS: N.M. Code R. § 11.5.4.10

GENERAL SUMMARY: Under rulemaking authority in the Occupational Health and Safety Act and a provision in the state labor statutes outlawing mandatory use of short-handled hoes, the state Environmental Improvement Board has adopted limitations on the use of certain tools for weeding and thinning of crops by hand.

SPECIFIC TERMS AND CONDITIONS: On any farm or at any agricultural establishment where workers are employed on any given day in hand-labor operations in the field, the use of a hoe, knife or fork less than 4 feet in length for weeding and thinning crops is prohibited.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Compliance Section, Occupational Health and Safety Bureau, New Mexico Environment Department, Santa Fe, New Mexico 87502 (505-476-8711; toll-free 877-610-6742).* Any worker or worker representative may file a written complaint with the Department concerning an alleged violation of this provision.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● OCCUPATIONAL HEALTH AND SAFETY ACT (*EMERGENCY MEDICAL CARE*)

STATUTORY CITATION: N.M. Stat. §§ 50-9-1 – 50-9-25

RELATED REGULATIONS: N.M. Code R. § 11.5.4.12

GENERAL SUMMARY: Under rulemaking authority in the Occupational Health and Safety Act, the state Environmental Improvement Board has adopted a regulation related to emergency medical care for agricultural workers in the field.

SPECIFIC TERMS AND CONDITIONS

FIRST AID — Where there are no clinic or hospital facilities in near proximity to an agricultural workplace, one or more workers or other individuals must be adequately trained to render first aid. Adequate first aid supplies must be readily available.

EMERGENCY WASHING FACILITIES — Where a worker or other person in the agricultural work area may be exposed to corrosive materials (including agricultural chemicals, among other substances), the employer must provide suitable facilities for immediate flushing or drenching of the eyes and body in the event of an emergency.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Compliance Section, Occupational Health and Safety Bureau, New Mexico Environment Department, Santa Fe, New Mexico 87502 (505-476-8711; toll-free 877-610-6742).* Any worker or worker representative may file a written complaint with the Department concerning an alleged violation of this provision.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Texas

● MISCELLANEOUS LABOR LAWS (*SHORT-HANDLED HOES*)

STATUTORY CITATION: Tex. Labor Code §§ 52.021 – 52.022

GENERAL SUMMARY: Chapter 52 of the state labor laws includes a provision prohibiting the compulsory use of certain short-handled hoes in agricultural labor.

SPECIFIC TERMS AND CONDITIONS: It is a Class C misdemeanor for an employer of agricultural workers to require an employee to use a hoe with a handle less than 4 feet in length in the performance of agricultural labor in commercial farming operations other than greenhouses and nurseries.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – This provision is enforced by public prosecuting attorneys in criminal court. Each violation is punishable by a fine of up to \$500.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*