

U.S.

● **FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (*WORKER SAFETY*)**

STATUTORY CITATION: 7 USC §§ 136 – 136y

RELATED REGULATIONS: 40 CFR Part 170

GENERAL SUMMARY: Under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act, the Environmental Protection Agency has adopted safety standards for the protection of workers performing agricultural crop production activities, key provisions of which are summarized below. The regulations require agricultural employers, as well as employers of commercial pesticide handlers, to provide information and protections to field workers, pesticide handlers and others when pesticides are used on agricultural establishments in the production of agricultural plants.

SPECIFIC TERMS AND CONDITIONS

AGRICULTURAL EMPLOYER DUTIES —

Information and Directions — Agricultural employers and farm managers must assure that pesticides are used in a manner consistent with each product's labeling, and must provide their field workers and pesticide handlers with information and directions sufficient to assure they receive the protection of these provisions. Farm employers must also provide any labor contractor or other person who supervises any workers or handlers with information and directions necessary for compliance with these provisions.

Emergency Assistance — If, within 72 hours after commencement of employment, a farmworker or pesticide handler has experienced a potential pesticide exposure or shows symptoms of such exposure and needs emergency medical attention, the employer is obligated to (1) provide transportation from the farm or worker housing area to an appropriate medical care facility for treatment, and (2) provide relevant information to the medical personnel treating the worker, including the identity of the pesticide involved and the related safety data sheet.

DISPLAY OF PESTICIDE SAFETY INFORMATION — If workers or handlers are at an agricultural establishment where a pesticide product has been used or a restricted-entry interval has been in effect within the last 30 days, the farm employer or manager is required to display and maintain certain pesticide safety information, in a format that workers can understand and at a location easily accessible to them. Among other items, the prescribed information must include (1) recommended clothing, bathing and laundering practices to minimize pesticide exposure, (2) decontamination procedures in case of accidental exposure, and (3) emergency medical contact information.

DISPLAY OF PESTICIDE APPLICATION AND HAZARD INFORMATION — If workers or handlers are at an agricultural establishment where a pesticide product has been used or a restricted-entry interval has been in effect within the last 30 days, the farm employer is required to display prescribed information related to each pesticide product used, and to make the information accessible to workers and handlers during normal work hours. Among other things, the information must include (1) a copy of the product's safety data sheet, (2) the name, EPA registration number and active ingredients of the product, (3) the location and description of the area treated, (4) the dates and times the application started and ended, and (5) the duration of the restricted-entry interval specified on the product label. The pesticide application and hazard information must be displayed no later than 24 hours after the end of the application; it must remain displayed until at least 30 days after the end of the last restricted-entry interval, or until workers or handlers are no longer at the farm establishment.

RETENTION OF RECORDS — Whenever application and hazard information is required to be posted, the agricultural employer must keep the information for 2 years after the date the restricted-entry period expired. A worker or handler employed at the establishment while the information was required to be displayed is entitled to see or make a copy of the information within 15 days of requesting access to it.

PROHIBITED ACTIONS — It is unlawful for employers of agricultural workers and employers of pesticide handlers to retaliate against a worker for attempting to comply with these provisions, or to prevent or discourage a worker from complying or attempting to comply.

AGRICULTURAL WORKER PROTECTION REQUIREMENTS —

Pesticide Safety Training — In general, before any worker enters an area where a pesticide has been applied or a restricted-entry period has been in effect within the last 30 days, the employer must assure that the worker has received prescribed training within the last 12 months. The training may be oral or in audio-visual format, but it must be presented by a qualified trainer and in a manner the worker can understand. Among other topics, the information presented must include (1) where and in what form pesticides may be encountered during work activities, (2) the hazards of exposure, (3) the routes through which pesticides can enter the body, (4) signs and symptoms of common types of pesticide poisoning, (5) emergency first aid for pesticide injuries or poisoning, (6) routine and emergency decontamination procedures, (7) how to obtain emergency medical care, (8) the hazards from pesticide residues on clothing, (9) warnings about taking pesticides or pesticide containers home, and (10) the responsibility of agricultural employers for providing the information and protections outlined above. Beginning January 1, 2018, the training must also include instruction regarding use of protective clothing and equipment, bathing and laundering procedures, and other practices that help reduce the risk of pesticide exposures and illnesses.

Entry to Treated Areas — After a pesticide application to an outdoor agricultural area, the farm owner or manager may not allow or direct anyone other than an appropriately trained and equipped pesticide handler to enter or remain in the treated area. After a pesticide treatment, workers generally are not allowed to re-enter the area before the restricted-entry interval specified on the pesticide label has expired and all treated area warning signs have been removed or covered.

Notice of Applications — Farm employers must provide workers with appropriate and timely notice of impending pesticide applications. In the case of a pesticide whose label requires both posted notification at the site of the treatment and oral notification of the workers, the employer must:

(1) Post signs of prescribed size that include the signal words "Danger," "Pesticides," and "Keep Out," in English and a non-English language read by the largest group of non-English-reading workers. The signs must be posted no sooner than 24 hours before the scheduled pesticide application, remain posted throughout the application and any restricted-entry period, and be removed within 3 days after the application or any restricted-entry period ends.

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(2) Give workers oral warning, in a manner they can understand. Workers on the premises must receive the warning before the application begins; otherwise, the warning must be given at the start of the workers' first work period during which the application is taking place or the restricted-entry interval is in effect. The warning must include the location of the treated area, the time during which entry is restricted, and instructions not to enter the treated area until the restricted-entry period has expired.

Where the pesticide label does not require double notification, outdoor application of a pesticide with a restricted-entry interval of more than 48 hours generally requires posted notification only; in the case of products with restricted-entry intervals of 48 hours or less, the employer must notify workers of the application either by posting prescribed warning signs or giving prescribed oral notification.

Decontamination Supplies for Workers — For any agricultural worker who is performing an activity in an area where a pesticide was applied and who comes into contact with soil, water or plants treated with the product, the farm employer or manager is required to provide decontamination supplies for routine washing and emergency decontamination, including at least one gallon of water per worker and a supply of soap and single-use towels. These materials must be located no more than 1/4 mile from where the workers are working, or at the nearest place of vehicular access outside the treated area.

AGRICULTURAL PESTICIDE HANDLER PROTECTION REQUIREMENTS — Workers who are employed to mix, load, transfer or apply pesticides, or who deal with pesticide application equipment or assist with pesticide applications (including acting as flaggers), are covered by protections very similar to those outlined above that apply to agricultural workers. These include, among other things, requirements for safety training, knowledge regarding labeling requirements associated with each pesticide product used, the prohibition against exposing workers and others to pesticides by contact, the provision and use of personal protective equipment, and the provision of decontamination and eye-flushing supplies.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Any state which has adopted adequate pesticide use laws and regulations, establishes and implements adequate procedures for their enforcement, and agrees to maintain records and make reports as required, may enter into a cooperative agreement with the federal government for the enforcement of pesticide use restrictions. Under terms of such an agreement and in accordance with an EPA-approved state plan, the state is regarded as having primary enforcement responsibility for pesticide use violations.

All states except Wyoming currently exercise primary enforcement responsibility for pesticide violations under the Federal Insecticide, Fungicide, and Rodenticide Act. For state enforcement agency identification and contact information, see the first entry under "*Pesticides & Agricultural Chemicals*" for each state.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency, Washington, D.C. 20460 (703-305-7090)*. In those states which have not been granted primary enforcement responsibility, and in any other state where EPA finds that the cooperating state agency has failed to take warranted enforcement action, EPA may exercise its enforcement powers directly. EPA compliance personnel are authorized to investigate complaints of misuse of pesticide products and for such purposes may enter fields and other workplaces, interview workers and employers, and inspect and copy records. After notice and opportunity for a hearing, the agency may assess civil money penalties against commercial and private applicators found to have violated any provision of the Act. Criminal penalties are also prescribed.

Arizona

● STATE AGRICULTURAL SAFETY LAW

STATUTORY CITATION: Ariz. Rev. Stat. §§ 3-3101 – 3-3125

RELATED REGULATIONS: Ariz. Admin. Code §§ 3-3-1001 – 3-3-1012

GENERAL SUMMARY: Chapter 17, Article 1 of the state agriculture statutes authorizes adoption and enforcement of rules prescribing safe work practices for employees who mix, load, apply, store or otherwise handle agricultural pesticides, and for workers who may be exposed to pesticides when or after they are applied.

SPECIFIC TERMS AND CONDITIONS: In addition to enforcing the worker protection standards prescribed by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*), the state agriculture department has adopted additional rules regulating the safety and health of workers exposed to pesticides.

PESTICIDE SAFETY INFORMATION — Agricultural employers are required to provide their workers (other than certified applicators or trainers) with prescribed safety information before the workers enter an agricultural area where pesticides have been applied or a restricted-entry interval has been in effect within the last 30 days. The information must include the identity of the pesticides involved, as well as how workers may prevent exposure by (1) following directions or signs, (2) washing hands, (3) using protective clothing, (4) bathing after work, (5) washing work clothes, and (6) following emergency procedures in the event of spills or other over-exposure.

PESTICIDE SAFETY TRAINING — Agricultural employers must provide prescribed safety training to each worker who enters a pesticide-treated area. Instruction must be provided in a language easily understood by the worker and must cover (1) pesticide hazards and effects, (2) common symptoms of pesticide poisoning, (3) emergency first aid for pesticide injuries or poisoning, and (4) the requirements related to pesticide application and entry restrictions and posting of warnings. An EPA-approved training verification card must be issued to each worker who completes the training.

NOTIFICATIONS — The owner or operator of an agricultural establishment that utilizes the services of a farm labor contractor must notify the contractor of the restrictions on entering a pesticide-treated area, if the area is within 1/4 mile of where workers will be working and the treated area is not posted as required or allowed under EPA regulations. The contractor, in turn, is required to notify the workers regarding the identity of the pesticide product used, the date and time the product was or will be applied, and the product's restricted-entry interval.

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 – *Environmental Services Division, Arizona Department of Agriculture, Phoenix, Arizona 85007 (602-542-3578).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

California

● STATE PEST CONTROL LAWS (*WORKER SAFETY*)

STATUTORY CITATION: Cal. Food & Agric. Code §§ 12980–12988

RELATED REGULATIONS: Cal. Code Regs. Title 3, §§ 6700–6795

GENERAL SUMMARY: Division 7 of the California Food and Agricultural Code contains, among other subject matter, provisions requiring agricultural employers to observe specific requirements related to the safety of pesticide handlers and field workers potentially exposed to pesticides.

SPECIFIC TERMS AND CONDITIONS

HAZARDOUS AREAS — If a field is suspected of having been a source of pesticide-related illness, or a potential source of illness, the state agency or county agricultural commissioner may prohibit entry of workers into the treated area. If entry is allowed, medical supervision for workers who will enter the area and have substantial contact with crops or plants may be ordered, and protective clothing and equipment may be prescribed for use by such workers.

APPLICATION EXCLUSION ZONES — No employer may direct or allow non-handler employees into an application exclusion zone (AEZ), defined as an area surrounding application equipment where no entry is permitted during an application. AEZ boundaries are measured from the application equipment as it moves in or over the field being treated. The boundary range can be from 25 to 100 feet, depending on the type of application method.

FIELD WORKER SAFETY — Agricultural employers must comply with the standards summarized below, among others, to protect the safety of field workers who may be exposed to pesticides or pesticide residues through entry into areas treated with pesticides.

Hazard Communication — Whenever employees are working as field workers in a treated field, the employer must display at the worksite or a central gathering place certain prescribed safety informational leaflets provided by the Department of Pesticide Regulation. The employer must also maintain pesticide use records and a safety data sheet for each pesticide listed in those records, and must furnish them to their employees, employees of a labor contractor, or treating medical personnel upon request.

Application Information — Before workers are allowed to enter any field treated with a pesticide, the employer must display at a central location specific information about the treatment, including the specific location, the date and time of the application, the names of the products involved, and a copy of the safety data sheets for the pesticides applied.

Field Work During Pesticide Applications — It is illegal to direct or allow any person (other than those who are involved in the application and are wearing protective clothing or equipment) to enter or remain in a treated area of a field during the application.

Training — Employers must assure that every employee assigned to work in a treated field has received prescribed pesticide safety training within the preceding 12 months before beginning to work in a treated field. The training must be conducted in a manner the employee understands, in a reasonably distraction-free environment, and must include topics such as pesticide hazards, routes of exposure, entry intervals, signs and symptoms of over-exposure, first aid, and employee rights.

Emergency Medical Care — Emergency medical care for workers who enter fields treated with pesticides must be planned for in advance. The employer must locate a facility where emergency care is available, and the workers or their supervisor must be informed of the name and location of a physician or medical facility where such care is available. When there is reason to suspect that an employee has a pesticide illness or over-exposure, the employer must ensure that the employee is taken to a physician immediately. Treating medical personnel must be given copies of the applicable safety data sheets, product names, EPA registration numbers, active ingredients for each pesticide product, and the circumstances of the application or use of the pesticide and how exposure could have resulted.

Decontamination Facilities — Not more than 1/4 mile from where field workers are at work (or at the nearest point of vehicular access), the employer must provide a prescribed amount of water, soap and single-use towels for washing of hands and face, and for emergency eye flushing. Employees must be told where the decontamination site is before they enter a treated field.

Field Re-Entry After Pesticide Applications — Under most circumstances, workers are not permitted to enter any area treated with a pesticide until the farm operator has been notified that the application has been completed and the restricted-entry interval has expired.

Warning Signs — Employers must post warning signs around treated fields in many circumstances, including (1) whenever required on the pesticide product label, (2) whenever applications are made in an entirely or partially enclosed space, (3) applications that result in a restricted entry interval of greater than 4 hours, or (4) in the case of an outdoor application with a restricted-entry interval greater than 48 hours. Warning signs must be in English and Spanish (or other language read by a majority of workers who do not read English), at points of entry around the fields involved and along unfenced adjacent public roadways. The signs must be of prescribed size and include the skull and crossbones symbol and the words "Danger" and "Keep Out." Warning signs must be posted no sooner than 24 hours prior to application, may not be removed during the prescribed re-entry period, and must be removed no later than 3 days after the end of the re-entry period and before workers are allowed to re-enter the fields to perform crop maintenance or harvest operations.

SAFETY OF PESTICIDE HANDLERS — Among many other detailed requirements, the regulatory provisions outlined below apply to employees who mix, load, apply or assist in applying pesticides.

Minimum Age — Handlers, other than members of the owner's immediate family, must be at least 18 years old.

Hazard Communication — Before employees are allowed to handle pesticides, the employer must display at a central location at the workplace certain prescribed informational leaflets provided by the Department of Pesticide Regulation. The employer must also maintain pesticide use records and a safety data sheet for each pesticide listed in those records, and must furnish them to their employees.

Training — Among other requirements, employers of pesticide mixers, loaders, applicators (other than certified applicators) and their assistants must provide safety training to each such employee. Training must cover a range of topics, including the hazards involved, safety procedures to be followed, protective clothing and equipment, the common symptoms of pesticide poisoning,

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sources of emergency medical treatment, the purposes and requirements for medical supervision, pesticide label requirements, and related laws and regulations. Training must occur before any pesticide worker is allowed to handle pesticides, and at least once a year thereafter.

Medical Care and Supervision — The employer must make arrangements for medical care in the event of pesticide-related emergencies, as well as for medical supervision of workers exposed to certain highly toxic pesticides for prolonged periods of time. Treating medical personnel must be given copies of the applicable safety data sheets, product names, EPA registration numbers, active ingredients for each pesticide product, and the circumstances of the application or use of the pesticide and how exposure could have resulted.

Restrictions for Persons Working Alone — An employee working alone during daylight hours mixing, loading or applying certain especially toxic pesticides is required to make radio, telephone or face-to-face contact with a responsible adult at least once every 2 hours (at least once every *hour*, if working at night).

Changing Facilities — At each site where handler employees mix or load certain prescribed classes of pesticides, the employer must provide a pesticide-free area where workers can change clothes, store their change of clothes, and wash themselves. Clean towels, soap and sufficient water must be available for thorough washing.

Decontamination Facilities — Not more than 1/4 mile from where employees are handling pesticides, the employer must provide a prescribed amount of water, soap and single-use towels for routine washing of hands and face, and for emergency eye flushing and washing of the entire body.

Work Clothing and Safety Equipment — When required by product labeling, the employer must provide prescribed personal protective equipment — including safety glasses and gloves — for each mixer, loader, flagger or applicator of specified toxic pesticides.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *California Department of Pesticide Regulation, Sacramento, California 95814 (916-324-4100)*. At reasonable times, without prior notification, representatives of the Department and county agricultural commissioners have authority to enter and inspect property where pesticides are stored, mixed or loaded for application, and the fields and other areas where pesticides have been or are being applied, to determine compliance with the worker safety regulations.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – With respect to the worker safety standards, local health officers are charged with the responsibility of investigating any condition where a health hazard from pesticide use exists, and must take necessary action, in cooperation with the respective county agriculture commissioners, to abate any such condition.

Florida

● **FLORIDA AGRICULTURAL WORKER SAFETY ACT**

STATUTORY CITATION: Fla. Stat. §§ 487.2011–487.2071

GENERAL SUMMARY: The Florida Agricultural Worker Safety Act requires agricultural employers in the state to provide certain pesticide safety information to their employees who may enter an area recently treated with an agricultural pesticide or otherwise may be exposed to it.

SPECIFIC TERMS AND CONDITIONS

PESTICIDE INFORMATION — To each worker who enters an area that has been treated with a pesticide within the past 30 days, or where a restricted-entry interval has been or is still in effect, the employer must provide a fact sheet or safety data sheet on the particular pesticide involved. The information must be provided within 2 working days after the worker requests it.

PROHIBITED ACTS — It is illegal for farm employers to fail to provide the required agricultural pesticide information to their workers, or to retaliate in any way against a worker for exercising any right afforded under this law.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A worker who has been fired, disciplined or discriminated against for having requested any information to which he or she is entitled under the Florida Agricultural Worker Safety Act may file a complaint with the enforcement agency.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Licensing and Enforcement, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Tallahassee, Florida 32399 (850-617-7997)*. The Department has authority to investigate any complaint alleging a violation of this law, provided that the complaint is submitted in writing and signed by the complainant.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

New Hampshire

● **PESTICIDE CONTROL LAW (*WORKER PROTECTION*)**

STATUTORY CITATION: N.H. Rev. Stat. §§ 430:28 – 430:50

RELATED REGULATIONS: N.H. Code Admin. R. Pes. 1100

GENERAL SUMMARY: New Hampshire's pesticide control law authorizes the state pesticide control board to adopt specific rules for the protection of people and property against the adverse effects of pesticides.

SPECIFIC TERMS AND CONDITIONS: Under the rulemaking authority mentioned above, the pesticide control board has adopted standards requiring pesticide safety training for workers exposed or potentially exposed to agricultural pesticides in the field.

TRAINING — Agricultural employers who use any pesticide product whose label references EPA's worker protection standard (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*) are required to provide pesticide safety training to their workers. The training requirement — which applies to workers who mix, load or apply pesticides and to those who may come into contact with pesticides in the field — must conform with both EPA and state regulatory requirements.

VERIFICATION OF TRAINING — Workers who complete training provided by a qualified pesticide safety trainer must receive a signed certificate confirming the date of training, the trainee identification number, the name of the trainer, and the location where the training was provided. The certificate is valid for 5 years.

RECORDKEEPING — Each qualified safety trainer is required to keep a record for each worker he or she trains. The record must include (1) the name and signature of the worker, (2) the ID number assigned to the worker, (3) the training date, (4) the address of the training location, (5) the type of training received, (6) the trainer's name and certification number, (7) the method of training and the materials used, and (8) a statement signed by the trainer affirming that all training was performed in accordance with EPA requirements.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Pesticide Control, New Hampshire Department of Agriculture, Markets and Food, Concord, New Hampshire 03301 (603-271-3550).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Jersey

● PESTICIDE CONTROL ACT OF 1971 (AGRICULTURAL WORKER PROTECTION)

STATUTORY CITATION: N.J. Rev. Stat. §§ 13:1F-1 – 13:1F-18

RELATED REGULATIONS: N.J. Admin. Code 7:30, Subchs. 8 and 12

GENERAL SUMMARY: Apart from the general and aerial application regulations, the state environmental protection department has adopted rules dealing explicitly with pesticide-related farmworker safety.

SPECIFIC TERMS AND CONDITIONS: Among the detailed requirements and restrictions included in the worker protection regulations are the following, which apply largely to farmworkers engaged in crop activities in the field and not directly involved in applying pesticides themselves.

ENTRY RESTRICTIONS — After an application of any pesticide to an agricultural field or in an agricultural workplace, the farm operator generally may not allow or direct any worker to enter or remain in the treated area before the restricted-entry interval specified on the pesticide label has expired. However, no sooner than 4 hours after a pesticide application, a worker may enter and remain in a treated area for up to an hour during a restricted-entry period if, among other requirements, (1) the worker uses the personal protective equipment prescribed on the product label, (2) no hand labor is performed, and (3) the worker has read the product labeling or had it explained.

WARNINGS TO WORKERS — Unless an agricultural employer is certain that no worker will enter, work in, remain in, or pass through the treated area on foot during an application of a pesticide and during its restricted-entry interval, the employer is required to notify workers of any pesticide application on the farm. If the product label requires that the notification be posted, the warning signs must (1) be of prescribed size and content, with the words "Danger," "Pesticides," and "Keep Out," in English and the native language understood by the workers, (2) be posted no sooner than 24 hours before the scheduled application, at locations visible from all points of worker entry or at the corners of the treatment area, and (3) be removed within 3 days after the expiration of the restricted-entry period. Among other required information, the posted warnings must include the name of the crop to be treated, the identity of the pesticide to be used, the safe re-entry time, and the date and location of the application. A map of the farm clearly designating the fields to be treated must be posted at the same location.

If the label requires oral warnings, they must generally be given before the application commences, in language easily understood by the worker, and include (1) the location and description of the treated area, (2) the time during which entry is restricted, and (3) instructions not to enter the treated area until the re-entry period has expired.

PESTICIDE SAFETY TRAINING —

Orientation — On the first day of an agricultural worker's employment, or at least one day prior to his or her assignment to a field that has been treated within the past 30 days, the agricultural employer must assure that the worker has received an employee orientation at least once during each year of employment. The orientation must cover topics including, among others, (1) re-entry, and how workers are informed about re-entry, (2) the location of handwashing facilities, clean clothes and protective clothing, (3) where to obtain immediate decontamination, (4) a review of required bulletin board information, and (5) the availability of pesticide fact sheets.

Safety Information — Before a farmworker enters any area where a regulated pesticide has been applied within the last 30 days, or where a restricted-entry interval has been in effect, the employer must assure that the worker has received certain pesticide safety information, including (1) how pesticide exposure can occur, and (2) how pesticides can be prevented from entering the body. The information may be in oral or written form, but it must be presented in a manner that the worker can understand.

Training — Before the 6th day that a worker enters any area where, within the last 30 days, a regulated pesticide has been applied or a restricted-entry interval has been in effect, the agricultural employer must assure that the worker has been trained. Training must be provided by an individual who meets state qualifications and must be presented in a way that the worker can understand. Among other content requirements, the training must include (1) how pesticides may be encountered during work activities, (2) the hazards of pesticide exposure, (3) the routes through which pesticides can enter the body, (4) the symptoms of pesticide poisoning, (5) emergency first aid for pesticide injuries and poisoning, (6) how to obtain emergency medical care, (7) decontamination procedures, (8) the hazards of chemigation and drift, (9) the hazards of pesticide residues on clothing, (10) warnings about taking pesticides or pesticide containers home, (11) the regulatory requirements designed to reduce the risk of illness and injury, and (12) worker rights under state and federal laws.

DECONTAMINATION FACILITIES — If any agricultural worker performs an activity in an area where, within the last 30 days, a pesticide has been applied or a restricted-entry interval has been in effect, and the worker contacts anything that has been treated with the pesticide, the agricultural employer is required to provide a decontamination site for washing off pesticide residues. The decontamination site must be reasonably accessible to where workers are working, located at the same site as the required portable toilets, and not in an area where pesticides are being applied. Decontamination facilities must include enough clean, suitably cool water for routine washing and emergency eye-flushing, along with soap and single-use towels.

EMERGENCY ASSISTANCE — If there is reason to believe that a farmworker employed at an agricultural establishment has been poisoned or injured by exposure to pesticides used on that establishment, the agricultural employer must make available prompt transportation of the worker from the farm or labor camp to an appropriate medical facility. Likewise, the employer must provide the worker, or to the medical personnel treating the worker, all relevant and available information, including (1) the name, EPA registration number, and active ingredients of the pesticide product involved, (2) antidote, first aid or other medical information from the product label, (3) the circumstances of the application or use of the product at the agricultural establishment, and (4) the circumstances of the victim's exposure to the product.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Bureau of Pesticide Compliance and Enforcement, Division of Waste Enforcement, Pesticides and Release Prevention, New Jersey Department of Environmental Protection, Trenton, New Jersey 08625 (609-984-6568).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

North Carolina

● **NORTH CAROLINA PESTICIDE LAW OF 1971 (*WORKER PROTECTION*)**

STATUTORY CITATION: N.C. Gen. Stat. §§ 143-434 – 143-470.1

RELATED REGULATIONS: 02 N.C. Admin. Code 09L .1800

GENERAL SUMMARY: Under authority of the North Carolina Pesticide Law, the state pesticide board has adopted worker protection standards for agricultural pesticides.

SPECIFIC TERMS AND CONDITIONS

STANDARDS — North Carolina has adopted and currently enforces the worker protection standards developed by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

ADDITIONAL NOTIFICATIONS — In addition to the information required by the EPA regulations to be posted when workers are in a location where restricted-use pesticides have been applied within the last 30 days or a restricted-entry interval has been in effect, the specific time of day when each pesticide application was completed must be recorded immediately upon completion of the application. The farm employer is required to keep all such records for a period of at least 2 years from the specific time of day when each pesticide application was completed.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Pesticide Section, Structural Pest Control and Pesticide Division, North Carolina Department of Agriculture and Consumer Services, Raleigh, North Carolina 27699 (919-733-3556).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Ohio

● **PESTICIDE LAW (AGRICULTURAL WORKER SAFETY)**

STATUTORY CITATION: Ohio Rev. Code § 921.16(C)(5)

RELATED REGULATIONS: Ohio Admin. Code 901:5-11-19

GENERAL SUMMARY: Apart from provisions relevant to the licensing and conduct of applicators, the pesticide law confers broad authority on the state director of agriculture to adopt rules requiring, among other things, (1) the protection of field workers storing, handling or applying pesticides, and (2) the protection of occupants of agricultural labor camps who are living or working in the vicinity of pesticide-treated areas.

SPECIFIC TERMS AND CONDITIONS: Using the pesticide law's rulemaking authority, the state agriculture director has adopted the worker protection standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*) as the safety standard for pesticide workers in Ohio. It applies to all agricultural workers and handlers working with, in or around pesticides.

No pesticide safety rules have been adopted explicitly addressing the protection of occupants of agricultural labor camps.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Enforcement Division, Ohio Department of Agriculture, Reynoldsburg, Ohio 43068 (614-728-6270).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Oregon

● OREGON SAFE EMPLOYMENT ACT (*WORKER PROTECTION*)

STATUTORY CITATION: Or. Rev. Stat. §§ 654.001 – 654.295

RELATED REGULATIONS: Or. Admin. R. 437-004-6000, 437-004-1005, and 437-004-1041

GENERAL SUMMARY: The Oregon Safe Employment Act includes explicit language authorizing the state consumer and business services department to adopt standards requiring agricultural employers to provide adequate safety equipment and adequate training for workers mixing, loading, applying or otherwise handling hazardous chemicals.

SPECIFIC TERMS AND CONDITIONS

EPA WORKER PROTECTION STANDARD — Using the authority noted above, the consumer and business services department has adopted the worker protection standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*), applicable to all agricultural workers and handlers working with, in or around pesticides. In addition, the department has adopted related rules especially relevant to the safety and health of workers exposed to pesticides, briefly summarized here:

PERSONAL PROTECTIVE EQUIPMENT — Farm employers are required to assess their workplaces to determine if hazards exist, or are likely to be present, which would make the use of personal protective equipment necessary to protect their workers. If so, employers must select appropriate protective equipment and ensure that each exposed employee use it. The employer is responsible for paying the cost of specialty-type equipment, but the workers must pay for everyday protective items like gloves, long-sleeve shirts, long pants, conventional boots, broad-brim hats, and sunscreen.

Workers who are required to use personal protective equipment must receive training in its use, provided by the employer. Training must cover such topics as (1) when protective equipment is necessary, (2) how to put on, adjust and remove the equipment, and (3) the proper care, maintenance, storage and disposal of the equipment.

RESPIRATORY PROTECTION — When necessary to protect a worker against the adverse health effects of breathing airborne pesticides or other agricultural chemicals, a farm employer is required to provide the worker with a respirator and the worker is required to use it. Moreover, the employer must have an effective, written respiratory protection program that includes procedures for (1) selecting, fitting, maintaining and discarding respiratory equipment, and (2) training workers in the respiratory hazards to which they may be exposed and the effective use of respiratory equipment. In some situations, the program may include certain prescribed medical evaluations.

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. Any worker who has been subjected to retaliatory treatment may file a complaint with the Bureau of Labor and Industries at any time within 90 days after learning of the alleged violation. A complaint of this nature is processed by the Bureau as if it were a complaint charging unlawful employment discrimination under the state civil rights laws.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689)*. Representatives of Oregon OSHA are authorized to enter and inspect agricultural workplaces in the state, and to cite employers found in violation. Non-compliance with an applicable standard or an order by Oregon OSHA may result in assessment of a civil money penalty by the agency and, for certain serious infractions, criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Civil Rights Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0764)*. This agency is responsible for enforcing the anti-retaliation provision noted above.

Puerto Rico

● **PESTICIDE ACT OF PUERTO RICO (*WORKER PROTECTION*)**

STATUTORY CITATION: 5 Laws P.R. Ann. §§ 1001 – 1013

RELATED REGULATIONS: Regulation 7769, Art. 21

GENERAL SUMMARY: Under the Pesticide Act's rulemaking authority, Puerto Rico's agriculture secretary has adopted administrative rules that include explicit protections for agricultural workers in the field.

SPECIFIC TERMS AND CONDITIONS

Agricultural employers must comply with the worker protection standards established by the U.S. Environmental Protection Agency, which require that workers be provided with certain information about the pesticides to which they are exposed in the fields and with personal protective equipment to help prevent pesticide-related injury or illness (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Agrolgy and Agricultural Materials Laboratory, Puerto Rico Department of Agriculture, Dorado, Puerto Rico 00646 (787-796-1735).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Tennessee

● **TENNESSEE INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (*WORKER PROTECTION*)**

STATUTORY CITATION: Tenn. Code §§ 43-8-101 – 43-8-206

RELATED REGULATIONS: Tenn. Comp. R. & Regs. 0080-09-05

GENERAL SUMMARY: Under the Insecticide, Fungicide, and Rodenticide Act's rulemaking authority, Tennessee's agriculture commissioner has adopted administrative rules that include explicit protections for agricultural workers in the field.

SPECIFIC TERMS AND CONDITIONS

EPA WORKER PROTECTION STANDARD — Agricultural employers must comply with the worker protection standard established by the U.S. Environmental Protection Agency, which requires that workers be provided with certain information about the pesticides to which they are exposed in the fields and with personal protective equipment to help prevent pesticide-related injury or illness (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

NOTICE TO FARM LABOR CONTRACTORS — The owner or operator of an agricultural establishment subject to the state rules must provide any farm labor contractor who performs work there (1) the location of the establishment's central posting site, and (2) any re-entry restrictions in effect in a pesticide-treated area if the area is within 1/4 mile of a location where workers are present and the treated area is not posted as required under the EPA standard. The labor contractor, in turn, must direct the workers under his or her control to the central posting area or provide the required pesticide application notifications to the workers directly.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Pesticide Section, Consumer and Industry Services Division, Tennessee Department of Agriculture, Nashville, Tennessee 37220 (615-837-5148)*. Among other authorities and responsibilities under the Act, representatives of the Department are permitted to inspect places where the required field worker pesticide safety training is being held, and to question trainers and attendees to determine compliance with these provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Texas

● **AGRICULTURE CODE (*WORKER PROTECTION*)**

STATUTORY CITATION: Tex. Agric. Code §§ 76.001 – 76.203

RELATED REGULATIONS: 4 Tex. Admin. Code § 7.36

GENERAL SUMMARY: In addition to prescribing applicator licensing and performance standards, the Agriculture Code authorizes adoption of administrative rules for the protection of farmworkers exposed to pesticides in the field.

SPECIFIC TERMS AND CONDITIONS

Farmworkers, as well as workers mixing, loading, transferring or applying pesticides, must be trained in accordance with the worker protection standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

Qualified trainers are required to make and retain for 5 years a record of each training session they conduct, including dated and signed attendance rosters. Workers who complete a training session must receive an EPA- or state-approved training verification card identifying the trainee and documenting the trainee's attendance.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Pesticide Programs, Agricultural and Consumer Protection Division, Texas Department of Agriculture, Austin, Texas 78711 (512-475-1620; toll-free 800-835-5832).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Washington

● WASHINGTON PESTICIDE APPLICATION ACT (*WORKER PROTECTION*)

STATUTORY CITATION: Wash. Rev. Code § 17.21.440

RELATED REGULATIONS: Wash. Admin. Code Ch. 16-233

GENERAL SUMMARY: The Washington Pesticide Application Act gives the state agriculture director broad authority to adopt specific rules governing the conditions under which pesticides may be applied, and explicitly mandates adoption of worker protections that are at least as effective as the requirements established in the U.S. Environmental Protection Agency's worker protection standard (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

SPECIFIC TERMS AND CONDITIONS: Using the mandates in the statute, the state agriculture director has adopted standards for the protection of field workers and pesticide handlers. The rules are virtually identical to the federal standard referenced above.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Compliance Section, Pesticide Management Division, Washington State Department of Agriculture, Olympia, Washington 98504 (360-902-2036); toll-free 877-301-4555).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

● WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973 (*PESTICIDE SAFETY FOR WORKERS*)

STATUTORY CITATION: Wash. Rev. Code §§ 49.17.010 – 49.17.910

RELATED REGULATIONS: Wash. Admin. Code Ch. 296-307, Parts H and I

GENERAL SUMMARY: Under the Washington Industrial Safety and Health Act, the state labor and industries director has adopted numerous standards explicitly applicable to agricultural employers, workers and workplaces in the state. These rules include provisions relevant to pesticide safety, including the use of personal protective equipment and enforcement of pesticide-related worker protections.

SPECIFIC TERMS AND CONDITIONS

PERSONAL PROTECTIVE EQUIPMENT — Agricultural employers must ensure that field workers and other employees are protected from injury that might occur through absorption, inhalation or physical contact with pesticides and other toxic or hazardous materials. To help prevent that, employers must provide and maintain certain appropriate personal equipment such as protective clothing, respirators, shields, safety glasses and other devices that create a barrier between the source of the hazard and the worker's eyes, face, head and extremities. Employers are required to instruct the workers in the proper use of personal protective equipment.

Exception — Employers are not required to provide workers with long-sleeve shirts, long-legged pants, socks and other normal work clothing that may provide some protection against workplace hazards.

WORKER PROTECTION STANDARDS — Like the state agriculture department, the state labor and industries department has adopted and shares enforcement responsibility for state standards for the protection of field workers and pesticide handlers. The rules are virtually identical to the federal standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

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. Retaliation should be reported to the Department of Labor and Industries within 30 days after the violation occurs. If investigation confirms the occurrence of a retaliatory act, the agency may bring action in superior court to restrain the employer from further violation and require appropriate restitution.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233). In response to an employee complaint or on the agency's own initiative, representatives of the Department are authorized to enter workplaces to inspect working conditions and equipment, question the employer and employees, and take other steps to determine compliance with the Act and the associated regulations.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Wisconsin

● PESTICIDE LAWS (*WORKER PROTECTION*)

STATUTORY CITATION: Wis. Stat. §§ 94.67 – 94.71

RELATED REGULATIONS: Wis. Admin. Code §§ ATCP 29.60 – 29.66

GENERAL SUMMARY: The administrative rules established under the state pesticide laws include provisions immediately relevant to agricultural worker safety.

SPECIFIC TERMS AND CONDITIONS

COMPLIANCE WITH FEDERAL STANDARDS — Agricultural employers in Wisconsin, as well as individuals and firms that mix, load or apply agricultural pesticides in the state, are required to comply with the worker protection standards established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

WARNING SIGNS — Agricultural employers are required to post worker protection warning signs at pesticide application sites, as required under the EPA regulations referenced above. The signs generally must be at least 14 inches by 16 inches in size and constructed to resist deterioration. They must go up no more than 24 hours before the pesticide application is scheduled to begin, remain posted for the duration of the restricted-entry interval specified on the product label, and be removed or covered not more than 3 days after the re-entry period expires.

EARLY ENTRY TO TREATED FIELDS — An agricultural employer may have agricultural workers enter a treated field before the restricted-entry period has expired, but only if (1) early entry is necessary to prevent or mitigate the effects of an unanticipated agricultural emergency, (2) early entry complies with the applicable EPA worker protection standards, (3) the workers entering the treated area have been trained in accordance with the EPA standards, and (4) the employer files a written report of the emergency situation with the state enforcement agency. The report must include the date and location of the early entry, a description of the emergency that necessitated early entry, the name and EPA registration number of the pesticide applied to the area, and the number of agricultural workers involved in the early entry.

AGRICULTURAL WORKER TRAINING — An agricultural employer is prohibited from requiring or allowing an agricultural worker to enter a field subject to a restricted-entry interval during the previous 30 days, unless the worker has received the worker safety training required under the EPA standards referenced above. The training must have been administered by a person certified or qualified as such by the state agency. Employers of agricultural workers must keep prescribed records of pesticide training for each worker or handler employed.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Agrichemical Management, Division of Agricultural Resource Management, Wisconsin Department of Agriculture, Trade and Consumer Protection, Madison, Wisconsin 53708 (608-224-4545)*. Farm operators, pesticide applicators and others who fail to comply with the requirements outlined above are subject to a criminal fine and imprisonment, as well as civil money penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.