

■ PESTICIDE CONTROL ACT OF 1971 (*AGRICULTURAL WORKER PROTECTION*)

TERMS: New Jersey has adopted pesticide-related worker safety rules, key provisions of which are summarized below.

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.

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 pesticide label requires that the notification be posted, the warning signs must (1) include 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 name 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 identifying 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 starts, 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 a worker's first day on the job, or at least one day before being assigned to a field that has been treated within the past 30 days, the employer must assure that the worker has received a worker 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 an 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 an area where, within the last 30 days, a regulated pesticide has been applied or a restricted-entry interval has been in effect, the 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 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 pesticide residues on clothing, (9) warnings about taking pesticides or pesticide containers home, and (10) worker rights under state and federal laws.

Decontamination Facilities — If an 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 employer is required to provide a decontamination site for washing off pesticide residues. The decontamination site must be reasonably close 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, 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 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 about the pesticide product involved and the circumstances of the victim's exposure to it.

ENFORCEMENT: *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).*