

U.S.

■ OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (*HAZARD COMMUNICATION*)

TERMS: With certain limitations, described in the special note below, agricultural employers whose workers may be exposed to hazardous chemicals on the job must establish a hazard communication program for their workers. The program must be in written form, made available to workers on request, and include the elements described in brief as follows.

Hazardous Chemical List — For each individual work area or for the farm or other establishment as a whole, employers must compile a list of the hazardous chemicals known to be present.

Labeling of Containers — In general, employers are required to ensure that each container of hazardous chemicals in the workplace (including pesticides) is properly labeled with identifying information and hazard warnings. Pesticide products that are subject to the labeling requirements of the U.S. Environmental Protection Agency do not require workplace labeling or hazard warnings, but agricultural employers must see that the existing product labels remain intact and readable.

Safety Data Sheets — For each pesticide or other hazardous chemical at the workplace, employers must obtain a safety data sheet from the product's manufacturer or distributor, and keep the data sheet at a location that is readily accessible to their employees. A safety data sheet is a written document that contains certain safety-related information, including, among other things, (1) the product name, (2) its hazard classification, (3) the chemical and common names of each ingredient, (4) precautions for safe handling and storage, (5) recommended exposure limits, and (6) symptoms of over-exposure and recommended treatment.

Employee Information — Employers are legally responsible for informing workers, at the time of their initial assignment and whenever a new hazard is introduced into their work area, of (1) the hazard communication requirements, (2) the operations in their work area where hazardous chemicals are present, and (3) the location of the hazardous chemical list and safety data sheets described above.

Employee Training — Employers must provide related training to each new employee, and to each employee affected by a new hazardous chemical at the workplace. At a minimum, training must include (1) methods for detecting the presence of a hazardous chemical on the job, (2) the physical and health hazards of each hazardous substance the worker may be exposed to, (3) measures the worker can take to protect against those hazards, and (4) an explanation of labeling, the safety data sheets, and other aspects of the employer's hazard communication program.

ENFORCEMENT: *Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210 (202-693-1999; toll-free 800-321-6742).*

Under a written plan approved by OSHA, each of the following states is authorized to enforce its own standards covering hazard communication in agricultural workplaces, identical or very similar to those described above:

Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming.

In these states, OSHA generally does not play a part in enforcing the hazard communication provisions. For the name of the state agency responsible for compliance, see the hazard communication summary under the heading "*Pesticides and Agricultural Chemicals*" for the particular state of interest.

SPECIAL NOTE: In accordance with Congressional restrictions on the use of federal funds for administration of this law, OSHA is prohibited in most cases from conducting inspections or otherwise enforcing these standards on any farm which employs fewer than 11 workers in any year. However, agricultural employers who operate a temporary labor camp are subject to the law without regard to the number of workers employed.

Alaska

■ STATE HEALTH, SAFETY AND HOUSING LAWS (*HAZARD COMMUNICATION*)

TERMS: The state labor department has adopted rules requiring agricultural and other employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. Except for the additional protections summarized below, Alaska's hazard communication rules are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and are applicable to all agricultural establishments.

Data Sheets — For each potentially hazardous "physical agent" present in a particular workplace, Alaska law requires the employer to have available an information sheet that, among other things, identifies the agent, describes the health hazards associated with it, outlines precautions or procedures for avoiding those hazards, and describes emergency or first aid procedures in the event of over-exposure. Among the physical agents most likely to pose a threat to agricultural workers are heat stress, cold stress and ultraviolet radiation.

Access to Data Sheets — Upon a worker's request, the employer must provide a copy of the physical agent data sheet for any such agent to which the worker may be exposed. Likewise, employers must post in the workplace a data sheet for each toxic or hazardous substance or physical agent to which an employee may be exposed there, or post a list of those substances or agents and identify a location where the data sheets can be accessed by employees during the work shift.

Training — At the time of their initial assignment, an employer must provide employees with information and training on the physical agents present in their work area.

ENFORCEMENT: *Occupational Safety and Health Section, Division of Labor Standards and Safety, Department of Labor and Workforce Development, Juneau, Alaska 99811 (907-465-4855).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions.

Arizona

■ **ARIZONA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (HAZARD COMMUNICATION)**

TERMS: Under the authority of the occupational safety and health law, the state industrial commission has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

ENFORCEMENT: *Division of Occupational Safety and Health (ADOSH), Industrial Commission of Arizona, Phoenix, Arizona 85005 (855-268-5251).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

California

■ HAZARDOUS SUBSTANCES INFORMATION AND TRAINING ACT

TERMS: This law requires that employers (1) make available to their workers printed safety information on each toxic chemical and other hazardous substance present at the place of employment, (2) take affirmative steps to provide safety information, in written form or through training programs, for every worker who may be exposed to a hazardous substance on the job, and (3) inform workers of their right to such information or training.

When the hazardous substances involved are agricultural pesticides, employers who comply with the worker safety requirements under the state's pesticide laws, described in the previous summary, are regarded as having met their obligations under this law.

ENFORCEMENT: *Division of Occupational Safety and Health (Cal/OSHA), California Department of Industrial Relations, Oakland, California 94612 (510-286-7000).*

SPECIAL NOTE: An employer or labor contractor may not fire, 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.

■ CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973 (HAZARD COMMUNICATION)

TERMS: Under the authority of the state occupational safety and health law, the administering agency has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are substantially similar to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply to all agricultural operations in the state, regardless of the number of workers employed.

ENFORCEMENT: *Division of Occupational Safety and Health (Cal/OSHA), California Department of Industrial Relations, Oakland, California 94612 (510-286-7000).* 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.

SPECIAL NOTE: A person may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Furthermore, workers may not be fired or laid off for refusing to work in a workplace or on a job where there is an apparent hazard that violates these provisions. The name of any person who submits a complaint regarding workplace safety must be kept confidential unless the person requests otherwise.

The agency responsible for enforcing the anti-retaliation provision is the *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118).*

Connecticut

■ TOXIC SUBSTANCE INFORMATION LAW

TERMS: Farm employers who use certain pesticides or other toxic substances identified by the U.S. Occupational Safety and Health Administration as "air contaminants" must post a sign, at a location plainly visible to their employees, informing the workers of their right to information from their employer regarding the toxic substances used by the employer in the workplace.

Generally during the first month on the job, any worker may request, and the employer must in such cases provide, the following information on each toxic substance used by the employer: (1) the name of the substance, (2) the location where workers may be exposed, (3) the characteristics of the substance, (4) the effects of exposure and the associated symptoms, (5) appropriate emergency treatment in case of over-exposure, (6) proper conditions for safe use and exposure, and (7) procedures for cleanup of leaks and spills. To the extent possible, this information must be provided in informal and readily understandable language.

ENFORCEMENT: *Division of Occupational Safety and Health, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

SPECIAL NOTE: The Connecticut Department of Labor has indicated that it may not be able to enforce these provisions against private employers, since Connecticut does not have a federally approved job safety and health plan.

Florida

■ FLORIDA AGRICULTURAL WORKER SAFETY ACT

TERMS: 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 worker's 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.

It is illegal for a farm employer 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.

ENFORCEMENT: *Bureau of Licensing and Enforcement, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Tallahassee, Florida 32399 (850-617-7997).*

SPECIAL NOTE: 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.

Hawaii

■ HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW (*HAZARD COMMUNICATION*)

TERMS: Under the authority of the Occupational Safety and Health Law, the state labor department has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) but may be applied to any agricultural operation in the state, without respect to the number of workers employed.

ENFORCEMENT: *Occupational Safety and Health Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-9110).*

Illinois

■ TOXIC SUBSTANCES DISCLOSURE TO EMPLOYEES ACT

TERMS:

Material Safety Data Sheets — Every farm operator or other employer with 5 or more full-time employees in the state, or with 20 or more full- or part-time employees anywhere and at any time throughout the year, is required to obtain prescribed written safety information about each toxic substance stored or used in the employer's workplace. This information, known as a "material safety data sheet," includes such facts as the name of the substance, its hazards, the symptoms of exposure, precautions for safe use, and emergency first-aid measures.

Worker's Right to Information — Anyone working for such an employer has a right to receive a copy of the material safety data sheets maintained by the employer, within 10 days of the worker's written request. The employer must advise the worker in writing of any hazardous substance in the workplace for which no data sheet is available, must request the missing data from the supplier within 10 days, and must mail the information to the worker within 10 days following receipt from the supplier.

Posting and Labeling — Employers are required to post a sign at the workplace informing workers of their rights under the Act, and to either attach a warning label to each toxic substance container or post signs or operating instructions providing similar information.

Worker Education and Training — The Act also requires the affected employers to provide their workers with an education and training program regarding the toxic substances to which they are routinely exposed in the course of their work.

ENFORCEMENT: *Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2800).*

SPECIAL NOTE: An employer may not fire, discipline or in any other way discriminate against a worker because the worker files a complaint, testifies in a related proceeding, or exercises any other right under this law.

Indiana

■ INDIANA OCCUPATIONAL SAFETY AND HEALTH ACT (*HAZARD COMMUNICATION*)

TERMS: Under the authority of Indiana's occupational safety and health law, the state occupational safety standards commission has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply to all farm operations in the state (*please see special notes below*).

ENFORCEMENT: *Indiana Occupational Safety and Health Administration, Indiana Department of Labor, Indianapolis, Indiana 46204 (317-233-3605)*.

SPECIAL NOTE: The state enforcement agency is generally prohibited from conducting enforcement inspections on the property of any farm establishment that employs 10 or fewer workers, unless (1) the agency is responding to a specific complaint by a worker employed there, or (2) the farm establishment operates a labor camp.

SPECIAL NOTE: An employer may not fire, discipline or in any other way discriminate against a worker because the worker files a complaint, testifies in a related proceeding, or exercises any other right under this law.

Iowa

■ **OCCUPATIONAL SAFETY AND HEALTH LAW (*HAZARD COMMUNICATION*)**

TERMS: Under Iowa's occupational safety and health law, the state labor commissioner has adopted regulations requiring employers to provide information to their workers about the hazardous chemicals to which they are exposed on the job. Iowa's hazard communication standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and likewise apply only to those farm establishments that have employed more than 10 workers at any time within the past 12 months, or that maintain a temporary labor camp.

ENFORCEMENT: *Iowa OSHA Enforcement, Division of Labor, Iowa Workforce Development, Des Moines, Iowa 50319 (515-242-5870).*

Kentucky

■ **KENTUCKY OCCUPATIONAL SAFETY AND HEALTH ACT (*HAZARD COMMUNICATION*)**

TERMS: Under the authority of the occupational safety and health law, the state has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply to all agricultural employers, employees and workplaces.

ENFORCEMENT: *Division of Occupational Safety and Health Compliance, Kentucky Department of Workplace Standards, Frankfort, Kentucky 40601 (502-564-3218).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Louisiana

■ **STATE LABOR LAWS (*EXPOSURE TO TOXIC SUBSTANCES*)**

TERMS: Workers exposed to toxic substances in the workplace have a right to obtain information concerning the nature of those substances and their adverse health effects. Current and former employees and their representatives have the right to access the employer's records of worker exposures to potentially toxic materials or harmful physical agents, and to related medical records.

ENFORCEMENT: A worker whose request to an employer for access to records under this law has been denied may file suit in civil court to enforce compliance, using a private attorney or public legal service provider. If the court rules in the worker's favor, the worker is entitled to recover reasonable attorney's fees and court costs.

Massachusetts

■ PUBLIC HEALTH LAWS (*HAZARDOUS SUBSTANCES DISCLOSURE BY EMPLOYERS*)

TERMS:

Safety Data — Every farm operator or other employer who uses or stores toxic or hazardous substances at the workplace must make certain printed information about each of those substances available to the workers at a central location at the place of employment. This information, known as a "material safety data sheet," must include the name of the substance, the risks associated with its use, the precautions to be followed and necessary protective equipment to be used, appropriate emergency procedures, and related facts

Right to Information — A farmworker (or the worker's designated representative) may request, and has a right to receive from the employer, a material safety data sheet for each toxic or hazardous substance to which the worker is, has been, or may be exposed on the job. The employer generally must provide data sheets within 4 working days of a request. Also, the employer must post a notice in a central location, informing workers of their rights under these provisions.

Training — Within the first month of employment and at least once a year after that, employers must instruct their workers regarding the nature and effects of the hazardous substances present in the workplace. Instruction may be provided in written form or through training programs, but in either case must be presented in non-technical language. Employers are required to cover such topics as the identity of each toxic substance involved, its location at the workplace, appropriate first-aid treatment in the event of overexposure, proper handling practices, the health effects of the substance, and the rights and duties of workers under this law.

ENFORCEMENT: *Massachusetts Department of Labor Standards, Boston, Massachusetts 02114 (617-626-6975).*

SPECIAL NOTE: A person may not fire, punish or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions.

Michigan

■ MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (*HAZARD COMMUNICATION*)

TERMS: Under the authority of the state occupational safety and health law, Michigan has adopted standards requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. Michigan's hazard communication regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and likewise apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

ENFORCEMENT: *Michigan Occupational Safety and Health Administration (MIOSHA), Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7777).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Minnesota

■ OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973 (*HAZARD COMMUNICATION*)

TERMS: Every farm operator or other agricultural establishment that (1) employs more than 10 workers, or (2) maintains a temporary labor camp and employs any of its residents, must provide the workers with certain training and information concerning hazardous materials in the workplace.

Training — Employers covered by this law must provide the workers with a training program on the hazardous substances to which they are exposed on the job. Normally, training must be provided before the workers are first assigned to a job where they may be exposed, and at least once a year after that. In most cases, training must be presented orally, in a language understood by each participant. The content of the training program depends on the nature and extent of exposure, but oral training generally must cover such topics as the identity of the hazardous substances involved, the known symptoms and effects of exposure, appropriate emergency treatment, and proper conditions for safe use and exposure.

Any worker who is exposed to hazards on the job, but who is not a handler of hazardous substances and is not employed for more than 5 days, is entitled at least to comparable *written* information, in a language understood by the worker.

Access to Information — Farmworkers who work for an employer covered by this law have a right to detailed written information on the hazardous substances encountered at the place of employment.

All other agricultural workers, and any association or union representing them, are entitled to receive from their employer, upon request and within a reasonable period of time, the labeling information from the container of any substance or chemical to which they may be exposed.

ENFORCEMENT: *Occupational Safety and Health Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-282-5050; toll-free 877-470-6742).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Nevada

■ NEVADA OCCUPATIONAL SAFETY AND HEALTH ACT (*HAZARD COMMUNICATION*)

TERMS: Under the authority of the occupational safety and health law, the state industrial relations agency has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

ENFORCEMENT: *Nevada Occupational Safety and Health Administration (NVOSHA), Division of Industrial Relations, Nevada Department of Business and Industry, Henderson, Nevada 89074 (702-486-9020)*. A covered worker who believes that he or she is being or has been exposed to a toxic material in the workplace, and who has been denied notification or related information by the employer involved, should contact NVOSHA.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

New Hampshire

■ WORKER'S RIGHT TO KNOW ACT

TERMS:

Safety Data Sheets — Every farm operator or other employer whose workers use or are exposed on the job to any toxic pesticide or other hazardous substance must make available a document containing important information about each such substance to any worker who requests it, within 72 hours after the request is received by the employer. This document, known as a "safety data sheet," shows the name of the material, its hazards and health effects, the symptoms of over-exposure, the precautions to be followed in its use, and appropriate emergency and first-aid procedures.

Posted Notice — The employer is required to post a written warning at the worksite identifying each toxic substance to which the workers may be exposed, the hazards involved, symptoms of exposure, the proper conditions for safe use, cleanup procedures, and emergency measures. In addition, there must be a posted notice advising the workers of their right to a copy of each safety data sheet.

Education and Training — During the first month of employment for all workers regularly exposed to toxic substances on the job, the employer must conduct an education and training program to inform them of the nature of the substances to which they will be exposed, outline appropriate handling procedures, and warn them of the potential risks involved.

ENFORCEMENT: *Inspection Division, New Hampshire Department of Labor, Concord, New Hampshire 03301 (603-271-3176).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. A worker who has experienced any form of retaliation by an employer in connection with the Right to Know Act may file a complaint at any time within 30 days after learning of the violation.

New Mexico

■ OCCUPATIONAL HEALTH AND SAFETY ACT (*HAZARD COMMUNICATION*)

TERMS: Under the authority of the occupational health and safety law, the state environmental improvement board has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are nearly identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

ENFORCEMENT: *Compliance Section, Occupational Health and Safety Bureau, New Mexico Environment Department, Santa Fe, New Mexico 87502 (505-476-8711; toll-free 877-610-6742)*. A worker or worker representative may file a written complaint with the Department concerning a particular workplace hazard or an alleged violation of the Act or its regulations.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

New York

■ LABOR LAW (*TOXIC SUBSTANCES*)

TERMS:

Posted Notice — Like most other classes of employers in New York, agricultural establishments must post a sign at the workplace, informing their workers of their right to receive information from the employer regarding the toxic substances found on the job.

Workers' Right to Information — Within 72 hours after receiving a written request from a worker or a worker's representative, an employer is obligated to provide the worker with information about each toxic substance to which he or she may be exposed on the job. This includes:

- (1) The common name, brand name and chemical name of each such substance.
- (2) The location of each substance at the workplace.
- (3) Its characteristics and the effects of exposure.
- (4) The symptoms of overexposure.
- (5) The potential for flammability, explosion or reactivity.
- (6) Appropriate emergency treatment.
- (7) Proper conditions for safe use and exposure.
- (8) Cleanup procedures for leaks and spills.

If the worker does not receive this information within 72 hours, the worker or workers affected cannot be forced to work with any substance on which information was requested.

Education and Training — Employers are required to provide each worker with an education and training program before the worker is assigned to a task that may involve exposure to a toxic substance, and to repeat the program once a year after that. Education and training must cover the same sort of information outlined above.

Recordkeeping — Employers must keep a record of the name, address, and Social Security number of every worker who handles or uses any material deemed toxic or hazardous by the U.S. Occupational Safety and Health Administration.

ENFORCEMENT: *Division of Safety and Health, Worker Protection Bureau, New York State Department of Labor, Albany, New York 12240 (518-457-3518).*

SPECIAL NOTE: An employer may not fire, 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. At any time within 30 days after a suspected act of retaliation, a worker may file a complaint with the Department.

North Carolina

■ HAZARDOUS CHEMICALS RIGHT TO KNOW ACT

TERMS:

Requirements for Large Farms — Farm operations with more than 10 full-time employees are required to comply with all provisions of the Right to Know Act, briefly summarized as follows:

Hazardous Substance List — Employers must keep a current list of each hazardous chemical normally used or stored at their farm or workplace in an amount more than 55 gallons or 500 pounds, whichever is greater. For each such substance, the list must include, among other information, the name of the chemical, the quantity usually stored at the site, and the location at the site where the material is normally stored.

Material Safety Data Sheets — For each hazardous chemical they buy, employers must obtain from the manufacturer or distributor a current material safety data sheet, a document containing certain identifying information, health hazard and safety information, handling precautions, and other prescribed data.

Worker's Right To Know — A worker is entitled to receive an employer's hazardous substance list and a safety data sheet for each substance on the list, by submitting a written request to the employer. The requested materials must be provided within 10 days after receipt of the request by the employer, at a fee not to exceed the cost of copying.

Requirements for Smaller Farms — A farm operation that employs 10 or fewer full-time workers but which normally stores at least 55 gallons or 500 pounds of a hazardous chemical, whichever is greater, is required to furnish the local fire department with the name and telephone number of a knowledgeable representative of the employer who can be contacted in case of emergency or for further information. These employers are not subject to any other requirement of this law.

ENFORCEMENT: *Agricultural Safety and Health Bureau, Occupational Safety and Health Division, North Carolina Department of Labor, Raleigh, North Carolina 27603 (919-807-2926; toll-free 800-625-2267).*

SPECIAL NOTE: Under North Carolina's federally approved occupational safety and health program, farmworkers employed by a farm operation which employs more than 10 workers, or which operates a temporary labor camp, must also receive formal training from the employer regarding the hazardous substances found in the workplace.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Oregon

■ OREGON SAFE EMPLOYMENT ACT (*HAZARD COMMUNICATION*)

TERMS: Under the Safe Employment Act, Oregon has adopted a hazard communication standard that applies specifically to agricultural employers when a hazardous chemical is known to be present in the workplace in such a way as to expose workers under normal conditions of use or in a foreseeable emergency.

Hazard Communication Program — Farm employers must develop and put into operation a written hazard communication program specific to their workplace. It must include, among other things, (1) a list of all the hazardous chemicals in the workplace, and (2) a description of the methods for informing their workers about the hazards of non-routine tasks.

Product Labels — Employers must ensure that the product label that shipped with each hazardous chemical in the workplace is legible and displayed on the container in the work area. Pesticide application equipment such as spray tanks and backpack-type sprayers do not have to be labeled, as long as the pesticide handler still has access to the product label.

Safety Data Sheets — The employer must have a safety data sheet for each hazardous chemical used or present in the workplace, and to which workers may be exposed during normal work conditions or in an emergency. All such data sheets must be readily accessible to workers on all shifts.

Employee Information and Training — At the time of their initial assignment, or whenever a new hazard is introduced into their work area, the employer must provide training for the workers who are or may be exposed to a hazardous chemical. Training must include, among other information, (1) methods of detecting the presence or release of a hazardous chemical in the work area, (2) the physical and health hazards of the chemicals in the work area, and (3) the measures workers can take to protect themselves from the hazards involved, including appropriate work practices and personal protective equipment.

ENFORCEMENT: *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may file a complaint with the *Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844)* at any time within 90 days after learning of the alleged violation.

Pennsylvania

■ WORKER AND COMMUNITY RIGHT-TO-KNOW ACT

TERMS:

Posting — With few exceptions, every employer is required to post in a location clearly visible to each employee (1) a list of all hazardous substances found in the workplace, and (2) a notification advising the workers of their right to written information and training about such substances.

Availability of Information — Within 5 days of a written request, an employer generally must provide an employee with a document, known as a "material safety data sheet," on each hazardous substance present at the worker's place of employment. If the employer fails to respond to the request, the worker has the right to refuse to work with the hazardous substance involved, without penalty, until the information is provided.

Description of Information — Among other things, the safety data sheet must contain the name of the product, its chemical and physical characteristics, the health and safety hazards posed by the substance, the symptoms of overexposure, emergency first-aid procedures, and the personal protective equipment to be worn and other precautions to be followed.

Educational Program — At least once a year, employers must provide an education and training program for workers exposed to hazardous substances in their normal work area. The program may be in written or verbal form, but in either case must cover such topics as the location of each hazardous material in the workplace, its properties, its chemical and common names, its health effects, the symptoms of overexposure, appropriate personal protective equipment, conditions for safe use, appropriate emergency treatment, and emergency procedures for dealing with spills and other accidents.

ENFORCEMENT: *Health and Safety Division, Bureau of Workers' Compensation, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17104 (717-772-1635).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Puerto Rico

■ **OCCUPATIONAL SAFETY AND HEALTH ACT (*HAZARD COMMUNICATION*)**

TERMS: Under the authority of Puerto Rico's Occupational Safety and Health Act, the labor secretary has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply to all agricultural workplaces in Puerto Rico.

ENFORCEMENT: *Puerto Rico Occupational Safety and Health Administration, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2172).*

SPECIAL NOTE: A person may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has suffered from an act of retaliation may file a complaint with the Department, as if reporting any other violation of the Act.

Rhode Island

■ HAZARDOUS SUBSTANCES RIGHT-TO-KNOW ACT

TERMS:

Identification of Hazardous Substances — Every employer whose workers are exposed on the job to any toxic or hazardous substance must make a complete list of all such substances readily available to the workers during all hours of operation. Likewise, for each item on the list, the employer is responsible for obtaining a document, known as a "material safety data sheet," which contains identifying information about the substance, its characteristics, its hazards, precautions for safe handling, emergency first-aid procedures, and related data.

Workers' Right to Information — Within 3 working days (not counting weekends and holidays) after a worker's request to see or copy the employer's chemical list or the material safety data sheet for any substance on the list, the employer must make such information available to the worker. If the requested information has not been received within 3 days, the worker may then refuse to work with or be exposed to the substance, free from penalties or discrimination.

Training and Education — Before a worker is assigned to the job and at least once a year after that, the employer is required to provide a program of training and education to advise the worker about all toxic or hazardous materials to which the worker may be exposed on the job. Among other subjects, training must cover both the hazards involved and appropriate work practices, protective measures and emergency procedures.

Farm Labor Contractors' Role — When farmworkers perform services on a farm through a farm labor contractor, it is generally the contractor's responsibility to respond to worker requests for information and to provide the required training and education.

ENFORCEMENT: *Right-to-Know Unit, Workforce Regulation and Safety Division, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920 (401-462-8570).*

As an alternative to filing a complaint with the state agency, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Using a private attorney or public legal service provider, a worker subjected to retaliation may take legal action against the violator at any time within 180 days after the act occurs, or within 90 days after first becoming aware of the violation.

As an option, the worker may notify the Department of Labor and Training, which has authority in such cases to order the violator to reimburse the worker for any financial losses caused by the retaliation, plus interest.

South Carolina

■ **OCCUPATIONAL HEALTH AND SAFETY LAW (*HAZARD COMMUNICATION*)**

TERMS: Under the authority of the occupational health and safety law, the state labor director has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

ENFORCEMENT: *South Carolina Occupational Safety and Health Administration, South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina 29211 (803-896-7682).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Tennessee

■ **OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (HAZARD COMMUNICATION)**

TERMS: Tennessee's Occupational Safety and Health Act requires employers in the state to comply with the hazard communication standard established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*).

However, while this law covers virtually all employers and employees in Tennessee, the state hazard communication regulations explicitly *exclude* any agricultural workplace with respect to which the state agriculture commissioner certifies that the chemicals present there are covered by other federal or state laws or regulations.

ENFORCEMENT: *Safety Compliance Section, Occupational Safety and Health Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-741-2793; toll-free 844-224-5818).*

The agency responsible for making the certification required to exempt a farm employer from the hazard communication standard is the *Pesticide Section, Consumer and Industry Services Division, Tennessee Department of Agriculture, Nashville, Tennessee 37220 (615-837-5148).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a hearing, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may file a complaint with the enforcement agency no later than 30 days after the violation occurred.

■ **OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (ANHYDROUS AMMONIA)**

TERMS: Under the occupational safety and health law, the state labor department has adopted standards for the storage and handling of anhydrous ammonia, which is commonly used as an agricultural fertilizer. Tennessee's ammonia safety regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Anhydrous Ammonia*) and apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

ENFORCEMENT: *Safety Compliance Section, Occupational Safety and Health Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-741-2793; toll-free 844-224-5818).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a hearing, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may file a complaint with the enforcement agency no later than 30 days after the violation occurred.

Texas

■ AGRICULTURAL HAZARD COMMUNICATION ACT

TERMS:

Employer Duties — In general, every agricultural employer in Texas who stores or uses more than 55 gallons or 500 pounds of pesticides or other hazardous chemicals each year, and who pays at least \$15,000 in wages for migrant or seasonal agricultural labor or at least \$50,000 for other farm labor, must comply with the following information requirements, among others:

Workplace Chemical List — The employer must keep a listing of the hazardous agricultural chemicals that are used or stored at the workplace in quantities over 55 gallons or 500 pounds. The list must be readily available to the employer's workers, their representatives, and any medical personnel treating workers who may have been exposed to those materials.

Material Safety Data Sheets — For each substance on the workplace chemical list, the employer must obtain a product label or a printed document, known as a "material safety data sheet," containing certain warnings and safety information related to the substance. Material safety data sheets must be attached to the employer's chemical list and made available to the workers, their representatives and treating medical personnel.

Crop Sheets — A worker who is employed by an agricultural operation described above, and who has not participated in a state-administered training program (described below), has a right to request and receive from the employer, for each crop in which the worker will be employed, a crop sheet showing the kinds of chemicals typically used on the crop, the schedule of chemical treatments normally followed, warnings regarding special clothing and other safety measures required or recommended, emergency information, and a summary of the worker's rights under the law. In addition to providing the worker with written copies, the employer must see that the relevant crop sheets are read to the worker at least once each work season.

Agricultural Worker Rights —

Information — Agricultural workers who are employed by a farm operator or other employer subject to this law, and who may be exposed to the chemicals regulated by the law, have a right to be informed of such exposure and a right of access to the employer's workplace chemical list and a copy of any material safety data sheet requested.

Training — Farmworkers are entitled to state-administered training regarding the hazards of the chemicals to which they may be exposed and appropriate safety precautions. The training program includes information on understanding labels and safety data sheets, the proper handling and storage of hazardous chemicals, their health effects, protective clothing and equipment, first-aid treatment, and general safety instructions.

Protective Clothing and Equipment — Employers subject to the law must provide any protective clothing or equipment recommended by a material safety data sheet, crop sheet or state regulation. Such clothing or equipment is *in addition to* the standard long-sleeve shirt, long pants, boots or shoes, and socks normally provided by the worker.

Labels — Labels on agricultural chemical containers received at the farm may not be removed or defaced. It is unlawful to require a farmworker to work with a hazardous chemical in an unlabeled container, other than a portable container intended for the immediate use of the worker who applies the product.

ENFORCEMENT: *Right to Know Program, Agricultural and Consumer Protection Division, Texas Department of Agriculture, Austin, Texas 78711 (512-475-1620; toll-free 800-835-5832).* Within 90 days of receiving a complaint from a worker who has been denied his or her rights under the Act, or a complaint by a representative of such a worker, the Department must complete an investigation and may bring legal action against any party found in violation.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Likewise, an employer may not ask or require a worker to give up any rights under this law or the regulations, as a condition of employment.

Utah

■ **UTAH OCCUPATIONAL SAFETY AND HEALTH ACT (*HAZARD COMMUNICATION*)**

TERMS: Under the authority of the occupational safety and health law, the state labor commission has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

ENFORCEMENT: *Compliance Section, Occupational Safety and Health Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6901).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Vermont

■ OCCUPATIONAL SAFETY AND HEALTH LAWS (*HAZARD COMMUNICATION*)

TERMS: Under the authority of the state occupational safety and health laws, the state labor commissioner has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. Vermont's hazard communication standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply only to farm operations that employ more than 10 workers in a given year or that maintain a temporary labor camp.

ENFORCEMENT: *Vermont Occupational Safety and Health Administration (VOSHA), Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-5084).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions. A worker who has been subjected to retaliation may submit a discrimination complaint to the Vermont Department of Labor at any time within 30 days after the violation. As an alternative, the worker may bring suit against the employer in civil court, using a private attorney or public legal service provider.

Virginia

■ OCCUPATIONAL SAFETY AND HEALTH LAWS (*HAZARD COMMUNICATION*)

TERMS: Under the authority of the occupational safety and health laws, the state safety and health codes board has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply only to farm operations that employ more than 10 workers in a given year or maintain a temporary labor camp.

ENFORCEMENT: *Occupational Safety and Health Compliance, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-786-7776).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions. Within 60 days of any such retaliatory act, the worker may file a complaint with the state enforcement agency, which has authority to bring suit in circuit court for relief. If the agency refuses to issue a charge for the alleged violation, the worker may file a civil complaint against the employer in circuit court directly, using a private attorney or public legal service provider.

Washington

■ WORKER AND COMMUNITY RIGHT TO KNOW ACT

TERMS:

Information and Training on Agricultural Chemicals — Agricultural employers are required to maintain the material safety data sheets received with incoming shipments of hazardous chemicals, and assure that the information is accessible to their agricultural employees on request. Labels on incoming containers of hazardous agricultural chemicals may not be removed or defaced.

In general, all employees engaged in agricultural production of crops or livestock must be provided with training on the hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced to the workplace, instruction must address the hazards to which the employees will be exposed.

Workers' Rights — A worker or worker representative may request a copy of the material safety data sheet for each hazardous substance to which the worker may be exposed in the work area. The employer must provide the requested information within 3 working days of the request, or the employee may refuse to work with the substance without loss of pay or any other employment privilege until the request is honored.

Recordkeeping — An employer who applies pesticides to an agricultural crop, or who contracts to have pesticides applied to a crop, must keep a record of each such application. Among other information, the record must include (1) the date and time of the pesticide application, (2) the location of the land where the pesticide was applied, (3) the name and EPA registration number of the pesticide product used, (4) the crop or site to which the product was applied, (5) the amount and concentration used, (6) the name and address of the person or persons performing the application, and (7) the wind speed and direction at the time the application took place.

ENFORCEMENT: *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233).*

As an alternative to filing a complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. Retaliation should be reported to the Department of Labor and Industries within 30 days after the violation occurs.

■ WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973 (HAZARD COMMUNICATION)

TERMS: The state labor and industries director has adopted numerous standards that apply specifically to agricultural employers in the state, including rules requiring them to identify the hazardous chemicals in the workplace and to train their employees about those materials.

Hazardous Chemical List — Agricultural employers must compile a list of hazardous chemicals known to be present in the workplace and to which workers there may be exposed. For each item on the list, the employer must obtain from the manufacturer a safety data sheet that includes prescribed information about its hazards and related protective measures.

Both the hazardous chemical list and safety data sheets must be kept up to date and made accessible to employees.

Information and Training — At the time of their initial job assignment and any time a new chemical hazard is introduced into their work area, the employer must:

(1) Inform the workers of (a) the requirements of these rules, (b) any operations in their work area where hazardous chemicals may be present, and (c) the location of the chemical list and safety data sheets described above.

(2) Provide the workers with effective training about hazardous chemicals in their work area, to include (a) methods for detecting the presence or release of hazardous chemicals, (b) the likely symptoms of over-exposure, and (c) the steps workers can take to protect themselves from the associated hazards.

ENFORCEMENT: *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. Retaliation should be reported to the Department of Labor and Industries within 30 days after the violation occurs.

Wyoming

■ **WYOMING OCCUPATIONAL HEALTH AND SAFETY ACT (*HAZARD COMMUNICATION*)**

TERMS: Under the authority of this law, the state OSHA Commission has adopted regulations requiring employers to provide information to their employees about the hazardous chemicals to which they are exposed on the job. These regulations are virtually identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*) and apply to all agricultural employers in Wyoming.

ENFORCEMENT: *Wyoming OSHA, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7786).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.