

■ 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.