

5031

2013-2014 Regular Sessions

I N S E N A T E

May 6, 2013

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to farm worker protection

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 1331 to read as follows:
3 S 1331. FARM WORKER PROTECTION. 1. THE FOLLOWING REQUIREMENTS SHALL BE
4 MET AT ANY AGRICULTURAL SITE TO WHICH PESTICIDES HAVE OR WILL BE
5 APPLIED. FARM OWNERS OR OPERATORS SHALL:
6 A. CONDUCT OR CAUSE TO HAVE CONDUCTED MANDATORY TESTING FOR THE PRES-
7 ENCE OF ORGANOPHOSPHATE PESTICIDES FOR ALL HANDLERS OF PESTICIDES,
8 INCLUDING APPLICATORS AND MIXERS OF PESTICIDES. THIS TESTING SHALL BE
9 CONDUCTED WITHIN ONE WEEK OF THE ARRIVAL OF SUCH WORKERS AT THE AGRICUL-
10 TURAL SITE AND WITHIN ONE WEEK OF THE DEPARTURE OF SUCH WORKERS FROM THE
11 SITE;
12 B. PROVIDE PERSONAL PROTECTION EQUIPMENT WHICH HAS BEEN FIT-TESTED TO
13 ALL INDIVIDUALS WHO ARE REQUIRED OR MAY BE REQUIRED TO WEAR SUCH EQUIP-
14 MENT IN THE COURSE OF THEIR WORK, AND WHICH IS READILY AVAILABLE TO ANY
15 WORKER NEEDING TO WEAR OR USE SUCH EQUIPMENT;
16 C. PROVIDE EDUCATION AND INFORMATION TO FARM WORKERS AND THEIR FAMI-
17 LIES ABOUT THE HAZARDS OF EXPOSURE TO PESTICIDES, HOW TO AVOID SUCH
18 EXPOSURES TO CHILDREN, PERSONAL CLOTHING AND POSSESSIONS, AND WHAT TO DO
19 IF PESTICIDE EXPOSURE OR CONTAMINATION OCCURS;
20 D. REPORT TO THE DEPARTMENT EVERY INCIDENT OF PESTICIDE EXPOSURE TO
21 FARMWORKERS OR THEIR FAMILIES, WHETHER BY DIRECT EXPOSURE TO PESTICIDE
22 APPLICATIONS OR FROM DRIFT OF PESTICIDES FROM THE APPLICATION SITE. SUCH
23 REPORTING SHALL OCCUR WITHIN TWENTY-FOUR HOURS OF SUCH PESTICIDE EXPO-
24 SURE AND SHALL INCLUDE THE DAY AND TIME OF DAY THE EXPOSURE OCCURRED AND
25 THE PESTICIDES TO WHICH THE INDIVIDUALS WERE EXPOSED;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 E. PROVIDE ON-SITE WASHING MACHINES FOR WORKERS TO CLEAN
2 PESTICIDE-CONTAMINATED CLOTHING, WHICH ARE SEPARATE FROM CLOTHES WASHING
3 FACILITIES USED BY FAMILIES. THE FARM OWNER OR OPERATOR SHALL BE RESPON-
4 SIBLE TO PROVIDE INSTRUCTION IN THE PROPER CARE OF CLOTHING CONTAMINATED
5 WITH OR EXPOSED TO PESTICIDES;

6 F. PROVIDE ONE SHOWER FACILITY FOR EVERY FIVE WORKERS, WITH SEPARATE
7 FACILITIES FOR MALES AND FEMALES, FOR THE REMOVAL OF PESTICIDES RESIDUES
8 AND OTHER CONTAMINANTS;

9 G. PROVIDE ONE OR MORE PUBLIC TELEPHONES FOR WORKERS TO REPORT MEDICAL
10 EMERGENCIES, INCLUDING PESTICIDE EXPOSURES OR CONTAMINATION; AND

11 H. ENSURE THAT ALL NEW HOUSING FOR FARM WORKERS IS LOCATED AT LEAST
12 FIFTY FEET FROM ANY FIELD OR SITE, EXCEPT FOR ENCLOSED FACILITIES SUCH
13 AS GREENHOUSES, WHICH MAY BE TREATED WITH PESTICIDES. EXISTING HOUSING
14 WHICH DOES NOT COMPLY WITH THIS PARAGRAPH SHALL BE REPLACED WITHIN FIVE
15 YEARS OR CEASE TO BE USED AFTER THAT TIME.

16 2. THE DEPARTMENT SHALL ISSUE AN ANNUAL REPORT OF ALL FARM INSPECTIONS
17 ON OR BEFORE MARCH FIRST TO THE GOVERNOR AND THE LEGISLATURE FOR THE
18 PREVIOUS CALENDAR YEAR, INCLUDING COMPLIANCE WITH THE REQUIREMENTS
19 CONTAINED IN THIS SECTION; ENFORCEMENT ACTIONS, FINES AND PENALTIES FOR
20 NON-COMPLIANCE RESULTING FROM SUCH INSPECTIONS; AND PESTICIDE EXPOSURE
21 OR CONTAMINATION REPORTS SUBMITTED TO THE DEPARTMENT.

22 S 2. This act shall take effect on the first of November next succeed-
23 ing the date on which it shall have become a law.