S T A T E O F N E W Y O R K

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:

Section 1. The public health law is amended by adding a new section 1331 to read as follows:

S 1331. FARM WORKER PROTECTION. 1. THE FOLLOWING REQUIREMENTS SHALL BE MET AT ANY AGRICULTURAL SITE TO WHICH PESTICIDES HAVE OR WILL BE APPLIED. FARM OWNERS OR OPERATORS SHALL:

A. CONDUCT OR CAUSE TO HAVE CONDUCTED MANDATORY TESTING FOR THE PRESENCE OF ORGANOPHOSPHATE PESTICIDES FOR ALL HANDLERS OF PESTICIDES, INCLUDING APPLICATORS AND MIXERS OF PESTICIDES. THIS TESTING SHALL BE CONDUCTED WITHIN ONE WEEK OF THE ARRIVAL OF SUCH WORKERS AT THE AGRICULTURAL SITE AND WITHIN ONE WEEK OF THE DEPARTURE OF SUCH WORKERS FROM THE SITE;

B. PROVIDE PERSONAL PROTECTION EQUIPMENT WHICH HAS BEEN FIT-TESTED TO ALL INDIVIDUALS WHO ARE REQUIRED OR MAY BE REQUIRED TO WEAR SUCH EQUIPMENT IN THE COURSE OF THEIR WORK, AND WHICH IS READILY AVAILABLE TO ANY WORKER NEEDING TO WEAR OR USE SUCH EQUIPMENT;

C. PROVIDE EDUCATION AND INFORMATION TO FARM WORKERS AND THEIR FAMILIES ABOUT THE HAZARDS OF EXPOSURE TO PESTICIDES, HOW TO AVOID SUCH EXPOSURES TO CHILDREN, PERSONAL CLOTHING AND POSSESSIONS, AND WHAT TO DO IF PESTICIDE EXPOSURE OR CONTAMINATION OCCURS;

D. REPORT TO THE DEPARTMENT EVERY INCIDENT OF PESTICIDE EXPOSURE TO FARMWORKERS OR THEIR FAMILIES, WHETHER BY DIRECT EXPOSURE TO PESTICIDE APPLICATIONS OR FROM DRIFT OF PESTICIDES FROM THE APPLICATION SITE. SUCH REPORTING SHALL OCCUR WITHIN TWENTY-FOUR HOURS OF SUCH PESTICIDE EXPOSURE AND SHALL INCLUDE THE DAY AND TIME OF DAY THE EXPOSURE OCCURRED AND THE PESTICIDES TO WHICH THE INDIVIDUALS WERE EXPOSED;

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

LBD08836-01-3

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

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

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

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

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

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.