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2015-2016 Regular Sessions

I N   A S S E M B L Y

January 7, 2015

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Introduced by M. of A. ENGLEBRIGHT, ORTIZ, GOTTFRIED, SCHIMEL -- Multi-Sponsored by -- M. of A. COLTON, COOK, PERRY -- read once and referred 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-

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

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1 SURE AND SHALL INCLUDE THE DAY AND TIME OF DAY THE EXPOSURE OCCURRED AND  
2 THE PESTICIDES TO WHICH THE INDIVIDUALS WERE EXPOSED;

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

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

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

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

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

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