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2100 Boca Chica Blvd., Suite 100
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COTULLA SATELLITE OFFICE
LaSalle County Courthouse
Cotulla, TX 78014
(512) 879-3140

NEW BOSTON SATELLITE OFFICE
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New Boston, TX 75570
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A GUIDE TO THE TEXAS AGRICULTURAL HAZARD COMMUNICATION LAW

Right-To-Know



Resource ID#: 38

Guide to the Texas Agricultural Hazard
Communication Law : Right-To-Know

A GUIDE TO THE TEXAS AGRICULTURAL HAZARD COMMUNICATION LAW

Right-to-Know

Agricultural work involves many health and safety hazards. Pesticide exposure can be among the most serious.

Every year, thousands of agricultural workers in the United States become ill from pesticides used in the workplace. Sometimes their illnesses can last for days, weeks or longer--leading to lower productivity or loss of work. This problem is compounded by the lack of access to appropriate medical care for many agricultural workers.

When the 70th Texas Legislature passed the agricultural right-to-know legislation, (Agricultural Hazard Communication Law), it represented a commitment by state government to promote the safe use of pesticides in order to protect the health of farmworkers, farmers and farming communities. The law has the support of farm organizations and labor groups.

The purpose of the right-to-know law is to provide farmers and agricultural workers with important information about pesticides used on Texas crops, the health effects of these pesticides and ways to minimize pesticide exposure to themselves and their families. This information will be helpful to the families of farmers and agricultural workers who live near treated fields and who may be exposed to pesticides by direct application, by drift from neighboring fields or by contamination of drinking water supplies.

The law is also intended to improve the diagnosis and treatment of pesticide-related illnesses in this state by ensuring that our health care providers have access to accurate information on specific pesticides used and the symptoms of pesticide-related health problems.

Exposure to pesticides can result in a wide range of short and long-term health problems. Some pesticides can cause a reaction that appears soon after exposure. These "acute" effects include dizziness, nausea, headaches and other flu-like symptoms. Some pesticides can also cause skin rashes and irritations. These conditions are often misdiagnosed, especially when the source of exposure is unknown.

Pesticides can also cause health problems that may not be seen for many months or years after initial exposure. These are "chronic" effects and include long-lasting illnesses such as liver and kidney damage or nervous system disease. Some pesticides are known or suspected to cause cancer, birth defects or sterility, based on animal testing or human studies.

This brochure provides general information about the law, new responsibilities for agricultural employers and agricultural workers' rights. For more complete and specific information, the reader should consult the law and regulations adopted by the Texas Department of Agriculture (TDA).

WHO IS COVERED BY THIS LAW?

- agricultural employers who themselves or through labor agents hire migrant or seasonal workers and whose gross annual payroll for those workers is \$15,000 or more and who annually use or store in excess of the threshold amount of any one covered pesticide chemical;
- agricultural employers who themselves or through labor agents hire permanent agricultural workers (other than migrant or seasonal workers) whose gross annual payroll is \$50,000 or more and who annually use or store in excess of the threshold amount of any one covered

pesticide chemical. Threshold amount is defined as 55 gallons or 500 pounds or an amount that TDA determines by rule for certain highly toxic or dangerous chemicals. Annual gross payroll includes all wages paid to workers whose job performance routinely involves potential exposure to a covered pesticide chemical. Office workers, cooks, maintenance workers, security personnel and non-resident management must also be included. The employers' salaries are not included when determining whether or not the annual payroll is \$50,000.

- packing sheds, seed conditioning plants or canneries are covered if the crop production operation meets the payroll threshold and causes its workers to be present in workplaces that together exceed the threshold amount of any one covered chemical;
- agricultural workers who plant, cultivate, harvest or handle an agricultural or horticultural commodity in its unmanufactured state or who handle a chemical covered by this law; and
- other entities which normally store pesticides in an amount in excess of 55 gallons or 500 pounds are subject to the Emergency Reporting Requirement.

WHAT ARE AGRICULTURAL EMPLOYERS' RESPONSIBILITIES?

Under the law, agricultural employers will be responsible for collecting, storing and making available to agricultural workers information about pesticide use.

The law requires agricultural employers to:

- provide workers with relevant crop sheets and ensure that they are read aloud to workers at least once each work season. A covered employer may choose

to play a tape recording of the information that is required to be read;

- inform workers about relevant pesticide reentry intervals;
- maintain Workplace Chemical Lists and Material Safety Data Sheets and make these available to workers or their designated representatives, upon request;
- inform workers orally or in writing of the existence of the workplace chemical list and its location.
- provide other basic health and safety information, approved by TDA, to their workers on the first payday of each work season; and
- provide emergency information immediately to their workers, local fire chiefs, medical personnel, designated farm-worker representatives and certain members of the community upon request.

WHAT IS A CROP SHEET?

TDA, in coordination with the Texas Agricultural Extension Service (TAEX), has developed crop sheets for all major Texas crops.

The crop sheets are printed in Spanish and English and contain:

- a list of the pesticides most commonly used on each crop;
- the months in which pesticides are applied;
- the reentry interval or length of time that farmers are required to wait before allowing workers to enter a pesticide-treated field;
- the acute or short-term symptoms of pesticide exposure, as well as its chronic or long-term health effects;

- emergency procedures used to treat pesticide poisoning;
- a summary of basic measures used to prevent pesticide poisoning;
- information about the availability of Material Safety Data Sheets and Workplace Chemical lists;
- information about training programs provided statewide by TDA and TAEX;
- a summary of agricultural workers' rights under the law;
- a space for the name and phone number of the employer to be contacted for more information.

Copies of the crop sheets will be provided by TDA or TAEX to agricultural employers for reproduction and distribution to workers in their employment. The sheets will be updated periodically to reflect changes in use patterns and health data.

LEA Y GUARDE ESTE INFORME DE COSECHA READ AND SAVE THIS CROP SHEET	
<p>DURAZNOS PEACHES</p> <p>Some are the pesticides labeled on this structure in this country. Use a list of the registered pesticides under which they are approved and on pesticides. / There are the most commonly used pesticides for the crop. One or several of the following symbols may indicate a pesticide poisoning.</p>	
<p>EFECTOS DE LARGO PLAZO / LONG TERM EFFECTS</p> <p>Se sospecha que algunos pesticidas causan defectos renales, abortos espontáneos, esterilidad en el hombre y la mujer, intoxicación a la piel, defectos al feto y otros efectos. También se sospecha que algunos pesticidas causan, al largo plazo, tumores o cáncer. / Some pesticides are suspected of causing both defects, reproductive effects, skin problems and injury to liver or other organs. Some pesticides are also suspected of causing tumors or cancer over a long period of time.</p>	
<p>PRECAUCIONES EN GENERAL / GENERAL PRECAUTIONS</p> <p>Los pesticidas se deben de usar y guardar de acuerdo con las instrucciones que aparecen en la etiqueta. Cúbrase los ojos y la cara al hacer las recomendaciones que se dan en este informe. / Pesticides must be handled safely, and used according to label directions. Follow the safety precautions on this sheet to protect yourself and your children.</p>	
<p>¡DANGER! PELIGRO! / EXTREMELY DANGEROUS</p> <p>México de uso químico en el país. / Use with care. / Mexico use product.</p>	

WHAT KINDS OF PESTICIDE INFORMATION ARE AGRICULTURAL EMPLOYERS REQUIRED TO MAINTAIN?

Many agricultural employers currently keep records of pesticide use. Effective January 1, 1988, agricultural employers covered under the law are required to maintain

Workplace Chemical Lists and Material Safety Data Sheets. These must be made available upon request to TDA and agricultural workers or their designated representatives.

WHAT IS A WORKPLACE CHEMICAL LIST

The Workplace Chemical List is a form provided to agricultural employers by TDA and is to be used for recording information about the pesticides used or stored in the workplace during the calendar year. The employer shall maintain one form for each crop, work area or workplace and keep records annually for chemicals in excess of the threshold amount used or stored in the workplace. TDA may approve a computerized format if the format fulfills the requirements of the Act.

The following information is to be included on the Workplace Chemical List:

- employer's name, address and other means of identification;
- name of crop;
- date of each pesticide application;
- product name of pesticide;
- EPA registration number from the label;
- location(s) or site(s) treated;
- number of acres treated;
- an estimate of the total quantity of pesticide used; and
- location of pesticide storage area.

A covered employer's responsibility to maintain a workplace chemical list includes entering information regarding the application of covered pesticide chemicals as they are applied, used or stored in excess of the threshold amount. By law, the list shall be maintained by the employer for 30 years. As of January 1989, employers have the option of

filing these lists with TDA, which will store the data and make them available upon request. Records should be sent to TDA, Right to Know Program, P. O. Box 12847, Austin, TX 78711. Records for every calendar year shall be filed by January 31 of the following year. The department shall issue a receipt acknowledging records have been received from the covered employer.

SAMPLE

**TEXAS AGRICULTURAL HAZARD COMMUNICATION ACT
WORKPLACE CHEMICAL LIST**
P.O. BOX 1180
AUSTIN, TEXAS 78711

Page ___ of ___

1 Year	2 Public Employer ID Number (Required if Not on TDA)	3 Applicant Employer (Name or Substantiated Name)
1988	04-1288959	Young Brothers Farm
4 Mailing Address	5 City	6 ZIP Code
222 E. 25th Street	Lubbock	79404
7 Authorized Business Representative	8 Phone Number	9 County of Workplace
Stan Young	809 271-3055	Lynn

11 Storage Area Location	12 #/A	13 Name of Crop	14 Name of Pesticide Applied or Brand	15 EPA Reg. No.	16 Amount Applied (Pounds/Gallons)	17 Date Applied	18 Area Treated (Acres)	19 Other
Smith Farm Block 3		Corn	Beavel	876-25-AA	0.5	9/2	50	
Smith Farm Block 6		Corn	Atrazine	3749-336-34704	0.75	9/2	50	
Smith Farm Block 5			Beavel	876-25-AA	0.5	9/2	50	
Jonas Farm Block A1, A4, A5		Milo	2-4-D Tri State	2217-85-7401	1.0	9/2	100	
Jonas Farm Block A1, A4		Milo	Beavel	876-25-AA	0.5	9/2	330.1	
Jonas Farm South of House		Corn	Beavel	876-25-AA	0.5	9/2	50	
Smith Farm Block 4, 7		Corn	Atrazine	3749-336-34704	0.5	9/2	95	
Smith Farm Block 5		Milo	Beavel	876-25-AA	0.5	9/2	95	
Smith Farm Block 5		Milo	Beavel	876-25-AA	0.5	9/2	23	

TDA 0544 - The law requires that you have an MSDS (Material Safety Data Sheet) on file for every pesticide you purchase. Be sure to request the MSDS from the dealer or manufacturer.

WHAT IS A MATERIAL SAFETY DATA SHEET?

A Material Safety Data Sheet is a document that specifically identifies the chemical and its ingredients and gives health, safety and emergency information about the pesticide. A registrant, chemical manufacturer, or distributor shall provide the most current appropriate MSDS, product label or equivalent documentation to any person in this state to whom he or she distributes a covered pesticide chemical and shall ensure that all such MSDSs are correct and current.

The employer must keep the most current Material Safety Data Sheet on file for each pesticide purchased.

MATERIAL SAFETY DATA SHEET

SECTION 1. PRODUCT IDENTIFICATION

PRODUCT: KC 8215 TRADE NAME: K-CIDE LABEL: 500 DVT

SHIPPING NAME: NOT HAZARDOUS PER D.O.T. CFR TITLE 49

CHEMICAL DESCRIPTION: 3-(CHLOROMETHYL)-2-METHYL-4-ISOPYRIDINYL-1-IMINE, 2-METHYL-4-ISOPYRIDINYL-3-ONE IN WATER

SECTION 2. HAZARDOUS INGREDIENTS

CAS NUMBER: 26172-55-4 MATERIAL: 3-(CHLOROMETHYL)-2-METHYL-4-ISOPYRIDINYL-1-IMINE EXPOSURE LIMITS: 1.2 mg/m³ (8-Hour TWA)

SECTION 3. PHYSICAL DATA

SPECIFIC GRAVITY: 1.089 P.L. 1.028 VOLATILITY: N/A

VAPOR PRESSURE: Not Established SOL. IN WATER: Soluble

APPEARANCE AND ODOR: Pale yellow to green liquid. Mild stimulant odor.

SECTION 4. FIRE AND EXPLOSION HAZARD DATA

FLASH POINT: 1200 P. FLAMMABLE LIMITS: Not Established

EXTINGUISHING MEDIA: Use water spray or fog, alcohol-type foam, dry chemical or CO₂.

FIRE FIGHTING PROCEDURES: Use a self-contained breathing apparatus with full facepiece operated in pressure demand or other positive pressure mode. Non-flammable. Keep fire-exposed containers cool using water spray. **CONTINUED ON PAGE 2**

ORAL LODS: 3.81 g/kg (rat)

EMERGENCY AND FIRST AID PROCEDURES: IF CONTACTED: Wash skin immediately with soap and water. Remove contaminated clothing and wash before reuse. IF INHALED: Get to fresh air. Contact a physician. IF IN CONTACT WITH EYES: Flush with flowing water immediately and seek medical attention. IF SWALLOWED: Rinse mouth with water. Do not induce vomiting unless directed to do so by a physician. **CONTINUED ON PAGE 2**

SECTION 8. SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION: When ventilation is not adequate, use of a NIOSH-approved respirator is recommended. In emergency situations, the use of a self-contained breathing unit may be necessary. **CONTINUED ON PAGE 2**

WHAT IS THE EMERGENCY REPORTING REQUIREMENT?

This clause applies to persons or entities which normally store more than 55 gallons or 500 pounds of pesticides at a location within

one quarter mile of a residential area. Those covered by this clause are required to notify their local fire chief of the name(s) and phone number(s) of responsible person(s) who can be contacted for further information. Upon request by the fire chief, they must:

- provide copies of the Workplace Chemical Lists and Material Safety Data Sheets; and
- allow inspection of the storage area.

WHAT RIGHTS DO AGRICULTURAL WORKERS HAVE UNDER THE RIGHT-TO-KNOW LAW?

Agricultural workers are entitled to:

- receive copies of crop sheets and to have this information read to them by their employers or the employer's representatives;
- have access to Material Safety Data Sheets and Workplace Chemical Lists, upon request;
- be informed of the last and future dates of pesticide applications and applicable reentry periods;
- be provided with other basic health and safety information, as approved by TDA;
- contact TDA to report suspected violations of this law without fear of retaliation or any disciplinary action, and to request anonymity, when necessary; and
- designate a representative to act on their behalf.

WHAT IS A DESIGNATED REPRESENTATIVE?

A designated representative is an individual or an organization to whom an agricultural worker gives written authorization to exercise the worker's rights under this law. A designated union representative or a collective bargaining agent who has been authorized by a government agency to represent workers in matters of wages and working conditions are not required to have written authorization from the agricultural laborers he or she represents.

WHAT IS A CERTIFIED DESIGNATED REPRESENTATIVE?

A designated representative can become certified by submitting a request to TDA. This request shall include the requester's name and address, the name of the agricultural laborer's employer, the address of the agricultural laborer's employer, if known, and a description of which of the laborer rights under the Act the designated representative intends to exercise. TDA will accept or reject the request within two business days of receiving it. If TDA approves the request, the worker is assured that his or her identity is protected, and that the employer(s) will receive a notice of certification from TDA.

WHAT ABOUT PEOPLE WHO LIVE OR WORK CLOSE TO TREATED AREAS?

A member of the community may also request to see a covered employer's workplace chemical list and attachments, or even ask for a copy. By TDA regulation, a member of the community is "any individual who resides, is employed, attends school or is a parent of a child attending school, is treated in a hospital, or resides or is treated in a nursing home within a one-half mile radius of a nursery operation, or within a three mile radius of any other covered employer's workplace."

DOES THE LAW PROVIDE FOR PENALTIES?

The Department promotes compliance with the law through a wide variety of presentations, written materials and other outreach efforts throughout the state. Penalties for noncompliance with the law and related regulations vary depending on the nature of the violation and include administrative fines of up to \$500, civil penalties of up to \$5,000 and criminal penalties of up to \$25,000 per violation.

ARE TRAINING PROGRAMS PROVIDED?

TDA & TAEX have developed pesticide safety programs for agricultural workers. English and Spanish training sessions are available throughout the state at no cost to the employer. When an agricultural laborer completes a training program, the training agency will provide him or her with a card stating the laborer's name, the location of the training program, and the date that the laborer completed the training. Employers are encouraged to call and request training for their workers.

These programs present information on:

- interpreting crop sheets;
- general pesticide safety;
- interpreting pesticide labels and Material Safety Data Sheets;
- proper storage and safe handling of chemicals;
- acute and chronic health effects of pesticides and symptoms of pesticide poisoning; and
- requirements for the distribution and use of crop sheets and Workplace Chemical Lists.

TDA also provides training programs for agricultural employers to explain their responsibilities and answer questions. Agricultural associations, pesticide dealers, farm suppliers, and community organizations are encouraged to sponsor training sessions in their area. These sessions will be announced through local media.

Contact your local Texas Department of Agriculture district office or Texas Agricultural Extension Service county office to request a training program in your area.

TEXAS DEPARTMENT OF AGRICULTURE
P. O. Box 12847
Austin, TX 78711
(512) 463-7547

**TEXAS AGRICULTURAL
EXTENSION SERVICE**
Rm. 115, Agronomy Field Lab
Texas A&M University
College Station, TX 77843-2474
(409) 845-3849

**TEXAS DEPARTMENT OF AGRICULTURE
DISTRICT & SATELLITE OFFICES**

PANHANDLE DISTRICT OFFICE
5408A South Bell St., Suite 150
Amarillo, TX 79109
(806) 358-7285

SOUTH PLAINS DISTRICT OFFICE
4502 Englewood Ave.
Lubbock, TX 79414
(806) 799-8555

WEST TEXAS DISTRICT OFFICE
9440 Viscount Blvd., Suite 100
El Paso, TX 79925
(915) 598-2474

ROLLING PLAINS DISTRICT OFFICE
5015 College Drive
Vernon, TX 76384
(817) 552-9954

HEART OF TEXAS DISTRICT OFFICE
241 E. McNeill St.
Stephenville, TX 76401
(817) 965-5097

SOUTHWEST DISTRICT OFFICE
122 Heiman St., 1st Floor
San Antonio, TX 78205
(512) 225-3464

SOUTH TEXAS DISTRICT OFFICE
P. O. Box 1157
Pharr, TX 78577
(512) 787-8866

NORTH CENTRAL DISTRICT OFFICE
1140 Empire Central, Suite 400
Dallas, TX 75247
(214) 631-0265

**SOUTH CENTRAL TEXAS DISTRICT
OFFICE**
202 E. Horton
P. O. Box 1119
Brenham, TX 77833
(409) 836-5641

COASTAL BEND DISTRICT OFFICE
2626 South Loop West, Suite 130
Houston, TX 77054
(713) 666-8491

EAST TEXAS DISTRICT OFFICE
P. O. Box 780
Tyler, TX 75710
(214) 597-6571

GOLDEN TRIANGLE DISTRICT OFFICE
5550 Eastex Freeway, Suite F
Beaumont, TX 77708
(409) 892-5655

PERMIAN BASIN DISTRICT OFFICE
855 Central St., Suite 31B
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