

## Safety Programs to Satisfy the Right-to-Know Laws

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The title of this paper may be misleading, as it implies that you just need to complete some sort of check list to comply with regulation. Unfortunately it is not that easy; safety awareness must first be introduced to your nursery. It starts at the top of your organization and is followed through by your supervisors and foremen. Without this approach, whatever programs you write on paper will be frustratingly difficult to enforce.

The Hazardous Communications Laws or Right-to-Know laws were written to reduce the possibility of chemically caused illnesses and injuries and to give physicians the information they need to diagnose and treat pesticide poisonings. By committing to follow the guidelines of the Hazcom Laws, your nursery is making a commitment to your employee health and welfare through education and continued safety awareness.

Where you live will dictate whether or not you are required to follow additional regulations in your state Hazcom Law, if it has one. All nurseries must comply with the Federal OSHA Hazardous Communication Act, (Nov. 1983) and in Texas, comply with the Texas Agricultural Hazard Communication Act, (Sept. 1988). Under the OSHA regulations, all nurseries are required to have a written Hazcom program. Your program should include outlines of your company's policy regarding the following:

- 1) Container labeling policy. It is the responsibility of the company to verify that chemical containers are properly labeled at the time of receiving from the manufacturer or distributor and to see that all other containers used on nursery for chemicals must also be labeled and have a hazard warning.

- 2) Inventory of hazardous materials. An up-to-date inventory of all chemicals used by your company and the location where exposure to the chemical is most common.

- 3) Material Safety Data Sheet (MSDS). Your company must keep a file of an MSDS for each type of chemical used or stored. It is your responsibility to get these if the manufacturer does not send one for each product.

- 4) Employee training. All employees must be familiar with the MSDS information, how to read warnings on labels, and what hazardous signs mean on your nursery. Employees who use chemicals should be trained and that training recorded.

- 5) Non-employees. Contractors and companies delivering hazardous chemicals should be made aware of hazardous areas and your policies and should also have access to MSDS sheets.

- 6) Respirator and other protective gear. OSHA has specific guidelines regarding the care and use of respirators. Other protective gear should be worn as recommended on the MSDS. It is also an OSHA regulation that persons who wear a respirator first have a pulmonary function test and be tested annually.

Once it is written and you have management 'signed off' on it, begin to get your supervisors and foreman-level employees involved in helping pull together and

review the information. From there, you will be able to see what specific areas must be targeted. No matter how comprehensive your nursery program, each department will have situations unique to it. Each department then should have written policies regarding those situations. It is well documented that most accidents come from new employees or employees borrowed out of other departments. Having department guidelines helps your supervisors and foreman remember to go over hazards and make new or borrowed employees accountable to that training. Document all training. This is your only protection in law suits, and once again it is a form of enforcement to make sure training is carried out.

In Texas we have additional regulations to follow under the Texas Department of Agricultural (TDA) Hazards Communication Act. At this time there is some difficulty in interpretation of those regulations as they pertain to nurseries. I would encourage working with your local TDA office to design a program for your facility.

These are the areas covered by the act (Texas Dept. Agr., 1988):

1) The employee has the right to have a designated representative in complaint situations.

2) Employers must have Materials Safety Data Sheets (MSDS) on file.

3) Employers must keep a work-place chemical list. The list would be a record of all chemical usage; the amount used, date used, location of use, and the crop treated. These records are to be stored at the nursery or TDA for 30 years.

4) TDA will provide crop sheets, which give information to employees on types of chemicals used in a nursery and other relevant information. These are supposed to be read to each employee. The policy regarding the use of crop sheets in a nursery situation is unclear. You should work with your local TDA person.

5) Employers must provide protective clothing, equipment, or devices as specified by the label, MSDS, or crop sheets.

6) Employers may not take any retaliatory action against employees who exercise rights under the act.

Maintaining safety awareness is not an easy task nor is covering these regulations. Management will find themselves taking a hard look at the types of chemicals and the volume of chemicals used at their nursery. IPM programs become more critical and meaningful. Here are some ideas you may consider when setting up your program:

- If you can afford it, consider hiring a safety consultant to help you get started. They're not as expensive as you might think.
- Start a safety committee made up of all departments from supervisory level on down.
- Have the committee inspect the nursery periodically.
- Look for unusual hazards such as acid injectors, cleaning tanks, and steam pipes.
- Target new employees. If you have a large nursery, make them wear a different colored hat or something until they are past orientation period. We have them wear an orange safety vest.
- Drift. Consider how your technical service department should handle this with field personnel.
- Consider what area you should quarantine after applying a pesticide. Coordinate irrigation with pesticide application.

- How long does your pesticide get to stay on the plants? How much more effective would chemicals be if they stayed on the plants longer?
- Document all accidents.
- Designate one person to order or sign off on purchase orders on all chemical orders. It is this person's responsibility to update MSDS.

And finally, make it fun. Safety programs can be good ways to bring people together. Your commitment to your employee's welfare can be a great morale booster. Competitions, prizes, rallies are all ways to keep up interest throughout the year.

Safety programs are winners for all parties concerned. Employees benefit from increased concern for their health and welfare, the employer benefits from better chemical management and lower accident costs. And the environment benefits from less pesticides use.

### **LITERATURE CITED**

**Texas Department of Agriculture.** Proposed sections, July 26, 1988. Texas regulation 3683.

**Federal Labor Code Regulations.** OSHA Standards, 1990.