

Florida Agricultural Worker Safety Act (FAWSA)

It is the intent of the Legislature to ensure that agricultural workers employed in the state of Florida receive protection from agricultural pesticides. The Legislature intends to ensure that agricultural workers be given information concerning agricultural pesticides.



Observe
Restrictive Entry Interval

The Florida Department of Agriculture and Consumer Services shall, to the extent that resources are available, continue to operate under the United States Environmental Protection Agency regulations regarding the Labeling Requirement for Pesticides and Devices, 40 C.F.R. part 156, and the Worker Protection Standard, 40 C.F.R. part 170, which the department adopted by rule during the 1995-1996 fiscal year and published in the Florida Administrative Code. Any provision of this part not preempted by federal law shall continue to apply.

Florida Department of Agriculture
and Consumer Services
Charles H. Bronson, Commissioner

Bureau of Compliance Monitoring
3125 Conner Boulevard
Tallahassee, FL 32399-1650

Phone: (850) 488 - 8731
Fax: (850) 922-6961

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Florida Department
of Agriculture
and Consumer
Services

Pesticide Provisions



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Agriculture and
Consumer Services

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Summary of the Pesticide Provisions of the Florida Agricultural Worker Safety Act

The pesticide provisions of the Florida Agricultural Worker Safety Act, or FAWSA, signed into law in May 2004, are designed to ensure that information is made available to farm workers about specific hazards associated with the use of agricultural pesticides. The law was effective on July 1, 2004 and is being implemented and enforced by the Florida Department of Agriculture and Consumer Services ("the Department").



Provisions

The provisions of this law that concern pesticides and modify Chapter 487, F.S., are as follows:

- Pesticide dealers, distributors, manufacturers, and importers selling agricultural pesticides must provide a Material Safety Data Sheet (MSDS) in printed or written format to the purchaser upon initial purchase of each agricultural product and upon first purchase after an MSDS has been updated.
- Agricultural employers must make available to farm workers upon request either an MSDS or fact sheet approved by the state or federal government in written format which provides information about the impacts of the use of the agricultural pesticide.
- The Department must make available to trainers a one page general agricultural safety sheet. The safety sheet must be in a language understood by the worker and must include 1) illustrated instructions on preventing pesticide exposure and 2) toll free telephone numbers to the Florida Poison Control Centers. The safety sheet is already available from the Department in English, Spanish, and Creole/Haitian and is provided to trainers upon request to distribute to workers during training pursuant to the Worker Protection Standard (WPS).
- The FAWSA prohibits the agricultural employer from taking any retaliatory action (see definition below) against employees who attempt to exercise their rights under this bill. Agricultural workers who have been subject to retaliatory action may file a complaint with the Department. In any action brought forth that involves retaliatory action, if the retaliatory action is predicated on the disclosure by a worker of an illegal action, policy, or practice, the worker may not be required to show that the disclosure was under oath or in writing or that the worker notified the employer in writing of the illegal action, policy, or practice. The Department is required

to monitor all complaints of retaliation received and report its findings to the Legislature on or before October 1, 2008. The report will include descriptions and summaries of the circumstances surrounding the complaints and subsequent actions taken.



Wear Safety Protective Equipment when applicable

For more Information

On the Florida Agricultural Worker Safety Act or to view the bill in its entirety, visit the following website: http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=hb0039.html&Directory=session/2004/House/bills/billtext/html/

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