

2017 Handbook of Employment Regulations Affecting Florida Farm Employers and Workers: Right-to-Know Law [State]¹

Fritz Roka, Michael Olexa, Carol Fountain, and Jessica Fernandez²

Purpose

Establishes Florida standards of safety for certain employers who manufacture, produce, use, apply, or store toxic substances.

Who Must Comply

In general, employers, of three or more workers, who manufacture, produce, use, apply, or store toxic substances must comply with the provisions of this Act.

Employer Exemptions

The term employer does not include

- Employers employing two or fewer employees.
- Employers of domestic workers in private houses.
- Bona fide farmers or an association of farmers employing workers in agricultural labor performed on a farm or

in the onsite packinghouse facilities for agricultural products from such farms who employ twelve or fewer regular employees and who employ twenty-four or fewer other employees at one time for seasonal or occasional agricultural labor that is completed in less than thirty continuous days, provided that such seasonal or occasional employment does not exceed sixty days in the same calendar year. The term *farm* includes stock, dairy, poultry, fruit, fur-bearing animals, fish and truck farms, ranches, nurseries, and orchards. The term *agricultural labor* includes foremen, timekeepers, checkers, and other farm labor supervisory personnel.

Most pesticides used by agricultural employers are excluded from the provisions of this law. Section 442.103(4)(e), Florida Statutes, reads as follows:

“The provisions of this Act shall not apply to substances or mixtures which may be toxic but which are labeled pursuant to the Federal Insecticides, Fungicide, and Rodenticide Act.”

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2. Fritz Roka, associate professor, Food and Resource Economics Department, UF/IFAS Extension, Southwest Florida Research and Education Center, Immokalee, FL. Michael Olexa, professor, Food and Resource Economics Department, and director, Center for Agricultural and Natural Resource Law UF/IFAS Extension, Gainesville, FL. Carol Fountain, editor, Food and Resource Economics Department, UF/IFAS Extension, Gainesville, FL. Jessica Fernandez, graduate student, Levin College of Law, University of Florida, Gainesville, FL.

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In Florida, pesticides must be applied by licensed applicators. *Right-to-know* issues concerning pesticides are addressed by provisions of the Florida Statutes: Chapter 388, Mosquito Control Act; Chapter 482, Pest Control Act; and Chapter 487, Florida Pesticide Act.

While an agricultural employer may be exempt from certain provisions of the Act relative to chemicals labeled pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, most farms and farm shops utilize toxic substances that are not exempt from the Act. For example, solvents and caustic cleaners used in the maintenance of agricultural equipment would be subject to this law.

Covered Employers Must

- Post a prescribed notice informing workers of their rights under the law.
- Obtain and maintain for thirty years a Materials Safety Data Sheet (MSDS) for each toxic substance present in the workplace and listed in the Florida Substance List.
- Make any MSDS available to employees upon request within five of the requesting employee's working days.
- Provide instructions to employees, within their first thirty days of employment and at least annually thereafter, on the adverse health effects of each listed toxic substance with which they work in the workplace, how to use each substance safely, and what to do in case of emergency. (See *Employers' Instructional Requirements*.)
- Notify the local fire department of the location and characteristics of each listed toxic substance regularly present in the workplace.
- MSDS information can be online at <https://www.osha.gov/oilspills/msds.html>.

Employee Rights

Employees are entitled to

- Know of the listed toxic substances present in the workplace.
- Obtain a copy of the MSDS for each listed toxic substance present in the workplace.
- Instructions, within thirty days of employment and at least annually thereafter, on the adverse health effects of such listed toxic substances with which they work in the workplace, how to use each substance safely, and what to do in case of emergency.
- Refuse to work, under specified circumstances, with a listed toxic substance if not provided a copy of the MSDS

for that substance within five working days after submitting a written request to the employer.

- Protection against discharge, discipline, or discrimination for having exercised any of the above rights.

Employers' Instructional Requirements

Employers are required to provide their employees with instructions, either written or in training sessions, which include the following:

- The chemical and common names of listed substances found in the workplace.
- The location of the substance in the workplace.
- Proper and safe handling practices.
- First aid treatment and antidotes in case of overexposure.
- The adverse health effects of the substance.
- Appropriate emergency procedures.
- Proper procedures for cleanup of leaks and spills.
- The potential for flammability, explosion, and reactivity.
- The rights of employees under the Right-To-Know Law.

Material Safety Data Sheets (MSDS)

A Material Safety Data Sheet (MSDS) is a document containing standardized information about the properties and hazards of listed toxic substances. Manufacturers, importers, and distributors of listed toxic substances are required to prepare and furnish any MSDS to their direct purchasers. Employers are required to compile a file of MSDSs on listed toxic substances used in their workplace. In the event employers are, after diligent efforts, unable to obtain an MSDS from a manufacturer, importer, or distributor, they should notify the Toxic Substance Information Center, in writing, to request the Center's assistance in obtaining the MSDS.

Florida Substance List

The Florida Substance List is a list of toxic substances that are covered by Florida's Right-To-Know Law. The list was compiled by the Toxic Substance Advisory Council and contains the scientific name and, where applicable, the common name of the substance. Copies can be obtained from the Toxic Substance Information Center.

Responsible Agency

Safety Florida Consultation Program

University of South Florida

13201 Bruce B. Downs Boulevard, MDC 56

Tampa, FL 33612

Toll-free 1-866-273-1105

<http://www.usfsafetyflorida.com>