

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2460

Short Title: Prevent Agri. Pesticide Exposure/Funds. (Public)

Sponsors: Representatives Blue, Martin, England, Harrison (Primary Sponsors);
Glazier, Wainwright, and Weiss.

Referred to: Judiciary II, if favorable, Appropriations.

May 26, 2008

A BILL TO BE ENTITLED

1
2 AN ACT AMENDING THE LABOR LAWS OF NORTH CAROLINA TO ADD
3 AGRICULTURAL WORKERS TO THOSE PROTECTED AGAINST
4 RETALIATION IN THE WORKPLACE; DIRECTING THE PESTICIDE BOARD
5 TO ADOPT RULES REQUIRING LICENSED PESTICIDE APPLICATORS TO
6 RECORD THE SPECIFIC TIME OF DAY WHEN EACH PESTICIDE
7 APPLICATION IS COMPLETED; EXTENDING THE RETENTION PERIOD
8 FOR RECORDS RELATED TO GENERAL-USE PESTICIDES FROM THIRTY
9 DAYS TO TWO YEARS; AND APPROPRIATING FUNDS TO PREVENT
10 AGRICULTURAL PESTICIDE EXPOSURE, AS RECOMMENDED BY THE
11 GOVERNOR'S TASK FORCE ON PREVENTING AGRICULTURAL
12 PESTICIDE EXPOSURE.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** Non-retaliation. – G.S. 95-241(a) reads as rewritten:

15 "(a) No person shall discriminate or take any retaliatory action against an
16 employee because the employee in good faith does or threatens to do any of the
17 following:

- 18 (1) File a claim or complaint, initiate any inquiry, investigation,
19 inspection, proceeding or other action, or testify or provide
20 information to any person with respect to any of the following:
- 21 a. Chapter 97 of the General Statutes.
 - 22 b. Article 2A or Article 16 of this Chapter.
 - 23 c. Article 2A of Chapter 74 of the General Statutes.
 - 24 d. G.S. 95-28.1.
 - 25 e. Article 16 of Chapter 127A of the General Statutes.
 - 26 f. G.S. 95-28.1A.
 - 27 g. Article 52 of Chapter 143 of the General Statutes.

- 1 (2) Cause any of the activities listed in subdivision (1) of this subsection
2 to be initiated on an employee's behalf.
- 3 (3) Exercise any right on behalf of the employee or any other employee
4 afforded by Article 2A or Article 16 of this ~~Chapter or Chapter~~, by
5 Article 2A of Chapter 74 of the General ~~Statutes~~.Statutes, or by Article
6 52 of Chapter 143 of the General Statutes.
- 7 (4) Comply with the provisions of Article 27 of Chapter 7B of the General
8 Statutes.
- 9 (5) Exercise rights under Chapter 50B. Actions brought under this
10 subdivision shall be in accordance with the provisions of
11 G.S. 50B-5.5."

12 **SECTION 2.** Rule making. – The Pesticide Board shall adopt rules to
13 implement the recommendations of the Governor's Task Force on Preventing
14 Agricultural Pesticide Exposure, requiring recording of the specific time of day when
15 each pesticide application was completed and extending the retention period for
16 pesticide application records for all pesticides covered under the Worker Protection
17 Standards for Agricultural Pesticides from 30 days to two years.

18 **SECTION 3.** Cooperative Extension Appropriation. – There is appropriated
19 from the General Fund to North Carolina State University, North Carolina Cooperative
20 Extension, the sum of one hundred thousand dollars (\$100,000), in recurring funds for
21 the 2008-2009 fiscal year, to expand the capacity for agricultural pesticide safety
22 education at Cooperative Extension Service Centers throughout the State for all
23 growers, applicators, crew leaders, and farmworkers.

24 **SECTION 4.** Rural Health Appropriation. – There is appropriated from the
25 General Fund to the Department of Health and Human Services, Office of Rural Health,
26 the sum of one hundred ninety-seven thousand one hundred fifty-two dollars
27 (\$197,152), in recurring funds for the 2008-2009 fiscal year, to establish five additional
28 certified Worker Protection Standard trainers in the North Carolina Farmworker Health
29 Program in order to educate farmworkers and their family members about the risks of
30 pesticide exposure and safety precautions.

31 **SECTION 5.** Public Health Appropriations. – There is appropriated from the
32 General Fund to the Department of Health and Human Services, Division of Public
33 Health, the sum of:

- 34 (1) Ninety-one thousand three hundred forty dollars (\$91,340), in
35 recurring funds for the 2008-2009 fiscal year, to establish one public
36 health epidemiologist position to assist with the screening of pesticide
37 exposure.
- 38 (2) One hundred forty-two thousand nine hundred sixty-two dollars
39 (\$142,962) for the 2008-2009 fiscal year to strengthen the Acute
40 Pesticide Illness & Injury Screening Program and follow-up training
41 for health care providers and to update worker protection training
42 curriculum materials to make improvements to the Worker Protection
43 Standards training curriculum.

1 **SECTION 6.(a)** DACS Appropriations. – There is appropriated from the
2 General Fund to the Department of Agriculture and Consumer Services the sum of:

3 (1) Fifty-four thousand two hundred fifty-six dollars (\$54,256), in
4 recurring funds for the 2008-2009 fiscal year, to establish a Quality
5 Assurance Manager position to assure the quality and capacity for
6 monitoring and compliance inspections.

7 (2) One hundred thousand dollars (\$100,000) for the 2008-2009 fiscal
8 year to accelerate the development of a comprehensive data tracking
9 system for field inspectors.

10 **SECTION 7.** This act becomes effective July 1, 2008.