

April 2, 2009

H 1052. STRENGTHEN PESTICIDE LAW FOR WORKERS. Filed 4/2/09. *TO STRENGTHEN PESTICIDE LAW FOR THE PROTECTION OF WORKERS.*

Amends GS 143-469 to clarify that the Pesticide Board (Board) may assess a maximum \$2,000 civil penalty *per violation* against any person who violates or directly causes a violation of Article 52 of GS Chapter 143 or any rule adopted pursuant to the Article. Provides that (1) if a serious violation is found by the Board a maximum civil penalty of \$20,000 per violation may be assessed and (2) for any violation that causes serious damage to the environment, serious injury to property, or serious injury to, or death of, any person the Board may assess an additional maximum \$100,000 penalty. Gives the Board or its representatives discretion in issuing fines below the maximum amounts, taking into particular consideration whether the violation occurred at a small farm. Makes a conforming deletion. Defines *serious violation* as a substantial probability that death, serious physical harm, or serious harm to property or to the environment could result from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use, unless the person did not know, and could not, with the exercise of reasonable diligence, know of the occurrence of the violation.

Amends GS 143-466 to provide that any employee or any representative of an employee who suspects that a violation of this Article is occurring in any workplace where the employee is employed may request an inspection of that workplace by giving notice of the alleged violation to the Board or its designated inspectors. Provides for procedures related to the investigation by the Board. Also amends GS 143-466 to require that the Board adopt rules requiring recording of the date, time, and field location of worker reentry to the treated area after completion of a pesticide application.

Amends GS 143-460 to add definitions for *employee* and *employer*.

Intro. by Blue.

GS 143