

Protocol for Pesticide Intakes

1. Recent exposures (within the last week):

1. Seek immediate medical attention for the worker. Make sure the worker gets a blood test as part of the exam. Talk to Ed Hendrickson, Salud Clinic, Ft. Lupton, (303) 857-2771 or (303) 892-0004 to find out which tests must be done in order to have legal proof. The medical provider may not know the appropriate test, or may have to do more than one test. It's crucial that the appropriate test be done immediately in order to preserve evidence. The evidence can disappear within 12 or 24 hours, depending on the pesticide.
2. If the exposure is through spray or drift, get specific information about what happened, using the pesticide incident report:

If the worker consents, **call the EPA** immediately (1-800-227-8917) to request an investigation. While there is no recovery for the worker, the EPA can cite the sprayer and impose a fine. In addition, EPA findings may aid any workers' compensation or tort claim.
3. If the exposure is through contact with pesticide residue in fields, get specific information about the contact and the residue, using the pesticide incident report:

If it appears that the sprayer violated the reentry time specified on the pesticide label and the worker consents, **call the EPA** immediately (1-800-227-8917) to request an investigation.
4. Preserve ALL clothing worn by the worker for future investigations. Place all articles in separate airtight plastic bags, label the bags as to name of worker, date and time of exposure, and location of exposure, and store in a secure location.
5. Take photographs of the worker if he/she has visible signs of exposure (rash, swollen eyes, etc.). Label photos for future use.

II. How to figure out which pesticide was used:

1. Ask the worker. The worker may know the name of the pesticide used. If not, get specific information about the area sprayed (crops grown, where located), the method of application, and sensory information regarding the incident (see questions listed above).
2. If the worker consents, ask the worker's employer. The worker has a right to receive this information from the employer under the worker protection standards of the FIFRA.

3. If the worker consents, have his/her medical provider request the information from the employer. This right stems from the worker protection standards of the FIFRA.

III. In ALL cases, whether or not the exposure was recent:

1. Preserve workers' compensation rights: If the incident occurred on the job, the worker must notify the employer in writing within four working days. Follow up to see if additional action is necessary.
2. Explore and advise the worker of possible additional rights, such as:
 - Tort action (products liability, negligence, battery)
 - Enforcement by the EPA or Dept. of Agriculture (no recovery for the worker, but possible fines against the grower)
 - Rights under the Colorado Consumer Protection Act, Pesticides Act and Pesticide Applicators Act
 - AWPA action to enforce the FIFRA