

1 pesticide to a right-of-way that a railroad company owns or
2 maintains, the railroad company shall provide pesticide safety
3 information at a central location accessible to employees of the
4 railroad company. A railroad company shall include all of the
5 following in the safety information provided under this
6 subdivision:

7 (1) The location and description of the area to be treated.

8 (2) The name of the pesticide, its active ingredients, and its
9 registration number under 7 U.S.C. §§ 136 et seq.

10 (3) The time and date that the pesticide is to be applied.

11 (4) Any restricted entry interval specified on the pesticide
12 labeling.

13 (5) A description of where the information required to be on
14 the pesticide label under 7 U.S.C. §§ 136 et seq or under the
15 provisions of article sixteen-a, chapter nineteen of this code is
16 available for review.

17 (6) Emergency medical contact information.

18 (b) A railroad company shall keep the information required by
19 subsection (a) posted at the location accessible to employees of
20 the railroad for at least thirty days after the day of application.

21 (c) No later than forty-eight hours before applying a
22 pesticide to a right-of-way that a railroad company owns or
23 maintains, the railroad company shall provide all of the following
24 to each individual who directly supervises employees who work in

1 the area to be treated:

2 (1) The information described in subdivision (2) to (6),
3 subsection (a);

4 and

5 (2) A description of the central location where the railroad
6 company provides the pesticide safety information to employees
7 under the provisions of subsection (a).

8 (d) No later than forty-eight hours before applying a
9 pesticide to a right-of-way that a railroad company owns or
10 maintains, the railroad company shall provide to each county and
11 municipal law-enforcement agency with jurisdiction over the area in
12 which the pesticide will be applied a description of the area to be
13 treated and how to obtain answers to questions about the pesticide
14 application, including a telephone number for the railroad company
15 and any toll-free telephone number maintained by the railroad
16 company or the Commissioner of Agriculture of the State of West
17 Virginia to provide information about pesticides. Information
18 provided under this subsection is not subject to the right of
19 inspection or copying the provisions of article one, chapter
20 twenty-nine-b, the Freedom of Information statute.

21 (e) A railroad company shall make available to the public on
22 its Internet site a description of how to obtain answers to
23 questions about pesticide use by the railroad company, including a
24 telephone number for the railroad and any toll-free number

1 maintained by the railroad company or the Commissioner of
2 Agriculture of the State of West Virginia to provide information
3 about pesticide use.

4 (f) A railroad company shall provide pesticide safety training
5 annually to its employees who work along railroad rights-of-way and
6 in rail yards and to other employees who, due to the nature of
7 their employment, may work in areas to which pesticides have been
8 applied and shall keep records, for each training session, of the
9 date, the employees attending, and the name of the trainer and the
10 trainer's employer. In the training under this subsection, a
11 railroad company shall include information about restricted entry
12 intervals, requirements for personal protective equipment, how to
13 read pesticide labels, and incident and complaint reporting.

NOTE: The purpose of this bill is to require a railroad company to provide pesticide safety information at a central location accessible to employees of the railroad company and to the public and local communities along the right-of-way treated by pesticide use. The bill also requires a railroad company to provide pesticide safety training annually to its employees who work along railroad rights-of-way and in rail yards.

This section is new; therefore, it has been completely underscored.