

U.S. Tobacco GAP Program Standards vs. GAPC Certification Standards

Below is a list of the standards that are new to the GAPC Certification Standards (i.e. they were not in the 2016 US Tobacco GAP Standards).

- CROP MANAGEMENT
 - Use only varieties that have been approved by your contracting company(s)
 - Have a documented safety program for air cured and fire-cured barns that includes inspection of tier rails and support beams for soundness, inspection of general barn soundness, removal of stored machinery, lumber and other items from barn floors that could enhance injury in falls. Ladders or steps should be installed and maintained to reach tiers.[1]
 - Have a documented program that allows for traceability of tobacco through curing and delivery.[2]
 - Do not use brooms with synthetic bristles in market preparation area.
 - Have a dedicated market prep and baling area with concrete floor
 - AIR ONLY: No curing structures more than two tiers high, barns designed such that no worker is more than 12 feet above the barn floor in normal hanging operations

- ENVIRONMENTAL MANAGEMENT
 - All pesticide applications, restricted or not restricted, should be completed or supervised by a licensed pesticide applicator
 - Maintain pesticide application records for the previous two growing seasons as well as the current season
 - Have a designated, fenced or otherwise secured storage area for empty pesticide containers pending disposal
 - Properly dispose of non-hazardous waste products (i.e. move waste paper, cardboard, plastic (other than pesticide chemicals) to a trash receptacle or recycle container.
 - Comply with irrigation and water extraction laws and regulations
 - If you use irrigation, then use proper irrigation management methods, which include: Maintain equipment and piping to prevent leakage
 - Record the gallons of irrigation water used per pound of cured tobacco produced.[3]

- LABOR MANAGEMENT
 - Workers shall be allowed to terminate their work commitment at any time, without the threat of intimidation, coercion, blacklisting, or any other type of discrimination or retaliation.
 - Maintain records concerning any worker who was terminated, and the reason for such termination.
 - Ensure that workers are paid in a timely manner
 - Provide workers with written wage statements for each pay period that include total pay, hours worked, daily start/stop times, piece rate and units produced if applicable, and any deductions from pay. (NOTE: If subject to MSPA, H2A or FSLA, a more detailed statement may be required)[4] Compensation must include all time under the grower's direction and control once worker initiates any work activity including short breaks (15

^[1] See Example on page 26.

^[2] See Examples on page 26.

^[3] See Resources on page 27.

^[4] See Resource on page 30.

U.S. Tobacco GAP Program Standards vs. GAPC Certification Standards

minutes or less) and time used to conduct training. This does not include transportation from housing to field to start and from the field to housing when work is complete. All over contract work hours are voluntary and paid in accordance with applicable laws related to wage and working hour requirements. All deductions must be in accordance with applicable law. Workers must not be subject to any illegal wage withholdings, such as deposits or deductions, for the purpose of recruitment or retention.

- A Worker Rights and Responsibilities poster must be posted in their native language where workers can access and read it on or near the job site, including information on how to voice worker concerns.
- Workers shall not be charged any fees for their recruitment or transport to their place of work, by the grower.
- Growers are prohibited from engaging in compulsory or prison labor.
- Growers must provide workers easy access to the following: Clean and Sanitary Bathroom facilities during work hours
- Growers must provide workers easy access to the following: hand washing facilities with soap at close proximity to bathrooms
- Growers must offer workers sufficient rest breaks during the day, including lunch, without unreasonably compromising their ability to earn wages.
- The GAPC worker concern helpline poster (or other approved third-party worker concern phone number) must be posted in their native language where workers can access and read it on or near the job site.
- In an effort to identify and resolve workplace issues before they progress, each Grower must implement a worker concern process. This is a documented program that is discussed AND given to or posted for all workers. The policy must be written in a language common to the workers and set forth the terms of the available worker concern process to include statements stating the following (growers may use the posters and template documentation provided by GAPC): The Grower is committed to providing a safe working environment for all workers and satisfy all legal rights of workers while they are on their farm. A method is available for workers to notify the Grower, orally and in writing, of any concern related to the terms or conditions of work. The Grower will investigate concerns brought forth by workers and provide notice to the workers, if known, of how the concern will be or was addressed. At the request of the workers, an informal meeting between the Growers and workers will be held to address the concern. If a worker raises a concern with Grower and is not satisfied with the resolution or handling of the issue, they are encouraged to call the GAPCs' Worker Concern Helpline or to an alternative approved third-party helpline to voice and address the concern.
- The Grower nor any of its employees or agents will retaliate against workers for using the worker concern process.
- Do not interfere in union activities.
- Do not discriminate nor retaliate against workers for such activities.
- All workers must be treated with dignity and respect and not be threatened with or subjected to verbal, physical, sexual or mental harassment or abuse, coercion, or corporal punishment during work commitment or recruitment.
- Workers must not be subject to discrimination based on race, color, age, gender, sexual orientation, gender identity and expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, veteran status, or marital status.

U.S. Tobacco GAP Program Standards vs. GAPC Certification Standards

- Have a documented anti-discrimination policy.
- Ensure all workers provided by the FLC are 16 years of age or older. Verify age of workers by reviewing the worker's I-9 form.
- Ensure no worker under 18 provided by the FLC is assigned DOL hazardous tasks (Appendix 1 - List A).
- Obtain and keep a copy of the housing inspection if FLC is authorized to house.
- Obtain and keep a copy of insurance if FLC is authorized to transport.
- Ensure all workers provided by the FLC are 18 years of age or older. Verify age of workers by reviewing the worker's I-9 form.
- Family members ages 15 years of age or younger may only be assigned light, nonhazardous work only if does not interfere with compulsory school.
- Family members ages 16 – 17 cannot be assigned any DOL hazardous tasks (Appendix 1- List A) or other restricted tasks (Appendix 1 – List B).
- Ensure that a responsible adult is always present and supervising the child's work, and that you follow regulations on the number of hours a child is permitted to work.[5] Furthermore, children are not permitted to work at night.
- The grower must obtain the written consent of a youth worker's parent (or legal guardian) prior to work commitment commencing.
- No hired worker under 18 may be assigned DOL hazardous tasks (Appendix 1 - List A).
- No hired worker under 18 may be assigned DOL hazardous tasks (Appendix 1 - List A) or Other Restricted Tasks (Appendix 1 - List B).
- If minors are engaged on the farm, records that include, at minimum: Name in full; Place where the minor lives while engaged; Permanent address (if different from current residence); Date of birth
- Have a dedicated emergency contact person for all workers
- Provide access to Emergency Medical Services (EMS)
- Provide workers with an emergency plan for medical emergencies, fires, or weather events.
- Have a staff member (or grower) certified in First Aid/CPR/AED training.[6]

^[5] The recommended hourly limit for family children 13 to 15 years old is 2 hours per day.

^[6] See Resource on page 31