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STATEMENT OF CESAR CHAVEZ

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HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Mr. LOWENSTEIN. Mr. Speaker, Mr. Cesar Chavez, one of America's greatest sons and the leader of the United Farm Workers organizing committee, testified Monday, September 29, before the Migratory Labor Subcommittee of the Senate Committee on Labor and Public Welfare, on the hazards from economic poisons endured by the workers of the grape fields of California. He told about specific incidents of death and injury that have resulted from virulent poisons sprayed upon grapes and vines where work crews performed their labors.

The plight of these grape workers has become a primary concern of all who are moved by poverty and injustice. In the words of former Secretary of Labor Wirtz:

A thoughtful person sitting down to a large meal would turn away from it if he let himself think of the circumstances—at that hour—if some of those who had, in the fullest sense, worked to bring that meal to his table.

The California grape worker is poor. His work is exhausting, his income is low. His tenure is uncertain; his job and his rights unprotected, his conditions often incredibly degraded. Law, for him, both as written and enforced, is all too often the biased instrument of his subjugation. Order, the certain promise of endless repetition of suffering and decay. Above all, his right to organize, to participate in the decisions which control his life, still remains to be achieved.

It is that elemental right to organize which has been the focus of all the struggle—first in the fields, and then in the supermarkets—of the past 4 years.

What does the farmworker see when he surveys the questions of law, order, and Government responsiveness to his plight? He sees countless examples of governmental unconcern and arrogance and the institutional violence of which Robert Kennedy spoke, a violence which quietly and undramatically gouges out men's lives.

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Most of the violence in the dispute has been directed against those who seek to organize. Strikers have been harassed; they have been physically attacked; they have been shot at, and kidnaped. They have been rammed by trucks. Their offices have been looted or destroyed. More often than protecting the rights of strikers, local police have condoned and even aided those who would destroy them. Officers of the law have looked on while pickets have been kicked, beaten, cursed, and spat upon. These same officers have proceeded personally to escort strikebreakers across the picket line.

Even the courts too often play a dismal and biased role in these affairs. Antipicketing injunctions have unfairly inhibited activities at the labor site.

When the Guimarra Vineyards, after a bitter struggle, was tried and convicted on nearly 40 violations of child labor and health laws, it was fined a total of \$1,000 by the Kern County Superior Court—and the fine was suspended. This same Guimarra Vineyards has received hundreds of thousands of dollars in subsidies from the U.S. Department of Agriculture. And one of its best customers, perhaps the only one not subject to the grape boycott, is the U.S. Department of Defense.

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With respect to other laws, the story is much the same. The laws governing working conditions, and particularly pesticides, are not adequate but the greater outrage is that even these inadequate laws are not enforced, so pesticides kill or make seriously ill an alarming number of farmworkers each year. Yet, when the union became concerned, the Kern County authorities refused to release the information they had about this situation.

A survey of 946 employers by the department of industrial welfare in California showed over 90 percent in violation of existing laws about drinking water and washing facilities. For field workers the open fields often provide the only available latrine, and often there are no facilities for washing. Then we eat the grapes grown and picked in such circumstances.

Discrimination problems in the fields are also considerable. Chicanos are often barred from the good jobs, blacks from any job at all. And once again, the law is applied unequally, depending on whose interests are involved.

The strike itself could not be resisted were there not a law permitting the importation of impoverished Mexicans who cross the border to provide union labor. Since one Federal law bars such laborers from areas in which labor disputes are certified to exist, strike centers often are not certified. Meanwhile, illegal immigration across the border continues in response to the demand for strikebreakers.

In this connection, the zeal of the Department of Immigration and Naturalization has been called into serious question. A law suit against the Department will be filed this week demanding that the Department enforce its regulations to detect and apprehend persons working illegally in strike areas.

And similar government inaction extends in all directions. When some growers substituted improper labels on containers of grapes to deceive the public, the responses of the Food and Drug Administration have been mere mild at best. Appeals for help against various

other injustices have received half-hearted, reluctant, and sometimes perfunctory responses from the Department of Labor and Justice.

On top of all this, the Department of Defense has increased its purchase of table grapes 40 percent since last year, and is now buying more table grapes than at any time in its history. All this in spite of the extensive violations of the law among those from whom the grapes are bought, in spite of the prohibition against dealings with firms practicing discrimination, and in spite of the low nutritional value of the grape. There is a standing order in the Defense Department that requires that the domestic implications of all policies be considered when decisions are made. But when a Department representative came before a Senate committee to testify on the procurement of grapes, not only did he affirm that the Department is not following this order; he was not even aware it existed.

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So now our forces in Vietnam—disproportionately composed as they are of men from disadvantaged backgrounds—are being served almost 1½ times as many grapes as they were a year ago.

Farm laborers are excluded from minimum wage legislation and from unemployment insurance, and are at a disadvantage where social security is concerned. They are denied the collective bargaining rights guaranteed to non-farm workers, and are effectively cut off from every benefit of a negotiated contract. So the vast majority of California farmworkers have no contract, get no overtime, and may not even know their rate of pay.

They are often victims of deception and graft. They get no time off with pay, no health or pension plans, no regular rest periods. Speedups and abusive supervision are common. Workers may be laid off at any time and for any reason, as for objecting to being assaulted by an owner, or for displaying a Kennedy bumper sticker. Safety provisions are minimal. Exempted from almost every kind of effective protection, the farmworker sees his employers—usually large corporations—lavished with many of the tax-supported aids provided by the Agriculture Department, as well as Federal subsidies of hundreds of thousands, sometimes millions of dollars per farm.

All this has suggested to millions of concerned Americans that the weak cannot succeed through established institutions, and that government is only to protect the powerful, to subsidize the rich, to legitimize the iniquitous. Almost the whole weight of government, which should protect the rights of the disadvantaged, has gone to frustrate their simplest aspirations.

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Mr. Speaker, this whole situation is a scandal. For the human beings involved, it is a catastrophe—and the human

beings involved include all Americans. How much longer can we ask powerless and despairing people to keep the faith as their lives continue to be passed in a futility and decay for which they are not responsible and from which there is no escape? How can we encourage them to try to right wrongs through the established process of law when nearly every impact of these processes frustrates their hopes and adds to the blight of the conditions under which they must live? After decades of tolerating silent misery and creeping disaster, how long can we go on counseling moderation and patience, while indifference and immobilism mark the behavior of the government?

Young people are now demanding relevance and concern. They are tired of pious rhetoric that conceals indifference and seeks to conceal inaction. But we go on recklessly, blindly, assuring not only the continued sufferings of those affected, but escalating alienation, despair, and hatred in the broader life of the Nation.

Many of our national problems are formidable, many of their solutions distant and difficult to bring about. Here, surely, is one about which everyone could agree. With a little comprehension and compassion we could set out to ease and then erase, this problem from the national scene. If we tried hard enough, we could achieve both social justice and harmony for the grape pickers rather quickly. Think how great an incentive would be provided by success in this relatively simple and most pressing field of human misery.

Mr. Speaker, I commend to the attention of my colleagues the testimony of Mr. Cesar Chavez before the Senate Subcommittee on Migratory Labor, as follows:

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STATEMENT OF CESAR CHAVEZ

On August 1st, 1969, after testifying concerning the misuse of economic poisons by table grape growers, our general counsel, Jerry Cohen, submitted to the staff of the Senate Subcommittee on Migratory Labor a Laboratory test from C. W. England Laboratories in Washington, D.C. which indicated that table grapes which were purchased by Manuel Vasquez at a Safeway store in northeast Washington contained an Aldrin residue of 18 parts per million. Subsequent to that time Senator George Murphy abused his privilege of senatorial immunity by making false accusations regarding the testimony of the United Farm Workers Organizing Committee. The innuendo in Senator Murphy's remarks in the Congressional Record of August 12, 1969, is that the farm workers tampered with the grapes. I can assure you that this is false.

I am confident that our position will be vindicated in this hearing and that the reports which have been received concerning the fact that Safeway conducted its own independent tests which confirmed our tests and subsequently cancelled its contract with Bianco are accurate reports.

The real issue involved here is the issue of the health and safety not only of farm workers but of consumers and how the health and safety of consumers and farm workers are affected by the gross misuse of economic poisons.

The issue of the health and safety of farm workers in California and throughout the United States is the single most important issue facing the United Farm Workers Organizing Committee. In California the agricultural industry experiences the highest oc-

cupational disease rate. This rate is over 50% higher than the second place industry. It is also three times as high as the average rate of all industry in California. Growers consistently use the wrong kinds of economic poisons in the wrong amounts in the wrong places in reckless disregard of the health of their workers in order to maximize profits. Advancing technological changes in agriculture have left the industry far behind in dealing with the occupational hazards of workers which arise from the use of economic poisons. This problem is further compounded by the fact that commonplace needs such as clean drinking water and adequate toilet facilities are rarely available in the fields and are also deficient in many living quarters of farm workers, especially of those workers who live in labor camps provided by the employer.

In California an estimated 3,000 children receive medical attention annually after having ingested pesticides. There are over 300 cases of serious nonfatal poisonings annually, most of which occur in agriculture. There are some fatal poisonings which occur annually in agriculture. In addition to this, literally thousands of workers experience

daily symptoms of chemical poisoning which include dermatitis, rashes, eye irritation, nausea, vomiting, fatigue, excess sweating, headaches, double vision, dizziness, skin irritations, difficulty in breathing, loss of fingernails, nervousness, insomnia, bleeding noses, and diarrhea.

The misuse of pesticides is creating grave dangers not only to farmworkers but to their children as well. Dr. Lee Mizrahi at the Salud Clinic in Tulare County has recently conducted a study relating to nutrition, parasites and pesticide levels. Dr. Mizrahi chose his samples by inviting every fifth family who came to his clinic to participate in a free complete study of their children. Sixty families participated to date and 170 children have been tested. Dr. Mizrahi has reported to the United Farm Workers Organizing Committee that though the results of the test are not complete, based on the findings already received there are pesticide levels which can only be described as epidemic.

Thus far, on 29 children tested, 32 of the 84 reported values have fallen outside normal limits. Dr. Mizrahi has informed me that as a practicing physician he would be greatly worried if he found 10% of reportedly normal children outside normal limits. In this case he is frightened. These farm worker children are suffering from high levels of DDT in their blood and from low cholinesterase levels in their blood plasma.

Recently the state director of public health, Dr. Thomas Milby, said that there is ample evidence of many unreported poisonings in agriculture. Dr. Milby is currently conducting an investigation in an attempt to get an accurate picture of pesticide poisonings among the workers. The state of California is not releasing the data from this investigation. As an article in the Fresno Bee by Ron Taylor claims this study is headed by Mr. Henry Anderson who would not answer questions concerning the factual findings of the study to date because "the subject is too controversial." According to Mr. Taylor's article an undisclosed number of farm workers are reporting symptoms of pesticide poisoning. Many of these workers do not go to the doctors ordinarily but suffer in silence what they feel is an occupational hazard. The adverse effects of chemical poisons are so pervasive that they are considered by farm workers to be part of their way of life. They are accepted. One of the interviewers who is helping the state to conduct this investigation has informed the United Farm Workers Organizing Committee that of the 774 workers who filled out questionnaires which are now in the possession of the state, 469 of the workers had worked in the grapes and 295 had not worked in the grapes. Among the 774 farm workers, the following symptoms caused by pesticide poisonings were reported:

Eye Irritation.....	548
Nausea or vomiting.....	141
Unusual fatigue.....	145
Unusual perspiration.....	159
Headaches.....	309
Dizziness.....	115
Skin irritation.....	249
Difficulty in breathing.....	188
Pain in the fingernails (some workers lost their fingernails).....	52
Nervousness and/or insomnia.....	122
Itching in the ears.....	12
Nose bleeds.....	26
Burning and sorethroats.....	51
Swollen hands and feet.....	7
Loss of hair.....	4
Diarrhea.....	2

One hundred and fifty-four of the workers reported having one of the above symptoms, 144 reported two of the symptoms, 109 reported three, 83 reported four, and 163 reported five or more symptoms. Only 121 of the 774 workers studied reported none of the above symptoms. This study was limited to a relatively small county, Tulare, which is immediately north of Delano.

Dr. Irma West who works in the State Department of Public Health has written many articles concerning the occupational hazards of farm workers. Some of the examples of injuries are as follows:

On a large California ranch in the fall of 1965 a group of Mexican-American workers and their families were picking berries. None could understand or read English. A three-year-old girl and her four-year-old brother were playing around an unattended spray rig next to where their mother was working. The four-year-old apparently took the cap off a gallon can of 40% tetraethyl pyrophosphate (TEPP, a phosphate ester cholinesterase inhibitor) pesticide left on the rig. The three-year-old put her finger in it and sucked it. She vomited immediately, became unconscious, and was dead on arrival at the hospital where she was promptly taken. TEPP is the most hazardous of all pesticides in common use in agriculture in California. The estimated fatal dose of pure TEPP for an adult is one drop orally and one drop dermally. This child weighed about 30 pounds.

Because of engine trouble, an agricultural aircraft pilot attempted a forced landing in an unplanted field. The plane rolled into a fence and turned over. The hopper of the airplane contained a dust formula of TEPP, another of the phosphate ester pesticides. The estimated adult fatal dose for TEPP concentrate is one drop orally or dermally. The pilot was not injured but was covered with dust. He walked a distance of 50 feet to a field worker, stated he felt fine, and asked for a drink of water. After drinking the water, he began to vomit and almost immediately became unconscious. By the time the ambulance arrived, the pilot was dead and the ambulance driver, the pathologist, and the mortician became ill from handling the body.

During this past summer in the grapes alone and largely in the Delano area the following incidents have been brought to the attention of our legal department.

On May 16th, 1969, Mrs. Dolores Lorta was working for labor contractor Manuel Armendariz in a table grape vineyard owned by Agri-Business Investment Company. Without warning, an Agri-Business spray rig sprayed the row she was working on, and Mrs. Lorta was sprayed all over her body with an unknown mixture of chemicals. Shortly thereafter, she experienced difficulty in breathing. She told her forelady, who responded that the spraying had nothing to do with that; that she must have had that difficulty before.

The next day she felt quite sick and large red blotches had appeared on her skin. She went to work that day but was unable to continue and hasn't been well enough to work since. She has suffered from continuing sores and rashes all over her body, headaches, dizziness, loss of weight, and her con-

dition still continues. She has received no compensation from her employer as yet, and she has had to pay for her medical care herself.

Mr. and Mrs. Abelardo de Leon, and their teenage children, Juan and Maria, worked picking grapes for labor contractor Manuel Armendariz in vineyards owned by Agri-Business Investment Company during July and August of 1969. From the start of their work there, Mr. de Leon suffered rashes all over his body, which lasted until they quit. Mrs. de Leon began to suffer extremely irritated and swollen eyes as soon as they started working there and one eye is still somewhat swollen. The irritation ceased when she quit, and has not reoccurred though she has returned to work in a different crop since then. Both the de Leon children, along with their mother, suffered eye irritation while working for Armendariz, and often their eyes would water profusely throughout the working day. When this was brought to the attention of Armendariz, he laughed and called them cry babies. He did not suggest that medical help was available for the family under the workman's compensation program, and as a result they had to make do with drugs and home remedies. Though the de Leons were not sprayed on directly, there was a heavy white dust on the vines and grapes which they picked. They saw no signs warning of the ill effects of this chemical spray, nor did they receive any warning or advice about it whatsoever. The de Leon family eventually stopped working for Armendariz because of the ill effects they were suffering from the chemical poisons on the grapevines.

Mr. Gregorio Sisneros was engaged in spraying a vineyard in the Selma area in 1968. According to directions which came with it, he mixed one quart of economic poison with a large quantity of water. But his employer told him to add in another quart of poison, and so he did. After spraying this mixture for a short while he became ill and had to be taken to a doctor immediately. After receiving medical treatment he was confined to his home and unable to work for some days. Since then he has been sensitive to chemical spray and has become ill several times.

While working the vineyards of George A. Lucas & Sons this summer, Mrs. Beatrice Roman developed trouble breathing, sore throat, difficulty in speaking, and stomach pain. Each day her condition would improve as she left the vineyards, and it would worsen as she began work the following morning. There was a heavy white powder on the vines which she was working among. Mrs. Roman has worked in other crops without experiencing such illness. She has been informed by her physician that it is due to the spray residues on the vines. She stopped working for Lucas, because of the illness caused by the sprays, on August 4, 1969. She has been unable to work more than very little since then because of the continuing effects of the illness.

Mr. Mauro Roman (Beatrice's husband), along with his son, Jose, and a neighboring family all worked picking grapes in the vineyards of Lamanuzzi and Fantaleo in August 1969. All suffered severe skin rashes over their bodies, with cracked and peeling skin. All left this work after several weeks, and improved sharply as soon as they left. There was a very heavy white powder on the vines and grapes they were picking there.

After working in the vineyards of D. M. Steele for several days, Mr. Juan Q. Lopez

developed trouble breathing, rashes on his neck and face, numbness in his left arm and upper left chest, headache and irritated eyes. There was a white powder on the vines. Mr. Lopez's condition began to improve when he stopped working in these fields.

While working picking grapes in a Caric vineyard about 10 days ago, Mr. Abelardo Hernandez ate some grapes from the vine. Shortly thereafter, he began to vomit and to bleed from the nose. His foreman refused to take him to a doctor until other workers finally convinced him to do so. The doctor

who treated him said his illness was due to the grapes and the chemicals on them. He has suffered from this illness on and off since then.

During this season, Mrs. Dominga F. Medina has worked in vineyards near Richgrove. She has seen spray rigs spraying liquid preparations on the vineyards only a short distance from where she and the other members of her crew were working. She has suffered from bloody nose, eye irritation, and headache while working in these vineyards.

Aurelio de la Cruz worked with Giumarra Vineyards in the spring of 1969. On more than one occasion he saw spray rigs spraying right ahead of the crew he was working in; his crew was told to work in the sprayed areas shortly after the spraying was concluded. He suffered eye irritation and skin rashes on these occasions.

Mr. Claro Runtal suffered very severe rashes and dermatitis on his legs and neck while working in vineyards of Richard Bagdasarian from December 1968 to June 1969. Many of the other men in the crew suffered skin irritations during the same period from the chemical dusts which had been applied to the vines.

Juanita Chavera was working in the Elmco vineyards in the spring of 1969 when she developed, as a result of the spray residue on the vines, skin rash, eye irritation, and hands swollen so badly that her ring had to be cut off. Other women in the crew including Mrs. Chovera's sister, Linda Ortiz, suffered similar symptoms.

Maria Serna also working in the Elmco vineyards in May 1969, where she developed irritated eyes, headaches, and severe dizziness. Her daughter, Alicia Ramona, suffered rashes and eye irritation.

Frances Barajas also worked in the Elmco vineyards this spring. While she was working there, a tractor spraying a liquid economic poison came through the vineyard in which she was working. She ran out of the field because she did not want to get sprayed, but a foreman ordered her to go back in and get back to work. She later talked to the tractor driver, who said he had been ordered to spray there by one of the Elmco supervisors. While working there she developed skin rashes and eye irritations that led to a serious eye infection. She has been afraid to complain about the poisons for fear of being fired.

Rafaela Ayala worked in the Elmco vineyards in the same crew as Mrs. Barajas. When the tractor sprayed the field they were working in she immediately began to vomit and her eyes became very irritated; they are still sore. She stopped working for Elmco as a result.

Mrs. Celestina Pereales was working in the Elmco vineyards in May 1968 when a tractor spray rig approached the row her crew was working in. Her supervisor told them to hunch down under the vines while the spray rig sprayed them. Not knowing better at the time, she did so. Her eyes became red and watery right away, and became persistently irritated, and she has had eye trouble ever since.

Mrs. Josephine C. Moreno was working in a crew leafing vines in the Elmco vineyards this spring. A spray rig came through the vineyard one row away from where the crew was working, and she and other women got sprayed soaking wet, but were put back to work after five minutes.

Petra Sisneros was working in the Elmco vineyards, tipping grape bunches, in May 1969, when four tractor driven spray rigs came into the field. Without any warning, one of them came right over the spot she was working in, spraying her soaking wet and blinding her to the point that she almost fell under the spray rig. Other women workers dragged her away from the danger of the spray rig. Her supervisor did not take her to a doctor until she became visibly sick. Until then she had merely been told to sit in the shade under the vine. She was vomiting a great deal by this time. After she was taken to a doctor, who gave her an injection and bathed her eyes, she was returned to the vineyards where she had to wait for a ride home until her co-workers were finished for

the day. She was extremely ill for the next 10 days with vomiting, nausea, trembling, dizziness, headache, difficulty in breathing, tightness of chest, and difficulty in sleeping. To date she has received no compensation from her employer. She is still suffering from the aftereffects of this illness. When she asked her supervisor and foreman what kind of chemical she had been sprayed with, they claimed they didn't know and said it was not their fault she had been sprayed.

Alfonso Pedraza was also sprayed by an Elmco spray rig while working in its vineyards in the summer of 1969. The spray hit him on his back. When he saw a doctor three days later, his back was very red and the skin was cracked. The rash spread all over his body, and he developed muscle stiffness and eye irritation as well.

The carelessness with which economic poisons are applied in this area is such that farm workers are endangered outside the fields as well as within. About a month ago, while Petra Ojeda was working in a Tulare County orchard, the grower's tractor driven spray rigs sprayed her car and the cars of other workers which were parked along the road nearby. Mrs. Ojeda's young child was in the car asleep, along with food for lunch for the entire family. The child was covered by a blanket, but her bottle was covered with spray. The entire car was white with the chemical spray.

The James Morning family didn't even have to leave their home in order to be sprayed with economic poisons. In May, 1969, their country home was sprayed by an airplane which was applying poison to a nearby field. All six members of the family were hit with the spray, causing rashes, cracked skin and irritated eyes.

The United Farm Workers Organizing Committee is attempting to solve this pervasive problem by the collective bargaining process. We have recently attained what is for farm workers an historic breakthrough

in our negotiations with the Perelli-Minetti Company. We have completed negotiating a comprehensive health and safety clause which covers the subject of economic poisons. It includes the following protections:

HEALTH AND SAFETY

A. The Health and Safety Committee shall be formed consisting of equal numbers of worker's representatives selected by the bargaining unit and P-M representatives. The Health and Safety Committee shall be provided with notices on the use of pesticides, insecticides, or herbicides, as outlined in Section D 1, 2 and 3.

The Health and Safety Committee shall advise in the formulation of rules and practices relating to the health and safety of the workers, including, but not limited to, the use of pesticides, insecticides, and herbicides; the use of garments, materials, tools and equipment as they may affect the health and safety of the workers and sanitation conditions.

B. The following shall not be used: DDT, Aldrin, Dieldrin, and Endrin. Other chlorinated hydrocarbons shall not be applied without the necessary precautions.

C. The Health and Safety Committee shall recommend the proper and safe use of organic phosphates including, but not limited to parathion. The Company shall notify the Health and Safety Committee as soon as possible before the application of organic phosphate material. Said notice shall contain the information set forth in Section D below. The Health and Safety Committee shall recommend the length of time during which farm workers will not be permitted to enter the treated field following the application of organic phosphate pesticide. If P-M uses organic phosphates, it shall pay for the expense for all farm workers, applying the phosphates, of one baseline cholinesterase test and other additional such tests if recommended by a doctor. The results of all said tests shall be immediately given by P-M to the Health and Safety Committee.

D. P-M shall keep the following records and make them available to each member of the Health and Safety Committee:

(1) A plan showing the size and location of fields and a list of the crops or plants being grown.

(2) Pesticides, insecticides, and herbicides used, including brand names plus active ingredients, registration number on the label, and manufacturer's batch or lot number.

(a) Dates and time applied or to be applied.

(b) Location of crops or plants treated or to be treated.

(c) Amount of each application.

(d) Formulation.

(e) Method of application.

(f) Person who applied the pesticide

(3) Date of harvest.

SANITATION

A. There shall be adequate toilet facilities, separate for men and women, in the field, readily accessible to workers, that will be maintained in a clean and sanitary manner. These may be portable facilities and shall be maintained at the ratio of one for every 35 workers.

B. Each place where there is work being performed shall be provided with suitable, cool, potable drinking water convenient to workers. Individual paper drinking cups shall be provided.

C. Workers will have two (2) relief periods of fifteen (15) minutes which, insofar as practical, shall be in the middle of each work period.

TOOLS AND PROTECTIVE EQUIPMENT

Tools and equipment and protective garments necessary to perform the work and/or to safeguard the health of or to prevent injury to a worker's person shall be provided, maintained and paid for by P-M.