

U.S.

■ OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (*FIELD SANITATION*)

TERMS: Every farm operator or other agricultural establishment that has 11 or more worker on any given day in hand-labor operations in the field must provide the workers with the sanitation facilities described below, without cost to the workers. The employer is required to notify workers of the location of the facilities and afford them reasonable opportunities during the workday to use them.

Drinking Water — Field workers are entitled to a sufficient amount of suitably cool, readily accessible drinking water which meets state or federal health standards. The water provided must be dispensed in single-use drinking cups or by fountain; the use of common drinking cups or dippers is prohibited. Likewise, containers used to store and dispense water must be kept covered, refilled daily (or more often, if necessary), and cleaned regularly.

Toilet and Handwashing Facilities —

Required Equipment — Employers subject to these requirements must provide at least one toilet and one handwashing facility for every 20 workers. Toilet facilities must be adequately ventilated and screened, must have self-closing doors, and must be constructed to assure privacy. Employers are required to maintain toilets and handwashing units in clean and sanitary condition, and to equip them with an adequate supply of toilet paper, soap and single-use towels.

Exception — Toilet and handwashing facilities are not required for workers who perform field work for a period of 3 hours or less during the day (including travel time to and from the field).

Distance Limitation — Sanitation equipment generally must be located within a 1/4-mile walk of each worker's location in the field. However, where the distance limit cannot be met because of ground conditions, the facilities must be placed at the point closest to the field where entry by vehicles is still possible. The toilet and handwashing facilities must be near each other.

ENFORCEMENT: *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072)*. Local offices of the Wage and Hour Division may be located on the agency's website, at www.dol.gov/whd/america2.htm.

Under a written plan approved by the Occupational Safety and Health Administration, each of the following states is authorized to enforce its own field sanitation standards, identical or very similar to those described above:

Arizona, California, Hawaii, Maryland, Michigan, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, Tennessee, Vermont, Virginia, and Washington.

In these states, the Wage and Hour Division generally does not play a part in enforcing the field sanitation provisions. For the name of the state agency responsible for compliance, see the field sanitation summary under the heading "*Health & Safety*" for the particular state of interest.

Arizona

■ ARIZONA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (*FIELD SANITATION*)

TERMS: Every farm operation where a crew of 5 or more workers is performing hand labor in one location on any given day must provide sanitation facilities to the workers, as described in brief below.

Drinking Water — Employers are required to provide no less than 2 gallons of clean drinking water, at a temperature of no more than 80 degrees F., for every worker at the job site. The water must be placed at a location that is readily accessible to the workers and must be dispensed in single-use drinking cups or by fountains.

Toilet and Handwashing Facilities — For workers who perform field work for a period of more than 3 hours during the day (including transportation time to and from the field), there must be at least one toilet and one handwashing facility for every 40 such workers. Toilets and washing equipment must be located close to each other, and within 1/4 mile of each employee's place of work in the field. If physical conditions prevent the employer from complying with the 1/4-mile distance limit, facilities must be located at the point nearest the workers where entry by vehicle is possible. Sanitary facilities must be kept clean and fully operational, and workers must be allowed reasonable opportunities during the workday to use them.

ENFORCEMENT: *Division of Occupational Safety and Health (ADOSH), Industrial Commission of Arizona, Phoenix, Arizona 85005 (855-268-5251).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

California

■ FOOD CROP SANITATION LAW

TERMS: In every food crop where 5 or more farmworkers are working in the field as a crew or group for a period of 2 or more hours, their employer is required to provide toilet and handwashing facilities. Each toilet unit must have at least 8 square feet of space, be equipped with a self-closing door that is lockable from the inside, and be furnished with toilet paper. Likewise, handwashing units must be supplied with clean wash water and with soap or other suitable cleansing agent.

In general, toilet and handwashing equipment must be stationed within a 5-minute walk of the field. Whenever physical conditions at the workplace prevent an employer from complying with this distance limitation, the facilities must be located at the point closest to the workers where entry by vehicles is possible.

ENFORCEMENT: These provisions are enforced primarily by local health officers and county agricultural commissioners.

■ CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973 (*FIELD SANITATION*)

TERMS: Under the California Occupational Safety and Health Act, the state agency has adopted standards requiring agricultural employers to provide field workers with drinking water, toilets, and handwashing facilities at the place of employment.

Drinking Water — Farm employers must provide a sufficient supply of fresh, cool, sanitary drinking water to their workers performing hand-labor operations in the field. The water must be readily accessible, and workers must be allowed access to the water at all times. Water must be dispensed in single-use drinking cups or from fountains.

Toilet Facilities — At locations where there are 5 or more workers, employers must provide separate toilet facilities for each sex, at a ratio of one toilet for every 20 workers or fraction thereof; where there are fewer than 5 workers, separate toilets for each sex are not required.

All toilet units must be ventilated, have self-closing doors that can be locked from the inside, be screened to prevent entry of flies, be constructed to ensure privacy, and meet related sanitation requirements. Toilet paper must be provided in a suitable holder in each toilet unit.

Handwashing Facilities — For every 20 workers or fraction thereof, employers must provide one handwashing facility, equipped with an adequate supply of sanitary water, soap or other suitable cleansing agent, and single-use towels. A sign must be posted to indicate that the water is for handwashing only.

Location of Facilities — In general, toilet and handwashing equipment must be stationed within a 5-minute or 1/4-mile walk of the workplace, whichever is shorter. Whenever roads, terrain or other conditions prevent compliance with this distance limitation, such facilities should be located at the point closest to the workers where entry by vehicles is still possible. Toilet and handwashing facilities must be close to each other.

Exception to Location Requirement — Instead of providing the facilities on site, an employer may provide transportation to toilet and handwashing facilities if (1) the workers perform field work for a period of less than 2 hours, including time to and from work, and (2) there are fewer than 5 workers engaged in hand-labor operations at the site on that day.

Responsibility for Maintenance — The employer is responsible for servicing and maintaining these facilities. This responsibility includes, among others, (1) cleaning and refilling the drinking water containers, (2) keeping the toilet facilities clean, sanitary and operational, (3) providing toilet paper, and (4) properly disposing of the contents of any chemical toilets used.

Reasonable Use — The employer must notify each worker of the location of the water and sanitation facilities, and must allow each worker reasonable opportunities during the workday to use them.

ENFORCEMENT: *Division of Occupational Safety and Health (Cal/OSHA), California Department of Industrial Relations, Oakland, California 94612 (510-286-7000).* Workers who believe they are or have been exposed to a workplace hazard in violation of the Act may submit a complaint by contacting the nearest Cal/OSHA office, a list of which is accessible online at www.dir.ca.gov/dosh/complaint.htm.

SPECIAL NOTE: A person may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Furthermore, workers may not be fired or laid off for refusing to work in a workplace or on a job where there is an apparent hazard that violates these provisions. The name of any person who submits a complaint regarding workplace safety must be kept confidential unless the person requests otherwise.

The agency responsible for enforcing the anti-retaliation provision is the *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118).*

Colorado

■ DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT GENERAL PROVISIONS

TERMS:

Drinking Water — Agricultural employers of field or packing shed workers who live in temporary labor housing must provide the workers with clean, sanitary drinking water at the worksite. The use of shared drinking cups is prohibited.

Toilet and Handwashing Facilities — Field and shed workers who live in temporary worker housing must be provided with toilets and handwashing equipment, within 1/4 mile from the farthest point of the worksite. There must be at least one toilet and one washing unit for every 25 workers of each sex; if fewer than 10 workers are employed at the site, one toilet and one washing facility may be shared by both sexes.

ENFORCEMENT: *Division of Environmental Health and Sustainability, Colorado Department of Public Health and Environment, Denver, Colorado 80246 (303-692-3645).*

Connecticut

■ PUBLIC HEALTH CODE (*SANITATION FOR AGRICULTURAL AND MIGRANT FARM WORKERS*)

TERMS:

Water for Drinking and Handwashing — Farm employers in Connecticut are required to make sanitary drinking water readily available to their field and shed workers, in covered containers equipped with drinking fountains or with individual paper cups. No common drinking cups are allowed. Clean, safe water for handwashing purposes must also be available to field and shed workers.

Toilets — Portable or permanent toilets, readily accessible and in adequate numbers, must be provided for the use of agricultural workers. There must be separate, clearly marked facilities for men and women. Each unit must be equipped with a latching door and must be well lighted, ventilated and maintained. Toilet paper must be supplied by the employer.

First Aid — Agricultural employers are also required to keep first-aid kits in every shed where work is in progress. First-aid supplies must be easily accessible to the workers.

ENFORCEMENT: *Environmental Health Section, Regulatory Services Branch, Department of Public Health, Hartford, Connecticut 06134 (860-509-7293).*

Delaware

■ STATE HEALTH AND SAFETY LAWS (*FIELD SANITATION*)

TERMS: Farm operators who have 11 or more workers on any given day performing hand-labor operations in the field for more than 3 hours straight (including transportation time to and from the field) must provide the workers with drinking water, toilets, and handwashing facilities, as outlined below.

Drinking Water — At locations readily accessible to the workers, there must be a supply of suitably cool, sanitary drinking water, dispensed in single-use drinking cups or from fountains. The employer must furnish no less than 6 quarts of water per worker per day.

Toilets and Handwashing Facilities — One toilet and one handwashing facility (including soap and single-use towels) must be provided for every 20 workers or fraction thereof. Sanitation equipment must be within 1/4 mile of each worker's place of work in the field, but if conditions prevent compliance with the 1/4-mile distance limit, facilities must be placed at the point nearest the workers where entry by vehicle is still possible. Toilets and washing equipment must be kept clean and sanitary.

Workers must be allowed reasonable opportunities during the workday to use the facilities.

ENFORCEMENT: *Migrant Labor Camp Program, Division of Public Health, Delaware Department of Health and Social Services, Dover, Delaware 19901 (302-744-1220).*

Florida

■ PUBLIC HEALTH LAWS (*FIELD SANITATION*)

TERMS: Where 5 to 10 farmworkers are performing hand-labor operations at one location at one time, their employer must provide them with certain sanitation facilities.

Toilet and Handwashing Facilities — There must be one toilet and one handwashing unit provided for the workers' use. The toilet unit and the handwashing unit must be next to one another and located within a 1/4-mile walk from any worker's place in the field. Where conditions make it difficult to place the sanitation facilities within that distance limit, they must be located at the point closest to the field where entry by vehicles is still possible.

The toilet unit must have screened ventilation openings and self-closing doors that can be locked from the inside. The handwashing unit must be supplied with clean, sanitary water, along with soap or other cleanser and single-use hand-drying towels. There must also be a waste container nearby for the used towels.

Drinking Water — Drinking water must be readily available to the workers. The water must be clean, sanitary, suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed. Unless bottled water is provided or water is provided by means of a fountain, water containers must be made of durable, non-absorbent material and be supplied with single-use cups; the use of common drinking cups is prohibited.

ENFORCEMENT: *Migrant Farmworker Housing Program, Environmental Health Division, Florida Department of Health, Tallahassee, Florida 32399 (850-245-4250)*. Representatives of this agency, as well as county health department staff, may conduct inspections of field sanitation facilities at random.

Hawaii

■ HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW (*FIELD SANITATION*)

TERMS: Under the Hawaii Occupational Safety and Health Law, the state labor department has adopted regulations requiring agricultural employers to provide their employees with drinking water, toilets, and handwashing facilities in the field. The state field sanitation standards are very similar to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*) but may be applied to any agricultural operation in the state, without respect to the number of workers employed.

ENFORCEMENT: *Occupational Safety and Health Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-9110).*

Idaho

■ FARM WORKER SANITATION FACILITIES LAW

TERMS: In any crop activity in which 8 or more farmworkers are working as a crew or group for a period of 4 or more hours, the farm operator (or, where workers are furnished by a farm labor contractor, the labor contractor) must provide at least one permanent or portable toilet facility for every 40 workers.

The employer or contractor is required to locate toilet units within 1/4 mile of where the workers are working, but where the terrain or other conditions prevent the placement of toilets within this distance, they must be located as close to the workers as a vehicle can get. The facilities must provide privacy and must be kept clean and sanitary by the employer or contractor.

ENFORCEMENT: This provision is enforced by public prosecuting attorneys in criminal court.

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate against a worker because the worker has reported a violation, filed a complaint, or made use of any other right granted by this law.

Illinois

■ FIELD SANITATION ACT

TERMS: Every farming operation in which 10 or more workers are employed in planting, cultivating or harvesting food or nursery products, is required to provide toilets, handwashing facilities and drinking water at each such job site. All such facilities must be readily accessible to the workers, in no case farther than 1/4 mile from any worker.

It is illegal for anyone to deny workers the use of the required toilet, handwashing and drinking facilities.

Toilets — There must be at least one toilet for every 35 workers. Each facility must provide privacy and allow proper ventilation, and must be maintained in clean and sanitary condition. Each unit must be supplied with toilet paper.

Handwashing Facilities — Handwashing facilities, consisting of at least one unit for every 35 workers, must include a supply of clean water, soap, and disposable towels or equivalent means of drying.

Drinking Water — Sanitary drinking water, in sufficient quantities for all workers throughout the workday, must be provided in covered containers equipped with drinking-fountain attachments or stocked with individual sanitary drinking cups.

ENFORCEMENT: *Division of Environmental Health, Illinois Department of Public Health, Springfield, Illinois 62761 (217-782-5830).*

As an alternative to filing a complaint with the state agency, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Maine

■ FARM WORKER OCCUPATIONAL SAFETY AND HEALTH LAW

TERMS: Under regulations adopted by the state agriculture commissioner, blueberry growers who have more than 10 workers on any given day performing hand labor in the field are required to provide their workers with drinking water and sanitation facilities at the worksite, as described in brief below.

Drinking Water — The employer must provide cool, sanitary drinking water to the workers within a reasonable distance of the workplace. There must be no less than one gallon of water for every worker on the job each day, available either from a fountain or in single-use disposable cups.

Toilet and Handwashing Facilities — The employer must provide at least one toilet and one handwashing facility for every 30 workers. These facilities, or transportation to such facilities, must be located within 1/4 mile of each worker's place of work in the field. The employer is required to inform the workers regarding the location of the facilities, as well as the availability of any transportation to and from that location. Toilet paper, soap and paper towels (or allowable substitute supplies) must be furnished by the employer.

Exception — The toilet and handwashing facility requirements *do not apply* to workers engaged in hand-labor operations for 3 hours or less on any given day.

Other Requirements — Workers must be permitted reasonable opportunities during the workday to use the sanitation facilities described above. It is illegal for an employer to charge a worker any fee for the water, equipment or transportation required under these regulations, or to deduct any amount from a worker's wages or hours in connection with the use of required sanitation facilities.

ENFORCEMENT: *Division of Quality Assurance and Regulations, Bureau of Agriculture, Maine Department of Agriculture, Conservation and Forestry, Augusta, Maine 04333 (207-287-3841).*

Maryland

■ MARYLAND OCCUPATIONAL SAFETY AND HEALTH ACT (*FIELD SANITATION*)

TERMS: Under Maryland's occupational safety and health law, the state labor commissioner has adopted regulations requiring agricultural employers to provide their employees with drinking water, toilets, and handwashing facilities in the field. The state field sanitation standards are very similar to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*), although the Maryland regulations allow employers to reduce the number of toilets they provide if the units are serviced frequently.

Also, while the federal standards do not require employers to provide drinking water, toilets or handwashing facilities where fewer than 11 workers are employed on any given day, farm employers in Maryland must furnish drinking water to their workers, regardless of the number of employees; the toilet and handwashing requirements, however, apply only to operations with 11 or more workers.

ENFORCEMENT: *Maryland Occupational Safety and Health Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Hunt Valley, Maryland 21031 (410-527-4499).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Massachusetts

■ PUBLIC HEALTH LAWS (*FIELD SANITATION*)

TERMS: Under regulations authorized by the state public health laws, farm employers who operate a farm labor camp, or who provide other housing facilities for the use of 2 or more farmworkers, must provide drinking water and toilet facilities to camp occupants while they are on the job, as summarized below.

Drinking Water — Where clean running water is not available, operators of farm labor camps are required to make drinking water readily available to both shed and field workers. Water must be kept in covered containers which have been disinfected and maintained in clean and sanitary condition.

Toilet Facilities — When farm activities require workers to be more than 750 feet from the main toilet facilities at the camp and transportation to the camp is not immediately available, the camp operator must provide toilets within 750 feet of the work area. There must be at least one such unit for every 100 workers, with separate facilities for each sex. The camp operator is responsible for maintaining a sufficient supply of toilet paper, and for keeping the facilities clean, sanitary and in good repair.

ENFORCEMENT: *Community Sanitation Program, Bureau of Environmental Health, Massachusetts Department of Public Health, Boston, Massachusetts 02108 (617-624-5757)*. The Department may respond to any complaint regarding violations of the field sanitation provisions in the farm labor camp rules.

These provisions may also be enforced by local boards of health.

Michigan

■ MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (*FIELD SANITATION*)

TERMS: Under the state occupational safety and health law, Michigan has adopted regulations requiring certain agricultural employers to provide their workers with drinking water, toilets, and handwashing facilities in the field.

Drinking Water — All agricultural employers in Michigan must provide sanitary drinking water to their workers in the field, at no cost to the workers. The standards for the provision of drinking water are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*).

Toilet and Handwashing Facilities — Agricultural employers with 11 or more workers on a given day must provide toilets and handwashing facilities to the workers in accordance with the federal OSHA field sanitation standard (*U.S. — Health & Safety — Agricultural Field Sanitation*). Employers with fewer than 11 workers must either provide their field workers with comparable facilities themselves, or make such facilities available to them.

ENFORCEMENT: *Michigan Occupational Safety and Health Administration (MIOSHA), Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7777)*.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Nevada

■ NEVADA OCCUPATIONAL SAFETY AND HEALTH ACT (*FIELD SANITATION*)

TERMS: Under Nevada's occupational safety and health law, the state industrial relations agency has adopted regulations requiring certain agricultural employers to provide their employees with drinking water, toilets, and handwashing facilities in the field. The state field sanitation standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*) and apply only to farm employers that have more than 10 workers in the field on any given day.

ENFORCEMENT: *Nevada Occupational Safety and Health Administration (NVOSHA), Division of Industrial Relations, Nevada Department of Business and Industry, Henderson, Nevada 89074 (702-486-9020)*. A worker or worker representative who believes a violation of the field sanitation provisions has occurred may request an investigation by notifying NVOSHA.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

New Jersey

■ DRINKING WATER AND TOILET FACILITIES ACT

TERMS: On any farm where 10 or fewer seasonal workers labor in a field that is unreasonably far from alternative facilities, the farm operator must provide drinking water, toilets and handwashing facilities for the workers.

Drinking Water — Except when cool, sanitary water facilities are otherwise available to the workers within a 500-foot travel distance of the working area, the farm operator must furnish the workers with an adequate supply of fresh, cool, sanitary water in the working area. Water must be provided in portable containers capable of being tightly closed and equipped with a tap. Water must be dispensed in single-use drinking cups or by fountains; common drinking cups or dippers are not permitted.

Toilet Facilities — Except when toilet facilities are otherwise available within a 500-foot travel distance or a 5-minute walk from the working area, the farm operator must provide clean, adequate toilet facilities in the working area. There must be separate toilets for men and women, in a ratio of one toilet for every 20 workers (or fraction thereof) of each sex. The facilities must be equipped with an adequate supply of toilet paper, and must be maintained in clean, sanitary condition and in good working order. Doors must be lockable from the inside.

Handwashing Facilities — Except when handwashing facilities and nearby toilets are otherwise available to the workers within a 500-foot travel distance of the working area, there must be adequate handwashing facilities provided for the workers in the working area, close to the required toilet facilities. The washing facilities must provide sanitary water, soap or some other cleansing agent, and individual towels.

ENFORCEMENT: *Agricultural Compliance Section, Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-984-3004).*

As an alternative to filing a complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

New Mexico

■ OCCUPATIONAL HEALTH AND SAFETY ACT (*FIELD SANITATION*)

TERMS: Under New Mexico's occupational health and safety law, the state environmental improvement board has adopted regulations requiring agricultural employers to provide their employees with drinking water, toilets, and handwashing facilities in the field. The state field sanitation standards are essentially the same as those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*) and apply to any agricultural establishment where workers are engaged on any given day in hand-labor operations in the field.

ENFORCEMENT: *Compliance Section, Occupational Health and Safety Bureau, New Mexico Environment Department, Santa Fe, New Mexico 87502 (505-476-8711; toll-free 877-610-6742)*. A worker or worker representative may file a written complaint with the Department concerning a particular workplace hazard or an alleged violation of the Act or its regulations.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

New York

■ GENERAL LABOR LAWS (*DRINKING WATER FOR FARM LABORERS*)

TERMS: Farm operators and food processors who employ or use more than 4 paid farmworkers or food processing workers must provide the workers with safe drinking water on the job, at the employer's expense. Water may be furnished in a portable container, but must be accessible to each location where the employees are at work.

The obligation to provide drinking water rests with the grower or processor, regardless of whether or not the workers are supplied or supervised by a farm labor contractor.

ENFORCEMENT: *Division of Safety and Health, Worker Protection Bureau, New York State Department of Labor, Albany, New York 12240 (518-457-3518).*

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by this provision.

■ GENERAL LABOR LAWS (*FIELD SANITATION FOR FARM LABORERS*)

TERMS: Every grower or food processor who employs or uses paid farm hand workers, farm field workers or farm food processors must provide or make available to the workers toilet and handwashing facilities, including transportation to such facilities. The toilet and handwashing facilities must be located near one another, within a 1/4-mile walk of the workers (or at the closest point where vehicles can still enter, if the terrain makes compliance with the 1/4-mile requirement impracticable).

Where 5 or more workers are employed in one location at the same time, at least one toilet and handwashing unit must be provided at the location for every 20 workers or fraction thereof. If there are more than 20 workers in one location at the same time and at least half the workers are women, the toilets must be separated by sex and labeled as such with appropriate signs.

ENFORCEMENT: *Division of Safety and Health, Worker Protection Bureau, New York State Department of Labor, Albany, New York 12240 (518-457-3518).*

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by this provision.

North Carolina

■ **OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA (*FIELD SANITATION*)**

TERMS: Under North Carolina's occupational safety and health law, the state labor department has adopted regulations requiring agricultural employers to provide their workers with drinking water, toilets, and handwashing facilities in the field. The state field sanitation standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*) and apply to all agricultural establishments without regard to any specific number of employees.

ENFORCEMENT: *Agricultural Safety and Health Bureau, Occupational Safety and Health Division, North Carolina Department of Labor, Raleigh, North Carolina 27603 (919-807-2926; toll-free 800-625-2267).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker adversely affected by retaliation may file a complaint with the Department up to 180 days after the violation occurs.

Oregon

■ OREGON SAFE EMPLOYMENT ACT (*FIELD SANITATION*)

TERMS: The Oregon Safe Employment Act contains explicit provisions requiring employers of workers engaged in growing and harvesting food crops to furnish them with drinking water and sanitation facilities in the field.

Drinking Water — A supply of clean, sanitary water that meets state quality standards must be immediately available to all workers. The water must be suitably cool and dispensed in single-use cups or angle jet fountains. Common-use drinking cups or dippers are not allowed.

Toilet and Handwashing Facilities — Employers are required to provide at least one toilet and one handwashing facility for every 20 workers or fraction thereof. The toilet and handwashing facilities must be next to each other, and generally no more than a 5-minute or 1/4-mile walk from each worker's place of work.

Toilet units must have adequate ventilation, screens and self-closing doors lockable from the inside. There should be separate facilities for each sex, distinctly marked or labeled as such. A supply of toilet paper, soap and single-use towels sufficient to meet the workers' needs during each shift must be provided by the employer.

All such facilities must be kept in clean and sanitary condition, and must be designed and constructed so as to prevent crop contamination.

Posting — Every employer who uses field workers in the production of food crops must post a conspicuous notice, in English and any other language spoken by a majority of the workers, summarizing the field sanitation provisions and advising where workers may file sanitation-related complaints.

Reasonable Use — Employers must notify their field workers of the location of the facilities and allow each worker reasonable opportunities during the workday to use them. Workers must be advised of the importance of drinking plenty of water, urinating as frequently as necessary, and washing hands after using the toilet and before eating or smoking.

ENFORCEMENT: *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may file a complaint with the *Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844)* at any time within 90 days after learning of the alleged violation.

Pennsylvania

■ SEASONAL FARM LABOR ACT (*DRINKING WATER AND TOILETS IN THE FIELD*)

TERMS: Each employer of seasonal farm labor in Pennsylvania must provide drinking water in the working area and toilet facilities within a reasonable distance. The term "seasonal farm labor" generally means either of the following:

- (1) A person employed on a seasonal or temporary basis in the planting, cultivation, harvest, sorting or packing of farm crops.
- (2) A person who lives in living quarters owned, leased or operated by an employer or farm labor contractor and occupied by 4 or more unrelated persons.

Unless transportation is furnished to them by a farm labor contractor, the term *does not include* workers who commute daily from their permanent residence to the worksite.

Drinking Water — On all premises where seasonal farmworkers are employed, the employer must provide a sufficient supply of cool, sanitary drinking water at a reasonable distance from the working area. The regulations require at least one drinking fountain, plus 10 gallons of water, for each 100 workers or each crew. Containers used to supply water must meet prescribed sanitation standards. The use of common drinking cups is prohibited.

Toilet Facilities — In general, on all premises where seasonal farmworkers are employed, the employer must provide:

- (1) At least one toilet within 1,000 feet of any work area where up to 10 such workers are employed.
- (2) One toilet within 500 feet of any work area where 11 to 15 workers are employed.
- (3) One toilet for every 15 males or fraction thereof, plus one toilet for every 15 females or fraction thereof, within 500 feet of any work area where 16 or more workers are employed.

As an alternative, the employer may offer a written agreement, in the workers' native language, to provide the workers with transportation to a toilet facility at least once during every 4 hours of work time.

ENFORCEMENT: *Farm Labor Camp Housing Program, Bureau of Food Safety and Laboratory Services, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania 17110 (717-787-4315)*. A seasonal farmworker or representative of seasonal workers who has knowledge of a violation of the sanitation provisions of the Act may request an inspection by the Department.

SPECIAL NOTE: Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a complaint under the Seasonal Farm Labor Act is punishable as a criminal offense.

Puerto Rico

■ **OCCUPATIONAL SAFETY AND HEALTH ACT (*FIELD SANITATION*)**

TERMS: Under Puerto Rico's occupational safety and health law, the labor secretary has adopted regulations requiring certain agricultural employers to provide their employees with drinking water, toilets, and handwashing facilities in the field. The field sanitation standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*) and apply only to those farm employers that have 10 or more workers in the field on any given day.

ENFORCEMENT: *Puerto Rico Occupational Safety and Health Administration, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2172).*

SPECIAL NOTE: A person may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has suffered from an act of retaliation may file a complaint with the Department, as if reporting any other violation of the Act.

Tennessee

■ OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (*FIELD SANITATION*)

TERMS: Under Tennessee's Occupational Safety and Health Act, the state labor department has adopted regulations requiring certain agricultural employers to provide their employees with drinking water, toilets, and handwashing facilities in the field. The state field sanitation standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*) and apply only to those farm employers that have more than 10 workers in the field on any given day.

ENFORCEMENT: *Safety Compliance Section, Occupational Safety and Health Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-741-2793; toll-free 844-224-5818).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a hearing, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may file a complaint with the enforcement agency no later than 30 days after the violation occurred.

Vermont

■ OCCUPATIONAL SAFETY AND HEALTH LAWS (*FIELD SANITATION*)

TERMS: Under the authority of the state occupational safety and health laws, the state labor commissioner has adopted regulations requiring certain agricultural employers to provide their employees with drinking water, toilets, and handwashing facilities in the field. The state field sanitation standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*) and apply only to those farm employers that have more than 10 employees on any given day in hand-labor operations in the field.

ENFORCEMENT: *Vermont Occupational Safety and Health Administration (VOSHA), Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-5084).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions. A worker who has been subjected to retaliation may submit a discrimination complaint to the Vermont Department of Labor at any time within 30 days after the violation. As an alternative, the worker may bring suit against the employer in civil court, using a private attorney or public legal service provider.

Virginia

■ OCCUPATIONAL SAFETY AND HEALTH LAWS (*FIELD SANITATION*)

TERMS: Under Virginia's safety and health laws, the state safety and health codes board has adopted regulations requiring agricultural employers to provide their employees with drinking water, toilets, and handwashing facilities in the field. The state field sanitation standards are nearly identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*).

Except for the drinking water requirement, the state standards apply only to farm employers who have more than 10 workers on any given day in hand-labor operations in the field. All agricultural employers must provide drinking water to their employees in the fields, regardless of the number of workers.

ENFORCEMENT: *Occupational Safety and Health Compliance, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-786-7776)*.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by these provisions. Within 60 days of any such retaliatory act, the worker may file a complaint with the state enforcement agency, which has authority to bring suit in circuit court for relief. If the agency refuses to issue a charge for the alleged violation, the worker may file a civil complaint against the employer in circuit court directly, using a private attorney or public legal service provider.

Washington

■ WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973 (*FIELD SANITATION AND HEAT EXPOSURE*)

TERMS: Under the Washington Industrial Safety and Health Act, the state labor and industries director has adopted requirements for sanitation facilities in the field and related measures to protect field workers from heat-related illness.

Drinking Water — Without cost to the workers, agricultural employers must ensure that a sufficient quantity of suitably cool drinking water is readily accessible to workers at all times, and the workers must have an opportunity to drink up to one quart of water per hour. The water must meet state or federal public drinking water quality standards and be furnished in sanitary, closable containers. Open containers such as pails or barrels from which water must be poured or dipped are prohibited, as is the use of common drinking cups or dippers.

Handwashing Facilities — Without cost to the workers, agricultural employers must provide one handwashing unit for every 20 workers or fraction thereof engaged in hand-labor operations in the field. Each unit must be equipped with a tap, a basin and an adequate supply of sanitary running water, soap and single-use hand towels. The handwashing facilities must be located near the required toilet facilities, within 1/4 mile of the worksite or at the point nearest the field where vehicles can still enter. The employer must also provide trash containers for disposal of handwashing waste.

Toilet Facilities — Without cost to the workers, agricultural employers must provide one toilet facility for every 20 workers or fraction thereof engaged in hand-labor operations in the field. Each unit must be ventilated and screened, and have self-closing doors that are lockable from the inside. All toilet facilities must be inspected at the start of the workday to assure that they are functional, clean and sanitary; each unit must be supplied with toilet paper. The toilet facilities must be located near the required handwashing facilities, within 1/4 mile of the worksite or at the point nearest the field where vehicles can still enter. Employers and supervisors must allow workers reasonable time during the work period to use the facilities.

Prevention of Heat-Related Illness — In addition to providing field workers with drinking water in the field, agricultural employers are required to help prevent heat-related illness among the workers, by including this subject in their written accident prevention program and related worker training. Worker training must cover such topics as the factors that can contribute to heat-related illness, the symptoms of heat-related illness, the role of clothing and water consumption in preventing heat-related illness, and the importance of reporting signs of illness to supervisors.

Supervisors are required to relieve from duty any worker showing signs of heat-related illness, take steps to reduce the worker's body temperature, and monitor the worker to determine whether medical attention is necessary.

ENFORCEMENT: *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. Retaliation should be reported to the Department of Labor and Industries within 30 days after the violation occurs.

Wisconsin

■ MIGRANT LABOR LAW (*FIELD SANITATION*)

TERMS: Under Wisconsin's migrant labor law, the state labor department has adopted rules requiring certain agricultural employers to provide toilet facilities, handwashing facilities and drinking water to their employees, without cost to the workers. The regulations apply to operations where 6 or more migrant workers are engaged in hand labor in the field.

Toilet Facilities — Wherever there are 6 or more migrant workers performing hand labor operations, the employer must provide toilet facilities, in the ratio of one toilet for every 20 workers. The facilities must be located within 1/4 mile of the workers, or at the point closest to the workers where entry by vehicles is possible. Each toilet unit must have a door that is lockable from the inside and include an adequate supply of toilet paper.

Handwashing Facilities — The employer must also provide at least one handwashing facility for every 20 workers, located within 1/4 mile of the workers or at the closest vehicular access.

Exception — If providing handwashing facilities creates a practical difficulty or hardship, the employer may apply to the state enforcement agency for approval to provide pre-packaged towelettes instead, as long as the substitution does not put the health or safety of the workers at risk.

Drinking Water — Clean, sanitary drinking water must be provided for the workers, at a readily accessible location. The water must be kept cool, in insulated containers that are clean and sanitary. The water must be dispensed in single-serving drinking cups; the use of common cups or dippers is prohibited.

In all cases, workers must be allowed reasonable opportunities during the workday to use the facilities provided.

ENFORCEMENT: *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002).* A migrant worker who has been denied drinking water or sanitation facilities in the field in violation of these requirements may file a complaint with the Department.

As an alternative to filing a complaint with the Department, a migrant worker affected by a violation of the migrant labor law by an employer or migrant labor contractor has a right to file suit against the violator in civil court, using a private attorney or public legal service provider.

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any way against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the employer or contractor involved, using a private attorney or public legal service provider.