

**INTERPRETATIONS FOR
FIELD SANITATION INSPECTIONS PURSUANT TO
29 CFR 1928.110**

STANDARD – 29 CFR 1928.110 . . .	INTERPRETATION – 29 CFR 1928.110 . . .
<p>(a) Scope This section shall apply to any agricultural establishment where eleven (11) or more employees are engaged on any given day in hand-labor operations in the field.</p> <p>(b) Definitions “Agricultural employer” means any person, corporation, association, or other legal entity that:</p> <ul style="list-style-type: none"> (i) owns or operates an agricultural establishment; (ii) contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or (iii) recruits and supervises employees or is responsible for the management and condition of an agricultural establishment, <p>“Agricultural establishment” is a business operation that uses paid employees in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.</p> <p>“Hand-labor operations “ means agricultural activities or agricultural operations performed by hand or with hand tools, Except for the purposes of paragraph (c)(2)(iii). “hand-labor operations” also include other activities or operations performed in conjunction with hand labor in the field, Some examples of “hand-labor operations” are the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings or other crops, including mushrooms, and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field. “Hand-labor” does not include such activities as logging operations, the care or feeding of livestock, or hand-labor</p>	<p>(a) Scope Applies to anyone housing one or more migrant workers. The inspection scope will not be limited to a specific number of employees, pursuant to 13 NCAC 07F.0302.</p> <p>(b) Definitions “Employer” may be labor contractor.</p> <p>Working at the tobacco barns may be considered labor performed in conjunction with hand labor in the fields, depending on the distance to the housing, the length of time workers are required to be there, and whether workers are allowed and able to return to their housing prior to beginning or concluding field work and beginning work at the tobacco barn. If the barning of tobacco is performed in conjunction with mechanized harvesting, rather than hand harvest, it would not qualify.</p>

STANDARD – 29 CFR 1928.110 . . .	INTERPRETATION – 29 CFR 1928.110 . . .
<p>operations in permanent structures (e.g., canning facilities or packing houses).</p> <p>“Handwashing facility “ means a facility providing either a basin, container, or outlet with an adequate supply of potable water, soap and single use towels.</p> <p>“Potable water” means water that meets the standards for drinking purposes of the state or local authority having jurisdiction or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency’s National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141.</p> <p>“Toilet facility” means a fixed or portable facility designed for the purpose of adequate collection and containment of the products of both defecation and urination which is supplied with toilet paper adequate to employee needs. Toilet facility includes biological, chemical, flush and combustion toilets and sanitary privies.</p> <p>(c) Requirements. Agricultural employers shall provide the following for employees engaged in hand-labor operations in the field without cost to the employee:</p> <p>(c)(1) Potable drinking water.</p> <p>(c)(1)(i) Potable water shall be provided and placed in locations readily accessible to all employees.</p> <p>(c)(1)(ii) The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees.</p>	<p>Waterless soaps or hand wipes do not provide adequate protection against bacteria, communicable disease or pesticide poisoning. They may be used in addition to soap and water, but not in place of them.¹</p> <p>(c) Requirements.</p> <p>(c)(1) Water shall be from an approved source, either inspected by county health department, from a public water supply, or water in continuous use.</p>

STANDARD – 29 CFR 1928.110 . . .**INTERPRETATION – 29 CFR 1928.110 . . .**

(c)(1)(iii) The water shall be dispensed in single-use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.

(c)(2) Toilet and handwashing facilities.

(c)(2)(i) One toilet facility and one handwashing facility shall be provided for each twenty (20) employees or fraction thereof, except as stated in paragraph (c)(2)(v) of this section.

(c)(2)(ii) Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from the inside and shall be constructed to insure privacy.

(c)(2)(iii) Toilet and handwashing facilities shall be accessibly located and in close proximity to each other, 'The facilities shall be located within a one-quarter-mile walk of each hand laborer's place of work in the field.

(c)(2)(iv) Where due to terrain it is not feasible to locate facilities as required above, the facilities shall be located at the point of closest vehicular access.

(c)(2)(v) Toilet and handwashing facilities are not required for employees who perform field work for a period of three (3) hours or less (including transportation time to and from the field) during the day.

(c)(3) Maintenance. Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate public health practices, including the following:

(c)(3)(i) Drinking water containers shall be constructed of materials that maintain water quality, shall be refilled daily or more often as necessary, shall be kept covered and shall be regularly cleaned;

(c)(3)(ii) Toilet facilities shall be operational

STANDARD – 29 CFR 1928.110 . . .**INTERPRETATION – 29 CFR 1928.110 . . .**

and maintained in a clean and sanitary condition;

(c)(3)(iii) Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply and shall be maintained in a clean and sanitary condition; and

(c)(3)(iv) Disposal of wastes from facilities shall not cause unsanitary conditions.

(c)(4) Reasonable use. The employer shall notify each employee of the location of the sanitation facilities and water and shall allow each employee reasonable opportunities during the workday to use them. The employer also shall inform each employee of the importance of each of the following good hygienic practices to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine and agrichemical residues:

(c)(4)(i) Use the water and facilities provided for drinking, handwashing, and elimination;

(c)(4)(ii) Drink water frequently and especially on hot days;

(c)(4)(iii) Urinate as frequently as necessary;

(c)(4)(iv) Wash hands both before and after using the toilet; and

(c)(4)(v) Wash hands before eating and smoking.

(c)(3)(iv) Waste must be disposed of in a manner compliant with local health departments' requirements. Portable toilets must be cleaned and sanitized as needed.

(c)(4) Employees must be provided adequate time to drink water, especially on hot and humid days where the heat index is in the danger or extreme danger zone.²

¹ Letter dated July 20, 2005 from Russell B. Swanson, Directorate of Construction – “The requirements for washing facilities on construction jobsites.” The full text of the letter can be obtained at the following link: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=25120

In 1987, OSHA published a Final Rule for Field Sanitation, 29 CFR1928.110. Among other things, it requires that all employers of 11 or more hand laborers in the field provide adequate hand washing facilities, including potable water, soap, and single-use towels. OSHA based the determination that the waterless cleaners were not adequate substitutes primarily on the expert testimony of a number of health professionals. Some health professionals commented that packaged moist towelettes, as opposed to soap

and water, do not prevent the spread of harmful bacteria, communicable disease, or pesticide poisoning. In fact, some health experts testified that moist towelettes would increase the risk of infection, especially from pesticides. Lastly, health professionals testified that the availability of potable water on jobsites was important for treating or flushing eye or skin injuries where there is contact with pesticides or other hazardous contaminants.

² “Heat Kills!”, NCDOL Poster, Cherie Berry Commissioner, printed 5/08. Poster available at the following link: http://www.nclabor.com/posters/English/heat_kills_poster_08.pdf