WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

Fact Sheet #51: Field Sanitation Standards under the Occupational Safety and Health Act

Revised July 2008

The Occupational Safety and Health Act of 1970 was enacted to assure safe and healthful working conditions for working men and women. In 1987, the Occupational Safety and Health Administration issued regulations establishing minimum standards for field sanitation in covered agricultural settings. Authority for enforcing these field sanitation standards in most states has been delegated to the Wage and Hour Division of the U.S. Department of Labor.

Summary

The OSHA field sanitation standards require covered employers to provide: toilets, potable drinking water, and hand-washing facilities to hand-laborers in the field; to provide each employee reasonable use of the above; and to inform each employee of the importance of good hygiene practices. Covered employers who fail to comply with the statute or regulations may be subjected to a range of sanctions, including the administrative assessment of civil money penalties and civil or criminal legal action.

Scope of Coverage

In general, the field sanitation standards apply to any agricultural establishment employing
11 or more workers on any one day during the previous 12 months, to perform “hand labor” field work. “Hand labor” includes 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 in the field into containers, whether performed on the ground, on moving machinery, or in a shed. “Hand labor” does not include the care and feeding of livestock, or hand labor operations in permanent structures (e.g. canning facilities or packing houses.) Except for hand labor reforestation work, the term “hand labor” also does not include forestry operations, such as logging.

Drinking Water

Covered agricultural employers must provide potable drinking water, suitably cool and in sufficient amounts, dispensed in single-use cups or by fountains, located so as to be readily accessible to all employees.

Toilets and Handwashing Facilities

Covered agricultural employers must provide one toilet and handwashing facility for every 20 employees, located within a quarter-mile wa or if not feasible, at the closest point of vehicular access. Premoistened towelettes, once allowed by some state regulators, cannot be substituted for handwashing facilities. Toilets and handwashing facilities are not required for employees who do field work for three hours less each day, including travel to and from work.

Employers must maintain such facilities in accordance with public health sanitation practices, including upkeep of water quality through daily change (or more often if necessary); toilets clean, kept sanitary, and operational; handwashing facilities refilled with potable water as necessary and kept clean, sanitary, and safe; and proper disposal of wastes from the facilities.

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Employee Notification and Other Requirements

Covered agricultural employers must provide notification to each employee of the location of the water and sanitation facilities, and must allow employees reasonable opportunities during the workday to use them. The employer also must inform the employee of the relevant health hazards in the field and the practices necessary to minimize them. Employees cannot be made to bear the costs incurred by the employer for providing required facilities.

Wage and Hour Division Authority

On February 3, 1997, the Wage and Hour Division assumed authority to enforce these field sanitation standards nationwide, except for Puerto Rico and the following OSHA State-Plan states: Arizona, California, Hawaii, Maryland, Michigan, New Mexico, Nevada, North Carolina, Oregon, Tennessee, Virginia, Vermont and Washington.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: http://www.dol.gov/agencies/whd and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

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