

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health
Keeping Washington safe and working

33.80

Field Sanitation for Agriculture Workers

Date: November 20, 2019

I. Purpose

This Directive provides DOSH enforcement guidance on WAC 296-307-095, Field Sanitation. It clarifies application and use of waterless hand washing products.

II. Scope and Application

This Directive applies to DOSH operations statewide. It does not create employer requirements not found in the applicable standards. **This Directive has been reviewed for applicability, and remains effective with a new issue date of November 20, 2019.**

III. References

- 29 CFR 1928.110, Field Sanitation
- WAC 296-307-095, Field Sanitation

IV. Background

WAC 296-307-095 includes requirements for orientation, potable water, hand washing, and toilet facilities in agriculture hand-labor operations. The standard “applies to any agricultural employer with one or more employees engaged in any hand-labor operations in the field,” but hand washing and toilet requirements do not apply to employees “engaged in field activities for the production of grains, livestock, or livestock feed” or using “vehicles, machinery, or animals as part of their field activities” who “can transport themselves to and from toilet and hand washing facilities.” The language, found in WAC 296-307-09503, is somewhat different from the language in the parallel standard adopted by the federal Occupational Safety and Health Administration (OSHA).

The specific language of the hand washing and toilet requirements, found in WAC 296-307-09515 and WAC 296-307-09518, requires facilities to be “within one-quarter mile of each employee’s worksite in the field” but allows them to be at the “point of closest vehicular access” if it is not feasible to be within one-quarter mile.

WAC 296-307-09515 requires hand washing facilities to be provided for employees engaged in hand-labor operations in the field, without cost to the employee. Hand washing facilities must have a tap and an adequate supply of water, soap, single-use hand towels, and either a basin or other suitable container for washing for every 20 employees or fraction of 20. Due to specific practicality concerns and the likelihood that the hazard is considerably less significant, questions have been raised on the use of waterless hand cleaning products instead of hand washing facilities during the cold winter months.

V. Enforcement Policies

A. Application.

Field sanitation facilities and supplies must be available to employees at the time they arrive in the field to conduct hand-labor operations. Unlike the federal OSHA standard, the WISHA standard does not include a time threshold before the standard applies.

B. Exemptions.

The exemptions in the field sanitation standard very seldom apply. If the work involves hand-labor in the field (agricultural operations performed by hand or with hand tools), most of the field sanitation requirements will always apply.

The exemptions in WAC 296-307-09503 apply only to hand washing and toilet facilities. The requirements for orientation and potable water sources remain in force for such employers.

The exemption in WAC 296-307-09503 allows employees actively using vehicles, equipment or animals as part of hand-labor operations to transport themselves to toilet and hand washing facilities, but it only applies when they are used “as part of” the employee’s field activities. It does not mean that the employees can use their own personal car to transport themselves to and from the toilet and hand washing facilities. If employees are not able to leave their duties, or if such facilities are not “accessible,” the exemption does not apply.

C. Waterless Hand Cleaning Products.

During the winter months, when there has been no recent chemical application, or there is no known chemical residue, and employees wear gloves to perform pruning in fruit tree orchards, employers can rely upon waterless hand cleaning products, if they have trained their employees in appropriate use of the waterless products. In such situations, the technical violation of WAC 296-307-09515 will be considered *de minimis* and therefore not cited.

Besides the winter months, as a general matter, waterless hand cleaning products cannot be relied upon to remove the range of contaminants addressed by the standard. They can be used to supplement the required facilities, but they cannot replace the required hand washing facilities.

VI. Point of Contact

If DOSH staff have questions or need additional guidance or interpretive assistance, they are encouraged to contact the Agricultural Safety Specialist in DOSH Technical Services.

VII. Review and Cancellation

DOSH will review this Directive within two years from the issue date, and it will remain effective until superseded or canceled.

Approved:



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Division of Occupational Safety and Health