

2009 Handbook of Employment Regulations Affecting Florida Farm Employers and Workers: Field Sanitation and Drinking Water [State and Federal]¹

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Purpose

Federal and state laws are in place to ensure farm employees, particularly hand laborers, have access to good field sanitation conditions and sufficient safe drinking water supplies. This document merges the state and federal guidelines. For the most part, state and federal standards overlap. However, when state and federal guidelines differ, farm employers must abide by the more stringent standard.

one location at the same time. This is a more stringent standard than the federal requirement, which exempts employers with less than eleven employees. Sanitation and drinking water facilities must be provided at no cost to the workers.

Federal standards exempt some employers. Florida standards are unclear as to whether the same exemptions hold or not.

Who Must Comply

The Florida State Field Sanitation Standard requires toilets, handwashing facilities, and drinking water where at least five farmworkers are employed at

- Toilet and handwashing facilities are not required for employees who perform field work for a period of three hours or less during the day, including transportation time to and from the field.

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- Activities such as logging operations, the care and feeding of livestock, or hand labor operations in permanent structures (e.g., canning facilities or packinghouses) are not included in hand labor operations. (*Note:* While hand labor operations in packinghouses or processing facilities may be exempt from field sanitation standards, food safety requirements more than likely would be enforced with respect to have adequate employee access to toilet and hand washing units.)

Definitions

The state of Florida adopts the same definitions as described by the federal field sanitation standards:

- *Handwashing facility.* This means a facility providing a basin, container, or outlet with an adequate supply of potable water, soap, and single-use towels.
 - *Potable water.* This 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 C.F.R., Part 141.
 - *Toilet facility.* This 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.
- Employer Responsibilities**
- State and federal standards are identical with respect to the following employer responsibilities:
- *Location and number of toilet facilities.* The toilet(s) and handwashing unit(s) shall be located in the field, adjacent to each other and within a one-quarter mile of where people are working. If terrain prevents facilities from being located within one-quarter mile, the facilities shall be located at the point of closest vehicular access. One set of toilets and handwashing units is required for the first twenty workers. The number of toilets and hand washing units will increase for every additional twenty workers. For example, if between twenty-one and forty people are in the field, two sets of toilets and hand units are required to be within one-quarter mile.
 - *Field toilet facilities.* These shall be constructed and maintained in accordance with provisions of Section 10D-6.051, F.A.C., emptied at least weekly, and provide a minimum storage capacity of fifty gallons per unit. Seepage from all field toilet facilities shall be disposed by a method approved by the county public health unit. The department shall approve portable, water-flushed units when determined appropriate for a particular situation. Toilet facilities shall have a screened ventilation opening and self-closing doors that can be closed and latched from the inside and shall be constructed to ensure privacy.
 - *Field handwashing units.* These shall be convenient and supplied with potable water in portable containers and shall be provided with soap or other cleanser and single-use hand-drying towels. A waste container shall be provided for the used towels, and the wastewater from the handwashing unit shall not cause a sanitary nuisance.
 - *Drinking water.* This shall be potable and provided in containers constructed of smooth, impervious, corrosion-resistant material and shall be maintained by sanitary methods. The containers shall be marked with the words *Drinking Water* in English and the native language of the majority of the workers. Single-service cups shall be provided unless water is dispensed from a fountain equipped with an angled, protected jet outlet. Ice used for cooling drinking water shall be made from potable water. 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. County public health unit staff, during the normal course of their work, shall

take water samples at random to ensure the safety of the drinking water.

- The employer shall notify each employee of the location of drinking water and sanitation facilities and provide employees with reasonable opportunities during the work day to use them.
- It is the employer's responsibility to inform each employee of the importance of each of the following good hygiene practices to minimize exposure to the hazards in the field of heat, communicable diseases, urine retention, and agricultural residues. The employer will inform workers as to why it is important to:
 - Use the water and facilities provided for drinking, handwashing, and elimination.
 - Drink water frequently, especially on hot days.
 - Wash hands both before and after using the toilet.
 - Urinate as frequently as necessary.
 - Wash hands before eating and smoking.

Fines

- No soap, hand-drying towels, or waste containers for towel disposal (\$50).
- Toilet facilities that are not screened or self-closing and do not ensure privacy (\$75).
- Handwashing facilities not available or not located adjacent to the toilet. Facilities not located within one-quarter mile walking distance of farmworkers (\$100).
- Water containers improperly constructed or not marked in English and the native language of the majority of the workers. Single-service cups not provided and ice not from an approved source (\$100).
- Waste water from hand washing facility causes a sanitary nuisance. The amount of drinking water available is insufficient to prevent dehydration or disease. Toilet facilities do not

provide a minimum fifty-gallon storage capacity (\$250).

- Sewage from toilet facilities is not properly disposed or toilet and drinking water facilities are not provided:
 - First Offense (\$250).
 - Second Offense (\$500).

Compliance officers with the Florida Department of Health (DOH) and the Department of Business and Professional Regulations (DBPR) issue citations to violators of field sanitation and drinking water requirements. Fines can be up to \$250 per violation, per day. The amount of a fine can be reduced by up to fifty percent, if the violator submits physical proof to the department's county public health unit director, administrator, or other authorized staff that the violation was corrected within twenty-four hours from the time of the citation. In reducing the amount of the fine, the Department of Health (DOH) staff shall take into consideration such factors as the gravity of the violation and the history of compliance of the violator.

The citation recipient may request an administrative hearing within twenty-one days of the date of receipt of the citation by following the procedures listed on citation HRS-H Form 4084.

Related Information

- Chapter 381.006(7), Florida Statutes
- Chapter 450.33(10), Florida Statutes
- Chapter 64E-10, Florida Administrative Code

Responsible Agency

Department of Health

Division of Environmental Health

4042 Bald Cypress Way

Tallahassee, FL 32399

(850) 245-4250

<http://www.doh.state.fl.us/index.html>

Florida Department of Business and Professional
Regulation

Division of Regulation

1940 North Monroe Street

Tallahassee, FL 32399

<http://www.myfloridalicense.com/dbpr/index.html>

Requests for information concerning permits,
compliance, and other problems should be referred to
the local County Public Health Unit.