

Arkansas

○ STATE LABOR LAWS (*TOILET ROOMS*)

STATUTORY CITATION: Ark. Code § 11-5-112

GENERAL SUMMARY: In every factory, manufacturing establishment, workshop or other place where 6 or more men and women are employed, separate toilets and washrooms for men and women must be provided.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions implicitly apply to agricultural workplaces.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.* According to the Arkansas Department of Labor, the state's authority to enforce these provisions is effectively preempted by the U.S. Occupational Safety and Health Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Massachusetts

○ STATE LABOR LAWS (*WORKPLACE HEALTH AND SANITATION*)

STATUTORY CITATION: Mass. Gen. Laws Ch. 149, §§ 106 and 133

GENERAL SUMMARY: All industrial establishments in Massachusetts must provide fresh and pure drinking water to which their employees have access during working hours. Likewise, suitable, adequate and convenient toilet and washing facilities must be provided in every industrial establishment, with separate facilities for each sex.

PROVISIONS APPLICABLE TO AGRICULTURE: Chapter 149 of the state labor laws, including the sanitation provisions, **does not apply** to persons employed as farm laborers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of the Massachusetts Attorney General, Boston, Massachusetts 02108.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Missouri

● EMPLOYEE HEALTH AND SAFETY LAWS (*PREVENTION OF OCCUPATIONAL DISEASES*)

STATUTORY CITATION: Mo. Rev. Stat. §§ 292.300 – 292.440

GENERAL SUMMARY: Every employer of labor in the state whose trade or work exposes one or more workers to illness or disease incident to the job is required to adopt appropriate workplace practices and provide other effective means for preventing such occupational illness and disease.

Under the same statutory provisions, employers who use labor in any activity in which the workers use or come into contact with poisonous chemicals in harmful quantities, or in a harmful way, generally must provide (1) cool, sanitary drinking water and drinking facilities, within reasonable access and without cost to the workers, and (2) adequate and sanitary washing facilities.

PROVISIONS APPLICABLE TO AGRICULTURE: The occupational disease prevention laws implicitly apply to agricultural workplaces, to the extent that the workers employed are exposed to toxic materials such as pesticides.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Division of Labor Standards, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102 (573-751-3403). Inspectors from the Department are required to visit as often as possible all places of employment in the state where workers are exposed to harmful substances, and to check compliance with the sanitation equipment requirements applicable to such workplaces. The Department is responsible for prosecuting violations of these provisions. Each infraction carries a possible fine ranging from \$25 to \$250.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Nebraska

○ STATE LABOR LAWS (*SANITATION FACILITIES*)

STATUTORY CITATION: Neb. Rev. Stat. §§ 48-401 – 48-404

GENERAL SUMMARY: The state labor laws include workplace health and safety requirements which, among other provisions, impose a duty on employers at every factory, mill, workshop or other building where one or more persons are employed, to provide their employees with toilet facilities on the job, generally in a ratio of one unit for every 20 workers of each sex. Toilet facilities must be properly enclosed, ventilated and maintained by the employer in a clean and sanitary condition.

PROVISIONS APPLICABLE TO AGRICULTURE: The sanitation provisions in the state health and safety regulations **do not apply** to agricultural workplaces or other places of employment not explicitly mentioned in the statute.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

North Dakota

○ MINIMUM WAGE AND HOUR LAW (*ILLEGAL EMPLOYMENT CONDITIONS*)

STATUTORY CITATION: N.D. Cent. Code § 34-06-05

RELATED REGULATIONS: N.D. Admin. Code 46-02

GENERAL SUMMARY: Among other offenses defined in the state minimum wage and hour law, it is unlawful for anyone in North Dakota to employ workers (other than commission-paid sales personnel) in unsanitary conditions or in surroundings otherwise detrimental to their health or morals. The state labor commissioner is authorized to prescribe sanitation standards and related regulations in any agricultural or non-agricultural occupation where conditions are found detrimental to the workforce.

PROVISIONS APPLICABLE TO AGRICULTURE: Despite the labor commissioner's statutory authority to adopt health and safety regulations, there are currently **no standards** related to sanitation or other working conditions at agricultural workplaces in North Dakota.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Texas

● HEALTH AND SAFETY CODE (*SANITATION AND HEALTH PROTECTION*)

STATUTORY CITATION: Tex. Health & Safety Code §§ 341.001 – 341.092

RELATED REGULATIONS: 25 Tex. Admin. Code §§ 295.161 – 295.169

GENERAL SUMMARY: Chapter 341 of the state health and safety statutes provides that every industrial establishment in Texas must be continually maintained in a sanitary condition, and authorizes the state health commissioner to develop and enforce environmental standards for the health and safety of employees in such establishments.

PROVISIONS APPLICABLE TO AGRICULTURE: Under the statute's broad rulemaking authority, the state health commissioner has adopted sanitation standards for temporary places of employment, including work in any agricultural operation or activity performed in the field or outside a permanent structure or facility. The major regulatory provisions are summarized below. These provisions apply only to smaller agricultural workplaces that are not subject to the field sanitation standards enforced by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — Agricultural Field Sanitation*).

DRINKING WATER — Employers of agricultural workers at temporary worksites must provide an adequate, sanitary supply of potable drinking water, either obtained from a state-approved water system or supplied in sealed glass or plastic containers. Portable containers must provide a total capacity of not less than 2 quarts of water for each of the maximum number of workers present at the site each day. Water must be maintained at a temperature no higher than 80 degrees F. Except where water is dispensed from a fountain, disposable single-use cups must be furnished to the workers for drinking purposes; the use of common drinking cups or dippers is prohibited.

TOILET FACILITIES — Employers must provide a minimum of one toilet for every 30 workers (or fraction thereof) of each sex on any given day; where chemical toilets are used, the ratio must rise to at least one toilet for every 20 workers. At any job site with 15 workers or fewer, a single toilet may be provided for both men and women, provided it offers privacy and can be locked from the inside. All toilet enclosures must assure privacy, be maintained in a sanitary condition, and be well ventilated. The employer must furnish an adequate supply of toilet paper in each unit.

HANDWASHING FACILITIES — Employers must provide at least one handwashing facility for every 2 toilets furnished at the job site. Handwashing equipment generally must be supplied with running potable water, a suitable cleansing agent, paper towels, and receptacles for their disposal. The handwashing facilities must be supplied with at least 1/2 gallon of potable water for each of the maximum number of workers present at the site each day.

LUNCH OR REST AREAS — At temporary work locations where workers are permitted or required to eat or take rest breaks, employers must provide or designate suitable areas for that purpose. If sufficient shade is not available, a tarp or similar temporary structure should be provided to provide shade during eating and rest periods. There must also be an adequate number of covered receptacles for disposal of food waste. No food may be stored, prepared or eaten in an area where it may become contaminated or otherwise injurious to health.

DISTANCE LIMITATION — No worker may be required to walk more than 1/4 mile to use any of the sanitary facilities described above, unless the employer provides or has arranged for transportation of workers to alternate toilet and washing facilities requiring no more than 5 minutes' travel time for the workers.

PARTIAL EXEMPTION — On any day in which a farm operator employs no more than 6 workers at a temporary field location, the farmer is not required to provide toilet or handwashing facilities, as long as he or she provides or arranges for transportation of the workers to and from nearby alternative facilities accessible for their use. The grower is still obligated to provide drinking water to the workers at the job site.

SPECIAL NOTES OR ADVISORIES

STATE ENFORCEMENT — It is the position of the Department of State Health Services that it has no authority over agricultural activities taking place on a farm in the state of Texas, and thus does not enforce the sanitation standards for temporary places of employment at on-farm agricultural workplaces.

RESPONSIBILITY OF CREW LEADERS AND FARM LABOR CONTRACTORS — Where workers are performing agricultural field work under a contractual arrangement between a farm operator and a farm labor contractor, the farm operator has primary responsibility and the contractor joint responsibility for compliance with these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Public Health and Sanitation Program, Division for Regulatory Services, Texas Department of State Health Services, Austin, Texas 78714 (512-834-6770).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

West Virginia

○ EMPLOYEE SAFETY AND WELFARE LAWS (*WORKPLACE SANITATION*)

STATUTORY CITATION: W. Va. Code §§ 21-3-12 – 21-3-13

GENERAL SUMMARY: Every factory, mercantile establishment, mill or workshop in West Virginia must be furnished with toilet facilities, sufficient in number and maintained in a clean and sanitary condition. Separate, plainly marked facilities must be provided for each sex. Where necessary, there must also be adequate washing facilities in all such establishments.

PROVISIONS APPLICABLE TO AGRICULTURE: The requirement to provide sanitation arrangements **does not apply** to agricultural workplaces or any other non-fixed or outdoor place of employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Labor, West Virginia Department of Commerce, Charleston, West Virginia 25305.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*