

● **SEASONAL FARM LABOR ACT (*DRINKING WATER AND TOILETS IN THE FIELD*)**

STATUTORY CITATION: 43 Pa. Stat. §§ 1301.301 – 1301.308

RELATED REGULATIONS: 7 Pa. Code Ch. 82

GENERAL SUMMARY: Among other requirements, the Seasonal Farm Labor Act directs each employer of seasonal farm labor in Pennsylvania to provide a sufficient supply of cool, potable drinking water in the working area, and sufficient, suitable and separate toilet facilities for men and women within a reasonable distance of the working area. The state agriculture department is authorized to adopt rules, consistent with statutory language, detailing sanitation requirements at agricultural worksites.

The term "seasonal farm labor" in this context generally means any individual employed on a seasonal or temporary basis in the planting, cultivation, harvest, sorting or packing of agricultural commodities in their unmanufactured state, as well as any person who resides in living quarters owned, leased or operated by an employer or farm labor contractor and occupied by 4 or more unrelated persons. Workers who commute daily from their permanent residence to the worksite are not regarded as seasonal farmworkers, unless transportation is furnished to such individuals by a farm labor contractor.

SPECIFIC TERMS AND CONDITIONS

DRINKING WATER — On all premises where seasonal farmworkers are employed, the employer must provide a sufficient supply of cool, potable drinking water at a reasonable distance from the working area. The regulations require at least one drinking fountain, plus 10 gallons of potable water, for each 100 workers or each crew. Containers used to supply water must meet prescribed sanitation standards. The use of common drinking vessels is prohibited.

TOILET FACILITIES — In general, on all premises where seasonal farmworkers are employed, the employer must provide (1) at least one toilet within 1,000 feet of any work area where up to 10 such workers are employed, (2) one toilet within 500 feet of any work area where 11 to 15 workers are employed, or (3) one toilet for every 15 males or fraction thereof, plus one toilet for every 15 females or fraction thereof, within 500 feet of any work area where 16 or more workers are employed. As an alternative in any such case, the employer may offer a written agreement, in the workers' native language, to provide the workers with transportation to a toilet facility at least once during every 4 hours of work time.

SPECIAL NOTES OR ADVISORIES

RETALIATION — Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a civil or criminal complaint under the Seasonal Farm Labor Act is deemed a separate violation of the Act, punishable as a criminal offense.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Farm Labor Camp Housing Program, Bureau of Food Safety and Laboratory Services, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania 17110 (717-787-4315)*. Any seasonal farmworker or representative of seasonal workers who has knowledge of a violation of the sanitation provisions of the Act may request an inspection by the Department, which is obligated to honor the request if there are reasonable grounds to believe a violation exists. A copy of the complaint will be furnished to the employer no later than the time of inspection, but the name of the complainant may be withheld at the complainant's request, at least until such time as the Department institutes enforcement proceedings. A person who fails to comply with the Act, or an enforcement order issued by the Department, is subject to civil money penalties, as well as criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.