

● **WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973 (FIELD SANITATION AND HEAT EXPOSURE)**

STATUTORY CITATION: Wash. Rev. Code §§ 49.17.010 – 49.17.910

RELATED REGULATIONS: Wash. Admin. Code Ch. 296-307, Parts G and G-1

GENERAL SUMMARY: Under the Washington Industrial Safety and Health Act, the state labor and industries director has adopted numerous standards explicitly applicable to all agricultural employers, workers and workplaces in the state, including requirements for sanitation facilities in the field and related measures to protect field workers from heat-related illness.

SPECIFIC TERMS AND CONDITIONS

DRINKING WATER — Without cost to the workers, agricultural employers must ensure that a sufficient quantity of suitably cool drinking water is readily accessible to workers at all times, and the workers must have an opportunity to drink up to one quart of water per hour. The water must meet state or federal public drinking water quality standards and be furnished in sanitary, closable containers. Open containers such as pails or barrels from which water must be poured or dipped are prohibited, as is the use of common drinking cups or dippers.

Employees must be cautioned against drinking water from irrigation ditches, creeks or rivers.

HANDWASHING FACILITIES — Without cost to the workers, agricultural employers must provide one handwashing facility for every 20 workers or fraction thereof engaged in hand-labor operations in the field. Each unit must be equipped with a tap, a basin and an adequate supply of potable running water, soap and single-use hand towels. The handwashing facilities must be located near the required toilet facilities, within 1/4 mile of the worksite or at the point of closest vehicular access to the field. The employer must also provide receptacles for sanitary disposal of handwashing waste.

TOILET FACILITIES — Without cost to the workers, agricultural employers must provide one toilet facility for every 20 workers or fraction thereof engaged in hand-labor operations in the field. Each unit must be adequately ventilated and appropriately screened, and have self-closing doors that are lockable from the inside. All toilet facilities must be inspected at the start of the workday to assure that they are functional, clean and sanitary; each unit must be supplied with toilet paper. The toilet facilities must be located near the required handwashing facilities, within 1/4 mile of the worksite or at the point of closest vehicular access to the field. Employers and supervisors must allow workers a reasonable time during the work period to use the facilities.

HEAT EXPOSURE — In addition to providing field workers with drinking water as outlined above, agricultural employers are required to address the potential for heat-related illness among workers in the field by including an outdoor heat exposure safety element in their written accident prevention program and associated worker training. Worker training must cover such topics as environmental and personal factors that can contribute to heat-related illness, the symptoms of heat-related illness, the role of clothing and water consumption in preventing heat-related illness, and the importance of reporting signs of illness to supervisors. Supervisors must receive similar training, and supervisors are required to relieve from duty any worker showing signs of heat-related illness, take measures to reduce the worker's body temperature, and monitor the worker to determine whether medical attention is necessary.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Retaliation should be reported to the Department of Labor and Industries within 30 days after the violation occurs. If investigation confirms the occurrence of a retaliatory act, the agency may bring action in superior court to restrain the employer from further violation and require appropriate restitution.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233).* In response to an employee complaint or on the agency's own initiative, representatives of the Department are authorized to enter workplaces to inspect working conditions and equipment, question the employer and employees, and take other steps to determine compliance with the Act and the associated regulations. If inspection or investigation reveals a violation, the Department may issue a citation, informing the employer of the nature of the infraction and setting a reasonable time for corrective action. Employers who violate the Act are subject to Department-imposed civil money penalties, while certain specified offenses may also lead to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*