Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 36 Maryland Occupational Safety and Health Standard for Field Sanitation

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312,
Annotated Code of Maryland

.01 Scope.

This chapter applies to any agricultural establishment where employees perform hand-labor operations in the field.

.02 Definitions.

A. The following terms have the meanings indicated.

B. Terms Defined.

(1) "Agricultural employer" means any person, corporation, association, or other legal entity that:

(a) Owns or operates an agricultural establishment;

(b) Contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or

(c) Recruits and supervises employees or is responsible for the management and condition of an agricultural establishment.

(2) "Agricultural establishment" means any business operation which uses paid employees in the production of food, fiber, materials such as seed, seedlings, and plants, or other agricultural or horticultural commodities.

(3) "Employee" means an employee as defined in Labor and Employment Article, §5-101(c), Annotated Code of Maryland, and includes any person engaged in hand-labor operations in the field.

(4) Hand-Labor Operations. "Hand-labor operations":

(a) Means agricultural activities or operations performed by hand or with hand tools, including the:

(i) Harvest of vegetables, nuts, and fruit,

(ii) Weeding of crops,

(iii) Planting of seedlings, and

(iv) Except for the purposes of Regulation .03C(5)(a), other activities or operations performed in conjunction with hand-labor in the field;

(b) Does not include:

(i) Activities such as logging operations and the care or feeding of livestock, or

(ii) Hand-labor operations in permanent structures including poultry operations, canning facilities, or packing houses.

(5) "Handwashing facility" means a facility consisting of a basin, container, or outlet, and an adequate supply of potable water, soap, and single-use towels.

(6) "Potable water" means water that meets the quality standards for drinking purposes prescribed by the State or local authority having jurisdiction, or the U.S. Environmental Protection Agency's National Interim Primary Drinking Water Regulations, 40 CFR Part 141, here incorporated by reference.

(7) Toilet Facility. "Toilet facility":

(a) Means either a fixed, portable, or transportable facility designed for the purpose of defecation and urination; and

(b) May include biological or chemical toilets, combustion toilets, or sanitary privies, when allowed by the Maryland Department of Health.

.03 Requirements.

A. Agricultural employers shall provide potable drinking water and toilet and handwashing facilities in accordance with this standard for employees engaged in hand-labor operations in the field, without cost to the employee.

B. Potable Drinking Water.

(1) The agricultural employer shall provide potable drinking water in locations readily accessible to all employees.

(2) The agricultural employer, taking into account the air temperature, humidity, and the nature of the work performed, shall ensure that the water is suitably cool and in sufficient amounts to meet the needs of employees.

(3) Dispensing.

(a) Common drinking cups or dippers may not be used.

(b) The water shall be dispensed in single use drinking cups or by fountains.

C. Toilet and Handwashing Facilities.

(1) The requirements in this section apply to agricultural establishments where 11 or more employees perform hand-labor operations in the field on any given day.

(2) Toilet and handwashing facilities are not required for employees who perform field work for a period of 3 hours or less during the day, including transportation time to and from the field.

(3) Ratio.

(a) One toilet facility and one handwashing facility shall be provided for each 20 employees or fraction of that amount.

(b) The ratio of toilet facilities to employees may be increased to one facility for every 30 employees when the frequency of servicing is increased to ensure that the facility is maintained in a clean and sanitary condition.

(4) Toilet facilities shall:

(a) Be constructed to ensure privacy;

(b) Have self-closing doors which can be closed and latched from the inside;

(c) Be supplied with toilet paper adequate to meet employee needs;

(d) Be adequately ventilated; and

(e) Appropriately screened.

(5) Location.

(a) Toilet and handwashing facilities shall be:

(i) Accessibly located; and

(ii) Within 1/4 mile of each employee's place of work in the field.

(b) When it is not feasible to locate facilities accessibly and within the required distance due to the terrain, the facilities shall be located at the point of closest vehicular access.

D. Maintenance. Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, including the following:

(1) Drinking water containers shall be:

(a) Constructed of materials that maintain water quality,

(b) Kept covered, and

(c) Refilled daily or more often as necessary;

(2) Toilet facilities shall be operational and maintained in a clean and sanitary condition;

(3) Handwashing facilities shall be maintained in a clean and sanitary condition; and

(4) Disposal of wastes from facilities may not cause unsanitary conditions.

E. Reasonable Use. Employees shall be allowed reasonable opportunities during the workday to use the facilities.

F. Informational Program. To minimize exposure to hazards of heat, communicable diseases, retention of urine, and agrichemical residues, the employer shall inform each employee of the importance of each of the following good hygiene practices:

(1) Use the water provided for drinking and handwashing;

(2) Use the toilet for elimination;

(3) Drink water frequently and especially on hot days;

(4) Urinate as frequently as necessary; and

(5) Wash hands:

(a) Both before and after using the toilet,

(b) Before eating and smoking.

Administrative History

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