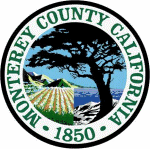
**AGRICULTURAL FIELD TOILET INSPECTION PROGRAM**

With excerpts from California Health and Safety Code California Code of Regulations



Consumer Health Protection Services

2007

County of Monterey

Environmental Health Division

1270 Natividad Rd Ste 42

Salinas CA 93906

**AGRICULTURAL FIELD TOILET INSPECTION PROGRAM**

**Purpose**

The ***Agricultural Field Toilet Inspection Program*** (AFTIP) has two purposes:

• to prevent contamination of food crops by field workers because of unsanitary field toilets, and

• to keep workers healthy by making sure they have enough safe drinking water.

AFTIP applies to all owners of field toilets that are provided for use by workers in

Monterey County agricultural fields.

AFTIP requires that sanitary field toilet and hand washing facilities, and fresh drinking water, are easily available to food crop workers, and requires the permitting, inspection and enforcement of codes and regulations concerning field toilets, hand-washing facilities and drinking water stations.

**Background**

Food crops that are contaminated in the field can cause the people who eat them to become ill. The Monterey County Health Department has documented reports that people may have contracted *Shigella*, *Salmonella* and *E. coli* illnesses after eating vegetables grown in Monterey County.

Contamination of food crops in the field can happen when:

¾ a worker touches food crops with unwashed hands, or

¾ food crops are contaminated by excreta (urine or feces) in the soil, or

¾ flies that are attracted to excreta in the soil then carry the contaminants to the food crops.

These kinds of contamination can be stopped by making sure that field toilets are sanitary and convenient to use, and that there is plenty of clean water for washing hands.

It is also important, and required by the California Code of Regulations, Section 3457, to provide safe drinking water to field workers for their health and comfort while working.

The field toilet owner, or lessee of such field toilet, must tell each employee where the field toilets, hand washing facilities and drinking water stations are located and must give each employee reasonable time during the day to use them.

The field toilet owner, or lessee of such field toilet, must also make sure that employees properly use the field toilets, hand washing facilities and drinking water stations provided, and must explain to each employee the importance of following good health practices to stop contamination of food crops and to reduce the dangers of communicable diseases, agrichemical residues, dehydration and heat exhaustion.

**Permits**

Any field toilet owner that plans to provide one or more field toilets for use by workers in Monterey County agricultural fields after June 30, 2007, is required to submit a completed AFTIP Permit Application, with appropriate fees, to the Environmental Health Division of the Monterey County Health Department *before January 1, 2008*, for the fiscal year July 1, 2007, through June 30, 2008. In April of each year after that, the permit must be renewed for the following fiscal year.

The AFTIP Permit Application asks for general business information, the locations of storage yards, the methods used to remove waste from field toilet units, and the total number of toilets owned. The AFTIP Permit Application applies to all field toilets, hand washing facilities and drinking water stations that will be provided for use by

agricultural field workers.

If any new or additional unpermitted field toilet, hand washing facility or drinking water station is planned for use in the field, an updated AFTIP Permit Application, with appropriate fees (if applicable), must be submitted to the Environmental Health Division of the Monterey County Health Department, and a new yearly permit must be received before it can be used.

After December 31, 2007, any field toilet owner that provides one or more field toilets for use by workers in Monterey County agricultural fields will be required to possess a valid annual health permit issued by the Environmental Health Division of the Monterey County Health Department for each field toilet, hand washing facility and drinking water station in use. Health permits are valid for one year, July 1 through June 30 of the following year, and must be renewed in April of each year to remain valid.

**Field Toilets**

**After December 31, 2007, all field toilets provided for use by workers in Monterey County agricultural fields must have a valid Monterey County Health Department inspection sticker affixed to the outside, front, upper left corner of each unit.**

A field toilet is typically a portable chemical toilet. It is designed to temporarily contain excreta so that it cannot contaminate food crops and the soil where the crops are grown.

• The field toilet owner, or lessee of such field toilet, must service and maintain each field toilet in a clean, sanitary condition and keep it in good repair at all times.

• Written records of maintenance must be made by the field toilet owner, or lessee of such field toilet, and kept for two years.

• Field toilets must be screened to keep flies and other vermin away from the excreta.

• Field toilets must be ventilated and have self-closing doors, lockable from the inside, and must be constructed to ensure privacy.

• Field toilets must be at least eight (8) square feet, with a width of at least two and one-half (2 1/2) feet for each toilet seat. At least ten (10) square feet, with a width of at least two and one-half (2 1/2) feet, is required when a urinal is

included. Enough additional space must be included if handwashing facilities are inside the facility.

• The wastewater tank on chemical toilets must be constructed of durable, easily cleanable material and have a tank capacity of at least forty (40) gallons.

• Construction must prevent splashing on the occupant, field or road.

• Field toilets must be rigidly constructed and their inside surfaces must be made of nonabsorbent material, smooth, easily cleanable, and finished in a light color.

• Toilet paper must be provided in a suitable holder inside each field toilet at all times.

• A hand washing facility must be adjacent to every field toilet.

• Field toilets must be located within a one-quarter (1/4) mile walk or within five

(5) minutes, whichever is shorter.

• Exception: A field toilet owner, or lessee of such field toilet, may provide transportation to toilet and handwashing facilities, as an alternative means of compliance if:

1. employees perform field work for a period of less than two (2) hours

(including transportation time to and from the field),

2. fewer than five (5) employees in any agricultural establishment are engaged in hand-labor operations on any given day, or

3. employees are not engaged in hand-labor operations.

• Effective odor control and solid-liquefying chemicals must be used in chemical toilet waste holding tanks.

• Contents of field toilets must be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity to handle the wastes, by a permitted liquid waste hauler transporting liquid waste for proper disposal, or by another method approved by the local health department. The disposal of wastes from toilet or handwashing facilities must not cause unsanitary conditions, nuisance, or contamination.

• Any spillage or leakage of the field toilet contents must be reported immediately to the farm operation, and to the Environmental Health Division of the Monterey County Health Department, to ensure proper mitigation of the hazard.

• A field toilet owner, or lessee of such field toilet, must provide separate toilet facilities for each sex for every twenty (20) employees or fraction thereof. Where there are less than five employees, separate toilet rooms for each sex are not required provided toilet rooms can be locked from the inside and contain at least one toilet.

**Hand Washing Facilities**

A hand washing facility is a basin, container, or outlet with an adequate supply of potable water, soap or other suitable cleansing agent and single-use towels.

• The field toilet owner, or lessee of such field toilet, must service and maintain each hand washing facility in a clean, sanitary condition and keep it in good repair at all times.

• The hand washing water tank must provide at least fifteen (15) gallons. The field toilet owner, or lessee of such field toilet, must refill the water tank with potable water before it becomes empty.

• A hand washing facility must be located adjacent to every field toilet.

• The field toilet owner, or lessee of such field toilet, must provide one hand washing facility for every twenty (20) employees or fraction thereof.

• Hand washing water must be of drinkable quality.

• A sign must be posted that says the water is only for hand washing.

• Soap and paper towels must be provided.

• A waste receptacle must be provided for waste paper, cups and other trash, and should be constructed so as to prevent litter from blowing out of it due to wind or during transport on roadways.

• The hand washing facility wastewater must discharge directly into a wastewater holding tank of 30 gallons capacity or greater.

**Drinking Water Stations**

Drinking water must be placed in locations easily accessible to all employees. Access to drinking water must be permitted at all times.

• The field toilet owner, or lessee of such field toilet, must service and maintain each drinking water station in a clean, sanitary condition and keep it in good repair at all times.

• Drinking water containers shall be regularly cleaned, shall be refilled daily or more often as necessary, and shall be kept covered and protected to prevent persons from dipping the water by hand or otherwise contaminating it.

• The water shall be fresh and pure, 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.

• The water shall be dispensed in single-use drinking cups or by fountains. (The use of common drinking cups or dippers is prohibited.)

• Drinking water containers shall be constructed of materials that maintain water quality, and shall be provided with a faucet, fountain, or other suitable device for drawing the water.

**Inspection**

Environmental Health Specialists will inspect field toilets, hand washing facilities and drinking water stations at storage yards or in agricultural fields. All agricultural operations subject to permitting and inspection must allow the environmental health specialist inspector to enter such premises at any time.

An inspection report will be completed at each inspection site. The inspection report will list any violations and reference the statute or regulation violated. The report will also be used as a notice of correction.

A copy of the inspection report will be given to the owner or operator. All violations will be reported to the Employment Development Department as required by Section

113355 (b), H&S.

**Enforcement**

Violations will be referred to as critical or non-critical. All critical violations must be corrected immediately. Non-critical violations must be corrected within five working days of notification to the operator.

Any person who knowingly and willfully violates any statutes or regulations referenced in this policy will be guilty of a misdemeanor (Section 113360 H&S).

**Codes and Regulations**

Existing statutes and regulations provide for sanitation and drinking water supplies for field workers in California. These statutes and regulations are found in the California Health and Safety Code Sections 113310 through 113360, Title 8, Section 3457 (OSHA) California Code of Regulations, and Title 17, Division 1, Chapter 5, Subchapter 1, Group 11, Article 3, Sections 8005 through 8008.

Section 113355. (a) H&S states: “The primary responsibility for enforcement of this article shall be vested in the local health officers; county agricultural commissioners may participate in enforcement. The State Departments of Health Services, Industrial Relations, and Food and Agriculture may also enforce this article.”

**CALIFORNIA CODE OF REGULATIONS, TITLE 8, §3457**

(a) Scope: This section shall apply to all agricultural employers. (b) Definitions.

“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.

“Agricultural establishment” is a business operation that uses paid employees in agricultural operations.

“Agricultural operation” means any operation necessary to farming pursuant to Section

3437.

“Hand-labor operations” means agricultural activities or agricultural operations performed by hand or with hand tools in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants. “Hand-labor operations” also

include other activities or operations performed in conjunction with hand-labor in the field. Some examples of “hand-labor operations” are the hand-manipulation of irrigation pipes and other irrigation equipment by irrigators; the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings or other crops, including mushrooms; and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the

field. “Hand-labor” does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

“Handwashing facility” means a facility providing either a basin, container, or outlet with an adequate supply of potable water, soap or other suitable cleansing agent and

single-use towels.

“Potable water” means water that meets the primary standards for drinking purposes found in Title 22, California Code of Regulations, Division 4, Chapter 15.

“Toilet facility” 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, in portable or mixed form.

(c) Requirements.

Agricultural operations not involving hand-labor operations shall meet the requirements of Sections 3360-3368.

All other agricultural operations shall meet the following requirements: (1) Potable drinking water.

(A) Potable water shall be provided during working hours and placed in locations

readily accessible to all employees. Access to such drinking water shall be permitted at all times.

(B) The water shall be fresh and pure, 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.

(C) The water shall be dispensed in single-use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.

Note: For the purposes of this section, the term “common use,” when applied to a drinking receptacle, is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized between consecutive uses thereof by methods prescribed by or acceptable to the State Department for Health Services.

(D) Drinking water containers shall be constructed of materials that maintain water quality, and shall be provided with a faucet, fountain, or other suitable device for drawing the water.

(2) Toilet and handwashing facilities.

(A) Separate toilet facilities for each sex shall be provided for each twenty (20) employees or fraction thereof. One handwashing facility shall be provided for each twenty (20) employees or fraction thereof. Where there are less than five employees, separate toilet rooms for each sex are not required provided toilet rooms can be locked from the inside and contain at least one water closet. Urinals may be installed instead

of water closets in toilet rooms to be used only by men provided that the number of water closets shall not be less than two-thirds the minimum number of toilet facilities.

Exception: An employer may provide transportation to toilet and handwashing facilities,

as an alternative means of compliance if: 1. employees perform field work for a period of less than two (2) hours (including transportation time to and from the field), 2. fewer than five (5) employees in any agricultural establishment are engaged in hand-labor operations on any given day, or 3. employees are not engaged in hand-labor operations.

(B) Toilet and hand-washing facilities shall at all times meet the following standards:

1. Toilet facilities shall be appropriately screened to keep flies and other vermin away from the excreta.

2. Units housing toilet and handwashing facilities shall be ventilated and provided with self-closing doors, lockable from the inside, and shall be otherwise constructed to ensure privacy.

3. Toilet facilities shall provide a minimum area of eight (8) square feet, with a minimum width of two and one-half (2 1/2) feet for each toilet seat. A minimum area of ten (10) square feet, with a minimum width of two and one-half (2 1/2) feet, shall be required when a urinal is included. Sufficient additional space shall be included if handwashing facilities are within the facility.

4. The wastewater tank on chemical toilets shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall be such as to prevent splashing on the occupant, field, or road.

5. The handwashing water tank shall provide a minimum capacity of fifteen (15)

gallons.

6. Units housing toilet and handwashing facilities shall be rigidly constructed and their inside surfaces shall be of nonabsorbent material, smooth, readily cleanable, and finished in a light color.

7. Water flush toilets and handwashing facilities shall conform to Title 24, California

Code of Regulations, Part 5, California Plumbing Code.

(C) Toilet and handwashing facilities shall be accessibly located and in close proximity to each other.

(D) The facilities shall be located within a one-quarter (1/4) mile walk or within five (5)

minutes, whichever is shorter.

(E) Where due to terrain it is not feasible to locate facilities as required above, the facilities shall be located at the point closest to vehicular access.

(3) Maintenance standards: Potable drinking water facilities, toilet facilities, and handwashing facilities, which are under the control of the employer, shall be serviced and maintained by the employer at all times in accordance with appropriate public health sanitation practices, including the following:

(A) Drinking water containers shall be regularly cleaned, shall be refilled daily or more often as necessary, and shall be kept covered and protected to prevent persons from dipping the water by hand or otherwise contaminating it.

(B) Toilet facilities shall be, at all times, operational, maintained in a clean and sanitary condition, and kept in good repair. Written records of service and maintenance shall be maintained and retained for two years.

(C) Toilet paper shall be provided in a suitable holder in each toilet unit.

(D) Effective odor control and solid-liquefying chemicals shall at all times be used in chemical toilet waste holding tanks.

(E) Contents of chemical tanks shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity to handle the wastes, a suitably sized and constructed holding tank approved by the local health department, or by any other method approved by the local health department.

(F) Privies shall be moved to a new site or taken out of service when the pit is filled to within two (2) feet of the adjacent ground surface. The pit contents shall be covered with at least two (2) feet of well-compacted dirt when the privy is moved.

(G) Handwashing facilities shall at all times meet the following standards:

1. Pure, wholesome, and potable water shall be available for handwashing.

2. Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply.

3. Soap or other suitable cleansing agent and single-use towels shall be provided.

4. Signs shall be posted, indicating that the water is only for handwashing purposes.

5. Handwashing facilities shall be provided at the toilet unit or in the immediate vicinity.

6. Handwashing facilities shall be maintained in a clean and sanitary condition. (H) The disposal of wastes from toilet or handwashing facilities shall not cause

unsanitary conditions, nuisance, or contamination.

(4) Reasonable use: The employer shall notify each employee of the location of the sanitation facilities and potable water and shall allow each employee reasonable opportunities during the workday to use these facilities. The employer shall ensure that employees use the sanitation facilities provided and shall 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, retention of urine, and agrichemical residues:

(A) Use the water and facilities provided for drinking, handwashing, and elimination;

(B) Drink water frequently, especially on hot days; (C) Urinate as frequently as necessary;

(D) Wash hands both before and after using the toilet; and

(E) Wash hands before eating and smoking.

(d) Required Reports: Employers cited under this section shall provide to the Division annually for a period of five (5) years following the final order of a citation a written statement under penalty of perjury giving the following information: the estimated peak number of employees; the toilets, washing, and drinking water facilities to be provided by the employer; and any rental and maintenance agreements related to the requirements of this subsection.

**CALIFORNIA CODE OF REGULATIONS, TITLE 17, §8006 - §8011**

**§8006. Suitable Chemicals (for chemical toilets)**

Odor control and solid liquefying chemicals that are effective at all times shall be used in chemical toilet waste holding tanks.

**§8007. Disposal of Contents of Chemical Tanks**

Contents of chemical tanks shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity to handle the wastes, a suitably sized and constructed holding tank, approved by the **local health department**, or by any other method approved by the **local health department**.

**§8008. Standards (for Handwashing Facilities)**

Handwashing facilities shall meet the following standards:

(a) Pure, wholesome, and potable water shall be available for Handwashing. (b) Signs shall be posted, indicating that the water is only for Handwashing

purposes.

(c) The water tank shall provide a minimum capacity of fifteen (15) gallons.

(d) Handwashing facilities shall be provided at the unit or in the immediate vicinity.

**§8010. Toilets**

It shall be the responsibility of the employer to insure that toilets are serviced and maintained in a clean, sanitary condition and kept in good repair at all times.

**§8011. Toilet Paperholder**

Toilet paper shall be provided in a suitable holder in each toilet unit.

**CALIFORNIA HEALTH & SAFETY CODE, SECTIONS 113310 - 113355**

**113310.** The Legislature finds and declares that the people of the State of California have a primary interest in the sanitary conditions under which food crops are grown

and harvested for human consumption and in the health and related sanitary conditions under which the workers are employed in the growing and harvesting of food crops.

The Legislature hereby finds and declares that the provision of sanitary and handwashing facilities for those employed in the growing and harvesting of food crops is necessary to the preservation of sanitation and health and that facilities are necessary to maintain the dignity of workers.

**113315.** For the purposes of this article "food crop" shall mean all fruits and vegetables intended for human consumption.

**113320.** For the purpose of this article "food crop growing and harvesting operation" shall mean any field activity or operation wherein a food crop is grown and harvested, where five or more employees are working as a crew, unit, or group for a period of two or more hours.

**113325.** Every employer shall provide or cause to be provided toilet and handwashing facilities for every food crop growing and harvesting operation.

**113330.** Employees shall use the toilet and handwashing facilities provided.

**113335.** Toilet facilities shall provide privacy and shall be so designed as to keep human excreta from contaminating the crop and to keep flies away from the excreta. Toilet paper shall be provided. Toilet facilities shall be maintained in a clean and sanitary condition.

**113340.** Handwashing facilities shall be such as to afford an opportunity to wash hands in clean water using soap or other suitable cleansing agent and to dispose of used wash water without nuisance or contamination of food crop.

**113345.** Toilet and handwashing facilities for food crop harvesting operations shall be provided at convenient locations. For the purpose of this article "convenient" means within a five-minute walk of place of work.

When, because of layout of access roads, ground terrain, or other physical conditions, it is not possible to comply with the foregoing requirement, toilet and handwashing facilities shall be located at the point of vehicular access closest to the workers.

**113350.** (a) Except as provided in Section 18930, the department, after consultation with the State Departments of Food and Agriculture and Industrial Relations, may make and adopt reasonable regulations

in accordance with this article pursuant to Chapter 3.5 (commencing with Section

11340) of Part 1 of Division 3 of Title 2 of the Government Code and may adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13. The regulations shall be at least as effective as those adopted pursuant to Section 6712 of the Labor Code.

(b) No part of this article shall be construed to abridge or limit in any manner the jurisdiction of the Division of Occupational Safety and Health pursuant to Division 5 (commencing with Section 6300) of the Labor Code.

**113355.** (a) The primary responsibility for enforcement of this article shall be vested in the local health officers; county agricultural commissioners may participate in enforcement. The State Departments of Health Services, Industrial Relations, and Food and Agriculture may also enforce this article.

(b) Any agency enforcing this article shall report any violation to all field offices of the Employment Development Department located in the county where the violation occurs. The report shall identify the employer responsible for the violation, the nature of the violation, and the location of the food crop growing and harvesting operation where the violation occurs. The Employment Development Department shall not refer persons for employment to any employer or food crop growing and harvesting operation identified in the report

until the agency reporting the violation certifies that the violation has been corrected.

**113360.** Any person who knowingly and willfully violates any of the provisions of this article, or of the regulations adopted under this article, is guilty of a misdemeanor.

NOTE

Authority cited: Sections 142.3 and 6712, Labor Code. Reference: Sections 142.3,

2441 and 6712, Labor Code