

# HOUSE BILL No. 4400

March 7, 1989, Introduced by Reps. Gnodtke, Ouwinga, Middaugh, Van Singel, Walberg, Munsell, Gilmer, Stacey, Giese, Sofio, Niederstadt, Hart, Spaniola, Maynard, Bartnik, Owen, Hoekman, Weeks, Ostling, Knight, Allen, Muxlow, O'Connor, Martin, Crandall, Bandstra, Emmons, Power and Sikkema and referred to the Committee on Agriculture.

A bill to amend Act No. 154 of the Public Acts of 1974,  
entitled as amended

"Michigan occupational safety and health act,"

as amended, being sections 408.1001 to 408.1094 of the Michigan  
Compiled Laws, by adding sections 25, 25a, 25b, 25c, 25d, and  
25e.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 154 of the Public Acts of 1974, as  
2 amended, being sections 408.1001 to 408.1094 of the Michigan  
3 Compiled Laws, is amended by adding sections 25, 25a, 25b, 25c,  
4 25d, and 25e to read as follows:

5       SEC. 25. (1) AS USED IN SECTIONS 25A TO 25E:

6       (A) "AGRICULTURAL EMPLOYEE" MEANS A PERSON PAID TO WORK IN  
7 HAND LABOR OPERATIONS, WHETHER PAID ON AN HOURLY OR A PIECE-RATE  
8 BASIS.

1 (B) "AGRICULTURAL EMPLOYER" MEANS A PERSON, CORPORATION,  
2 ASSOCIATION, OR OTHER LEGAL ENTITY THAT EMPLOYS NOT LESS THAN 11  
3 AGRICULTURAL EMPLOYEES IN THE PRODUCTION OF FOOD, FIBER, OR OTHER  
4 AGRICULTURAL PRODUCTS INCLUDING SEED, SEEDLINGS, PLANTS, OR PARTS  
5 OF PLANTS.

6 (C) "DIRECTOR" MEANS THE DIRECTOR OF PUBLIC HEALTH OR HIS OR  
7 HER DESIGNEE.

8 (D) EXCEPT AS PROVIDED IN SUBSECTION (2), "HAND LABOR  
9 OPERATIONS" MEANS AGRICULTURAL ACTIVITIES PERFORMED BY HAND OR  
10 WITH HAND TOOLS. HAND LABOR OPERATIONS INCLUDE ALL OF THE  
11 FOLLOWING:

12 (i) THE CULTIVATING, WEEDING, PLANTING, AND HARVESTING BY  
13 HAND OF ANY OF THE FOLLOWING:

14 (A) VEGETABLES.

15 (B) NUTS.

16 (C) FRUITS.

17 (D) SEEDLINGS.

18 (E) OTHER CROPS, INCLUDING MUSHROOMS.

19 (ii) PACKING PRODUCE BY HAND INTO CONTAINERS, WHETHER DONE  
20 ON THE GROUND, ON A MOVING MACHINE, OR IN A TEMPORARY PACKING  
21 SHED LOCATED IN THE FIELD.

22 (E) "HAND-WASHING FACILITY" MEANS A FACILITY THAT PROVIDES A  
23 BASIN, CONTAINER, OR OUTLET WITH AN ADEQUATE SUPPLY OF POTABLE  
24 WATER, SOAP, AND SINGLE-USE TOWELS.

25 (F) "POTABLE WATER" MEANS WATER THAT MEETS THE STANDARDS FOR  
26 DRINKING WATER AS PRESCRIBED IN THE SAFE DRINKING WATER ACT, ACT  
27 NO. 399 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 325.1001 TO

1 325.1023 OF THE MICHIGAN COMPILED LAWS, AND RULES PROMULGATED  
2 UNDER THAT ACT.

3 (G) "TOILET FACILITY" MEANS A FIXED OR PORTABLE FACILITY  
4 WHICH IS DESIGNED TO ADEQUATELY COLLECT AND CONTAIN THE PRODUCTS  
5 OF BOTH DEFECATION AND URINATION AND WHICH IS SUPPLIED WITH  
6 ENOUGH TOILET PAPER TO MEET EMPLOYEE NEEDS AND INCLUDES BIOLOGI-  
7 CAL, CHEMICAL, FLUSH, AND COMBUSTION TOILETS AND SANITARY  
8 PRIVIES.

9 (2) "HAND LABOR OPERATIONS" DOES NOT INCLUDE ANY OF THE  
10 FOLLOWING:

11 (A) LOGGING OPERATIONS.

12 (B) THE CARE OR FEEDING OF LIVESTOCK.

13 (C) ACTIVITIES CONDUCTED IN PERMANENT STRUCTURES INCLUDING,  
14 BUT NOT LIMITED TO, CANNING FACILITIES OR PACKING HOUSES.

15 SEC. 25A. (1) AN AGRICULTURAL EMPLOYER SHALL PROVIDE, AT NO  
16 COST TO THE AGRICULTURAL EMPLOYEE, POTABLE WATER IN LOCATIONS  
17 WHICH ARE READILY ACCESSIBLE TO ALL AGRICULTURAL EMPLOYEES.

18 (2) THE POTABLE WATER SHALL BE SUITABLY COOL AND IN SUFFI-  
19 CIENT AMOUNTS, TAKING INTO ACCOUNT THE AIR TEMPERATURE, HUMIDITY,  
20 AND THE NATURE OF THE WORK PERFORMED, TO MEET THE NEEDS OF ALL  
21 AGRICULTURAL EMPLOYEES.

22 (3) THE POTABLE WATER SHALL BE DISPENSED IN SINGLE-USE  
23 DRINKING CUPS OR BY FOUNTAINS.

24 SEC. 25B. (1) EXCEPT AS OTHERWISE PROVIDED IN  
25 SUBSECTION (5), AN AGRICULTURAL EMPLOYER SHALL PROVIDE, AT NO  
26 COST TO THE AGRICULTURAL EMPLOYEE, 1 TOILET FACILITY AND 1  
27 HAND-WASHING FACILITY FOR EACH 20 AGRICULTURAL EMPLOYEES.

1 (2) TOILET FACILITIES SHALL BE ADEQUATELY VENTILATED,  
2 SCREENED, HAVE DOORS THAT CAN BE CLOSED AND LATCHED FROM THE  
3 INSIDE, AND BE CONSTRUCTED TO ENSURE PRIVACY.

4 (3) TOILET FACILITIES AND HAND-WASHING FACILITIES SHALL BE  
5 ACCESSIBLE TO AGRICULTURAL EMPLOYEES AND BE LOCATED NOT LESS THAN  
6 1/4 MILE FROM THE FIELD OR PLACE OF WORK.

7 (4) WHERE, DUE TO TERRAIN, IT IS NOT FEASIBLE TO LOCATE  
8 FACILITIES AS REQUIRED BY SUBSECTION (3), THE FACILITIES SHALL BE  
9 LOCATED AT THE POINT OF CLOSEST VEHICULAR ACCESS.

10 (5) TOILET AND HAND-WASHING FACILITIES ARE NOT REQUIRED FOR  
11 AGRICULTURAL EMPLOYEES WHO PERFORM FIELD WORK FOR A PERIOD OF 3  
12 HOURS OR LESS DURING THE DAY, INCLUDING TRANSPORTATION TIME TO  
13 AND FROM THE FIELD.

14 (6) WHEN THE AMBIENT AIR TEMPERATURE IS 45 DEGREES  
15 FAHRENHEIT OR LESS, PREMOISTENED TOWELETTES OR THEIR EQUIVALENT  
16 MAY BE SUBSTITUTED FOR SOAP AND WATER.

17 SEC. 25C. POTABLE WATER, TOILET FACILITIES, AND  
18 HAND-WASHING FACILITIES SHALL BE MAINTAINED IN ACCORDANCE WITH  
19 APPROPRIATE PUBLIC HEALTH SANITATION PRACTICES, INCLUDING ALL OF  
20 THE FOLLOWING:

21 (A) POTABLE WATER CONTAINERS SHALL BE CONSTRUCTED OF MATERI-  
22 ALS THAT MAINTAIN WATER QUALITY, SHALL BE REFILLED DAILY OR AS  
23 OFTEN AS NECESSARY, SHALL BE COVERED, AND SHALL BE REGULARLY  
24 CLEANED.

25 (B) TOILET FACILITIES SHALL BE OPERATIONAL AND MAINTAINED IN  
26 A CLEAN AND SANITARY CONDITION.

1 (C) HAND-WASHING FACILITIES SHALL BE REFILLED WITH POTABLE  
2 WATER AS NECESSARY TO ENSURE AN ADEQUATE SUPPLY AND SHALL BE  
3 MAINTAINED IN A CLEAN AND SANITARY CONDITION.

4 (D) THE WASTE FROM TOILET FACILITIES AND HAND-WASHING FACIL-  
5 ITIES SHALL BE DISPOSED IN A MANNER THAT WILL NOT CAUSE UNSANI-  
6 TARY CONDITIONS.

7 SEC. 25D. AN AGRICULTURAL EMPLOYER SHALL NOTIFY EACH AGRI-  
8 CULTURAL EMPLOYEE OF THE LOCATION OF THE TOILET FACILITIES AND  
9 HAND-WASHING FACILITIES AND POTABLE WATER AND SHALL ALLOW EACH  
10 AGRICULTURAL EMPLOYEE REASONABLE OPPORTUNITIES DURING THE WORKDAY  
11 TO USE THEM.

12 SEC. 25E. AN AGRICULTURAL EMPLOYER SHALL INFORM EACH AGRI-  
13 CULTURAL EMPLOYEE OF THE IMPORTANCE OF ALL OF THE FOLLOWING GOOD  
14 HYGIENE PRACTICES TO MINIMIZE EXPOSURE IN THE FIELD TO THE HAZ-  
15 ARDS OF HEAT, COMMUNICABLE DISEASES, RETENTION OF URINE, AND  
16 AGRICHEMICAL RESIDUES:

17 (A) THE USE OF WATER AND FACILITIES PROVIDED FOR DRINKING,  
18 HAND-WASHING, AND ELIMINATION.

19 (B) THE DRINKING OF WATER FREQUENTLY, ESPECIALLY DURING HOT  
20 WEATHER.

21 (C) URINATION AS FREQUENTLY AS NECESSARY.

22 (D) THE WASHING OF HANDS BOTH BEFORE AND AFTER THE USE OF  
23 TOILET FACILITIES.

24 (E) THE WASHING OF HANDS BEFORE EATING AND SMOKING.