

SENATE BILL No. 134

February 14, 1989, Introduced by Senators DILLINGHAM, GAST, WELBORN, N. SMITH and DI NELLO and referred to the Committee on Human Resources and Senior Citizens.

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 1025, 1025a, 1025b, 1025c, 1025d, and 1025e.

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 1025, 1025a, 1025b,
4 1025c, 1025d, and 1025e to read as follows:

5 SEC. 1025. (1) AS USED IN SECTIONS 1025A TO 1025E:

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, NOT INCLUDING FAMILY MEMBERS, IN THE PRO-
4 Duction OF FOOD, FIBER, OR OTHER AGRICULTURAL PRODUCTS INCLUDING
5 SEED, SEEDLINGS, PLANTS, OR PARTS OF PLANTS.

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

8 (D) "FAMILY MEMBER" MEANS A SPOUSE OF AN AGRICULTURAL
9 EMPLOYER OR 1 OR MORE OF THE FOLLOWING IN RELATION TO AN AGRICUL-
10 TURAL EMPLOYER OR HIS OR HER SPOUSE:

11 (i) GRANDPARENTS.

12 (ii) PARENTS.

13 (iii) PARENT'S SIBLINGS.

14 (iv) CHILDREN.

15 (v) SIBLINGS.

16 (vi) FIRST OR SECOND COUSINS.

17 (vii) FIRST OR SECOND COUSIN'S SPOUSE.

18 (E) EXCEPT AS PROVIDED IN SUBSECTION (2), "HAND LABOR
19 OPERATIONS" MEANS AGRICULTURAL ACTIVITIES PERFORMED BY HAND OR
20 WITH HAND TOOLS. HAND LABOR OPERATIONS INCLUDE ALL OF THE
21 FOLLOWING:

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

24 (A) VEGETABLES.

25 (B) NUTS.

26 (C) FRUITS.

1 (D) SEEDLINGS.

2 (E) OTHER CROPS, INCLUDING MUSHROOMS.

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

6 (F) "HAND-WASHING FACILITY" MEANS A FACILITY THAT PROVIDES A
7 BASIN, CONTAINER, OR OUTLET WITH AN ADEQUATE SUPPLY OF POTABLE
8 WATER, SOAP, AND SINGLE-USE TOWELS.

9 (G) "POTABLE WATER" MEANS WATER THAT MEETS THE STANDARDS FOR
10 DRINKING WATER AS PRESCRIBED IN THE SAFE DRINKING WATER ACT, ACT
11 NO. 399 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 325.1001 TO
12 325.1023 OF THE MICHIGAN COMPILED LAWS, AND RULES PROMULGATED
13 UNDER THAT ACT.

14 (H) "TOILET FACILITY" MEANS A FIXED OR PORTABLE FACILITY
15 WHICH IS DESIGNED TO ADEQUATELY COLLECT AND CONTAIN THE PRODUCTS
16 OF BOTH DEFECATION AND URINATION AND WHICH IS SUPPLIED WITH
17 ENOUGH TOILET PAPER TO MEET EMPLOYEE NEEDS AND INCLUDES BIOLOGI-
18 CAL, CHEMICAL, FLUSH, AND COMBUSTION TOILETS AND SANITARY
19 PRIVIES.

20 (2) "HAND LABOR OPERATIONS" DOES NOT INCLUDE ANY OF THE
21 FOLLOWING:

22 (A) LOGGING OPERATIONS.

23 (B) THE CARE OR FEEDING OF LIVESTOCK.

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

1 SEC. 1025A. (1) AN AGRICULTURAL EMPLOYER SHALL PROVIDE, AT
2 NO COST TO THE AGRICULTURAL EMPLOYEE, POTABLE WATER IN LOCATIONS
3 WHICH ARE READILY ACCESSIBLE TO ALL AGRICULTURAL EMPLOYEES.

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

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

10 SEC. 1025B. (1) EXCEPT AS OTHERWISE PROVIDED IN
11 SUBSECTION (5), AN AGRICULTURAL EMPLOYER SHALL PROVIDE, AT NO
12 COST TO THE AGRICULTURAL EMPLOYEE, 1 TOILET FACILITY AND 1
13 HAND-WASHING FACILITY FOR EACH 20 AGRICULTURAL EMPLOYEES.

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

17 (3) TOILET FACILITIES AND HAND-WASHING FACILITIES SHALL BE
18 ACCESSIBLE TO AGRICULTURAL EMPLOYEES AND BE LOCATED NOT LESS THAN
19 1/4 MILE FROM THE FIELD OR PLACE OF WORK.

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

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

1 (6) WHEN THE AMBIENT AIR TEMPERATURE IS 45 DEGREES
2 FAHRENHEIT OR LESS, PREMOISTENED TOWELETES OR THEIR EQUIVALENT
3 MAY BE SUBSTITUTED FOR SOAP AND WATER.

4 SEC. 1025C. POTABLE WATER, TOILET FACILITIES, AND
5 HAND-WASHING FACILITIES SHALL BE MAINTAINED IN ACCORDANCE WITH
6 APPROPRIATE PUBLIC HEALTH SANITATION PRACTICES, INCLUDING ALL OF
7 THE FOLLOWING:

8 (A) POTABLE WATER CONTAINERS SHALL BE CONSTRUCTED OF MATERI-
9 ALS THAT MAINTAIN WATER QUALITY, SHALL BE REFILLED DAILY OR AS
10 OFTEN AS NECESSARY, SHALL BE COVERED, AND SHALL BE REGULARLY
11 CLEANED.

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

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

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

20 SEC. 1025D. AN AGRICULTURAL EMPLOYER SHALL NOTIFY EACH
21 AGRICULTURAL EMPLOYEE OF THE LOCATION OF THE TOILET FACILITIES
22 AND HAND-WASHING FACILITIES AND POTABLE WATER AND SHALL ALLOW
23 EACH AGRICULTURAL EMPLOYEE REASONABLE OPPORTUNITIES DURING THE
24 WORKDAY TO USE THEM.

25 SEC. 1025E. AN AGRICULTURAL EMPLOYER SHALL INFORM EACH
26 AGRICULTURAL EMPLOYEE OF THE IMPORTANCE OF ALL OF THE FOLLOWING
27 GOOD HYGIENE PRACTICES TO MINIMIZE EXPOSURE IN THE FIELD TO THE

1 HAZARDS OF HEAT, COMMUNICABLE DISEASES, RETENTION OF URINE, AND
2 AGRICHEMICAL RESIDUES:

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

5 (B) THE DRINKING OF WATER FREQUENTLY, ESPECIALLY DURING HOT
6 WEATHER.

7 (C) URINATION AS FREQUENTLY AS NECESSARY.

8 (D) THE WASHING OF HANDS BOTH BEFORE AND AFTER THE USE OF
9 TOILET FACILITIES.

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