

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

Do Not Mark In this Box

FILED
1987 JUL 13 PM 1:02
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Department of Health TITLE NUMBER: 64

RULE TYPE: Legislative; CITE AUTHORITY Ch.16, Art. 1, Sec. 7

AMENDMENT TO AN EXISTING RULE: YES___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 56

TITLE OF RULE BEING PROPOSED: Field Sanitation Standards

DATE OF PUBLIC HEARING: August 12, 1987 TIME: 1:00 P.M.

LOCATION OF PUBLIC HEARING: Department of Health
P&G Building, First Floor Conference Room
2019 Washington Street, East
Charleston, WV 25305

COMMENTS LIMITED TO: ORAL___, WRITTEN X, BOTH___

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Department of Health
Regulatory Development Sec.

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

Room 7, P&G Building
2019 Washington Street, E.
Charleston, WV 25305

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL


David K. Heydinger
Director

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Field Sanitation Standards

Type of Rule: Legislative Interpretive Procedural

Agency WV Department of Health Address 1800 Washington Street, East
Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

It is anticipated that the enforcement of this rule can be incorporated into county health departments' inspection programs for migrant labor camps.

3. Objectives of these rules:

Establishes minimum field sanitation standards for drinking water and for handwashing and toilet facilities at agricultural establishments employing eleven or more employees in hand labor operations in the field.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

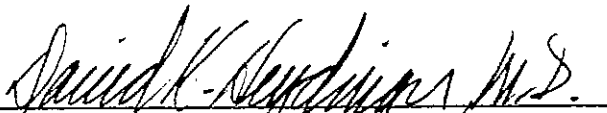
The enforcement of this rule will be delegated to the county health departments who can incorporate it into their inspection program for migrant labor camps. It is estimated that there are 35 such facilities in West Virginia.

C. Economic Impact on Citizens/Public at Large.

None

Date July 1, 1987

Signature of Agency Head or Authorized Representative



David K. Heydinger, M.D.
Director
Department of Health

WEST VIRGINIA BOARD OF HEALTH

RULE ABSTRACT

Rule Title: Field Sanitation Standards

CSR Title & Series: 64 CSR 56

Type: Legislative

Objective/Purpose: Establishes minimum field sanitation standards for drinking water and for handwashing and toilet facilities at agricultural establishments employing eleven or more employees in hand labor operations in the field.

For further information contact: Kay Howard, Director,
Regulatory Development Section, Telephone 348-3223 or Ron Forren,
Office of Environmental Health, Telephone 348-2981, 1800
Washington Street, East, Charleston, WV 25305.

[PROPOSED]

TITLE 64

WEST VIRGINIA LEGISLATIVE RULES

DEPARTMENT OF HEALTH

Field Sanitation Standards

Series 56

198_

For Public Hearing
August 12, 1987

[PROPOSED]
WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF HEALTH

Field Sanitation Standards

64 CSR 56

INDEX

	Page
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. Definitions	1
Section 4. Provision and Use of Sanitation Facilities	2
Section 5. Potable Drinking Water	3
Section 6. Toilet and Handwashing Facilities	3
Section 7. Maintenance	4
Section 8. Penalties	4

[PROPOSED]
TITLE 64
WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF HEALTH
Series 56

Title: Field Sanitation Standards

Section 1. General

1.1. Scope - This legislative rule establishes minimum field sanitation standards for drinking water and for hand-washing and toilet facilities.

1.2. Authority - This legislative rule is issued by the State Board of Health under the authority of and is related to Chapter 16, Article 1, Section 7 of the West Virginia Code.

1.3. Filing Date -

1.4. Effective Date -

Section 2. Application and Enforcement

2.1. Application - This rule applies to any agricultural establishment where eleven or more employees, excluding management and support personnel and employer's family members, are engaged on any given day at the same worksite in hand-labor operations in the field.

2.2. Enforcement - The enforcement of this rule is vested with the director of the West Virginia department of health or his or her lawful designee.

Section 3. Definitions

3.1. Agricultural employer means any person, corporation, association, or other legal entity that operates an agricultural establishment, or in whose interest an agricultural establishment is operated; any person, corporation, association or other legal entity who is responsible for the management and condition of an agricultural establishment, or who acts directly or indirectly in the interest of an employer in relation to any employee is also an agricultural employer.

3.2. Agricultural establishment means a business operation that uses paid employees in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

3.3. Hand-labor operations means agricultural activities or operations performed by hand or with hand tools. These shall include, but not be limited to, the hand harvest of vegetables, tobacco, and fruit, hand weeding of crops and hand planting of seedlings. Hand-labor does not include such activities as logging operations, reforestation, the care of livestock or hand-

labor operations in permanent structures (e.g., canning facilities or packing houses).

3.4. Handwashing facility means a facility providing either a basin, container, or outlet with an adequate supply of water, soap and single-use towels. A substitute for soap and water may be used if it meets the following criteria:

3.4.1. Its cleansing properties must act to remove soil and other residues from skin after use;

3.4.2. The contents of a cleansing compound must not break or open skin barrier to pathogenic microorganisms, and

3.4.3. Cleansing compounds in waterless cleaner shall not facilitate transport of toxic agrochemicals across skin.

3.5. Potable water means water that meets the West Virginia department of health's standards for drinking water.

3.6. Toilet facility means a facility designed for the purpose of both defecation and urination, including biological or chemical toilets, combustion toilets or sanitary privies that meet the West Virginia department of health's design standards for sewage systems. They shall be supplied with toilet paper adequate to meet employee needs. Toilet facilities may be either fixed or portable.

3.7. Worksite means the geometric center of a field or orchard where workers are employed. Contiguous or adjacent fields or orchards shall not be considered as separate worksites. Where two adjacent fields are separated by an impassable barrier such as a body of water or interstate highway, the workers in each respective field shall be counted independently and shall be considered to be employed at separate worksites.

Section 4. Provision and Use of Sanitation Facilities

4.1. Agricultural employers shall provide drinking water and toilet and hand washing facilities as required by this rule for employees engaged in hand-labor operations in the field without cost to employees.

4.2. Employees shall be allowed reasonable opportunities during the work day to use the facilities.

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

Section 5. Potable Drinking Water

5.1. Potable water shall be provided and shall be placed in locations readily accessible to all employees. Readily accessible, for purposes of this section, means within one quarter mile of the worksite. Where it is not feasible to locate the drinking water within the required distance due to ground terrain or other physical conditions, the drinking water shall be located at the point of vehicular access closest to the workers.

5.2. The water shall be suitably cool. Ice used for cooling and consumption shall be made from potable water.

5.3. The water shall be available in sufficient amounts so that it is not completely consumed during the workday. If the water supply does run out, it shall be immediately refilled.

5.4. The water shall be dispensed in single use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.

5.5. Water storage containers shall be enclosed and constructed of easily cleanable materials.

Section 6. Toilet and Handwashing Facilities

6.1. One toilet facility and one handwashing facility shall be provided for each thirty employees or fraction thereof.

6.2. Toilet facilities shall have doors that can be closed and latched from the inside and shall be constructed to ensure privacy.

6.3. Toilet and handwashing facilities shall be accessibly located in close proximity to each other.

6.4. These facilities shall be located in one of the following three ways:

6.4.1. Within one quarter mile of the worksite; or

6.4.2. Where it is not feasible to locate facilities within the required distance due to ground terrain, or other physical conditions, toilet and handwashing facilities shall be located at the point of vehicular access closest to the worksite; or

6.4.3. Where an employer has provided or arranged for access to transportation for employees, during both work and rest periods, for immediate travel to and from toilets and handwashing facilities, transportation to such facilities shall not require more than five minutes travel for the employees.

7. Maintenance

7.1. Drinking water containers shall be covered, cleaned, sanitized and refilled daily. Cleaning and filling must be done

in a sanitary manner.

7.2. Toilet facilities shall be operational and maintained in a sanitary condition.

7.3. Handwashing facilities shall be maintained in a clean and sanitary condition.

7.4. Disposal of wastes from toilet facilities shall be in accordance with the West Virginia department of health's legislative and interpretive rules regarding sewage and sewage systems.

7.5. Disposal of wastewater from handwashing facilities may be discharged on-site, provided that this method of disposal shall not contaminate crops or adjoining water supplies, cause the water to stand on the ground so as to become stagnant, or otherwise create a safety or health hazard.

7.6. Trash containers shall be available as needed at drinking water and at toilet and handwashing facilities and shall be emptied daily or as needed to permit use of the containers for trash disposal.

Section 8. Penalties - Any person who violates any provision of this rule shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200 or by imprisonment for not more than 30 days, or both fine and imprisonment. Each day's failure to comply with any provision of this rule shall constitute a separate offense.