
MIOSHA

General Industry Safety and Health Division (GISHD)
Michigan Occupational Safety and Health Administration (MIOSHA)
Department of Labor and Economic Opportunity (LEO)

DIVISION INSTRUCTION

DOCUMENT IDENTIFIER:
GISHD-STD-08-1R4

DATE:
August 28, 2020

SUBJECT: Field Sanitation Standard Enforcement Procedures

- I. Purpose. This instruction establishes policies and specifies procedures that ensure uniform enforcement and interpretation of the rules described in MIOSHA Safety and Health Standards for Agricultural Operations Part 55, Field Sanitation Standard, 1928.110, and Section 14n of the Michigan Occupational Safety and Health Act (MIOSH Act).
- II. Scope. This instruction applies division wide.
- III. References.
 - A. Agency Instruction MIOSHA-ADM-06-7, [Small Farming Operations and Small Employers in Low Hazard Industries – Guidelines for MIOSHA Activity](#), as amended.
 - B. Agency Instruction MIOSHA-COM-14-2, [Interpreters and Document Translation](#), as amended.
 - C. [Michigan Occupational Safety and Health Act](#), R408.1014 et seq., P.A. 154 of 1974, as amended.
 - D. [MIOSHA Field Operations Manual \(FOM\)](#), as amended.
 - E. MIOSHA Safety and Health Standards for Agricultural Operations, Part 55 [Agricultural Operations Field Sanitation](#) 1928.110.
 - F. Occupational Safety and Health Administration (OSHA) Instruction CPL 02-02-042, June 22, 1992, [Guidelines for Implementing the Field Sanitation Standard](#).
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Cancellations. All previous versions of this division instruction.
- VI. Next Review Date. This instruction will be reviewed in five (5) years from date of issuance.
- VII. History. History of previous versions includes:
GISHD-STD-08-1R3, April 6, 2016
GISHD-STD-08-1R2, April 16, 2012
GISHD-STD-08-1R1, April 28, 2008
GISHD-STD-08-1, April 10, 2008
- VIII. Contact. [Sundari Murthy](#), Safety and Health Manager
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- X. Background.
- A. MIOSHA published Safety and Health Standards for Agricultural Operations Part 55 [Agricultural Operations Field Sanitation](#) 1928.110 in November 2014, and it became effective the same month. Part 55, 1928.110 is applicable to agricultural establishments where 11 or more employees are employed on any given day in hand labor operations. Paragraphs 2 and 3 of Section 14n of [Act 154 of 1974](#) (the MIOSH Act) describe potable water provisions and toilet facility requirements for agricultural establishments which employ less than 11 employees.
 - B. MIOSHA has routinely received complaints and referrals regarding the lack of adequate facilities as required under Part 55, 1928.110 or Section 14n of the MIOSH Act. Due to the transient nature of the work, following normal complaint processing protocols has not always allowed MIOSHA to respond as effectively as it would like to complaints and referrals involving field sanitation at agricultural establishments. This instruction establishes specific procedures to enable MIOSHA to respond to these complaints or referrals in a more effective manner.
 - C. On June 22, 1992, OSHA published Compliance Directive CPL 02-02-042 [Guidelines for Implementing the Field Sanitation Standard](#). That instruction provides guidelines for conducting federal inspections of agricultural establishments covered by the Field Sanitation Standard, 29 CFR 1928.110. This instruction incorporates applicable policies and procedures from the OSHA directive on field sanitation and also includes MIOSHA guidelines for conducting agricultural inspections when enforcing MIOSHA Safety and Health Standards for Agricultural Operations, Part 55 [Agricultural Operations Field Sanitation](#) 1928.110 and Section 14n of Act 154.
- XI. Significant Changes. Revised the OSHA Information System (OIS) instructions to reflect changes in Inspection Type coding.
- XII. Appropriations Restrictions. Inspections conducted in accordance with this instruction must utilize appropriate funding sources. The criteria to be used to determine whether to utilize regular funding or 100% State funding, is specified in Agency Instruction ADM-06-7, [Small Farming Operations and Small Employers in Low Hazard Industries – Guidelines for MIOSHA Activity](#), as amended.
- XIII. Training and Education of MIOSHA Personnel. The requirements of the standards and rules covered under this instruction address occupational health hazards. However, either a safety officer (SO) or an industrial hygienist (IH) may conduct inspections under the guidelines outlined in this instruction. The GISHD will ensure that all SOs/IHs are trained on the Field Sanitation Standard, Section 14n of the MIOSH Act, and this instruction prior to conducting these inspections.
- XIV. Scheduling/Inspection Procedures.
- A. Complaints or Referrals. All complaints or referrals concerning alleged violations or hazards related to the standards and rules covered by this instruction shall be processed by the appropriate health supervisor or safety and health manager as

quickly as priorities permit because of the short duration of these operations. Due consideration shall also be given to available resources.

1. In accordance with procedures written in the [MIOSHA FOM](#) Chapter IV, all complaints/referrals alleging violations of field sanitation requirements received from employees or representatives of employees will be assigned as complaints. In addition, reports of unsafe or unhealthy working conditions received from any other individuals alleging to be knowledgeable of the situation, may be treated as either a complaint or a referral depending on: the seriousness of the allegations; level of detail provided; whether or not the referring person or agency actually witnessed the alleged hazards; and any other factors deemed to be appropriate.
2. Reports of alleged violations of field sanitation requirements may be submitted by filling out a written complaint and faxing or mailing the complaint directly to the appropriate district office or the health supervisor. The supervisor may fill out a complaint or referral form by obtaining information over the phone. Complaints and referrals will be processed immediately.
3. Although any health supervisor or any safety and health manager may process a field sanitation complaint/referral, field sanitation complaints or referrals will normally be forward to and processed by the Grand Rapids Office (District 1) Health Supervisor or the Safety and Health Manager who is responsible for administration of this program. If another health supervisor or safety and health manager receives a complaint/referral related to field sanitation, they need to contact the District 1 Health Supervisor immediately.
4. If an IH is not available to conduct an inspection, the health supervisor may contact an SO directly to assign an inspection.
5. Where MIOSHA concurs that an alleged violation is an imminent danger situation, the health supervisor or safety and health manager may immediately contact the employer to request immediate elimination of the hazard. The health supervisor may inform the employer that an inspection will be forthcoming. In that event, an advance notice will be documented in the OSHA Information System (OIS) Inspection tab, Inspection Dates subtab.
6. Although most field sanitation complaints will be handled by an onsite investigation, if a complaint or referral is handled by a telephone or letter investigation only, the employer will be given the following deadlines to provide the agency with adequate abatement assurance.
 - a) Telephone investigation – 24 hours.
 - b) Letter investigation – Five (5) days from the date the letter is mailed.

7. If a complaint or referral handled by a telephone or letter investigation was satisfactorily abated according to the deadlines in 6 above and another complaint or referral is received for the same employer within the current season, an onsite inspection will be assigned.
- B. Programmed Inspections. Agricultural operations that employ migrant or seasonal laborers conducting hand-labor operations tend to be seasonal and of short duration. Some variables which may affect the scheduling and inspection of these operations include types and location of crops, duration, and season.
1. When an SO/IH is in a rural area where hand labor operations in farm fields are expected to be in progress, and if time permits, an SO/IH shall be instructed to look for such operations and if warranted initiate a programmed inspection in accordance with the criteria described in 2 below.
 2. During the peak period of planting or harvesting of crops, and especially during hot weather, the SO/IH making the observation shall initiate an inspection of the operation under the following conditions:
 - a) If one or more employees engaged in hand-labor operations are observed in the field, and
 - b) Observations indicate that there is a lack of water or sanitation facilities.
 3. During non-peak periods of planting or harvesting, or during cold weather, inspections will be conducted only in response to a complaint or a referral.
- XV. Documenting Violations. Acceptable evidence for documenting violations includes:
- A. Personal observations by the SO/IH.
 - B. Photographs taken by the SO/IH.
 - C. Employee interviews or statements from a direct witness or other evidence from a knowledgeable person which indicates that a violation existed at the time a complaint or referral was filed.
 1. Information obtained from employer and employee interviews will be used to assist in determining if a hazard has been ongoing or existed in the recent past as well as to assist the SO/IH in determining the severity of the hazard; i.e. the temperature on a previous day when potable water was not provided for drinking.
 2. When it is necessary to use an interpreter to facilitate employee interviews, the interpreter should not be the owner or a management official.
- XVI. Recording in the OIS Inspection Report. The following additional information must be entered in the Inspection tabs for all field sanitation inspections covered by this Instruction.

- A. On the Inspection Type tab, Inspection Emphasis Program area, State Emphasis Program, the SO/IH will select from the drop-down menu: FIELDSAN.
- B. The appropriate information on funding shall be entered in OIS. Refer to Table 1 of MIOSHA-ADM-06-7, [Small Farming Operations and Small Employers in Low Hazard Industries – Guidelines for MIOSHA Activity](#), as amended, to assist in determining appropriate funding sources and if additional codes S 101 or S 102TLC should be added.

XVII. Classification of Violations.

- A. Failure to supply potable drinking water, toilet facilities, or hand washing materials, especially during peak planting or harvesting periods or during hot weather, generally will be classified as Serious violations. Violations will be classified as Other-than-Serious only when it is clear that the failures to comply are minimal or that, under the conditions in a particular field, the hazards to be controlled by compliance are minimal and unlikely to result in a serious injury or illness to an employee.
- B. The classification of violations involves exercise of professional judgment. All relevant factors must be carefully considered when making classification decisions.

XVIII. Grouping of Citations. Violations of MIOSHA Safety and Health Standards for Agricultural Operations, Part 55 [Agricultural Operations Field Sanitation](#) 1928.110 and Section 14n requirements of the MIOSH Act will normally be grouped together as follows.

- A. Violations related to potable drinking water.
- B. Violations related to toilet and hand washing facilities.
- C. Violations related to maintenance, reasonable use, and informing employees.

XIX. Abatement of Violations.

- A. Employers should be encouraged to abate all violations at the time of the onsite inspection. Due to the short duration of hand-labor field operations, the abatement period specified on written citations shall normally be immediate.
- B. If all violations are abated at the time of the onsite inspection, follow normal case file processing procedures.
- C. If all violations are not abated during the inspection, the SO/IH must contact the Grand Rapids Office Health Supervisor to discuss inspection procedures. In this event citations will normally be issued immediately or as soon as it is feasible to do so.

XX. Follow-up Inspections.

- A. If it is deemed necessary or the agency receives significant feedback that the cited violation was not abated, a follow-up inspection will normally be scheduled as soon as possible.
- B. If a complaint or referral was handled by a telephone or letter investigation, and the employer does not provide abatement assurance within the deadlines given in Section [XIV.A.6](#), then an onsite investigation will be scheduled as soon as possible.