

**VOSH PROGRAM DIRECTIVE:** 12-239C

**ISSUED:** 01 August 2012

**SUBJECT:** Virginia Unique Construction Industry for Sanitation; in General, 16VAC25-160-10, and Field Sanitation Standard, 16VAC25-180-10 [Agriculture]

**Purpose.** **CHANGE I:** This revised directive **updates IMIS coding instructions** for the enforcement of the Virginia Unique Standard for Construction Sanitation. The initial directive, 12-239, and the corrections of 12-239A have been incorporated in this version. **CHANGE II:** This directive transmits an updated reference in these two VOSH unique regulations.

*This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.*

**Scope.** This Directive applies to all VOSH personnel.

**Reference.** CHANGE I: None  
CHANGE II: 76 FR 33590 (08 June 2011)

**Cancellation.** VOSH Program Directive 12-239B (01 January 2006)

**Effective Dates.** CHANGE I: 01 January 2006  
CHANGE II: 15 September 2012

**Action.** Directors, Managers and field personnel shall assure that employers comply with requirements of the Virginia Unique Construction Industry Standard for Sanitation and for the Field Sanitation Standard.

Courtney M. Malveaux  
Commissioner

Distribution: Commissioner of Labor and Industry  
Assistant Commissioner – Programs  
VOSH Directors and Managers  
Legal Support and IMIS Support Staffs

Cooperative Programs Director and Manager  
VOSH Compliance and Cooperative Programs Staffs  
OSHA Region III and OSHA Norfolk Area Offices

Attachments:

**CHANGE I:** None.

**CHANGE II:** Virginia Unique Standard for Construction Sanitation and the Virginia Unique Field Sanitation Standard, with corrections

**I. Background and Implementation Dates.**

**CHANGE I:** On November 5, 1987, the Virginia state AFL-CIO made a request to the Commissioner of Labor and Industry and the Safety and Health Codes Board to adopt amendments to the Sanitation in Construction Industry Standard similar to the requirements contained in the Virginia Field Sanitation Standard (which applies to agricultural workers). Subsequently, the Safety and Health Codes Board met on July 11, 1988, and decided that upgraded sanitation standards were needed for employees and employers in the construction industry. The Commissioner of Labor and Industry then appointed a task force to develop this amendment with the help of DLI staff. The Safety and Health Codes Board, at its September 18, 1990 meeting, approved this Virginia unique standard to replace the previous federal identical standard with an effective date of November 21, 1990. However, on November 20, 1990, the Board delayed the effective date of the amended standard until January 9, 1991 at which time it became effective.

**CHANGE II:** On June 8, 2011, federal OSHA published the Standards Improvement Project – Phase III (SIP III) Final Rule (76 FR 33590). On October 13, 2011, the Safety and Health Codes Board adopted the majority of the revisions to these various standards with an effective date of January 15, 2012. However, the Board did not adopt the two changes related to federal OSHA’s standards, §§1926.51, Sanitation, and 1928.110, Field Sanitation, in SIP III because Virginia has its own unique versions of these standards. Therefore, on May 24, 2012, the Safety and Health Codes Board adopted correcting amendments to the final rules for the Construction Industry Standard for Sanitation; in General, 16VAC25-160-10, and for Field Sanitation Standard, 16VAC25-180-10, with an effective date of September 15, 2012.

**II. Summary.**

**CHANGE I:** This Virginia unique Construction Industry Standard for Sanitation replaces the federal standard and requires employers engaged in construction activities to furnish, without cost to the employees, potable toilet facilities and handwashing facilities.

Potable drinking water containers as well as the toilet and handwashing facilities are required to be maintained in a clean and sanitary condition (in accordance with appropriate public health sanitation practices). The potable drinking water which must be furnished under the standard must be suitably cool and in sufficient amounts so that it is not completely consumed during the workday. Drinking water must be dispensed in single-use drinking cups.

Also, the Standard requires that toilet and handwashing facilities be provided at a 20:1 (workers:facility) ratio. Toilet facilities shall be adequately ventilated, appropriately screened with self-closing doors that can be closed and latched from inside, and shall be constructed to ensure privacy.

**CHANGE II:** The VOSH Program parallels the federal change and updates the reference in the definition of “Potable water” which appears in both of the Virginia unique Construction Industry Standard for Sanitation; in General, 16 VAC25-160-10 (b)(i)(2), and the Field Sanitation Standard, 16 VAC25-180-10 (b). The correction deletes the single word “Interim” from the reference: “U.S. Environmental Protection Agency’s Interim Primary Drinking Water Regulations, published in 40 CFR Part 141”. Also, in 16 VAC25-160-10 (b)(i)(2), VOSH inserted the word “National” before “Primary” to more accurately reflect the title of the referenced regulations. The regulatory changes appear below:

**16VAC25-160-10, Construction Industry Standard for Sanitation; in general**

\*\*\*

(b) Nonpotable water.  
(i) Definitions.  
(2) “Potable water” means water that meets the standards for drinking purposes of the state or local authority having jurisdiction or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency’s National ~~Interim~~ Primary Drinking Water Regulations, published in 40 CFR Part 141.

**16VAC25-180-10, Field Sanitation**

\*\*\*

(b) Definitions.  
“Potable water” means water that meets the standards of drinking purposes of the state or local authority having jurisdiction or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency’s National ~~Interim~~ Primary Drinking Water Regulations, published in 40 CFR Part 141.

**III. Procedures.**

**CHANGE I.**

1. **Citation Numbering Procedures to be printed on VOSH citations.** Violations of the unique standard to be printed on VOSH citations shall be written as follows:

16 VAC 25-160-10-(*plus the applicable sub-paragraph(s) of the standard*)

2. **Codes to Enter Violations into the IMIS Database.**

Data entry on violations of the standard shall correspond with the applicable subparagraph(s) of the standard and be entered into the IMIS database as follows:

- |    |                   |    |               |
|----|-------------------|----|---------------|
| a. | CSAN 0051 a 1 i   | j. | CSAN 0051 b 2 |
| b. | CSAN 0051 a 1 ii  | k. | CSAN 0051 c 1 |
| c. | CSAN 0051 a 1 iii | l. | CSAN 0051 c 2 |

- |    |                   |    |               |
|----|-------------------|----|---------------|
| d. | CSAN 0051 a 2     | m. | CSAN 0051 c 3 |
| e. | CSAN 0051 a 3     | n. | CSAN 0051 c 4 |
| f. | CSAN 0051 a 5 i   | o. | CSAN 0051 c 5 |
| g. | CSAN 0051 a 5 ii  | p. | CSAN 0051 f   |
| h. | CSAN 0051 a 5 iii | q. | CSAN 0051 h   |
| i. | CSAN 0051 B 1     |    |               |

**Correcting Amendments for:  
Construction Industry Standard for Sanitation; in General, 16VAC25-160-10, and  
Field Sanitation Standard, 16VAC25-180-10**

As Adopted by the  
Safety and Health Codes Board

Date: May 24, 2012



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: September 15, 2012

16VAC25-160-10, Construction Industry Sanitation Standard; in General  
16VAC25-180-10, Field Sanitation Standard

**Virginia Administrative Code**

TITLE 16 – LABOR AND EMPLOYMENT  
AGENCY 25 – SAFETY AND HEALTH CODES BOARD

CHAPTER 160

**16VAC25-160-10. Construction industry sanitation standard; in general (29 CFR 1926.51).**

Note: The following standard is unique for the enforcement of occupational safety and health within the Commonwealth of Virginia under the jurisdiction of the VOSH Program. The existing federal OSHA standard does not apply; it does not carry the force of law and is not printed in this volume.

(a) Water supply.

(1) Potable drinking water.

(i) Potable water shall be provided and placed in locations readily accessible to all employees.

(ii) The water shall be 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.

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

(2) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(3) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose. Water shall not be dipped from containers.

(4) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the cups shall be provided.

(5) Maintenance. Potable drinking water, toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, and shall include the following:

(i) Drinking water containers shall be constructed of materials that maintain water quality;

(ii) Drinking water containers shall be refilled daily and shall be covered; and

(iii) Drinking water containers shall be regularly cleaned.

(b) Nonpotable water.

(1) Outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Subpart G of this part ([16VAC25-175-1926.200](#) et seq.), to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(2) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(c) Toilet and handwashing facilities.

(1) One toilet and one handwashing facility shall be provided for each 20 employees or fraction thereof.

(2) Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from inside and shall be constructed to insure privacy.

(3) Toilet and handwashing facilities shall be readily accessible to all employees, accessibly located and in close proximity to each other.

(4) Toilet facilities shall be operational and maintained in a clean and sanitary condition.

(5) The requirements of this paragraph for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(d) NOTE: Rescinded as being inconsistent with the more stringent Virginia Standard.

(e) NOTE: Rescinded as being inconsistent with the more stringent Virginia Standard.

(f) Washing facilities. Hand washing facilities shall be refilled with potable water as necessary to ensure an adequate supply of potable water, soap and single use towels.

(g) Revoked

(h) Waste disposal. (1) Disposal of wastes from facilities shall not cause unsanitary conditions.

(i) Definitions.

(1) "Handwashing" facility means a facility providing either a basin, container or outlet with an adequate supply of potable water, soap and single use towels.

(2) "Potable water" means water that meets the standards for drinking purposes of the state or local authority having jurisdiction or water that meets the quality standards prescribed by the U. S. Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141.

(3) "Toilet facility" means a fixed or portable facility designed for the containment of the products of both defecation and urination which is supplied with toilet paper adequate to meet employee needs. Toilet facilities include biological, chemical, flush and combustion toilets and sanitary privies.

16VAC25-160-20. General industry standards applicable to construction sanitation (29 CFR 1910.141).

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.51, Sanitation), in accordance with their respective scope and definitions.

§ 1910.141 Sanitation

(a)(1) Scope. This section applies to all permanent places of employment.

(2) NOTE: Virginia does not adopt 29 CFR 1910.141(a)(2)(i)-(xi), which sets out definitions applicable to 29 CFR 1910.141. 29 CFR 1910.141(a)(2)(v) has been rescinded.

(v) NOTE: Rescinded as being inconsistent with the more stringent Virginia Standard for potable water ([16VAC25-160-10](#)).

NOTE: Virginia does not adopt 29 CFR 1910.141(a)(3) and (4).

(5). Vermin control. Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

NOTE: Virginia does not adopt 29 CFR 1910.141(b) through (g)(1).

(g)(2) Eating and drinking areas. No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.

NOTE: Virginia does not adopt 29 CFR 1910.141(g)(3) and (g)(4).

(h) NOTE: Rescinded as being inconsistent with the more stringent Virginia Standard.

16VAC25-160-30. Medical services and first aid (29 CFR 1910.151).

NOTE: Virginia does not adopt 29 CFR 1910.151(a) and (b).

(c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.



**Virginia Administrative Code**

**TITLE 16 – LABOR AND EMPLOYMENT  
AGENCY 25 – SAFETY AND HEALTH CODES BOARD**

**CHAPTER 180**

16VAC25-180-10. Field sanitation (29 CFR 1928.110).

Note: The following standard is unique for the enforcement of occupational safety and health within the Commonwealth of Virginia under the jurisdiction of the VOSH Program. The existing federal OSHA standard does not apply; it does not carry the force of law and is not printed in this volume.

(a) Scope. This section shall apply to any agricultural establishment where 11 or more employees are engaged on any given day in hand-labor operations in the field. 16VAC25-180-10 (c)(1) shall apply to all agricultural establishments regardless of the number of employees.

(b) Definitions.

"Agricultural employer" means any person, corporation, association, or other legal entity that:

(i) Owns or operates an agricultural establishment;

(ii) Contracts with the owner or operator of an agricultural establishment in advance of production of the purchase of a crop and exercises substantial control over production; or

(iii) 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 the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

"Hand-labor operations" means agricultural activities or agricultural operations performed by hand or with hand tools. Except for purposes of paragraph (c)(2)(iii) of this chapter, "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-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 and single-use towels.

"Potable water" means water that meets the standards of drinking purposes of the state or local authority having jurisdiction or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency's National ~~Interim~~ Primary Drinking Water Regulations, published in 40 CFR Part 141.

"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.

(c) Requirements. Agricultural employers shall provide the following for employees engaged in hand-labor operations in the field, without cost to the employee:

(1) Potable drinking water.

(i) Potable water shall be provided and placed in locations readily accessible to all employees.

(ii) The water shall be 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.

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

(2) Toilet and handwashing facilities.

(i) One toilet facility and one handwashing facility shall be provided for each twenty (20) employees or fraction thereof, except as stated in paragraph (c)(2)(v) of this chapter.

(ii) Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from the inside and shall be constructed to insure privacy.

(iii) Toilet and handwashing facilities shall be accessibly located and in close proximity to each other. The facilities shall be located within a one-quarter-mile walk of each hand laborer's place of work in the field.

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

(v) 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.

(3) Maintenance. Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, including the following:

(i) Drinking water containers shall be constructed of materials that maintain water quality, shall be refilled daily or more often as necessary, shall be kept covered and shall be regularly cleaned.

(ii) Toilet facilities shall be operational and maintained in clean and sanitary condition.

(iii) Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply and shall be maintained in a clean and sanitary condition; and

(iv) Disposal of wastes from facilities shall not cause unsanitary conditions.

(4) Reasonable Use. The employer shall notify each employee of the location of the sanitation facilities and water and shall allow each employee reasonable opportunities during the workday to use them. The employer also 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 agricultural residues:

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

(ii) Drink water frequently and especially on hot days;

(iii) Urinate as frequently as necessary;

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

(v) Wash hands before eating and smoking.

(d) Dates

(1) Effective Date. This chapter shall take effect on May 30, 1987.

(2) Startup Dates. Employers must comply with the requirements of paragraphs:

(i) Paragraph (c)(1), to provide potable drinking water, by May 30, 1987;

(ii) Paragraph (c)(2), to provide handwashing and toilet facilities, by July 30, 1987;

(iii) Paragraph (c)(3), to provide maintenance for toilet and handwashing facilities, by July 30, 1987; and

(iv) Paragraph (c)(4), to assure reasonable use, by July 30, 1987.