

Other Laws Affecting Labor Conditions

1. Food Safety Modernization Act
2. Heat Illness Prevention

FSMA-Labor Law Context

FSMA's Produce Safety Rule dictates a set of responsibilities that impact employer's relationship with employees in order for the farm to comply with FSMA- Produce Safety Rule.

- Health and Hygiene
 - Equipment to support worker health and hygiene
 - Harvesting and handling practices
 - Access to potable water and bathrooms
- Training

FSMA Produce Safety Rule

First ever mandatory federal standard for growing, harvesting, packing, and holding of fresh produce.

FSMA Produce Safety Rule Covers

- Water in production and post-harvest activities
- **Worker Health and Hygiene**
- Soils and soil amendments
- Wildlife and domestic animals
- Post-harvest handling

FSMA Produce Safety Rule: Who does it apply to?

Some growers may be eligible for an exemption or excluded based on:

- Commodities grown (e.g., rarely consumed raw)
- Processing activities that include a 'kill step'
- Average annual produce sales
- Average annual food sales and sales to 'qualified end users'

Exclusions & Exemptions

- Some growers may be **excluded** based on:
 - Commodities grown (e.g., rarely consumed raw)
 - Average annual produce sales
 - Personal/on-farm consumption
- Some growers may be **exempt** based on:
 - Processing activities that include a ‘kill step’
 - Average annual food sales and to ‘qualified end users’
- Ultimately, all growers should understand and take action to reduce food safety risks on the farm



The labor conditions described here are taken from different federal and state laws

Produce Safety Rule Compliance

Business Size	Years to Comply After Effective Date (1-26-16)*
All other businesses (>\$500K)	2
Small businesses (>\$250K-500K)	3
Very small businesses (>\$25K-250K)	4

**Compliance dates for certain aspects of the agricultural water requirements allow an additional two years beyond each of these compliance dates.*



Toilet & Handwashing Facilities

- Provide a sufficient number of toilets and sinks to meet worker and visitors' needs
 - OSHA requires
 - one facility per 20 workers within $\frac{1}{4}$ mile of the working area OR
 - 5 minute drive if everyone has access to transport
- Facilities must be fully serviced on a regular schedule
- Toilet and handwashing facilities must be well stocked
- Facilities should be monitored every day when in use

Drinking Water & Break Areas

- Workers should be provided with drinking water to reduce the risks of dehydration and heat exhaustion
- Break areas do not need to be a separate building but must be in a designated area
- Healthy workers are better able to do their jobs and implement food safety practices!



Workers Must

- Maintain personal cleanliness
- Avoid contact with animals (other than working animals)
- Maintain gloves in a sanitary condition, if used
- Remove or cover hand jewelry that cannot be cleaned
- Not eat, chew gum, or use tobacco in an area used for a **covered** activity
- Notify their supervisor if they are ill
- Wash their hands



When Must Hands Be Washed?

After using the toilet

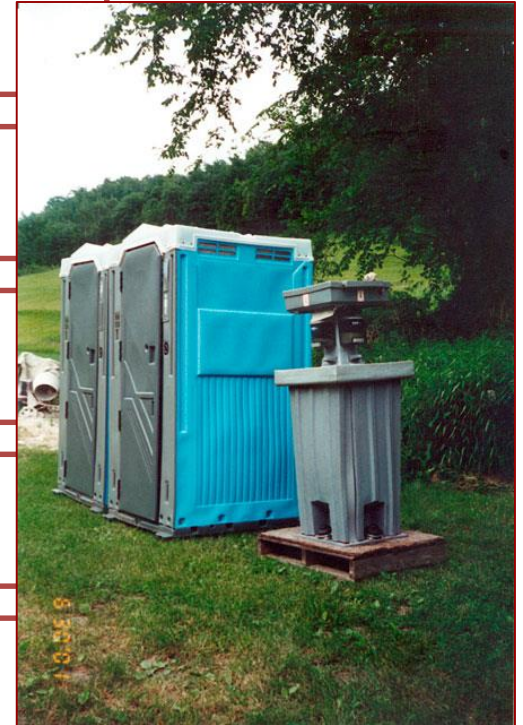
Before starting or returning to work

Before and after eating and smoking

Before putting on gloves

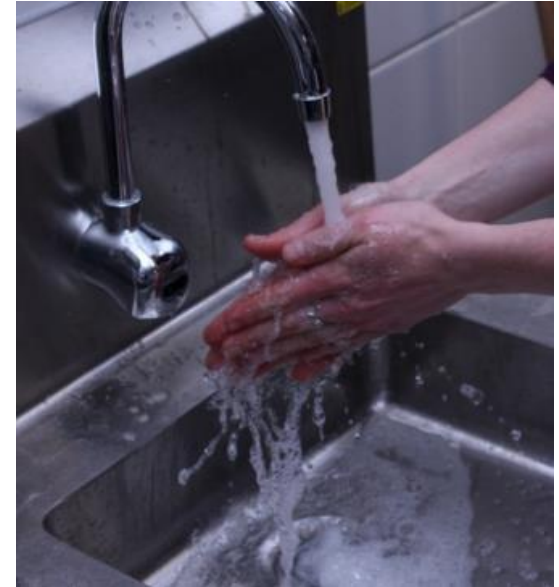
After touching animals or animal waste

Any other time hands may become contaminated



Proper Handwashing

1. **Wet hands** with water
2. **Apply soap and lather.** Be sure to wash the front and backs of hands as well as in between the fingers. Rub hands together for AT LEAST 20 seconds
3. **Rinse** hands thoroughly with clean water
4. **Dry** with a paper towel (turn off faucet with used towel)
5. **Throw** the paper towel in a trash can



Antibacterial hand sanitizers CANNOT replace handwashing

Proper Use of Toilets

- All urination and defecation should be done in a toilet, NEVER in the field or nearby production areas
- Toilet paper should be deposited into the toilet, not in a garbage can or on the floor
- Always wash hands after using the toilet



Worker Clothing

- Clean clothes should be worn each day
- Footwear cleanliness is important
 - Designated footwear helps prevent cross-contamination
- Gloves, if worn, must be changed when they become contaminated or torn
 - If reusable gloves are used, clean often or as needed
- Aprons, gloves, and other food safety equipment should be removed before using the toilet and should be stored in a clean, designated area when not in use



Worker Illness

- Workers who are sick or show signs of illness can contaminate fresh produce
- Ill workers must not handle fresh produce
- You may choose to reassign workers to jobs that do not involve handling produce or food contact surfaces

Heat Illness Prevention: Water

- access to potable drinking water
- Water is fresh, pure, suitably cool, and provided to employees free of charge.
- located as close as practicable to the areas where employees are working.
- If no plumbing, then sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift

Heat Illness Prevention: Shade

- Present when the temperature exceeds 80 degrees Fahrenheit, indoors or outdoors.
- All workers in the area must be able to fit under it
- Employees allowed and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating, permitted at all times.

Heat Illness Prevention: >95°

- Employer shall ensure that the employee takes a minimum ten minute net preventative cool-down rest period every two hours
- may be provided concurrently with any other meal or rest period
- Beyond eight hours, then an additional preventative cool-down rest period will be required at the conclusion of the eighth hour of work

FSMA Training Programs Must Include

- Principles of food hygiene and food safety
- Recognizing symptoms of foodborne illness and the importance of personal hygiene for all personnel and visitors
- Other training relevant to the worker's job



FSMA Training Programs Must

- Be appropriate for the job and conducted upon hiring
- Include refresher training throughout the season (at least annually) or when a problem arises
- Be easily understood
- Be supervised by a qualified person
- Include a process for documenting the training

Training Workers to Identify and Reduce Risks at Harvest

- Evaluate contamination risks before and during harvest such as significant animal activity, presence of fecal matter, damaged crops, or extensive animal tracks
- Never harvest produce destined for the fresh market that is visibly contaminated with feces
- Never harvest **dropped produce**
- Only use clean harvest and packing containers

Resources

Produce Safety Alliance: FSMA Training

<https://producesafetyalliance.cornell.edu/curriculum>

CAFF- Food Safety Worker Training Outline

<http://www.caff.org/programs/foodsafety/templates/>

Western Growers Association OSHA and other employment trainings:

<https://www.wga.com/services/training>