



**House
Legislative
Analysis
Section**

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EXEMPT AG. WORKERS FROM SAFE H2O ACT

House Bill 4301 as enrolled
First Analysis (6-15-89)

Sponsor: Rep. David Jaye
**House Committee: Conservation, Recreation, &
Environment**
**Senate Committee: Natural Resources and
Environmental Affairs**

THE APPARENT PROBLEM:

In 1987, the federal government enacted guidelines governing the number and location of toilet, handwashing, and drinking water facilities (field sanitation facilities) to be provided for agricultural workers, often migrant farmers. The regulations were considered necessary to ensure that migrant workers had sufficient access to sanitary facilities to meet basic human needs. Under federal law, Michigan is required to adopt rules or laws concerning field sanitation facilities that are at least as stringent as the federal guidelines. The Joint Committee on Administrative Rules recently voted to approve rules regulating field sanitation facilities. However, as part of a compromise reached by advocates for migrant workers and the Michigan Farm Bureau, legislation is needed to exempt employers of hand labor operation employees from financially burdensome fee and escrow provisions of the Safe Drinking Water Act.

THE CONTENT OF THE BILL:

The Safe Drinking Water Act includes provisions necessary to ensure the quality of water served to agricultural workers. Currently the act requires water haulers to meet certain provisions to maintain safe drinking water. The bill would amend the act to exclude from the definition of "water hauler" those persons who provide water solely for use by employees. Specifically, the exemptions would apply to provisions of the act requiring plans and specifications of a waterworks system to be filed with the Department of Public Health by a supplier of water, and provisions requiring \$50,000 to be placed in escrow by a developer or private owner for maintenance of the safety of a water supply.

The bill would exempt an agricultural employer from well inspection fees under the act or its rules when a well was used to provide water for use by employees. The bill would define an agricultural employer to mean a person, corporation, association, or other legal entity that employed one or more persons in hand labor operations for the production of food, fiber, or other agricultural products. The bill would define hand labor operations to mean agricultural activities performed by hand or with hand tools, including the cultivating, weeding, planting, and harvesting of vegetables, nuts, fruits, seedlings, and other crops. The bill would specify that hand labor operations would not include logging operations, the care or feeding of livestock, or activities conducted in permanent structures such as canning facilities or packing houses.

MCL 325.1002 and 325.1003a

FISCAL IMPLICATIONS:

According to the Department of Public Health, the bill would have no fiscal implications for the state. (6-19-89)

ARGUMENTS:

For:

Under Michigan law, the water supply of agricultural employers with fewer than 25 employees is not required to be inventoried by the Department of Public Health and is not checked for maintenance of water quality standards unless the department is contacted by a concerned citizen. The recent passage of state and federal rules concerning water quality safety requires farmers with 11 to 25 employees to meet certain water quality safety provisions, including payment of inspection fees and a \$50,000 escrow requirement. Many concerns have been raised about the ability of small farm operations to afford the routine fee and escrow provisions required under the bill. The bill will address these concerns by exempting small farm operations and other employers from the act's burdensome fee and escrow provisions but continuing to require certain water quality standards to be met. The bill will not affect the ability of citizens to contact the department concerning the poor quality of a water supply.

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