

U.S.

■ WAGNER-PEYSER ACT

TERMS: No employer may use the public employment service — including local offices of the state workforce agency — to recruit farmworkers from places outside the area of intended employment unless certain conditions are met relating to employee housing. Workforce agency recruitment assistance will be denied unless (1) the employer has agreed in writing to comply with pertinent laws and regulations, (2) any housing that the employer intends or is required to provide to the recruited workers has been inspected prior to occupancy, and (3) the state workforce agency has determined that the housing meets federal standards.

In general, farm labor housing facilities built after early 1980 must meet the U.S. Occupational Safety and Health Administration's standards for temporary labor camps, described in the previous summary. Housing facilities constructed or under construction before that time must meet either the OSHA regulations or the agricultural worker housing standards prescribed by the U.S. Employment and Training Administration. The ETA standards contain detailed specifications, summarized here:

Housing Site — Sites must be well-drained and sanitary and must provide reasonable recreation space.

Water Supply — The facility must provide an adequate and convenient supply of water that meets state health standards.

Waste Disposal Facilities — There must be facilities for effective disposal of sewage.

Housing Structures — Housing must be structurally sound, in good repair and in sanitary condition.

Screening — All outside openings must be equipped with screens.

Heating — Heating devices must be provided if outside temperatures during periods of normal occupancy fall below 68 degrees F. Stoves and combustible-fuel heaters must be vented and comply with other prescribed safety standards.

Electricity and Lighting — All housing sites must be provided with electric service, and units must be equipped with safe and operable light fixtures and outlets.

Toilets — Toilets or privy seats, in the ratio of not less than one for each 15 occupants and located within 200 feet of each living unit, must be provided and must meet other numerical and qualitative standards.

Bathing and Laundry Facilities — Bathing and laundry facilities, supplied with hot and cold water under pressure, must be located within 200 feet of each living unit. Among other requirements, there must be at least one showerhead and one wash basin for every 15 persons.

Cooking and Eating Facilities — Cook stoves or similar equipment, as well as food preparation and storage space, must be furnished, in conformity with detailed criteria.

Garbage Facilities — Each unit must have nearby access to clean, fly-tight containers for the disposal of garbage and other refuse, in a minimum ratio of one such container for every 15 occupants. Provision must be made for collection at least twice a week.

Insect and Rodent Control — Housing and facilities must be free of insects, rodents and other pests.

Sleeping Facilities — Beds, cots or bunks, together with clean mattresses, must be provided for all occupants.

Safety and First Aid — All structures must be maintained in accordance with state or local fire and safety laws, must provide practical means of escape, and must be equipped with fire extinguishing and first-aid equipment. No flammable liquids or materials other than those for immediate household use may be stored in or around living areas, and agricultural pesticides and toxic chemicals may not be stored in proximity to the housing units.

ENFORCEMENT: *Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20210 (202-693-3046).* ETA monitors the operation of the federal-state employment service system and is responsible for assuring that employers comply with all of the legal conditions on recruitment of workers. However, compliance with the ETA housing standards by employers using the employment service to recruit farmworkers is the immediate responsibility of the designated state workforce agencies. For a list of those agencies, click on "Monitor Advocate Listing" under "Related Programs and Assistance," above.

■ MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

TERMS: In general, no housing facility may be occupied by a migrant agricultural worker unless a state or local health department or other appropriate agency has certified that the facility meets the safety and health standards that apply to the housing, and no person who owns or controls the housing may permit it to be occupied by a migrant agricultural worker unless a copy of the certification of occupancy is posted at the site.

Any person who owns or controls property used as housing for migrant farmworkers is responsible for ensuring that the property complies with the federal and state safety and health standards that apply to it.

In their application for federal registration, farm labor contractors are required to identify each facility or property to be used to house any migrant farmworker. If a contractor owns or controls any such facility or property, there must be documentation submitted with the application showing that the housing has been certified for occupancy. A farm labor contractor may not house migrant farmworkers unless authorization to do so is indicated on the face of the contractor's registration certificate.

ENFORCEMENT: *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* Local offices of the Wage and Hour Division may be located on the agency's website, at www.dol.gov/whd/america2.htm.

Apart from any enforcement action by the Department, a worker who has been harmed as a result of a violation of this law may take legal action against the contractor, employer or other person responsible for the violation directly, using a private attorney or a public legal services program.

SPECIAL NOTE: An employer or farm labor contractor may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. Any such act of retaliation should be reported to the Wage and Hour Division within 180 days after it occurs.

Connecticut

■ PUBLIC HEALTH CODE (*SANITATION FOR AGRICULTURAL AND MIGRANT FARM WORKERS*)

TERMS: Although the state health laws do not require the licensing of migrant labor camps, the public health code prescribes minimum standards that camp owners and operators of such housing are required to maintain. Among many other factors considered during an inspection to determine if a housing facility meets state standards are these:

- The condition of the structures
- The water supply
- The sewage disposal system
- Toilet, bathing, and laundry facilities
- Cooking and eating facilities
- Sleeping accommodations
- Trash disposal facilities

ENFORCEMENT: *Environmental Health Section, Regulatory Services Branch, Department of Public Health, Hartford, Connecticut 06134 (860-509-7293)*. Representatives of the Department may inspect any migrant labor housing facility in the state, either in response to a complaint or on its own initiative. The state agency may delegate its labor camp inspection authority to local health departments.

■ AGRICULTURAL WORKER HOUSING LAW

TERMS: Agricultural employers who provide living quarters to their employees are responsible for assuring that the housing meets sanitation and safety standards adopted by the state labor commissioner under the agricultural worker housing law. The labor commissioner's farmworker housing standards are identical to those contained in the public health code, described in the preceding summary.

ENFORCEMENT: *Division of Occupational Safety and Health, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791)*.

SPECIAL NOTE: The Connecticut Department of Labor has indicated that it may not be able to enforce these provisions against private employers, since Connecticut does not have a federally approved job safety and health plan.

Delaware

■ STATE HEALTH AND SAFETY LAWS (*MIGRATORY AGRICULTURAL LABOR HOUSING*)

TERMS: The state health department has adopted rules regulating migrant labor camps in Delaware, which apply to any structure, trailer or mobile home maintained or used as living quarters for 5 or more migrant farmworkers.

Inspection and Permit — No one may build, advertise or open a migrant labor camp without a permit issued by the state. An application for a permit must be submitted at least 30 days before the expected date of arrival of the occupants. The state agency must inspect the housing before a permit is issued, to determine if the camp meets minimum standards. Permits must be renewed each year.

Minimum Standards — A migrant labor camp may not be issued a permit unless the facility complies with the detailed standards specified in the state rules. Among many other factors considered in determining if a housing facility meets the standards are these:

- The camp site
- The adequacy and condition of the housing structures
- The water supply
- Space and condition of living quarters
- Toilet and bathing facilities
- Lighting
- Heating equipment
- Cooking and eating accommodations
- Laundry facilities
- Garbage and trash facilities
- First aid equipment and safety procedures

ENFORCEMENT: *Migrant Labor Camp Program, Division of Public Health, Delaware Department of Health and Social Services, Dover, Delaware 19901 (302-744-1220).*

Florida

■ PUBLIC HEALTH LAWS (*MIGRANT HOUSING*)

TERMS: The state public health laws regulate migrant labor camps and residential migrant housing in Florida. In brief, a migrant labor camp is one or more buildings, structures, barracks or dormitories provided to seasonal or migrant farmworkers in connection with their employment and used as their living quarters whether they pay rent or not.

Residential migrant housing is a building, structure, mobile home, barracks or dormitory rented or reserved for use by 5 or more migrant farmworkers, but does not include any single-family residence occupied by a single family, or a hotel or motel furnished for short-term occupancy.

Permits — No one may establish or operate a migrant labor camp or residential migrant housing in Florida without first obtaining a permit to do so, and unless the permit is kept posted in the camp at all times.

Inspection — Before a permit may be issued, a migrant housing facility must be inspected and found in compliance with detailed state rules, which cover these and numerous other factors:

- The suitability of the housing site
- The size, construction and condition of camp structures
- The water system
- The sewage disposal system
- Lighting
- Toilet and bathing facilities
- Laundry facilities
- Food service facilities
- Sleeping accommodations
- Garbage and trash disposal facilities and procedures
- Pest control
- Pesticide use, storage and disposal

ENFORCEMENT: *Migrant Farmworker Housing Program, Environmental Health Division, Florida Department of Health, Tallahassee, Florida 32399 (850-245-4250).* County health units are also authorized to inspect migrant housing facilities, and to issue permits to qualified applicants.

SPECIAL NOTE: It is illegal for the owner or operator of a migrant labor camp or residential migrant housing facility to retaliate against residents or occupants who make complaints in good faith about housing and sanitary conditions.

Illinois

■ ILLINOIS MIGRANT LABOR CAMP LAW

TERMS:

Fully Regulated Facilities — Migrant labor camps consisting of one or more buildings, structures, tents, trailers or vehicles established or operated as living quarters for 10 or more migrant agricultural workers, or for 4 or more families containing such migrant workers, are subject to requirements and detailed quality standards contained in the state public health regulations.

Licensing — No one may operate a migrant labor camp, as defined above, without first obtaining a license from the state. To qualify for a license, a camp operated for a total of 21 days or more in any calendar year must meet the minimum standards outlined below.

Inspection — The state licensing agency is required to inspect each camp at least one time before the migrant workers to be housed arrive and at least once while the camp is occupied.

Minimum Standards — Among many other factors considered in determining if a housing facility meets the standards specified in the state regulations are these:

- The camp location and site
- The construction and condition of the housing structures
- The water supply
- Toilet facilities
- Bathing facilities
- Laundry facilities
- Cooking and eating facilities
- Sleeping accommodations
- Fire and safety provisions
- Electric service and fixtures
- Heating equipment
- Garbage and trash facilities

Partially Regulated Facilities — Migrant labor camps used as living quarters for fewer than 10 migrant agricultural workers, or for fewer than 4 migrant families, are not required to be licensed, but they must meet the same construction and equipment standards outlined above and are subject to periodic inspection.

ENFORCEMENT: *Division of Environmental Health, Illinois Department of Public Health, Springfield, Illinois 62761 (217-782-5830).*

As an alternative to filing a complaint with the Department, the law gives workers the right to sue the housing operator in civil court to enforce these provisions, using a private attorney or a public legal services program.

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Indiana

■ AGRICULTURAL LABOR CAMPS LAW

TERMS:

Permits — No person, firm or association may operate a facility to house 5 or more adult seasonal or temporary agricultural workers (including related food processing workers) without first obtaining an agricultural labor camp permit from the state. A labor camp permit may not be issued unless the camp has been inspected by the state within the 60-day period immediately before the camp is occupied.

Inspection Standards — In order to qualify for a permit, such a facility must meet detailed sanitation and safety standards included in the state health department regulations. Among other factors considered in determining if a housing facility meets state standards are these:

- The housing site
- The water supply
- The sewage disposal system
- Living space and the condition of the structures
- Screening on outside doors and windows
- Heating equipment
- The electrical system and lighting
- Toilet and bathing facilities
- Laundry facilities
- Cooking and eating facilities
- Sleeping arrangements
- Garbage and trash equipment and procedures
- Safety equipment and procedures

ENFORCEMENT: *Environmental Public Health Division, Indiana State Department of Health, Indianapolis, Indiana 46204 (317-233-7183).*

Iowa

■ MIGRATORY LABOR CAMP LAW

TERMS:

Permits — No one may operate a migrant labor camp without first obtaining a permit from the state and keeping the permit posted on the property at all times during the camp's operation.

In brief, a migrant labor camp is defined as any structure or vehicle established or maintained as living quarters for 7 or more migrant farmworkers (including the spouse and children of such workers). Included within this definition is any combination of separate living quarters which together house 7 or more migrant workers, all of whom work at any time for the same employer.

Standards — To be eligible for a permit, a migrant labor camp must meet certain minimum standards of health and safety, which are detailed in the public health regulations. Among many other factors considered in determining if a housing facility meets the standards are these:

- Living and sleeping space requirements
- The water supply
- The sewage disposal system
- Toilet and bathing facilities
- Laundry facilities
- Heating requirements
- Lighting requirements
- Cooking, eating and sleeping accommodations
- Trash disposal equipment and procedures
- Fire prevention and other safety equipment and procedures
- Insect and rodent control measures

Reporting of Illnesses — The camp operator must report immediately to the local board of health the name and address of any camp resident known to have or suspected of having a non-minor communicable disease. Similarly, any case of suspected food poisoning or any unusual occurrences of any illness in which fever, diarrhea, sore throat, vomiting or jaundice is a prominent symptom must be reported to the local health authority and to the state health commissioner.

Rental Charges — No camp operator or any other person may make a rental charge or deduction from a worker's wages for providing migrant labor housing or related housing facilities unless the worker is informed of the charge before contracting for the employment.

ENFORCEMENT: *Migrant Labor Camp Program, Bureau of Environmental Health Services, Iowa Department of Public Health, Des Moines, Iowa 50319 (515-281-8561).*

Maine

■ **AGRICULTURAL LABOR HOUSING STANDARDS LAW**

TERMS: Housing provided to more than 5 agricultural workers by an agricultural employer must meet health and safety standards identical to the housing standards adopted under the federal Migrant and Seasonal Agricultural Worker Protection Act (*see entry, U.S. — Housing — Farm Labor Housing Standards*).

ENFORCEMENT: *Bureau of Labor Standards, Maine Department of Labor, Augusta, Maine 04333 (207-623-7900)*. This agency has authority to inspect agricultural labor housing facilities subject to this law at any reasonable time, to determine compliance with the health and safety rules that apply to such facilities.

As an alternative to filing a complaint with the state labor department, a worker affected by a violation of these provisions may take legal action against the owner of the housing facility directly, using a private attorney or a public legal service provider.

Massachusetts

■ PUBLIC HEALTH LAWS (*FARM LABOR CAMPS*)

TERMS:

Certificates of Occupancy — Any building or vehicle that contains sleeping facilities provided in connection with farm employment, and that is occupied by or intended to house 2 or more farmworkers or members of their families, must be inspected each year by the state enforcement agency or the local board of health. If a camp meets minimum state standards, the state agency will issue a certificate of occupancy, which must be posted at the camp before the facility may be occupied.

Inspection Standards — Farm labor camps must meet detailed safety and health standards contained in the state public health regulations. Among the factors considered in determining if a camp meets the standards are these:

- The size and condition of camp structures and living areas
- The water supply
- The sewage disposal system
- Lighting and electrical facilities
- Availability and condition of door and window screens
- Toilet facilities
- Bathing facilities
- Cooking and eating facilities
- Sleeping accommodations
- Exits in case of emergency
- Laundry facilities
- Heating equipment
- Insect and rodent control measures
- Trash disposal equipment and procedures
- Safety conditions and equipment
- Hazardous material storage

ENFORCEMENT: *Community Sanitation Program, Bureau of Environmental Health, Massachusetts Department of Public Health, Boston, Massachusetts 02108 (617-624-5757)*. Any occupant of a farm labor camp or other interested party who has knowledge of a violation of the farm labor camp standards may file a complaint with the Department or the local board of health. The state agency is required to investigate each such complaint within 30 days after filing.

Michigan

■ PUBLIC HEALTH CODE (*AGRICULTURAL LABOR CAMPS*)

TERMS: Michigan's public health code regulates the licencing and operation of agricultural labor camps in the state. An agricultural labor camp is defined briefly as any building, vehicle or other structure used as living quarters for 5 or more migrant workers involved in agricultural activities, including related food processing.

Licensing — No one may operate an agricultural labor camp, or allow a labor camp to be occupied, unless a license for the housing has been issued and is posted in plain sight on the premises. An application for a license to operate an agricultural labor camp must be submitted at least 30 days before the camp is occupied.

Minimum Standards — A license may not be issued unless inspection prior to occupancy shows that the housing conforms to minimum health and safety standards. Among other factors considered in determining if a housing facility meets the standards are these:

- The water supply
- The adequacy and condition of the structures
- Living space and sleeping accommodations
- Ventilation, lighting and electricity
- Heating
- Toilet facilities
- Bathing and laundry facilities
- Cooking, refrigeration and eating facilities
- Sewage systems and trash disposal
- Safety equipment and procedures
- Restrictions on hazardous materials

ENFORCEMENT: *Environmental Stewardship Division, Michigan Department of Agriculture and Rural Development, Lansing, Michigan 48909 (517-284-5621).* The Department may use the services of local health departments to conduct pre-licensing camp inspections and investigations of complaints or violations.

New Jersey

■ SEASONAL FARM LABOR ACT

TERMS: The Seasonal Farm Labor Act regulates the construction, maintenance and operation of farm labor camps in New Jersey, briefly defined as one or more buildings, structures, tents or vehicles used as living quarters by migrant, seasonal or temporary workers in connection with any work or workplace.

Certificate of Compliance — No farm labor camp may be maintained or occupied without a certificate of compliance issued by the state. The owner or operator of a camp must generally apply for a certificate no later than 60 days before it opens for the year, and the state enforcement agency has 45 days to conduct an inspection of the facility.

If no inspection has been made within that time, the camp may be opened but may be closed if later inspection reveals that it does not meet state standards. Likewise, whenever the state agency finds that a camp for which a certificate has been issued no longer meets the standards, the certificate may be revoked.

Camp Standards — The law prescribes specific requirements which farm labor camps must comply with to qualify for occupancy. Among many other factors considered in determining if a housing facility meets the standards are these:

- The water supply
- Toilet facilities
- Bathing facilities
- Sleeping accommodations
- Food preparation and eating facilities
- Trash disposal equipment and procedures

ENFORCEMENT: *Agricultural Compliance Section, Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-984-3004).*

SPECIAL NOTE: In a 1978 case, a state court ruled that the housing provisions of the Seasonal Farm Labor Act cannot be enforced, at least in part, because the federal Occupational Safety and Health Act takes away the state's authority to enforce rules where similar federal rules already exist (*see entry, U.S. — Housing — General Employee Housing Standards*) and the state does not have an OSHA-approved job safety and health program.

New York

■ PUBLIC HEALTH LAW (*LABOR CAMPS*)

TERMS:

Permits — No one may use any property to house 5 or more people, or allow any property under their control to be occupied by 5 or more people, one or more of whom are employed as laborers in farm activities, without first obtaining a migrant labor camp permit from the state. Application for a permit must be made each year, at least 30 days before the camp's first day of operation or occupancy.

Minimum Standards — A migrant labor camp permit may not be issued unless the housing facility meets the detailed sanitation requirements contained in the state environmental health rules. Among other factors considered in determining if a housing facility meets the standards are these:

- The condition of the camp site
- The condition of camp structures
- The water supply
- Lighting and ventilation
- Heating equipment
- Toilet facilities
- Cooking and eating facilities
- Sleeping accommodations
- Bathing facilities
- Laundry facilities
- Trash storage and collection facilities
- Fire safety conditions and equipment

Medical Facilities — The camp operator must make arrangements for access to adequate medical care at or readily available to the camp. A functional first-aid kit must be kept in an accessible location on the grounds.

Hazardous Materials — Except for those needed for current household use, no flammable or volatile materials may be stored in or adjacent to rooms used for living purposes. Agricultural pesticides and toxic chemicals may not be stored in the housing area.

ENFORCEMENT: *Bureau of Community Environmental Health and Food Protection, New York State Department of Health, Albany, New York 12237 (518-402-7600)*. Anyone with knowledge of a possible violation of the state labor camp regulations may file a complaint with the Department.

County health commissioners and local health boards may assist in the enforcement of these provisions.

North Carolina

■ MIGRANT HOUSING ACT OF NORTH CAROLINA

TERMS: The Migrant Housing Act regulates the health and safety of all migrant labor housing facilities in North Carolina.

Inspection and Certification — Anyone who owns or controls housing used as living quarters for workers required to be absent overnight from their permanent place of residence must request an inspection of the housing at least 45 days before it is occupied. In general, the housing may be occupied only if it has been certified by the state labor department or the U.S. Department of Labor to be in compliance with the standards adopted under this law.

Standards — Migrant housing facilities generally must meet the labor camp standards established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) but are subject to state rules that govern water quality, sewage systems, heating systems, fire safety, food service facilities, and bedding.

Inspections After Occupancy — After a migrant housing facility is occupied, inspections are normally allowable only if (1) workers and their families arrived before the expected occupancy date and were allowed to enter for the time being, (2) pre-occupancy inspection found violations, (3) the housing was found in violation in a previous year, or (4) a health hazard or violation has been reported by a government official or someone with first-hand knowledge and the report is credible.

Uninhabitable Housing — If a migrant housing facility is found to be unsafe or unfit for habitation but not reasonably expected to cause death or serious physical harm, anyone living there may be allowed to remain for up to 14 days while the housing owner or operator attempts to locate alternative housing for them; any alternative housing must be provided at or below the cost the occupants were paying for the housing being vacated. Occupied housing deemed uninhabitable and likely to cause death or serious injury cannot continue to be occupied, and the owner or operator must provide alternative housing at equal or lesser cost *immediately*.

ENFORCEMENT: *Agricultural Safety and Health Bureau, Occupational Safety and Health Division, North Carolina Department of Labor, Raleigh, North Carolina 27603 (919-807-2926; toll-free 800-625-2267)*. This agency has primary responsibility for inspecting migrant housing facilities under the Act, and for issuing certifications authorizing occupancy. The Department also has authority to investigate and respond to reports of alleged violations.

The agency responsible for enforcing the water and sanitation regulations that apply to migrant housing is the *North Carolina Department of Environmental Quality, Raleigh, North Carolina 27603 (877-623-6748)*.

Ohio

■ AGRICULTURAL LABOR CAMP LAW

TERMS: This law regulates the operation of agricultural labor camps in Ohio, defined in brief as one or more structures, trailers, tents or vehicles established or used as temporary living quarters for 2 or more families or 5 or more workers engaged in agriculture or related food processing.

Licensing and Inspection — No agricultural labor camp may be operated in Ohio without a license issued by the state. Anyone who intends to operate such a facility during the year generally must apply for a license before April 15 of that year. A license will not be issued unless tests indicate that the water supply meets state standards and the housing is free of violations related to sanitation, drainage or habitability.

Labor Camp Standards — The public health director has adopted minimum standards that must be met before an agricultural labor camp license may be issued. Among many other factors considered in determining if a housing facility meets these standards are these:

- The condition of the camp site and buildings
- The water supply
- The electrical system and lighting
- The sewage disposal system
- Ventilation and screens
- Toilet facilities
- Bathing facilities
- Cooking space and facilities
- Sleeping accommodations
- Laundry facilities
- Heating equipment
- Trash disposal equipment and procedures
- Pest control measures
- Safety equipment and restrictions on hazardous materials

ENFORCEMENT: *Agricultural Labor Camp Program, Bureau of Environmental Health, Ohio Department of Health, Columbus, Ohio 43215 (614-644-7455).*

Oregon

■ OREGON SAFE EMPLOYMENT ACT (*AGRICULTURAL LABOR HOUSING*)

TERMS: Under the Safe Employment Act, Oregon has adopted regulations to assure the health and safety of occupants of housing which is rented, leased or provided free of charge to farmworkers by an agricultural employer, farm labor contractor, or a housing operator in connection with the workers' farm employment. The following is a summary of key provisions.

Registration — All labor housing facilities must be registered with the state at least 45 days before opening each year.

Minimum Standards — Among many other factors considered in determining if a housing facility meets the standards specified in the state regulations are these:

- The size and condition of the housing site
- The availability of electric service
- The water supply
- Toilet, bathing and laundry facilities
- The sewage disposal system and plumbing
- Trash collection equipment and procedures
- The size and condition of living areas
- Heating equipment
- Sleeping accommodations
- Lighting and ventilation
- Fire protection devices and emergency escape facilities
- Cooking and eating facilities
- First aid equipment and emergency planning procedures

Closure and Alternative Housing — In the event a governmental authority declares a housing facility uninhabitable and orders it vacated, the operator of the facility must provide the occupants with replacement lodging for up to 7 consecutive days. The replacement housing must be approved in advance by Oregon OSHA and must be available at no charge to the displaced occupants.

ENFORCEMENT: *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may file a complaint with the *Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844)* at any time within 90 days after learning of the alleged violation.

■ LABOR AND EMPLOYMENT LAWS (*FARMWORKER CAMPS*)

TERMS: Anyone who provides housing for workers recruited or employed in the production or harvesting of farm crops must obtain a state license as a farm labor contractor and a special license endorsement to operate a farmworker camp.

Labor Contractor Licensing — An operator of a farmworker camp must apply to the state for a farm labor contractor license (*see entry, Oregon — Labor Contractors & Worker Recruitment — Farm Labor Contractor Registration*).

Farmworker Camp Endorsement — Once licensed, the farmworker camp operator must apply for a license endorsement authorizing operation of the camp. Among the requirements for receipt of a camp endorsement, the applicant must (1) pay an annual license fee, (2) obtain a bond or post a cash deposit of at least \$15,000 to cover potential damages from operation as a contractor and housing operator, and (3) pass an examination testing the applicant's knowledge and competence to operate as a labor contractor, including lawful operation of a farmworker housing facility.

Recordkeeping — Farmworker camp operators are required to make and keep for a period of 3 years records related to their housing activities. Among other information, the records must include the names and addresses of the residents of the camp, the dates of occupancy of each resident, records of any financial transactions between the operator and the residents, and records of any government-agency inspections of the camp and any citations issued.

Posting — In an outside area of the camp easily visible to occupants and visitors, the camp operator is required to keep conspicuously posted a notice disclosing the existence of the surety bond or deposit posted by the camp operator. The notice must indicate the amount of the bond or deposit, and note that it is conditioned on the operator's payment of all sums legally owed to any employees or camp occupants, and any damages resulting from fraud, misrepresentation or other unlawful act or omission on the camp operator's part.

Access to Telephone — When workers occupy farmworker housing that is owned or controlled by the employer, the employer must ensure that the occupants have reasonable access to an operating telephone at all times for emergency use. For non-emergency private use, the employer must provide workers occupying the housing with reasonable access to a telephone located within a 2-mile radius of the housing.

ENFORCEMENT: *Labor Contracting Unit, Wage and Hour Division, Oregon Bureau of Labor and Industries, Salem, Oregon 97305 (503-373-1463).* This agency administers the licensing of farm labor contractors in Oregon, including the issuance of farmworker camp operator endorsements. A person adversely affected by fraud, misrepresentation, or any other alleged violation of these provisions committed by a farmworker camp operator, may file a complaint against the camp operator and may have a claim against the operator's bond or deposit.

Housing — Farm Labor Housing Standards

As outlined in the previous entry, enforcement of the safety and sanitation standards that apply to agricultural housing facilities in Oregon is the responsibility of the *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689)*. Any occupant of a farmworker camp who has a question or complaint about the housing itself may contact this agency.

SPECIAL NOTE: A farmworker camp operator may not fire, evict or discriminate in any manner against a person because the person has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Pennsylvania

■ SEASONAL FARM LABOR ACT (*SEASONAL FARM LABOR CAMPS*)

TERMS: The Seasonal Farm Labor Act, among other things, regulates the operation of seasonal farm labor camps in Pennsylvania. Briefly, a farm labor camp is any living quarters intended for use by workers employed seasonally or temporarily in the planting, cultivation, harvest, sorting or packing of farm crops before processing, or housing operated by an employer or farm labor contractor and occupied by 4 or more unrelated persons.

Permits — It is illegal for anyone to operate a seasonal farm labor camp, or allow such a camp to be occupied, without first obtaining a permit from the state to do so. Application for a permit must be made at least 60 days prior to occupancy. Permits are valid for one year from the beginning month of operation.

Inspection — The state enforcement agency will not issue or renew a permit until an inspection is completed and the agency finds that the camp meets the standards discussed below. The camp may also be inspected from time to time thereafter.

Minimum Standards — To provide for safe, healthful and sanitary living conditions, the state has adopted detailed standards that seasonal farm labor camps must comply with as a condition for occupancy and continued operation. Among other factors considered in determining if a housing facility meets the standards are these:

- The condition of the housing site
- The condition of the housing structures
- The adequacy of the space to accommodate the number of residents
- Lighting and electrical facilities
- The water supply
- The sewage disposal system
- Cooking and eating facilities
- Toilet facilities
- Bathing facilities
- Laundry facilities
- Sleeping accommodations
- Trash collection equipment and procedures
- Heating equipment
- Pest control equipment and measures
- Safety equipment and emergency escape facilities
- Restrictions on storage of hazardous materials

ENFORCEMENT: *Farm Labor Camp Housing Program, Bureau of Food Safety and Laboratory Services, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania 17110 (717-787-4315).* Any seasonal farmworker or representative of seasonal farmworkers who believes a farm labor camp is in violation of the Act may request an inspection by the Department. At the request of the worker, the worker's name may be kept confidential until such time as formal enforcement proceedings, if any, are brought against the camp owner.

SPECIAL NOTE: Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a complaint under the Seasonal Farm Labor Act is punishable as a criminal offense.

Texas

■ MIGRANT LABOR HOUSING FACILITIES LAW

TERMS: No one may operate a migrant labor housing facility in Texas — briefly defined as one or more structures or vehicles used for more than 3 days as living quarters for 3 or more migrant, seasonal or temporary agricultural workers, or for 2 or more such families, whether or not rent is charged in connection with use or occupancy — without first obtaining an annual license from the state to do so. The license must be kept posted at the facility to which it applies at all times during its maintenance or operation.

Application and Inspection — Application for a migrant labor housing facility license must be made at least 45 days before its intended opening. Within 30 days after receiving an application, the state licensing agency must inspect the facility, and if it meets the minimum standards applicable to such housing, the agency will issue a license.

Minimum Standards — The state has adopted detailed safety and sanitation standards that migrant labor housing must meet to qualify for a license. Among other factors considered in determining if a housing facility meets those standards are these:

- The location and condition of the housing site
- The size and condition of the housing structures
- The water supply
- The electrical system and lighting
- The sewage disposal system
- Cooking and eating arrangements
- Sleeping accommodations
- Heating equipment
- Toilet facilities
- Bathing facilities
- Laundry facilities
- Trash collection equipment and procedures
- The condition of screens on exterior doors and windows
- Insect and rodent control facilities
- Safety equipment and means of emergency escape
- Restrictions on storage of hazardous materials

ENFORCEMENT: *Texas Department of Housing and Community Affairs, Austin, Texas 78711 (512-475-3976)*. This agency is responsible for inspecting and licensing migrant labor housing in the state. A worker who has a complaint or question about a migrant housing facility covered by this law may contact TDHCA toll-free, at 877-313-3023.

Using a private attorney or public legal service provider, a worker may apply to district court for an injunction to restrain a violation of any provision of the migrant labor housing facilities law and the associated regulations.

Virginia

■ MIGRANT LABOR CAMP LAW

TERMS: This law regulates the operation of migrant labor camps in Virginia, briefly defined as one or more structures, vehicles or other facilities used as living quarters for one or more people, at least one of whom is a migrant worker engaged in agricultural activities, including related food processing.

Permits — No one may operate a migrant labor camp without first obtaining an annual permit from the state. A permit application must be submitted at least 30 days before the camp is to be opened.

Inspections — After the initial permit inspection, a camp may be inspected as often as necessary while it is occupied.

Standards — In general, in order to qualify for a permit and keep the permit in force, migrant labor housing must meet the minimum standards prescribed by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*). Operators of migrant camps built before early 1980, however, may choose to comply with either the OSHA standards or the farmworker housing regulations of the U.S. Employment and Training Administration (*see entry, U.S. — Housing — Farm Labor Housing Standards*).

In addition to meeting the OSHA or ETA standards, migrant camps in Virginia must also comply with supplemental requirements related to construction, the water supply, sewage disposal, trash and garbage collection, and storage of hazardous materials.

ENFORCEMENT: *Office of Environmental Health Services, Virginia Department of Health, Richmond, Virginia 23219 (804-864-7473).*

In addition to this agency, local health departments may also conduct periodic inspections of migrant labor camps to check compliance with the labor camp law and regulations.

Wisconsin

■ MIGRANT LABOR LAW (*MIGRANT LABOR CAMPS*)

TERMS: Migrant labor camps in Wisconsin — briefly defined as any site and structures maintained as living quarters for one or more workers who leave their principal place of residence outside the state and come to Wisconsin for not more than 10 months a year to engage in seasonal agricultural employment — are subject to certification and sanitation requirements prescribed in the state's migrant labor law.

Certification — No one may operate a migrant labor camp without an annual certificate from the state. By April 1 each year, or no later than 30 days before opening a new camp, the owner or operator of the facility must apply for certification. The state agency must inspect each camp requesting certification, and if the camp complies with minimum standards, the agency will issue a certificate authorizing operation of the facility through March 31 of the following year.

Minimum Standards — The state agency has adopted detailed specifications for certification of migrant labor housing. Among other factors considered in determining if a housing facility meets the standards are these:

- The condition of the housing site
- The size and condition of the housing structures
- The water supply
- The waste disposal system
- The condition of exterior door and window screens.
- Heating equipment
- Electric service and lighting
- Toilet facilities
- Bathing facilities
- Laundry facilities
- Cooking and eating facilities
- Sleeping accommodations
- Trash containers and disposal procedures
- Fire safety devices and means of emergency escape
- Restrictions on storage of hazardous materials

Operator Responsibilities — At least once a week, the camp operator is required to inspect the camp to see that all areas are kept clean and orderly, and that broken or damaged property is promptly repaired. The operator must designate someone to maintain the grounds and common-use facilities, and if the camp houses 100 persons or more, the operator must provide a full-time staff member for that purpose.

Notice of Pesticide Applications — At least 24 hours in advance, the camp operator is required to provide camp occupants with notice of any pesticide application on any land next to the camp which is owned or controlled by the operator. Likewise, whenever a camp operator is alerted to an aerial pesticide application on nearby land belonging to someone else, the operator must advise camp occupants as soon as reasonably possible. In either case, notice must be posted on a camp bulletin board or other central gathering place, and must be written in English and in the occupants' language, if other than English.

ENFORCEMENT: *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002).* This agency is responsible for inspecting and certifying migrant labor camps in Wisconsin, and for enforcing the continued compliance of licensed housing with the state minimum standards.

A migrant worker affected by a violation of the migrant labor law by an employer or migrant labor contractor has a right to file suit against the violator in civil court, using a private attorney or public legal service provider.

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any way against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the employer or contractor involved, using a private attorney or public legal service provider.