

U.S.

■ OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (*TEMPORARY LABOR CAMPS*)

TERMS: Farm operators and other agricultural employers who operate temporary labor camps for the use of their workers must comply with specific requirements concerning the location, construction and equipment of those facilities. Some of the key provisions of the temporary labor camp standards are summarized here.

Site — The land on which a labor camp is located must be adequately drained, protected against flooding, and situated no closer than 200 feet to pools of water. The property must be large enough to prevent crowding of housing units and other buildings, and must be at least 500 feet from areas where livestock is kept.

Construction — The housing must be constructed in such a way as to protect occupants from exposure to the elements. Sleeping rooms must contain at least 50 square feet of floor space per occupant and have ceilings at least 7 feet in height. Beds must be provided and spaced to avoid overcrowding. Floors, windows, doors, heating, and cooking facilities must meet specific rules of construction and safety.

Water Supply — An adequate and convenient water supply, approved by a state or local health authority, must be provided.

Toilet Facilities — An adequate number of toilet facilities in relation to the capacity of the camp must be provided, in accordance with prescribed specifications.

Sewage Disposal — Toilets and drains must be connected to a public sewer system, where available.

Laundry and Bathing Facilities — Laundry, handwashing, and bath or shower facilities, with hot and cold running water, must be provided in specified numbers, according to the occupancy of the camp. Clothes-drying facilities must also be provided.

Lighting — Where electricity is available, light fixtures and electrical outlets must meet minimum requirements as to number and location.

Trash and Garbage — At least one container for the disposal of trash and garbage must be furnished for each family, within 100 feet of the unit.

Cooking and Eating Accommodations — Equipment for preparing and serving meals must be provided in each family unit or in central cooking and eating areas. Such facilities must comply with specified food service standards.

Pest Control — Preventive measures for the control of insects, rodents and other pests at the camp site and in living areas must be followed.

First Aid — Adequate and accessible first-aid facilities, approved by a public health authority, must be supplied and maintained in every camp, for emergency treatment of injuries.

Communicable Disease Reporting — The person in charge of the camp must report to the local public health authority all cases of communicable disease, food poisoning, and similar outbreaks.

ENFORCEMENT: *Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210 (202-693-1999; toll-free 800-321-6742).*

Under a written plan approved by the Occupational Safety and Health Administration, each of the following states is authorized to enforce its own temporary labor camp standards, identical or very similar to those described above:

Arizona, California, Hawaii, Maryland, Michigan, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, Tennessee, Vermont, Virginia, and Washington.

In these states, OSHA generally does not play a part in enforcing the labor camp provisions. For the name of the state agency responsible for compliance, see the first summary under the heading "*Housing*" for the particular state of interest.

Arizona

■ **ARIZONA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (*TEMPORARY LABOR CAMPS*)**

TERMS: Under the authority of the occupational safety and health law, the state industrial commission has adopted standards regulating temporary labor camps provided by employers for the use of their workers. Arizona's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Division of Occupational Safety and Health (ADOSH), Industrial Commission of Arizona, Phoenix, Arizona 85005 (855-268-5251).*

SPECIAL NOTE: An employer 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.

California

■ CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT OF 1973 (*TEMPORARY LABOR CAMPS*)

TERMS: Under the authority of the state occupational safety and health law, the administering agency has adopted standards regulating temporary labor camps provided by employers for the use of their workers. California's temporary labor camp standards are substantially similar to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Division of Occupational Safety and Health (Cal/OSHA), California Department of Industrial Relations, Oakland, California 94612 (510-286-7000).* Workers who believe they are or have been exposed to a workplace hazard in violation of the Act may submit a complaint by contacting the nearest Cal/OSHA office, a list of which is accessible online at www.dir.ca.gov/dosh/complaint.htm.

SPECIAL NOTE: A person 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. Furthermore, workers may not be fired or laid off for refusing to work in a workplace or on a job where there is an apparent hazard that violates these provisions. The name of any person who submits a complaint regarding workplace safety must be kept confidential unless the person requests otherwise.

The agency responsible for enforcing the anti-retaliation provision is the *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612 (510-285-2118).*

■ EMPLOYEE HOUSING ACT

TERMS: The Employee Housing Act requires the licensing and inspection of labor camps and other housing facilities provided to 5 or more workers by their employer, and certain rural housing accommodations used by 5 or more agricultural workers as a temporary or seasonal residence.

Licensing — No one may operate a labor camp without a valid permit issued by the state. A permit may be issued for from one to 5 years, depending on the type of facility.

Inspections — At least once each year, state or local enforcement officials must inspect all registered labor camps and any attached equipment and accommodations, to assure compliance with the detailed health and safety standards included in the state regulations. Among the factors considered in determining if a housing facility meets licensing standards are these:

- The building site and structures
- Sleeping areas and accommodations
- Kitchens and mess halls
- Fire equipment and procedures
- The plumbing system and sanitation facilities
- The water system
- Heating equipment
- The electrical system and fixtures

Tenants' Rights — No one who operates a labor camp consisting only of permanent units may increase rent, decrease services, evict, threaten not to renew occupancy, or otherwise retaliate against a tenant because of a complaint by the tenant concerning the housing facility or the exercise of any other right under the Act.

Complaints — Any person living in housing subject to this law may file a complaint with the state or local enforcement agency, provided the person also delivers a copy of the complaint to the employer at the same time.

ENFORCEMENT: *Employee Housing Program, Codes and Standards Division, California Department of Housing and Community Development, Sacramento, California 95833 (916-445-9471).*

Under certain conditions, the Department may authorize a city or county agency to enforce these provisions within the agency's local area.

If the state or local enforcement agency does not take legal action against an employer or housing operator within 21 days after a complaint regarding employee housing is filed, the worker may sue the employer or operator directly, using a private attorney or a public legal services program.

Colorado

■ DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT GENERAL PROVISIONS

TERMS: Any building, trailer, tent, vehicle or other structure used as temporary living quarters for one or more farmworkers must comply with sanitation and safety standards adopted by the board of health. Among other points taken into account in determining if a housing facility meets state standards are these:

- The building site
- Condition of the structures
- The water supply
- The waste disposal system
- Heating
- Lighting
- Household furnishings
- Cooking and eating facilities
- Toilet, bathing and laundry facilities
- Fire protection
- Trash and garbage disposal facilities
- Pest control procedures

ENFORCEMENT: *Division of Environmental Health and Sustainability, Colorado Department of Public Health and Environment, Denver, Colorado 80246 (303-692-3645).*

Connecticut

■ **EMPLOYEE PROTECTION LAWS (*LABOR HOUSING*)**

TERMS: Any person or company that maintains or controls any building used as housing for workers in its employ must, within 72 hours after the housing is occupied, notify the local health authority. Within 5 days after notification, the local health authority is required to inspect the property and may order corrective action, or forbid use of the housing altogether, if the housing endangers the health of the occupants.

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.

Hawaii

■ **HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW (*TEMPORARY LABOR CAMPS*)**

TERMS: Under the authority of the Occupational Safety and Health Law, the state labor department has adopted standards regulating temporary labor camps provided by employers for the use of their workers. Hawaii's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Occupational Safety and Health Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-9110).*

Maryland

■ **MARYLAND OCCUPATIONAL SAFETY AND HEALTH ACT (*TEMPORARY LABOR CAMPS*)**

TERMS: Under the authority of the occupational safety and health law, the state labor commissioner has adopted standards regulating temporary labor camps provided by employers for the use of their workers. Maryland's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Maryland Occupational Safety and Health Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Hunt Valley, Maryland 21031 (410-527-4499).*

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.

Michigan

■ MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (*TEMPORARY LABOR CAMPS*)

TERMS: Under the authority of the state occupational safety and health law, Michigan has adopted standards regulating temporary labor camps provided by employers for the use of their workers. Michigan's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Michigan Occupational Safety and Health Administration (MIOSHA), Michigan Department of Licensing and Regulatory Affairs, Lansing, Michigan 48909 (517-284-7777).*

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.

Nevada

■ STATE SANITATION LAWS (*CONSTRUCTION AND LABOR CAMPS*)

TERMS: Every labor camp that houses 5 or more farmworkers or other employees may be inspected periodically by state and local health authorities and must comply with detailed health and sanitation standards adopted by the state board of health. Among many other factors considered in determining if a housing facility meets state standards are these:

- The building site
- The water system
- Living and sleeping quarters
- Cooking and eating facilities
- Toilet facilities
- Bathing facilities
- Laundry facilities
- Garbage and sewage disposal systems
- Lighting

ENFORCEMENT: *Environmental Health Section, Division of Public and Behavioral Health, Nevada Department of Health and Human Services, Carson City, Nevada 89701 (775-687-7533).*

Local boards of health have the same inspection and enforcement authority as the state agency.

■ NEVADA OCCUPATIONAL SAFETY AND HEALTH ACT (*TEMPORARY LABOR CAMPS*)

TERMS: Under the authority of the occupational safety and health law, the state industrial relations agency has adopted standards regulating temporary labor camps provided by employers for the use of their workers. Nevada's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Nevada Occupational Safety and Health Administration (NVOSHA), Division of Industrial Relations, Nevada Department of Business and Industry, Henderson, Nevada 89074 (702-486-9020).* A worker or worker representative who is aware of a violation of the temporary labor camp standards may request an investigation by notifying NVOSHA.

SPECIAL NOTE: An employer 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.

New Mexico

■ OCCUPATIONAL HEALTH AND SAFETY ACT (*TEMPORARY LABOR CAMPS*)

TERMS: Under the authority of the occupational health and safety law, the state environmental improvement board has adopted standards regulating temporary labor camps provided by employers for the use of their workers. New Mexico's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Compliance Section, Occupational Health and Safety Bureau, New Mexico Environment Department, Santa Fe, New Mexico 87502 (505-476-8711; toll-free 877-610-6742)*. A worker or worker representative may file a written complaint with the Department concerning a particular workplace hazard or an alleged violation of the Act or its regulations.

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.

North Carolina

■ **OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA (*TEMPORARY LABOR CAMPS*)**

TERMS: Under the authority of the occupational safety and health law, the state labor department has adopted standards regulating temporary labor camps provided by employers for the use of their workers. North Carolina's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

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).*

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 adversely affected by retaliation may file a complaint with the Department up to 180 days after the violation occurs.

Puerto Rico

■ **OCCUPATIONAL SAFETY AND HEALTH ACT (*TEMPORARY LABOR CAMPS*)**

TERMS: Under the authority of the occupational safety and health law, Puerto Rico's labor secretary has adopted standards regulating temporary labor camps provided by employers for the use of their workers. The temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Puerto Rico Occupational Safety and Health Administration, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2172).*

SPECIAL NOTE: A person may not fire, discipline or discriminate in any manner 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 suffered from an act of retaliation may file a complaint with the Department, as if reporting any other violation of the Act.

Tennessee

■ OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 (*TEMPORARY LABOR CAMPS*)

TERMS: Under the authority of the occupational safety and health law, the state labor department has adopted standards regulating temporary labor camps provided by employers for the use of their workers. Tennessee's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Safety Compliance Section, Occupational Safety and Health Division, Tennessee Department of Labor and Workforce Development, Nashville, Tennessee 37243 (615-741-2793; toll-free 844-224-5818).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a hearing, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may file a complaint with the enforcement agency no later than 30 days after the violation occurred.

Utah

■ UTAH HEALTH CODE (*MINIMUM RULES OF SANITATION*)

TERMS: Any building, tent, or other structure used as living quarters for groups of migrant workers must be constructed and maintained in accordance with detailed standards contained in the state health department rules. Among other factors considered in determining if a housing facility meets the standards are these:

- The camp site
- Quality and maintenance of structures
- The water supply
- The wastewater disposal system
- The plumbing system
- Toilet and bathing facilities
- Laundry facilities
- Sleeping accommodations
- Food service facilities
- Solid waste management

ENFORCEMENT: These provisions are enforced by local health departments.

Technical assistance for enforcing these standards may be provided by the *Bureau of Epidemiology, Division of Disease Control and Prevention, Utah Department of Health, Salt Lake City, Utah 84114 (801-538-6191)*.

Vermont

■ OCCUPATIONAL SAFETY AND HEALTH LAWS (*TEMPORARY LABOR CAMPS*)

TERMS: Under the authority of the state occupational safety and health laws, the state labor commissioner has adopted standards regulating temporary labor camps provided by employers for the use of their workers. Vermont's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Vermont Occupational Safety and Health Administration (VOSHA), Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-5084).*

SPECIAL NOTE: An employer 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 these provisions. A worker who has been subjected to retaliation may submit a discrimination complaint to the Vermont Department of Labor at any time within 30 days after the violation. As an alternative, the worker may bring suit against the employer in civil court, using a private attorney or public legal service provider.

Virginia

■ OCCUPATIONAL SAFETY AND HEALTH LAWS (*TEMPORARY LABOR CAMPS*)

TERMS: Under the authority of the occupational safety and health laws, the state safety and health codes board has adopted standards regulating temporary labor camps provided by employers for the use of their workers. Virginia's temporary labor camp standards are identical to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) and apply to all farm operators and other agricultural establishments that have worker housing facilities.

ENFORCEMENT: *Occupational Safety and Health Compliance, Virginia Department of Labor and Industry, Richmond, Virginia 23219 (804-786-7776).*

SPECIAL NOTE: An employer 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 these provisions. Within 60 days of any such retaliatory act, the worker may file a complaint with the state enforcement agency, which has authority to bring suit in circuit court for relief. If the agency refuses to issue a charge for the alleged violation, the worker may file a civil complaint against the employer in circuit court directly, using a private attorney or public legal service provider.

Washington

■ TEMPORARY WORKER HOUSING LAW

TERMS: Under Washington's temporary worker housing law, the state health department has adopted rules requiring employers who provide sleeping or housing accommodations for their workers on a temporary, seasonal basis, to obtain a license for the facility and comply with related requirements, outlined below.

Licensing — In general, the owner or operator of a temporary worker housing facility must apply to the state health department for a license before the housing is occupied each year. Before a license is issued, the facility must be inspected or the operator must submit and receive approval of a self-survey.

Exception — Camps for workers employed in the harvest of cherries must be inspected before occupancy. A license to operate a cherry harvest camp is limited to one week before the start of the harvest until one week after the harvest ends. Cherry harvest camps are the only form of housing in which tents may be used to house temporary workers.

Maximum Occupant Capacity — The rules limit the capacity of housing facilities, based on floor space and the number of toilet, bathing and related facilities actually available.

Housing Standards — Among many other factors considered in determining if a housing facility meets the standards specified in the state regulations are these: the housing site and structures, the water supply, the electrical system and lighting, laundry facilities, toilet and bathing facilities, sewage facilities, cooking and food-handling facilities, the sleeping accommodations, safety and first-aid equipment, trash collection and disposal facilities, and disease prevention and pest control procedures.

ENFORCEMENT: *Temporary Worker Housing Program, Office of Environmental Health and Safety, Washington State Department of Health, Olympia, Washington 98504 (360-236-3330).* This agency is responsible for inspection and licensing of temporary worker housing facilities in Washington.

SPECIAL NOTE: Temporary worker housing facilities may also be inspected by the *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233).*

■ WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973 (TEMPORARY WORKER HOUSING)

TERMS: The state labor and industries director has adopted standards regulating temporary labor camps provided by employers for the use of their workers. Washington's temporary labor camp standards are very similar to those established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*) but include unique provisions of particular note, some of which are summarized here:

Licensing — Unlike the OSHA standards, the regulations adopted by the state require that temporary worker housing be licensed, provided the facility is occupied by 10 or more workers, or consists of 5 or more dwelling units. The licensing process is handled by the state health department, as described in the next entry.

Maximum Occupancy — The regulations limit the number of occupants allowed in each camp, based on actual floor space in the sleeping areas and the number of toilet, bathing and other facilities available.

Tents — Tents are allowed to be used as housing for temporary workers, but only while employed for the harvest of cherries. Each tent must be constructed to sleep no more than 15 workers.

Safety Devices — There must be a functioning, properly installed carbon monoxide alarm in each housing unit with a sleeping area. Likewise, there must be a properly installed and working smoke alarm in each sleeping area and in each cooking area. Fire extinguishers are required in units where occupants sleep if the unit does not have a second means of emergency escape.

ENFORCEMENT: *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233).*

The agency responsible for licensing of temporary worker housing facilities in Washington is the *Temporary Worker Housing Program, Office of Environmental Health and Safety, Washington State Department of Health, Olympia, Washington 98504 (360-236-3330).*

SPECIAL NOTE: An employer 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. Retaliation should be reported to the Department of Labor and Industries within 30 days after the violation occurs.