

U.S.

● WAGNER-PEYSER ACT

STATUTORY CITATION: 29 USC §§ 49 – 49I

RELATED REGULATIONS: 20 CFR §§ 654.400 – 654.417

GENERAL SUMMARY: The Wagner-Peyser Act established the nationwide system of state-operated public employment offices. Under this law, the Secretary of Labor is authorized to adopt regulations necessary to assure the proper function of the state workforce agency network, including appropriate recruitment services for employers in need of personnel, and job search and placement services for job-seekers.

PROVISIONS APPLICABLE TO AGRICULTURE: No employer may use the federal-state employment service system (including local public employment offices) to recruit agricultural workers from places outside the area of intended employment unless certain conditions are met relating to employee housing. With respect to any housing the employer is required to provide or intends to provide under an interstate or intrastate job order, state agency recruitment services will be denied unless (1) the employer has signed an assurance of compliance, (2) a pre-occupancy housing inspection has been conducted, and (3) the state agency has determined that the housing meets the applicable federal standards outlined below.

HOUSING CONSTRUCTED AFTER APRIL 3, 1980 — Farm labor housing facilities constructed on or after April 3, 1980 (or for which a construction contract was signed after March 4, 1980) must meet the standards prescribed by the U.S. Occupational Safety and Health Administration for temporary labor camps, summarized in the preceding entry.

HOUSING CONSTRUCTED BEFORE APRIL 3, 1980 — Housing facilities constructed or under construction prior to April 3, 1980 (or for which a construction contract was signed prior to March 4, 1980) must meet either the OSHA temporary labor camp regulations referred to above, or the agricultural worker housing standards prescribed by the U.S. Employment and Training Administration. The ETA standards contain specifications in the following areas:

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. Sleeping areas must provide at least 50 square feet of floor space per occupant in family units and in single-bed dormitories, 40 square feet per occupant in dorms with double bunk beds, or 60 square feet per occupant in combined cooking, eating and sleeping areas. Units must also meet specifications regarding partitions, ceiling heights and window area.

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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20210 (202-693-3046).* ETA monitors the operation of the federal-state public employment service system and is responsible for assuring that employers who use the system comply with conditions placed on intra- and interstate job orders.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – In accordance with a formal written plan submitted annually by each of the 50 states and Puerto Rico, ETA delegates operation and supervision of public employment offices to the respective state agencies. Compliance with the ETA housing standards by employers using the employment service to recruit agricultural workers is the immediate responsibility of the designated state workforce agency. With respect to a housing facility proposed to be used for farmworkers recruited through the employment service, the local workforce office serving the area where the housing is located is responsible for arranging the pre-occupancy inspection required under these provisions. If, on inspection, the housing does not meet the applicable standards outlined above, the local office must immediately remove the employer's job orders from intra- or interstate clearance, and if workers have been recruited against the orders, must attempt to locate and notify the appropriate workers or crew leaders and try to find comparable alternative employment for the workers.

● MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

STATUTORY CITATION: 29 USC §§ 1801 – 1872

RELATED REGULATIONS: 29 CFR Part 500

GENERAL SUMMARY: The Migrant and Seasonal Agricultural Worker Protection Act imposes a multitude of duties and restrictions on farm labor contractors, agricultural employers, agricultural associations and other entities, in part to curb chronic abusive employment practices detrimental to the agricultural labor force. In addition to addressing such issues as worker recruitment, transportation and wages, the Act contains explicit provisions regulating the safety and health of housing provided to migrant agricultural workers.

SPECIFIC TERMS AND CONDITIONS

CERTIFICATION — No facility or property may be occupied by any migrant agricultural worker unless a state or local health authority or other appropriate agency has certified that the facility or property meets applicable safety and health standards, and no person who owns or controls the housing may permit it to be occupied by any migrant agricultural worker unless a copy of the certification of occupancy is posted at the site. If, however, a request for an inspection of the housing is made to the appropriate state or local agency at least 45 days before the date on which it is occupied and the agency has not conducted an inspection by then, the facility may be occupied without the certification.

COMPLIANCE BY HOUSING PROVIDERS — In general, any person who owns or controls a facility or real property used as housing for migrant agricultural workers is responsible for ensuring that the facility or property complies with applicable federal and state safety and health standards.

COMPLIANCE BY FARM LABOR CONTRACTORS — In their application for registration under the Act, 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 registration certificate.

SPECIAL NOTES OR ADVISORIES

COMPLIANCE EXCEPTIONS — The obligation to comply with farm labor housing standards, and the prohibition against allowing occupancy without certification, do not apply to any person who, in the ordinary course of that person's business, regularly provides housing commercially to the general public and who provides housing to migrant agricultural workers of the same character and on the same or comparable terms and conditions as is provided to the general public.

JOINT RESPONSIBILITY — If more than one person is involved in providing migrant worker housing (a farm labor contractor, for example, and a farm operator who uses the contractor's services and owns the housing where the contractor's crew members are living), both are legally responsible for ensuring that the housing meets applicable standards.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by the Act. Any worker who has been subjected to retaliation may file a complaint with the Wage and Hour Division, at any time within 180 days after the violation occurs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* As the agency responsible for registration of labor contractors and for enforcing compliance with the Act, the Wage and Hour Division has authority to investigate complaints or suspected violations of the Act's housing provisions. The agency may suspend or revoke a contractor's registration certificate and may impose penalties on contractors, employers and housing operators who are found to have housed migrant agricultural workers in violation of the Act. Violators are also subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – Both the Occupational Safety and Health Administration and the Employment and Training Administration administer farm labor housing standards and are cooperatively involved in the enforcement of these provisions.

PRIVATE CIVIL ACTION — Without regard to enforcement action by the U.S. Department of Labor, anyone who is aggrieved by a violation of the Act may file suit against the person or persons responsible in federal court, using a private attorney or a public legal service provider.

Connecticut

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

STATUTORY CITATION: Conn. Gen. Stat. § 19a-36

RELATED REGULATIONS: Conn. Agencies Regs. §§ 19-13-B55 – 19-13-B63

GENERAL SUMMARY: The state public health laws authorize the Commissioner of Public Health to establish a public health code, to include, among other provisions, field sanitation and safety protections for agricultural workers and migratory farm laborers.

SPECIFIC TERMS AND CONDITIONS: Using the statutory authority referred to above, the health commissioner has adopted migrant labor camp standards, key portions of which are outlined below. Although there is no requirement that such housing be licensed, persons who own or operate facilities used to house migrant agricultural workers must see that the facilities comply with these standards.

GENERAL REQUIREMENTS — Agricultural worker housing must be structurally safe, adequate in size, and reasonably easy to keep clean. Doors, windows and other exterior openings must be properly screened, and there must be adequate lighting and ventilation in living areas.

SLEEPING QUARTERS — Single beds must be furnished for all employees housed, together with blankets, sheets, pillows, pillow cases, and mattresses. Bedding must be kept clean and sanitary by the housing owner or operator.

COOKING AND EATING FACILITIES — Among other furnishings and equipment, kitchens are required to have adequate refrigeration and other food storage space, a cook stove, a work table, and a sink with hot water.

WATER SUPPLY — Water supplied to the housing facility must be obtained from a public water supply or from an approved ground water source. At least 30 gallons of water per day per person must be made available, under pressure.

SEWAGE DISPOSAL — Where no city sewage disposal system is available, all wastewater must be disposed of through a system approved by local health authorities.

TOILET, BATHING, AND LAUNDRY FACILITIES — Toilets, wash basins, showerheads or bathtubs, and laundry tubs must be provided in minimum specified numbers.

TRASH DISPOSAL — Metal cans with tight-fitting lids, or approved alternative facilities, must be provided to allow for storage of trash and garbage for later collection and final disposal. Trash must be hauled away as often as necessary so as not to create a nuisance at the housing site.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *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, to ascertain if the facility meets state standards.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – The state agency may delegate its labor camp inspection authority to local health departments.

● AGRICULTURAL WORKER HOUSING LAW

STATUTORY CITATION: Conn. Gen. Stat. § 22-17a

RELATED REGULATIONS: Conn. Agencies Regs. §§ 22-17a-1 – 22-17a-12

GENERAL SUMMARY: Chapter 422 of the Connecticut statutes gives the state labor commissioner authority to promulgate regulations and establish standards covering the sanitation and safety of living quarters furnished to agricultural workers and migratory farm laborers by their employers. The state agency is also authorized to conduct inspections of such housing facilities to ensure compliance.

SPECIFIC TERMS AND CONDITIONS: Although there is no statutory or regulatory requirement that agricultural worker housing be licensed, agricultural employers who provide living quarters to their employees are responsible for assuring that the housing meets the sanitation and safety standards adopted under this provision of the law. Those regulatory standards are identical to those administered by the state health services commissioner under the public health code, outlined in the previous entry.

SPECIAL NOTES OR ADVISORIES

POSSIBLE PREEMPTION — With respect to enforcement against private employers, it is the position of the Connecticut Department of Labor that these provisions are likely preempted by the temporary labor camp standard enforced by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Health & Safety — General Employee Housing Standards*), since Connecticut does not have an OSHA-approved job safety and health plan.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Occupational Safety and Health, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791).* On its own initiative or in response to a complaint, the Department is authorized to inspect any housing facility provided to workers by their employer, to determine if the housing meets state standards.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Delaware

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

STATUTORY CITATION: Del. Code Title 16, §122

RELATED REGULATIONS: Del. Admin. Code 16-4447 §§ 1.0–7.5.2

GENERAL SUMMARY: The state health department has statutory authority to promulgate regulations for the protection and promotion of public health. Under that authority, the department has adopted rules governing construction, facilities and operation of migratory labor camps in Delaware.

SPECIFIC TERMS AND CONDITIONS: Among other requirements detailed in the regulations, migratory agricultural labor housing must meet the following minimum standards:

COVERAGE CONDITIONS — The migratory agricultural labor housing regulations adopted by the state health department generally apply to any structure, trailer or mobile home maintained or used as living quarters for 5 or more migrant farmworkers. Tents are not accepted as living quarters.

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 anticipated 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 detailed quantitative and qualitative standards, main elements of which are summarized as follows.

Sites — The camp must be located on well-drained ground, not subject to flooding or exposed to potential health hazards. There must be adequate nighttime lighting in yard, laundry, shower and toilet areas.

Shelter — Housing structures must be soundly constructed and provide shelter against the elements. The roof and exterior walls must be leakproof.

Heating — If temperatures during normal periods of occupancy fall below 68 degrees F., all living quarters and service rooms must be equipped with operable and properly installed heating equipment capable of maintaining a temperature of at least 68 degrees F. Stoves and heaters that use combustible fuel must be properly vented. Unless powered by electricity, portable heaters are not allowed.

Living Quarters — Camp owners or operators must furnish beds, cots or bunks, each with a clean mattress. Each room used for sleeping purposes must contain at least 50 square feet of floor space for each occupant, and rooms in all permanent structures must have ceilings no less than 7 feet high. There must be adequate ventilation in all living quarters, and all doors, windows and other exterior openings must be properly screened.

Cooking and Eating Accommodations — Both individual family units and congregate food service facilities must be equipped with a stove, refrigerator, food storage space, a table, chairs, and a sink, or their permissible equivalents.

Water Supply — The camp must have an adequate and convenient supply of state-approved water. The water supply must be capable of delivering 35 gallons per person per day.

Toilet and Bathing Facilities — Except in individual family units, there must be separate toilet and shower facilities for each sex. Toilets must be readily accessible, in no case more than 200 feet from each sleeping room. Toilets, wash basins and showers must be provided in prescribed minimum numbers.

Laundry Facilities — Laundry trays, or a combination of laundry trays and washing machines, must be furnished for the use of camp residents, in a ratio of one such facility for every 30 residents.

Lighting — There must be light fixtures and electrical outlets in all habitable rooms.

Solid Waste — The camp operator must provide covered, fly- and rodent-proof containers for the collection of garbage and trash.

Safety and First Aid — There must be a first-aid kit in an easily accessible place.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Migrant Labor Camp Program, Division of Public Health, Delaware Department of Health and Social Services, Dover, Delaware 19901 (302-744-1220)*. This agency is responsible for processing labor camp permit applications, inspecting camps, and taking action to enforce compliance with the requirements outlined above. The agency may revoke or refuse to issue a permit if the housing facility is found in violation of the applicable requirements, and employers with serious or repeat violations are subject to fines ranging from \$100 to \$1,000.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Florida

● PUBLIC HEALTH LAWS (*MIGRANT HOUSING*)

STATUTORY CITATION: Fla. Stat. §§ 381.008–381.00897

RELATED REGULATIONS: Fla. Admin. Code R. 64E-14

GENERAL SUMMARY: The state public health laws regulate migrant labor camps and residential migrant housing in Florida, by requiring permits for their operation, imposing a schedule of annual fees on migrant labor camp operators, and authorizing the state health department to adopt and enforce rules for the protection of the health and safety of the occupants of such facilities.

SPECIFIC TERMS AND CONDITIONS

PERMITS — No one may establish, maintain or operate a migrant labor camp or residential migrant housing in Florida without first having obtained a permit to do so from the state, and unless the permit is kept posted in the housing to which it applies at all times during its operation.

Migrant Labor Camps — In brief, a migrant labor camp is one or more buildings, structures, barracks or dormitories established, operated or furnished as an incident of employment and used as living quarters for seasonal or migrant farmworkers, whether or not rent is paid for such use.

Residential Migrant Housing — Residential migrant housing is a building, structure, mobile home, barracks or dormitory rented or reserved for occupancy 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 transient occupancy.

APPLICATION AND FEES — A person who is planning on operating migrant housing must apply for a permit at least 30 days prior to operation, or at least 45 days prior to construction or renovation. Application fees range from \$125 to \$500, depending on the facility's occupant capacity.

INSPECTION STANDARDS — Before a permit may be issued, a migrant housing facility must be inspected and found in compliance with detailed rules adopted by the state enforcement agency for the protection of the health and safety of the occupants. Some of the key elements of the standards include the following:

Sites — Housing sites must be well-drained and free from standing water. Structures where food is prepared or sleeping quarters are located must be more than 500 feet from any area where livestock is kept.

Buildings and Structures — Housing structures must be weather-tight and provide protection from the elements. Living, sleeping and eating rooms must meet minimum specifications with respect to floor space. Wiring, plumbing, utility connections and appliances must be installed in accordance with applicable state and local codes.

Water Supply — For drinking, cooking, dishwashing and laundry purposes, an approved or permitted supply of potable water under pressure that meets state standards must be available at all times during occupancy. Water heating equipment capable of providing hot water at a minimum 110 degrees F. for bathing and dishwashing is required.

Garbage and Refuse Disposal — There must be cleanable, water-tight garbage or trash receptacles provided, with tight-fitting covers to keep out flies, insects and rodents. Refuse containers must be emptied no less than twice each week.

Pesticide Use, Storage and Disposal — Common household pesticides must be stored in a safe place, away from food and out of the reach of children. Agricultural pesticides and other toxic chemicals must be kept in a locked area if children reside in the housing facility. All such products must be disposed of in accordance with label instructions, and empty pesticide containers may not be reused to store any other substance.

Vermin Control — All farmworker housing units must be maintained free of insects and rodents. Openings to the outside must be effectively sealed or screened.

Heating — Living quarters and bathrooms must be equipped with heating devices capable of maintaining a room temperature of 68 degrees F. Non-electrical heating appliances must be properly installed and vented to the outside.

Lighting — Lighting fixtures that meet prescribed standards of illumination and location are required in all living quarters, laundry rooms, shower rooms and toilet rooms. Light bulbs must be provided by the housing owner or operator.

Sewage and Liquid Waste Disposal — Approved facilities that meet state regulatory requirements must be provided for the proper disposal of human waste.

Personal Hygiene Facilities — Toilets, urinals, showers, bathtubs, and handwashing and laundry facilities must be provided in certain minimum numbers, depending on the date of construction of the housing and the number of residents housed. Toilet, handwashing and bathing facilities must all be within 200 feet of each sleeping area. Except for individual family units, there must be separate toilet and bathing rooms for each sex. Laundry facilities must include a two-compartment stationary tub or an electric washer and dryer; if on-site laundry facilities are not provided, the housing owner or operator must provide transportation to a laundry facility off premises at least twice a week.

Food Service Facilities — In each individual family unit, there must be a stove, a sink with hot and cold water under pressure, and a refrigerator and freezer capable of maintaining temperatures at or below 41 degrees F. and 0 degrees F., respectively. Comparable facilities are required in shared- or central-cooking areas.

Sleeping Facilities — Each occupant must be provided with a bed, cot or bunk, complete with a clean mattress in good condition. Beds, cots and bunks must be elevated off the floor, leaving at least 36 inches of space between the mattress and the ceiling. Beds must be spaced no less than 36 inches apart.

SPECIAL NOTES OR ADVISORIES

RETALIATION — 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.

ADMINISTRATION AND ENFORCEMENT

Housing — Farm Labor Housing Standards — Florida

PRIMARY ENFORCEMENT AGENCY – *Migrant Farmworker Housing Program, Environmental Health Division, Florida Department of Health, Tallahassee, Florida 32399 (850-245-4250)*. The Department's county health units review applications for permits to operate migrant housing facilities in the state, issue permits to qualified applicants, and monitor compliance with the migrant housing rules. Representatives of the county health units may enter and inspect migrant labor camps and dwelling units at reasonable hours and may investigate such facts, conditions and practices as may be necessary or appropriate to determine compliance with the law or the associated rules. The right of entry also extends to any premises which the Department has reason to believe are being maintained or operated as a camp without a permit, provided the agency first secures permission of the owner or obtains a warrant from state circuit court to enter.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Illinois

● ILLINOIS MIGRANT LABOR CAMP LAW

STATUTORY CITATION: 210 Ill. Comp. Stat. §§ 110/1 – 110/25

RELATED REGULATIONS: Ill. Admin. Code Title 77, Part 935

GENERAL SUMMARY: The Illinois Migrant Labor Camp Law regulates the operation of migrant labor housing in the state, by requiring the licensing of certain labor camps and prescribing standards for the construction and equipment of all migrant labor housing facilities.

SPECIFIC TERMS AND CONDITIONS

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 the following requirements and standards, among others:

Licensing — No one may operate or maintain a migrant labor camp, as defined above, without first having obtained a license to do so from the state. To qualify for a license, a facility operated for an aggregate 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.

Construction and Equipment Standards —

(1) **Location and Site.** The site must be properly graded, well-drained, and located so as to prevent health or fire hazards, dangerous traffic conditions, and similar hazards.

(2) **Structures.** Structures must be structurally sound, in good repair and adequate in size, and must protect the occupants from the elements. Flooring must be rigidly constructed, smoothly finished, readily cleanable, and sealed against water. Living areas must be ventilated, lighted and screened. There must be at least 2 exits in each shelter for use in case of fire, and units must comply with specified numerical space requirements.

(3) **Water Supply.** An adequate and convenient supply of potable water is required at all times for drinking, cooking, bathing and laundry purposes. The system must be capable of delivering at least 35 gallons per person per day.

(4) **Toilet Facilities.** Separate flush toilets or privies for each sex must be provided within 200 feet of each shelter, but no privy may be closer than 100 feet from any unit. There must be at least one toilet facility for every 15 occupants.

(5) **Bathing Facilities.** Bathing facilities, in a minimum ratio of one showerhead for every 10 persons, must be located within 300 feet of each living unit. Except in individual family units, there must be separate facilities for men and women. Hot and cold running water must be provided.

(6) **Laundry Facilities.** Adequate laundry facilities, supplied with hot and cold water under pressure, must be made available, with trays or tubs provided in the ratio of one for every 30 occupants, or at least one mechanical washer for every 50 residents plus one tray per 100 occupants.

(7) **Cooking and Eating Facilities.** Adequate counter space, food shelves, refrigeration, one stove or hotplate for every 5 occupants, and a table and chairs or equivalent seating arrangements are required in individual family units. Group cooking and eating areas must be separated from sleeping rooms. Wall surfaces adjacent to cooking areas must be fire-resistant and made of non-absorbent, easily cleaned materials.

(8) **Sleeping Facilities.** Each room used for sleeping purposes must contain at least 50 square feet of floor space per occupant (100 square feet per person in combined cooking and sleeping rooms) and include beds, cots or bunks, provided with clean mattresses. Any bedding furnished by the housing operator must be clean and sanitary.

(9) **Fire and Safety Provisions.** All units must be constructed in compliance with state and local fire and safety laws. There must be adequate means of escape, fire extinguishing equipment, and first-aid facilities in each structure.

(10) **Electric Service.** All housing sites must be provided with electricity. There must be safe and numerically adequate numbers of lighting fixtures and electrical outlets in all living areas and common-use rooms.

(11) **Heating Equipment.** If the camp operates when the outside temperature falls below 50 degrees F., properly installed and safe heating equipment must be furnished in all rooms except privies and storage sheds. Portable space heaters must have automatic shut-off systems.

(12) **Garbage Facilities.** Water-tight containers with tight-fitting lids must be provided throughout the camp.

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.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Environmental Health, Illinois Department of Public Health, Springfield, Illinois 62761 (217-782-5830).* This agency is authorized to inspect any migrant labor housing facility in the state, regardless of size or duration of occupancy, and is responsible for licensing those facilities which meet applicable standards. An individual, association or firm that maintains or operates a migrant labor camp without securing a license, or in violation of the respective state standards, is subject to a fine.

Housing — Farm Labor Housing Standards — Illinois

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY - *None.*

PRIVATE CIVIL ACTION — Any worker aggrieved by a violation of the labor camp law may file suit in state circuit court for injunctive relief, using a private attorney or public legal service provider.

Indiana

● AGRICULTURAL LABOR CAMPS LAW

STATUTORY CITATION: Ind. Code §§ 16-41-26-1 – 16-41-26-14

RELATED REGULATIONS: 410 Ind. Admin. Code §§ 6-9-1 – 6-9-6

GENERAL SUMMARY: Article 41, Chapter 26 of the state public health laws prohibits operation of any agricultural labor camp in Indiana without a state-issued permit, and requires labor camp operators to comply with prescribed standards of construction, equipment and operation. An agricultural labor camp is defined as one or more buildings or structures, tents, trailers or vehicles established, operated, or used as living quarters for 5 or more adult seasonal or temporary workers engaged in agricultural activities, including related food processing.

SPECIFIC TERMS AND CONDITIONS

PERMITS — No person, firm or association may operate an agricultural labor camp in Indiana without first obtaining a permit from the state to do so, and unless the permit is in full force and is kept posted in the camp to which it pertains. A labor camp must be inspected within the 60-day period immediately prior to occupancy, and a permit may not be issued without an inspection. In general, a permit is valid for one year from the date of issuance.

HOUSING STANDARDS — As a prerequisite to the issuance or renewal of a permit, a camp must meet detailed standards set by the state agency for the protection, safety and welfare of the residents of such facilities. Among the principal provisions with which each camp must comply are the following:

Housing Site — The site must be located and laid out so as to prevent health and safety hazards.

Water Supply — An adequate and convenient supply of water which meets state quality standards is required at all times, for cooking, drinking, bathing and laundry purposes. Common drinking cups are not permitted.

Waste Disposal — There must be adequate facilities for effective disposal of human waste. Where a public sewer system is available, the camp's waste disposal facilities must be connected to it.

Structures — Housing units must be structurally sound, be in sanitary condition, and offer effective protection against the elements. Living areas must comply with prescribed minimum floor space and ceiling height standards. Separate sleeping accommodations for each sex or each family are required. Ceilings in living areas must be at least 7 feet high.

Screening — All outside doors, windows and other openings must be properly screened, and screen doors must be self-closing.

Heating — Any time a camp is operated between August 31 and June 1, heating equipment capable of maintaining a temperature of at least 65 degrees F. in habitable rooms must be provided. Portable heaters other than those powered by electricity are forbidden, and any stoves or other heating devices that use combustible fuel must be safely installed and properly vented.

Electricity and Lighting — All housing sites must have electric service. Regulations require an adequate number of lighting fixtures and electrical outlets, safely wired and maintained, in each habitable room and common area.

Toilets — In general, there must be no less than one toilet for every 15 occupants, and all such facilities must be constructed, located and maintained so as to prevent any nuisance or public health hazard. Except in individual family units, separate toilet accommodations for men and women are required. Toilet facilities must be located within 200 feet of each living unit, but privies may be no closer than 50 feet from any living, cooking or eating area.

Bathing, Laundry, and Handwashing Facilities — Adequate numbers of bathing and handwashing facilities, supplied with hot and cold water under pressure, must be provided and located within 200 feet of each living unit. Occupants must also have access to similarly equipped laundry facilities, in prescribed minimum numbers.

Cooking and Eating Facilities — Camps must have safe, sanitary cooking and eating facilities. Either in individual living units or in a common area, there must be cook stoves, refrigeration, food storage and preparation space, adequate lighting and ventilation, and seating and eating arrangements which meet standards prescribed in the regulations.

Sleeping Facilities — A bed, cot or bunk, supplied with a clean mattress, must be provided for each occupant. Any bedding provided by the camp operator must be clean and sanitary.

Garbage and Other Refuse — Camp operators must provide covered, water-tight containers for the storage of garbage and other refuse adjacent to each shelter and service building. At least twice a week, or when containers are full, garbage must be collected and cans must be cleaned.

Safety and First Aid — Structures must be built and maintained in accordance with state and local fire and safety laws, and there must be exits in sufficient numbers and of proper design to permit alternate means of escape in case of fire. Camp operators are required to furnish fire extinguishing and first-aid equipment that meets specified standards, and occupants must have reasonable access to a telephone for emergency use. The telephone number of the nearest fire department and ambulance service must be posted near the telephone, along with instructions — in English and in the occupants' native language — for reporting emergencies. No flammable materials (other than those needed for current household use) may be stored in or around rooms used for living purposes, and agricultural pesticides and toxic chemicals may not be stored in the housing area.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Environmental Public Health Division, Indiana State Department of Health, Indianapolis, Indiana 46204 (317-233-7183)*. This agency is responsible for issuing agricultural labor camp permits and for conducting related inspections. Authorized representatives of the Department may enter and inspect any labor camp at any reasonable hour and may investigate whatever facts, conditions and practices are necessary to assure compliance with the law and its associated regulations. Upon confirming a violation, the Department may serve the camp operator with an order requiring compliance and may seek injunctive relief in state circuit court if corrective action is not taken within the timeframe specified in the order. Failure to observe the labor camp standards or any other provision of this law may also result in revocation of the camp permit and criminal prosecution of the camp operator.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

Iowa

● MIGRATORY LABOR CAMP LAW

STATUTORY CITATION: Iowa Code §§ 138.1 – 138.19

RELATED REGULATIONS: Iowa Admin. Code 641.81.1 – 641.81.6

GENERAL SUMMARY: Chapter 138 of the Iowa statutes requires a state-issued permit as a precondition for the operation of certain migrant labor camps in the state. The migratory labor camp law prescribes detailed site, construction and facilities standards with which such housing must comply to be eligible for a permit, and imposes other responsibilities and restrictions on the housing operator for the protection of the occupants.

SPECIFIC TERMS AND CONDITIONS

COVERAGE CONDITIONS — A migrant labor camp is defined as one or more buildings, structures, shelters, tents, trailers or vehicles established, operated 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.

PERMITS — No one may establish, operate or maintain a migrant labor camp without having obtained a permit from the state to do so, and unless the permit remains in full effect and is kept posted on the premises at all times during operation.

HOUSING STANDARDS — To be eligible for a permit, a migrant labor camp must meet detailed requirements covering the factors summarized below.

Site — Camps must be situated and maintained so as to prevent health, fire and related hazards.

Shelters — There must be at least 50 square feet per occupant for sleeping purposes in family units and dormitories, and at least 40 square feet per occupant in sleeping rooms equipped with bunk beds. There must be 60 square feet per occupant in rooms where people cook, live, and sleep.

Water Supply — An adequate and convenient water supply must be provided for drinking, cooking, bathing, and laundry purposes. Private water sources must be tested prior to operation to ensure the water is safe with respect to bacteria and chemicals.

Sewage Disposal — Sewer lines and floor drains from all units must be connected to the public sewer system, if available, or to a sanitary waste disposal system approved by the state enforcement agency.

Toilet Facilities — Sanitary, well-ventilated toilet facilities adequate for the capacity of the camp must be provided. Where facilities are shared by persons not of the same immediate family, there must be separate toilet rooms for men and women, and facilities in a minimum ratio of one unit for every 15 persons of each sex.

Handwashing, Bathing, and Laundry Facilities — Hot and cold running water and associated equipment and fixtures must be provided for bathing and laundry purposes. There must be at least one handwashing basin in each immediate-family shelter or for every 15 individuals (or fraction thereof) in shared facilities, one showerhead for every 15 occupants, one laundry tray or tub for every 25 occupants, and one slop sink in each building used for laundry, handwashing or bathing. Every shower room or service building used during seasons requiring artificial heating must be furnished with equipment capable of maintaining a room temperature of 70 degrees F.

Lighting — Electric service is mandatory in all camps, and safe, numerically adequate electrical outlets and lighting fixtures must be provided.

Cooking and Eating Accommodations — There must be adequate gas or electric stoves for cooking at each camp, either for individual family use or for congregate meals. Likewise, necessary allied facilities such as refrigeration, counters and food storage shelves must also be made available wherever food is prepared. Tables and seating for food service are required.

Refuse Disposal — At least one 20-gallon fly-tight container must be made available for every 15 occupants for storage of garbage. Camp operators must arrange for refuse collection at least twice a week.

Safety and Fire Prevention — First-aid and fire extinguishing equipment must be provided and kept in functioning condition and accessible to camp residents at all times. Agricultural pesticides, toxic chemicals and flammable or volatile liquids (other than those needed for current household use) must be stored away from living areas.

Insect and Rodent Control — Safe and effective measures must be taken to control rats, mice, flies, mosquitoes and other pests within camp premises.

COMMUNICABLE DISEASES — 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 prevalence 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 any migrant labor housing or related housing facilities unless the worker is advised thereof prior to contracting for the employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Migrant Labor Camp Program, Bureau of Environmental Health Services, Iowa Department of Public Health, Des Moines, Iowa 50319 (515-281-8561).* This agency is responsible for inspecting each housing facility for which a permit application is received, and for issuing a permit to each camp found to comply with the substantive standards outlined above. Agency personnel may also periodically inspect migrant housing facilities on their own initiative or in response to complaints. If a permit-holder fails within a specified timeframe to correct all conditions found out of compliance, the Department may suspend or revoke the permit. Operating a migrant labor camp without a permit, as well as any other violation of the migratory labor camp law, is classed as a simple misdemeanor.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

Maine

● AGRICULTURAL LABOR HOUSING STANDARDS LAW

STATUTORY CITATION: Me. Rev. Stat. Title 26, §§ 585 – 589

GENERAL SUMMARY: Chapter 6, Subchapter 3 of the state labor statutes requires the state labor department to adopt rules protecting the health, safety and welfare of agricultural workers and their families who occupy housing provided or controlled by their farm employers. Such rules are to apply only to agricultural employers who provide housing to more than 5 employees, and apply only to housing not already subject to standards promulgated under the federal Migrant and Seasonal Agricultural Worker Protection Act (*see entry, U.S. — Housing — Farm Labor Housing Standards*).

SPECIFIC TERMS AND CONDITIONS: The state labor department has not published any explicit rules using the above-mentioned authority, but the law specifies that the standards applicable to employer-provided farmworker housing in Maine must be identical to the Migrant and Seasonal Agricultural Worker Protection Act housing habitability regulations (*U.S. — Housing — Farm Labor Housing Standards*).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Bureau of Labor Standards, Maine Department of Labor, Augusta, Maine 04333 (207-623-7900). The Bureau has authority to inspect housing facilities subject to this law, and may enter any such housing at any reasonable time to determine compliance with the applicable rules. However, if the facility is occupied, the Bureau must have permission from one or more of the occupants or have a valid search warrant. Unoccupied facilities may be entered and inspected only with permission from the owner or with a valid warrant. Violations of the housing standards are punishable by a civil fine of up to \$1,000 per violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

PRIVATE CIVIL ACTION — As an alternative to filing an administrative complaint, a worker aggrieved 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*)

STATUTORY CITATION: Mass. Gen. Laws Ch. 111, §§ 127A and 128G

RELATED REGULATIONS: 105 Mass. Code Regs. 420.000

GENERAL SUMMARY: Chapter 111 of the state statutes includes provisions authorizing the adoption of regulations governing the health and sanitation of farm labor camps, and requiring inspection of all such facilities once a year. As administratively defined, in short, a farm labor camp is any building, vehicle or other structure which contains sleeping facilities provided in connection with farm employment, and which is occupied or intended for occupancy by 2 or more farmworkers or members of their families.

SPECIFIC TERMS AND CONDITIONS

INSPECTION AND CERTIFICATION — All farm labor camps must be inspected annually by the state enforcement agency or the local board of health. If, upon inspection, a camp meets the substantive standards outlined below, the state agency will issue a certificate of occupancy, which must be posted at the camp before the facility may be occupied in any year.

MINIMUM HOUSING STANDARDS — The state sanitary code prescribes the specific standards with which a farm labor camp must conform in order to qualify for a certificate of occupancy. The following is a summary of key provisions of the current standards:

Structures — Each camp building must be structurally safe, adequate in size for its use, easy to keep clean, and water-tight.

Lighting and Electrical Facilities — There must be adequate natural light in all living areas. Except where electricity is not available within 1,000 feet of the camp, living areas must be equipped with prescribed numbers of electric light fixtures and wall outlets. The camp operator is required to supply light bulbs for the required fixtures.

Sleeping Facilities — The camp operator must furnish a separate bed, cot or bunk for each camp occupant (or double beds for married couples) and must provide at least one clean mattress, one pillow, one pillow case, one blanket, one towel, and 2 sheets for each person. Beds must be maintained in good condition, and bedding must be kept clean and sanitary. There must be at least 50 square feet of floor space for each occupant over 2 years of age in each sleeping room.

Exits — Buildings used for human habitation are required to have at least 2 unobstructed exits on each floor where there are sleeping or eating facilities.

Cooking and Eating Facilities — Cooking and eating space which complies with prescribed standards of size and construction must be provided when camp occupants are permitted or required to cook in individual units, or to cook and eat in congregate facilities. Functioning stoves and refrigeration, adequate food storage and preparation space, cooking and eating utensils, suitable mealtime seating arrangements, and adequate sinks with hot and cold running water under pressure are required.

Screening — All doors, windows and other openings in exterior walls of habitable buildings must be properly screened, and screen doors must be self-closing.

Insect and Rodent Control — The camp operator is required to take steps to prevent entry and multiplication of flies, roaches, rodents and other pests in the camp area.

Water Supply — Water from a state-approved or public water supply must be made available at each camp, in minimum prescribed quantities and through plumbing fixtures which meet prescribed specifications. Common drinking utensils are prohibited.

Bathing Facilities — The camp must be equipped with at least one showerhead or bathtub for the first 12 occupants, and one such unit for every 15 thereafter. Handwashing facilities, in a minimum ratio of one wash basin for every 12 residents, must be supplied with soap. Except in family units, there must be separate bathing areas for males and females. The use of common towels is not permitted.

Laundry Facilities — There must be at least one laundry tub or washing machine for every 20 camp occupants (one for every 25, if only men are housed), along with adequate clothes-drying facilities.

Toilets — Clean, sanitary toilet facilities must be provided in a minimum ratio of one unit for each 10 occupants. Other than those in family quarters, toilet facilities for each sex must be separated and clearly marked. Toilets must be located within 200 feet of the door of the sleeping room of the occupants who are expected to use them, but no privy may be located any closer than 100 feet of a sleeping, cooking or eating room. The camp operator is responsible for supplying toilet paper.

Sewage Disposal — All drainage systems must be connected to a public sewer or an approved alternative means of subsurface disposal.

Storage and Disposal of Refuse — Water-tight, fly-proof trash and garbage receptacles must be provided by the operator. Refuse containers must be disposed of by the operator no less often than twice a week.

Heating — To the extent that the camp is occupied at any time from September 15 through the following May 15, living areas must be equipped with heating facilities capable of maintaining a temperature of at least 68 degrees F. Heaters using combustible fuel must be properly vented, and all heaters must be safely installed.

Safety — Camps must be built and maintained in accordance with state and local fire and safety laws. The camp operator must provide a standard 24-unit first-aid kit and see that it is kept stocked and accessible to camp occupants.

Hazardous Materials — Agricultural pesticides and toxic chemicals may not be stored in the housing area, and flammable liquids or materials (other than those needed for current household use) may not be stored in or adjacent to occupied rooms.

COMPLAINTS — Any occupant of a farm labor camp or other interested party who has knowledge of a violation of the standards applicable to such facilities may file a written complaint with the state agency or the local board of health. The state agency is required to investigate each such complaint within 30 days after filing.

Housing — Farm Labor Housing Standards — Massachusetts

PRIMARY ENFORCEMENT AGENCY – *Community Sanitation Program, Bureau of Environmental Health, Massachusetts Department of Public Health, Boston, Massachusetts 02108 (617-624-5757)*. The Department is responsible for inspecting farm labor camps in the state and issuing occupancy certificates to those found in compliance with the labor camp standards. The agency must also respond to complaints regarding such facilities and is authorized to revoke the certificate of any camp determined on inspection to have violated the state sanitary code. The Department may petition the superior court to restrain and enjoin continued violations. Violators are subject to a criminal fine of up to \$500 per day.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – The state sanitation code, including the farm labor camp provisions, may be enforced by local boards of health.

Michigan

● PUBLIC HEALTH CODE (*AGRICULTURAL LABOR CAMPS*)

STATUTORY CITATION: Mich. Comp. Laws §§ 333.12401 – 333.12434

RELATED REGULATIONS: Mich. Admin. Code R. 325.3601 – 325.3699

GENERAL SUMMARY: The Public Health Code includes provisions covering the licensing and operation of agricultural labor camps in Michigan.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No one may operate an agricultural labor camp, or allow such a facility to be occupied, without a valid license, posted conspicuously on the premises to which it applies. An agricultural labor camp is defined as a tract of land and all buildings, vehicles, tents and other structures pertaining thereto, any part of which is established or used as living quarters for 5 or more migratory laborers engaged in agricultural activities, including related food processing.

APPLICATION AND INSPECTION — An application for a license to operate an agricultural labor camp must be submitted at least 30 days prior to occupancy. A license will generally be issued if, after investigation and a pre-occupancy inspection, the facility is found to conform to the minimum standards outlined below.

MINIMUM STANDARDS — The state enforcement agency has adopted detailed rules for the protection of the health, safety and welfare of agricultural labor camp residents. A few of the major requirements are highlighted here:

Housing Site — The site must be well-drained and not in proximity to offensive odors, flies, noise, traffic, and other health and safety hazards.

Water Supply — An adequate and convenient supply of water which meets state quality standards must be provided, either in each shelter or through a cold water outlet within 50 feet of each shelter. Common drinking cups are not permitted.

Construction, Space and Sleeping Accommodations — Shelters must be structurally sound, be in sanitary condition, and offer effective protection against the elements. Living areas must comply with prescribed minimum floor space and ceiling height standards. Separate sleeping accommodations for each sex or each family are required. A bed, cot or bunk, supplied with a clean mattress, must be provided for each occupant. Any bedding provided by the camp operator must be clean and sanitary.

Fire Safety and First Aid — Living and sleeping areas above a second floor are not allowed. Sleeping rooms must have at least 2 remotely separated doors or other means of escape. Fire extinguishers must be provided and located not more than 100 feet from each shelter. There must be a functioning smoke detector at prescribed locations in each shelter. No flammable materials (other than those needed for current household use) may be stored in or around rooms used for living purposes, and agricultural pesticides and toxic chemicals may not be stored in the housing area.

Ventilation, Lighting and Electricity — Each shelter must have adequate ventilation and natural lighting. Outside openings that are used for ventilation must be properly screened, and screen doors must be self-closing. All housing sites must have electric service that meets the national electrical code.

Heating — A shelter that is occupied after September 1 and before May 31 must be provided with properly installed, functioning heating equipment capable of maintaining a temperature of at least 65 degrees F. Portable heaters other than those powered by electricity are forbidden, and any stoves or other heating devices that use combustible fuel must be safely installed and properly vented.

Cooking, Eating and Refrigeration Facilities — Camps must have safe, sanitary cooking and eating facilities. In individual living units and in common living areas, there must be cook stoves, refrigeration, food storage and preparation space, adequate lighting and ventilation, and seating and eating arrangements that meet standards prescribed in the regulations.

Bathing, Handwashing and Laundry Facilities — Adequate bathing and handwashing facilities, supplied with hot and cold water under pressure, must be provided in prescribed minimum numbers and located within 200 feet of each living unit. Occupants must also have access to prescribed laundry facilities, supplied with hot and cold water.

Toilet Facilities — In general, there must be no less than one toilet for every 15 occupants, and all such facilities must be constructed, located and maintained so as to prevent any nuisance or public health hazard. Except in individual family units, separate toilet accommodations for men and women are required. Toilet facilities must be located within 200 feet of each shelter, but privies may be no closer than 50 feet from any living, cooking or eating area.

Sewage, Garbage and Refuse Disposal — Sewage must be discharged into a public sewer system, where available, or into a sewage disposal system approved by state or local authorities. Camp operators must provide covered, fly-proof containers for the storage of garbage and other refuse, and refuse must be collected at least once a week or more often if necessary.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Environmental Stewardship Division, Michigan Department of Agriculture and Rural Development, Lansing, Michigan 48909 (517-284-5621)*. The Department is responsible for inspecting agricultural housing facilities in the state, issuing licenses to those that meet minimum standards, and monitoring continued compliance with those standards. Anyone may report a violation or suspected violation to the Department, which must investigate the complaint. The Department is authorized to suspend or revoke the camp operator's license if a violation is confirmed. The statute also makes operating a camp without a license or in violation of the Department's rules a misdemeanor criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – The state agency may utilize the services of local health departments to conduct pre-licensing camp inspections and investigations of complaints or violations.

Minnesota

○ DEPARTMENT OF HEALTH GENERAL LAWS (*MIGRANT LABOR CAMPS*)

STATUTORY CITATION: Minn. Stat. § 144.12

GENERAL SUMMARY: The statutory provisions governing the general operation of the Minnesota Department of Health grants the state health commissioner explicit authority to adopt rules for the construction, equipment and maintenance of migrant labor camps, and to require the licensing of such facilities.

SPECIFIC TERMS AND CONDITIONS: The state health department regulations that formerly contained licensing and inspection requirements and related housing standards applicable to migrant labor camps in Minnesota were repealed in 2005, as "out-of-date and in conflict with other state and federal laws."

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Jersey

● SEASONAL FARM LABOR ACT

STATUTORY CITATION: N.J. Rev. Stat. §§ 34:9A-1 – 34:9A-36

GENERAL SUMMARY: The Seasonal Farm Labor Act, in large part, 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.

SPECIFIC TERMS AND CONDITIONS

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 prior to its opening in any calendar year, and the state enforcement agency has 45 days from receipt of the application in which to conduct an inspection of the facility. If no inspection has been made within that timeframe, the camp may be opened but is subject to closure if subsequent inspection discloses substantial non-compliance with applicable state standards, outlined below. Likewise, whenever the state agency finds that a camp for which a certificate has been issued no longer complies with such standards, the certificate may be revoked.

CAMP STANDARDS — The Act prescribes specific requirements which farm labor camps must meet to qualify for occupancy, key elements of which are summarized as follows:

Sleeping Facilities — Sleeping areas must be clean and in reasonably good structural condition, and must afford occupants adequate protection against fire hazards and shelter against the elements. Camps must be furnished with beds or bunks made of sanitary materials and arranged with adequate vertical clearance and space in between. Sleeping areas must contain sufficient air space and partitions to ensure an adequate supply of fresh air and reasonable privacy for each occupant.

Food Preparation Facilities — Every camp must be provided with stoves or similar cooking equipment, and every room where food is prepared or served must be kept clean and properly screened. Cookware and food service implements must be clean, unbroken and sanitary.

Water — Subject to state-granted variances, there must be an adequate supply of safe and sanitary potable water at each camp certified for occupancy.

Bathing Facilities — Subject to variances and exceptions, convenient and suitable bathing facilities must be provided at every camp and kept clean and sanitary.

Toilet Facilities — Each camp must have privies or other toilet facilities, and a connecting sewage disposal system, which meet prescribed specifications. Toilet rooms or privies must be ventilated, fly-proof and maintained so as to prevent pollution of water supplies and other health hazards.

Garbage and Waste — Camp operators must furnish covered receptacles for the disposal of garbage and other refuse. Trash containers must be emptied daily and contents disposed of in accordance with state regulations.

SPECIAL NOTES OR ADVISORIES

PREEMPTION OF JURISDICTION — In a 1978 case (*Harrington v. Department of Labor and Industry*, 163 N.J.Super. 595, 395 A.2d 533), a state court found that the Seasonal Farm Labor Act, while constitutional, has been rendered partially inoperative through preemption by the federal Occupational Safety and Health Act (*see entry, U.S. — Housing — General Employee Housing Standards*).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Agricultural Compliance Section, Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-984-3004)*. It is the Department's duty under the Act to inspect each camp for which an application for certification of compliance is received, and to conduct follow-up inspections of such facilities randomly or in response to specific complaints. Any camp which does not conform to the Act or the associated regulations will be deemed a public nuisance, and if the deficiencies are not corrected within 5 days, the Department may bring suit to abate it. In addition to closure of the facility involved, the owner or operator of a labor camp found in violation of the Act is subject to criminal prosecution and, upon conviction, to fine and imprisonment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

New York

● PUBLIC HEALTH LAW (*LABOR CAMPS*)

STATUTORY CITATION: N.Y. Public Health Law § 225(5)(m) and § 1330

RELATED REGULATIONS: N.Y. Comp. Codes R. & Regs. Title 10, Part 15

GENERAL SUMMARY: A provision in Article 2 of the Public Health Law authorizes the public health council to establish a state sanitary code to govern, among other concerns, farm and food processing labor camps occupied by 5 or more migrant workers. Such facilities may be operated only upon issuance of a state permit evidencing compliance with regulatory standards on sanitation, lighting and ventilation, fire hazard protections, maintenance and other camp specifications. A provision in Article 13, in turn, grants state and local health authorities the power to investigate and enjoin violations of the sanitary code at or in relation to labor camps.

SPECIFIC TERMS AND CONDITIONS: The following standards applicable to farm labor housing have been adopted and are currently in effect:

LICENSING — Without first obtaining a permit to do so, no individual, firm or group may use any property to house 5 or more persons (or allow any property under its control to be occupied by 5 or more persons), one or more of whom are employed as laborers in farm activities. Application for a migrant labor camp permit must be made annually, 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 state regulatory requirements, key provisions of which are outlined below.

Location — The camp must be located at a site with adequate surface drainage and satisfactory sewage disposal facilities.

Structures — Buildings must be structurally safe, adequate in size, and maintained in sound condition.

Sleeping Quarters — There must be at least 50 square feet of floor area for each occupant over 2 years of age. A bed, cot or bunk, complete with springs and mattresses, must be provided for each occupant. Except in individual family units, separate sleeping areas are required for each sex.

Light and Ventilation — Adequate light and ventilation, in accordance with regulatory specifications, must be provided in all sleeping quarters, kitchens, dining rooms, and toilet rooms.

Heating — All rooms occupied between September 1 and June 1 must have properly vented heating facilities, capable of maintaining a minimum temperature of 68 degrees F. in each room (70 degrees, in housing constructed after May 1, 1997). The use of portable heaters other than those powered by electricity is prohibited.

Fire Safety — Sleeping and eating areas must have multiple exits, as specified in the regulations. There must be fire extinguishing equipment in a readily accessible place not more than 100 feet from each housing unit.

Water Supply — Every migrant labor camp must be served by a water supply that conforms with state sanitary standards. Water sources and distribution systems must be designed, constructed and maintained to provide protection against contamination or pollution. Water distribution systems must provide minimum pressure of 20 pounds per square inch.

Toilet Facilities — Convenient, sanitary toilet facilities are required at each camp, with no less than one unit for every 15 camp occupants. Toilets must be within a 200-foot walking distance of each sleeping room, but privies are not permitted any closer than 50 feet to any sleeping room, eating room or kitchen. New housing constructed after October 1, 1999, must be equipped with flush toilets only, and all privies must be replaced with flush toilets on or before that date.

Cooking and Eating Facilities — Camp owners and operators are required to furnish properly installed cook stoves in all individual units (at least 2 burners per unit) and congregate meal preparation areas (a minimum of 2 burners for every 5 occupants). Portable stoves other than those powered by electricity are prohibited. There must be adequate refrigeration capable of maintaining a temperature of not more than 45 degrees F., adequate space for the storage and preparation of food, and sufficient tables and seating for meal service.

Storage and Collection of Garbage — Adequate and sanitary facilities must be maintained for the storage and disposal of garbage and other refuse.

Bathing Facilities — Except in individual units, bathing facilities for men and women must be separate. There must be at least one showerhead and one wash basin for every 15 camp occupants; at facilities constructed after May 1, 1997, the showerhead ratio increases to 1 for every 10 occupants, and for wash basins increases to 1 for every 6. Such facilities must be supplied with hot and cold running water.

Laundry Facilities — Camp residents must be provided with no less than one wash tub, laundry tray or sink for every 25 persons, or mechanical washers in the ratio of one for every 50. Where machines are provided, there must also be one or more laundry trays or wash tubs for every 100 occupants. Facilities for drying clothes must also be provided.

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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Bureau of Community Environmental Health and Food Protection, New York State Department of Health, Albany, New York 12237 (518-402-7600)*. District offices of the Department (or county health departments, depending on the camps' location) are responsible for issuing operating permits for labor camps found to meet the standards outlined above, and for monitoring continued compliance by camp operators. Anyone with knowledge of a possible violation of the state labor camp regulations may file a complaint with the Department, and if an investigation or inspection confirms an infraction and the situation is not corrected within 2 days of written notice, the Department may seek an injunction in state court

Housing — Farm Labor Housing Standards — New York

to compel compliance.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – County health commissioners and local health boards may generally exercise the same authority as the State Department of Health in investigating any labor camp deemed a public nuisance or regarded as a potential threat to the health of its occupants. In performing such functions, local health authorities must apply the same statutory and regulatory standards enforced by the state agency.

North Carolina

● MIGRANT HOUSING ACT OF NORTH CAROLINA

STATUTORY CITATION: N.C. Gen. Stat. §§ 95-222 – 95-229.4

RELATED REGULATIONS: 13 N.C. Admin. Code 16 .0101 – .0502

GENERAL SUMMARY: The Migrant Housing Act adopts certain federal housing standards and makes them applicable to virtually all migrant labor housing facilities in North Carolina. The law requires a state-issued certificate before such facilities may be occupied, and authorizes state inspections for the purpose of determining compliance.

SPECIFIC TERMS AND CONDITIONS

STANDARDS — With certain variations, the state has adopted the temporary labor camp standards established by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Housing — General Employee Housing Standards*). In lieu of the OSHA provisions, however, migrant housing is subject to existing state rules governing (1) water quality and water sanitation, (2) collection, treatment and disposal of sewage, (3) heating systems, (4) fire safety, (5) food service, preparation and storage, and (6) bedding.

PRE-OCCUPANCY INSPECTIONS — Every person who owns or controls housing used as living quarters in North Carolina 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 facility 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. If the housing is fully compliant for two consecutive years, the owner or operator of the facility has the right to conduct its own pre-occupancy inspection, but the local health department must still inspect the water and sewage systems for compliance. In the year following a self-inspection, the state labor department must again conduct the pre-occupancy inspection.

POST-OCCUPANCY INSPECTIONS — After a migrant housing facility is occupied, inspections are normally allowable only if (1) workers and their families arrived before the anticipated occupancy date and were allowed to enter on a provisional basis, (2) the housing was subject to pre-occupancy inspection and found not to be in 100 percent compliance, (3) the operator has been assessed a civil penalty by the state labor department for violations during the previous year, or (4) a credible report of an alleged safety or health violation or hazard has been received from a government official or an individual with first-hand knowledge of the violation or hazard.

HOUSING DEEMED UNINHABITABLE — In the case of a migrant housing facility found to be uninhabitable but not reasonably expected to cause death or serious physical harm, any occupants thereof may be allowed to remain for a reasonable period, not to exceed 14 days, while the housing owner or operator attempts to locate alternative lodging for them. Any alternative housing must be provided at or below the cost the occupants were paying for the uninhabitable facility.

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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *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.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *North Carolina Department of Environmental Quality, Raleigh, North Carolina 27603 (877-623-6748)*. This agency is explicitly responsible for enforcing the water and sanitation regulations applicable to migrant housing, through inspections conducted by the local health departments.

Ohio

● AGRICULTURAL LABOR CAMP LAW

STATUTORY CITATION: Ohio Rev. Code §§ 3733.41 – 3733.99

RELATED REGULATIONS: Ohio Admin. Code 3701-33-01 – 3701-33-13

GENERAL SUMMARY: Chapter 3733 of the state statutes contains provisions regulating the operation of agricultural labor camps, 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 persons engaged in agriculture or related food processing.

SPECIFIC TERMS AND CONDITIONS

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 prescribed standards, nor will a license be granted if any violations exist with respect to sanitation, drainage or habitability of housing units. In addition to inspection prior to occupancy, the state enforcement agency may make whatever other inspections it considers necessary to enforce these provisions.

LABOR CAMP STANDARDS — The public health director has adopted minimum standards of habitability which must be met before an agricultural labor camp license may be issued. Among the minimum requirements with which every camp must comply are those described briefly below.

Water Supply — The camp's water supply must be from a public water system that meets state requirements. By 2022, all camps must provide water under pressure to all housing units.

Sewage Disposal — Sewage must be discharged into a sanitary sewerage system approved by the state environmental protection agency or the local health department. Sewage disposal systems must be maintained so as not to create a nuisance or health hazard, or pollute water or waterways.

Housing Site and Units — The camp must be located on an adequately drained site. Any building in the camp that is not structurally sound must be repaired, sealed shut, demolished or removed. Dwellings must be soundly constructed and maintained in good repair and sanitary condition. Housing must comply with prescribed minimum floor space and ceiling height requirements.

Ventilation — Each habitable room must have at least two windows (or one window and a skylight) that open to the outside. Windows must meet prescribed size requirements in relation to floor space. All outside openings must be protected with tight-fitting screens or screen doors, in good repair.

Cooking Space — Cooking spaces must include mechanical refrigeration for storage of food at a temperature of not more than 41 degrees F., and a table and chairs (or equivalent eating arrangements). When cooking space is provided for 10 or fewer occupants, there must also be a stove with at least 2 burners, adequate food storage shelves, and a counter at least 5 square feet in size for food preparation. Fuel storage tanks and fuel lines connected to cooking or heating equipment must be properly installed and kept in safe condition.

Sleeping Facilities — A bed or bunk with a clean mattress must be provided for each occupant, in accordance with certain specifications and restrictions.

Toilet Facilities — Toilet facilities must be located in each dwelling unit, or within 200 feet thereof, and no toilet may be located in a room used for other than toilet or hygiene purposes. Except in individual family units, separate toilet facilities for each sex are required. Toilet facilities must be adequately lighted and ventilated and maintained in a sanitary condition. In general, there must be not less than one toilet for every 15 camp occupants.

Bathing Facilities — Wash basins and showers or tubs, in prescribed minimum numbers and supplied with hot and cold running water, must be provided for the use of all occupants and must meet detailed standards of construction. There must generally be at least one showerhead for every 10 camp occupants, and one wash basin for every 6 occupants. Except in individual family units, separate shower rooms for men and women must be provided and clearly marked as such.

Laundry Facilities — Laundry tubs, with hot and cold running water, must be provided in a ratio of one tub for every 25 occupants. Washing machines may be provided in lieu of tubs, in a ratio of one machine for every 50 occupants, but there must be at least one tub as well. Facilities for drying clothes are also required.

Heating — All housing units and service rooms used before June 1 or after August 31 in any year must be furnished with properly installed heating equipment capable of maintaining a temperature of at least 70 degrees F. Any heating equipment that utilizes combustible fuel must be properly vented and located, as prescribed in the standards. Electric portable heaters are allowable but must be equipped with automatic shut-off switches.

Electricity and Lighting — All camp sites must be provided with electric service. There must be specified numbers of light fixtures and wall outlets.

Trash Disposal — Adjacent to each housing unit, there must be a covered container for the storage of household garbage and trash, or approved bulk-type containers situated within 100 feet of the housing for common use. Arrangements must be made for the collection of refuse at least once a week, or more often if necessary.

Pest Control — The camp owner or operator must take effective, approved measures to prevent infestation of the camp by insects, rodents or other pests.

Safety and First Aid — Living areas must be designed with alternate means of escape in case of fire. Each housing unit must be equipped with at least one functioning wall- or ceiling-mounted smoke alarm, and there must be a prescribed fire extinguisher in good working order not more than 75 feet from each dwelling. Likewise, properly equipped first-aid facilities must be readily available for use at all times. Addresses and telephone numbers of emergency medical care providers must be posted at the camp at the same location where the camp license is displayed. No flammable materials except those needed for current household use may be stored near a habitable room, and agricultural pesticides and toxic chemicals may not be stored or mixed in the camp.

Housing — Farm Labor Housing Standards — Ohio

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Agricultural Labor Camp Program, Bureau of Environmental Health, Ohio Department of Health, Columbus, Ohio 43215 (614-644-7455). The Department is the designated licensing agency under the agricultural labor camp law and is likewise responsible for camp inspections. In connection with a license application, in response to a specific complaint, or on its own initiative, representatives of the Department may have access to any labor camp subject to the law, upon presentation of proper identification to the camp operator, for the purpose of making an inspection. The license of any facility found in violation of the state standards may be denied, suspended or revoked, but unless an immediate public health hazard exists, the operator will normally be given a reasonable opportunity to make corrections before action against the license is taken. Violators of the labor camp law are subject to prosecution by the state attorney general or local prosecuting attorneys on misdemeanor charges.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – The Department of Health is empowered to enter into an agreement with qualified local boards of health to enforce the agricultural labor camp standards, but authority to license camps and to suspend or revoke camp licenses cannot be delegated.

Oregon

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

STATUTORY CITATION: Or. Rev. Stat. §§ 654.001 – 654.295

RELATED REGULATIONS: Or. Admin. R. 437-004-1120

GENERAL SUMMARY: The Oregon Safe Employment Act confers broad authority on the state consumer and business services director to set standards to assure every covered employee a safe and healthful place of employment.

PROVISIONS APPLICABLE TO AGRICULTURE: Under the Act's rulemaking authority, regulations have been adopted 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 major provisions of the agricultural labor housing regulations.

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

HOUSING SITE — The site of each labor camp must be of sufficient size to prevent overcrowding of structures, and the site must be clear of waste, brush and other potential health hazards. Any pesticides or other toxic materials must be stored in a safe place accessible only to authorized individuals. All housing sites must be provided with electrical service.

WATER SUPPLY — An ample supply of safe and potable water must be provided in every housing facility for drinking, bathing and household purposes. The water supply must meet state standards for purity and arrive at all outlets at a pressure of at least 15 psi. Portable water systems are allowable under certain conditions.

TOILET, BATHING, AND LAUNDRY FACILITIES — In general, there must be at least one wash basin or sink for every 6 occupants, one showerhead for every 10 occupants, and one toilet for every 15 occupants; portable toilets and privies are allowable under certain conditions. Laundry and drying equipment, in minimum prescribed numbers, must also be provided. All toilet, bathing and laundry facilities must be clean and sanitary and maintained in good operating condition. An adequate supply of hot and cold water under pressure must be available for handwashing, bathing and laundry facilities.

SEWAGE DISPOSAL AND PLUMBING — Plumbing facilities must be connected to a community sewer system, a septic tank or other acceptable sewage disposal system that conforms to state environmental quality standards and the state building code.

GARBAGE AND REFUSE — At least one container of not less than 20-gallon capacity for every 15 occupants must be provided for storage of garbage and trash. Containers must be water-tight and fly-proof. Trash must be removed from the camp at least once each week, or otherwise disposed of in accordance with state environmental quality standards. Burning of trash is prohibited.

LIVING AREAS — Living areas, with minimum space of 100 square feet per occupant, must be structurally sound, weather-proof, and provided with heating equipment capable of maintaining a temperature of at least 68 degrees F., safely installed and properly vented. Portable heaters must operate by electricity only and have automatic shutoff devices.

A bed, bunk or cot must be provided for each occupant, and each bed or bunk must have a clean mattress or pad in good repair and free of insects. Sleeping areas must conform to prescribed minimum space requirements.

There must be windows or skylights to provide natural lighting, with a total area equal to at least 10 percent of the required floor area. At least half the required window area must be openable to the outside.

FIRE PROTECTION — Each living area must have a working approved smoke detector, and there must be readily accessible fire extinguishing equipment not more than 50 feet from each housing unit. Living areas must have alternate means of escape in case of fire.

COOKING AND EATING FACILITIES — Central cooking and eating facilities must meet specified state requirements for food storage, food preparation and sanitation. In units where residents prepare and serve their own meals, there must be a working refrigerator, a working stove or hotplate, adequate food storage shelves and food preparation space, and a table and chairs or suitable alternative eating arrangements.

FIRST AID — The housing facility must have prescribed first-aid equipment on hand. The employer or housing operator must also develop an emergency medical plan and a communication plan to follow in case of serious injury or illness involving residents.

CLOSURE AND ALTERNATIVE HOUSING — In the event an authorized government 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.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Any worker who has been subjected to retaliatory treatment may file a complaint with the Bureau of Labor and Industries at any time within 90 days after learning of the alleged violation. A complaint of this nature is processed by the Bureau as if it were a complaint charging unlawful employment discrimination under the state civil rights laws.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689).* Representatives of Oregon OSHA are authorized to enter and inspect agricultural housing facilities in the state, and to cite employers found in violation. Non-compliance with an applicable standard or an order by Oregon OSHA may result in assessment of a civil money penalty by the agency and, for certain serious infractions, criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Labor Contracting Unit, Oregon Bureau of Labor and Industries, Salem,*

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Oregon 97305 (503-373-1463). The Bureau is responsible for licensing farm labor contractors in Oregon, and for issuing special endorsements authorizing operation of farmworker camps (see next entry). This agency is also responsible for enforcing the anti-retaliation provision noted above (*Civil Rights Division, 971-673-0764*).

● LABOR AND EMPLOYMENT LAWS (*FARMWORKER CAMPS*)

STATUTORY CITATION: Or. Rev. Stat. §§ 658.705 – 658.850

RELATED REGULATIONS: Or. Admin. R. 839-014-0020 – 839-014-0630

GENERAL SUMMARY: In part, Chapter 658 of the Oregon statutes regulates the activities of farm labor contractors in the state and includes provisions requiring, in general, that anyone who provides housing for workers recruited or employed in the production or harvesting of farm crops (1) obtain a state license as a farm labor contractor, and (2) obtain a special license endorsement to operate a farmworker camp.

SPECIFIC TERMS AND CONDITIONS

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

FARMWORKER CAMP ENDORSEMENT — Once licensed, the prospective farmworker camp operator must apply to the Bureau for a license endorsement authorizing that activity. Among the requirements for receipt of a camp endorsement are these:

- (1) Pay the annual license fee.
- (2) File proof of financial ability to cover liabilities incurred in connection with operation as a contractor and housing operator. This obligation may be met by purchasing a surety bond or posting a cash deposit of at least \$15,000.
- (3) Pass a written, closed-book examination to test the applicant's knowledge and proficiency to conduct and manage the business of a labor contractor, including lawful operation of a farmworker housing facility.

RECORDKEEPING — Farmworker camp operators are required to make and maintain 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 exterior 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 endorsee's part.

ACCESS TO TELEPHONE — When employees 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 by employees, the employer must provide employees occupying the housing with reasonable access to a telephone located within a 2-mile radius of the housing.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A farmworker camp operator may not discharge, 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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *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.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Affairs, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689)*. Oregon OSHA is responsible for enforcing the safety and sanitation standards applicable to agricultural housing facilities in Oregon, as outlined in the previous entry. Any occupant of a farmworker camp who has a question or complaint about the housing itself may contact this agency.

Pennsylvania

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

STATUTORY CITATION: 43 Pa. Stat. §§ 1301.301 – 1301.308

RELATED REGULATIONS: 7 Pa. Code Ch. 82

GENERAL SUMMARY: The Seasonal Farm Labor Act authorizes adoption of state regulations governing the operation of seasonal farm labor camps, defined briefly as living quarters (including any housing unit, motel, mobile home or other facility) maintained in connection with the work of seasonal farmworkers, or in connection with a place where work is being performed by such workers. As used here, the term "seasonal farmworker" refers largely to any individual employed on a seasonal or temporary basis in the planting, cultivation, harvest, sorting or packing of agricultural commodities in their unmanufactured state, or any person who lives in housing owned or operated by an employer or farm labor contractor and occupied by 4 or more unrelated persons.

SPECIFIC TERMS AND CONDITIONS

PERMITS — It is illegal for anyone who owns property or facilities to allow the occupancy, operation or use of such property or facilities as a seasonal farm labor camp 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 or exceeds the standards applicable to such facilities, outlined 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 agriculture department has adopted detailed standards with which seasonal farm labor camps must comply as a condition for occupancy and continued operation. A summary of key portions of those rules follows.

Housing Site — Each farm labor camp must be located on a site that is adequately drained and not likely to cause or become a threat to public health.

Construction — Structures must be soundly built and weatherproof. Screens are required on all exterior doors, windows and other outside openings.

Heating — If the camp is occupied before May 15 or after September 15 of any year, there must be space heating equipment capable of safely and adequately heating all habitable rooms, bathrooms and laundry rooms to 68 degrees F. Hot water must be supplied to all kitchens, sinks, showers, tubs and laundry fixtures.

Occupancy Limitations — There must be at least 100 square feet of floor space for each adult, and at least 50 square feet of space for each child under the age of 14, in units where occupants cook, live and sleep. In sleeping rooms shared by unrelated persons, the minimum floor space requirements are 50 square feet for adults and 25 square feet for children.

Sleeping Accommodations — Each occupant of the camp must be provided with a bed, bunk or cot, as well as a mattress and mattress cover, a pillow and pillow case, sheets and blankets. There must also be suitable storage facilities in the sleeping area.

Water Supply — The camp must have a sufficient supply of potable water to meet the needs of the occupants. Both the water itself and the water supply or distribution system must meet prescribed state standards. Hot and cold water under normal operating pressure must be available in kitchen and bathroom facilities.

Toilet Facilities — Sanitary toilet facilities, separated by sex and in prescribed minimum numbers, must be provided, except where the camp is composed entirely of family-type units, each with its own toilet facilities. In any case, toilets must be located within 200 feet of the door of each sleeping room, and no privy may be any closer than 100 feet to any sleeping room, kitchen or dining area. All toilet facilities must be adequately ventilated and maintained in proper operating condition.

Sewage Disposal — The camp's sewage disposal system must comply with specified standards and must be approved by state or local authorities.

Bathing Facilities — There must be at least one showerhead for every 10 camp residents, or one bathtub for every 6, as well as one wash basin per family unit or for every 6 occupants.

Laundry Facilities — The camp must provide at least one washing machine or one double laundry tray or 2 wash tubs for every 30 occupants. As an alternative to furnishing laundry equipment, the camp operator must provide residents with transportation at least once a week to a nearby laundromat.

Lighting and Electrical Facilities — Electricity is required at the camp, along with lighting fixtures and electrical outlets in prescribed minimum numbers.

Storage and Collection of Refuse — The camp operator is required to provide a sufficient number of leakproof garbage or trash containers. Trash must be collected at least once a week or whenever containers are full.

Cooking and Eating Facilities — Private kitchens must be equipped with a stove or hotplate, mechanical refrigeration capable of maintaining a temperature not more than 45 degrees F., adequate space for food storage and preparation, a table and chairs or equivalent accommodations, a sink with hot and cold running water under pressure, and adequate lighting and ventilation. Congregate cooking and eating areas must be comparably furnished.

Pest Control — The camp must have proper equipment, and the camp operator must take prescribed measures, to prevent or eliminate infestation of the premises by rodents, insects and other pests.

First Aid and Safety — Agricultural pesticides and toxic chemicals may not be stored in the housing area. To treat minor injuries and illness, there must be one first-aid kit, supplied as specified in the regulations, for every 50 camp occupants. Likewise, to respond to fire emergencies, there must be prescribed fire extinguishing equipment in kitchens and sleeping areas. Most living areas must be designed with multiple means of escape in case of fire. Buildings must be constructed, and heating and other equipment must be installed, in accordance with prescribed safety standards.

SPECIAL NOTES OR ADVISORIES

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RETALIATION — Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a civil or criminal complaint under the Seasonal Farm Labor Act is deemed a separate violation of the Act, punishable as a criminal offense.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Farm Labor Camp Housing Program, Bureau of Food Safety and Laboratory Services, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania 17110 (717-787-4315)*. The Department is responsible for inspecting seasonal farm labor camps in the state and for issuing permits to those which meet minimum standards. Authorized agents of the Department may (1) enter public or private property to identify the facilities to which the Act applies, (2) inspect subject camps and all sites, accommodations and equipment associated with them, and (3) inspect adjoining lands, other than property used for the owner's personal use.

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 complainant, the complainant's name may be kept confidential until such time as formal enforcement proceedings, if any, are brought against the camp owner. The Department may revoke a camp permit whenever the agency finds a violation of the Act or the associated regulations, or any condition which would be grounds for refusing to issue or renew a permit. In addition to loss of authority to operate the facility, anyone who violates the labor camp provisions is subject to civil penalties and criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Texas

● MIGRANT LABOR HOUSING FACILITIES LAW

STATUTORY CITATION: Tex. Govt. Code §§ 2306.921 – 2306.933

RELATED REGULATIONS: 10 Tex. Admin. Code §§ 90.1 – 90.8

GENERAL SUMMARY: Chapter 2306, Subchapter LL of the Government Code requires the licensing of migrant labor housing facilities, 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.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No one may establish, maintain or operate any migrant labor housing facility in Texas 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 prior to intended operation. Within 30 days after receipt of an application, the state enforcement agency must inspect the premises, and if the facility meets the minimum standards applicable to such housing, the agency will issue a license.

MINIMUM STANDARDS — Following are key elements among the detailed regulatory rules governing the construction, sanitation, equipment and operation of migrant labor housing facilities:

Facility Site — Sites must be well drained, must be free from conditions that can cause offensive odors, flies, fires or similar nuisances and hazards, and must be located at least 500 feet from livestock feeding pens.

Water Supply — Facilities must have a water supply which meets state-prescribed standards. There must be hot water for bathing, laundering, cooking and dishwashing purposes.

Sewage Disposal — Toilets, sinks and drains must be connected to a public sewer system, if available. If not, sewage disposal facilities must be constructed and maintained in accordance with applicable state regulations.

Structures — Housing units and common-use structures must be of sound construction and maintained in a sanitary condition. In living areas used for combined cooking, eating and sleeping purposes, no less than 100 square feet of floor space is required for each occupant over 18 months of age. Rooms used only for sleeping purposes must provide at least 50 square feet of floor space for each intended occupant.

Cooking and Eating Arrangements — Each unit where individual occupants or families prepare their own meals must be equipped with a cook stove, adequate shelves for food storage and counter space for food preparation, mechanical refrigeration, a table and seats for dining, sinks with hot and cold running water under pressure, and lighting and ventilation. The regulations also include detailed requirements for communal or central food service facilities.

Sleeping Arrangements — Beds, cots or bunks, complete with springs, mattresses and mattress covers, are required for all occupants. Such facilities must be kept clean and sanitary and arranged to prevent overcrowding.

Heating — Living quarters and service rooms must have properly installed heating equipment capable of maintaining a temperature of at least 68 degrees F. Heating devices utilizing combustible fuel must be vented, and portable units other than those powered by electricity are forbidden.

Bathing and Laundry Facilities — There must be bathing and laundry facilities within 200 feet of each housing unit. Communal bathrooms, separated and clearly marked for each sex, must contain at least one showerhead for every 10 persons and one wash basin for every 6 persons. Clothes-washing equipment must be provided in a minimum ratio of one washing machine for every 50 occupants, or one laundry tray or tub for every 25. Facilities for drying clothes are also required.

Toilets — Toilet facilities must be within 200 feet of the housing, but privies may be no closer than 100 feet to any living unit, dining room or kitchen. Communal accommodations must have separate, clearly marked facilities for men and women. For every 15 occupants of each sex whose housing units are not equipped with private facilities, there must be one toilet in the communal restroom.

Garbage Facilities — Containers for garbage and other refuse must be located within 100 feet of each unit and must be equipped with tight-fitting lids. Garbage must be collected at least twice a week.

Electricity and Lighting — All housing facilities have to have electricity. There must be adequate numbers of lighting fixtures and electrical outlets in each unit, installed and maintained in safe condition.

Screening — All outside openings on each structure must be screened, and screen doors must be self-closing.

Insect and Rodent Control — Housing and service rooms must be constructed so as to exclude insects, rodents and other pests.

Safety — There must be adequate means of escape from all living units and central facilities in case of fire, and fire extinguishing equipment must be available within 100 feet of each facility. First-aid supplies must be provided at each facility and must be accessible at all times. Agricultural pesticides and toxic chemicals may not be stored within the housing site; all such materials and any potentially hazardous farm implements or equipment kept within 500 feet of a migrant labor housing facility must be stored in a secure, locked enclosure.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Texas Department of Housing and Community Affairs, Austin, Texas 78711 (512-475-3976).* This agency is responsible for licensing and inspecting migrant labor housing in the state. Both prior to licensing and as often as circumstances warrant thereafter, representatives of the Department may enter and inspect migrant housing facilities and investigate other facts necessary to ascertain compliance with these provisions.

In addition to its authority to grant, suspend or revoke licensing, the Department may apply to district court for an injunction to restrain a violation of any provision of the housing facility law and the associated regulations. Operation of such a facility without

Housing — Farm Labor Housing Standards — Texas

a license and all other infractions are grounds for a civil penalty of \$200 for each day the violation occurs, enforceable by the local county attorney or the state attorney general.

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.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY - *None.*

PRIVATE CIVIL ACTION — 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

STATUTORY CITATION: Va. Code §§ 32.1-203 – 32.1-211

RELATED REGULATIONS: 12 Va. Admin. Code §§ 5-501-10 – 5-501-350

GENERAL SUMMARY: Article 6 of the environmental health laws regulates the operation of migrant labor camps in Virginia, briefly defined as one or more structures, vehicles or unconventional enclosures used as living quarters for one or more persons, at least one of whom is a migrant worker engaged in agricultural activities, including related food processing.

SPECIFIC TERMS AND CONDITIONS

NOTICE OF INTENT TO CONSTRUCT — Any party planning to construct, remodel or enlarge a migrant labor camp, or to convert property for use as a camp, must notify the state enforcement agency in writing of the intent to do so at least 30 days before commencing any such work. In response, the state agency must furnish the party with a copy of the migrant labor camp law and applicable regulations.

PERMITS — It is unlawful for anyone to operate a migrant labor camp, or allow such a facility to be occupied or used, without a permit from the state. A permit application must be submitted to the state agency at least 30 days before the camp is to be opened. If, after required inspection, the agency finds that the facility conforms to statutory and regulatory standards, a permit will be issued for the balance of the calendar year. The agency may issue a provisional permit, valid for up to 30 days, authorizing operation of a camp which does not conform to standards, provided such operation will not create an imminent danger to public health and safety.

INSPECTIONS — After the initial permit inspection, local health department staff are responsible for inspecting the camp for compliance with the regulatory standards outlined below. A camp may be inspected as often as necessary during occupancy, and the local health department may move to suspend or revoke the permit of any facility found out of compliance.

REGULATORY STANDARDS — Migrant housing built or under construction prior to April 3, 1980, or for which a construction contract was signed prior to March 4, 1980, is subject to the housing standards established by either the U.S. Employment and Training Administration (*see entry, U.S. — Housing — Farm Labor Housing Standards*) or the U.S. Occupational Safety and Health Administration (*U.S.—Housing—General Employee Housing Standards*), at the discretion of the individual camp operator. All migrant housing built or contracted for after the dates cited are subject to the OSHA standards. In addition, housing facilities subject to the state migrant labor camp law must meet the following supplemental requirements:

Trash and Garbage Collection — Camp operators must either provide a bulk container into which family trash containers may be emptied, or arrange for regular trash collection service. Refuse from individual units or from bulk containers must be disposed of by the camp operator in accordance with state solid waste regulations.

Water Supply — All camps subject to this law must have a state-approved water supply.

Sewage Disposal — Migrant labor camps must comply with state sewage-disposal regulations.

Hazardous Materials — Agricultural pesticides and toxic chemicals may not be stored in any housing or dining area. Pesticide storage facilities must generally be at least 100 feet from wells or surface water, must be clearly marked to indicate that hazardous materials are stored within, and must be locked when not in use.

Construction Standards — In general, all structures must be in conformity with the uniform statewide building code.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Environmental Health Services, Virginia Department of Health, Richmond, Virginia 23219 (804-864-7473)*. This agency is responsible for inspecting and issuing permits for migrant labor camps in Virginia, and for assuring their continued compliance with the law and applicable regulations. The Department may deny, revoke or suspend a camp permit whenever the facility is found in violation of these provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – Local health departments share responsibility for periodic inspections of migrant labor camps, to check compliance with the labor camp law and regulations.

Wisconsin

● MIGRANT LABOR LAW (*MIGRANT LABOR CAMPS*)

STATUTORY CITATION: Wis. Stat. §§ 103.90 – 103.97

RELATED REGULATIONS: Wis. Admin. Code Ch. DWD 301

GENERAL SUMMARY: Among other regulatory matters, Wisconsin's migrant labor law governs the operation of migrant labor camps, defined in brief as any site and all structures thereon 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.

SPECIFIC TERMS AND CONDITIONS

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 prior to opening a new camp, the owner or operator of such a facility must apply for certification. The state agency must inspect each camp for which an application for certification has been received, and if the camp complies with minimum administrative standards, the agency will issue a certificate authorizing operation of the facility through March 31 of the ensuing year.

MINIMUM STANDARDS — The state agency has adopted detailed specifications for the construction and equipment of migrant labor housing, some of which are summarized below.

Housing Site — No migrant labor camp may be subject to health or safety hazards, or in proximity to conditions that could cause such hazards, and the camp site must be kept free of debris.

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 adjacent to the camp which is owned or controlled by the operator. Whenever a camp operator is advised of an aerial pesticide application on adjacent 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.

Water Supply — An adequate and convenient supply of water safe for human consumption must be provided to the camp's residents.

Waste Disposal — Where a public sewer system is accessible, the camp's waste disposal facilities must be attached to the system. Otherwise, a septic tank or other type of liquid waste treatment and disposal system must be provided.

Structures — Housing units and other structures must comply with specified building codes. There must be at least 100 square feet of floor space in areas used for combined cooking, eating and sleeping purposes; otherwise, there must be at least 50 square feet of floor space per occupant. Separate sleeping accommodations must be provided for each sex or for each family.

Screening — All outside doors, windows and other openings must be properly screened, using not less than 16-mesh screening.

Heating — Living quarters and service buildings must be equipped with permanently installed and operable heating devices capable of maintaining a temperature of at least 68 degrees F. Heaters using combustible fuel must be properly vented.

Electricity and Lighting — All housing sites are required to provide electric service. There must be adequate light fixtures and outlets in all living areas.

Toilets — Toilet facilities must be located within 200 feet of each living unit, and except in individual family units, there must be separate toilet accommodations for men and women. Privies are not permitted.

Bathing, Laundry and Handwashing Facilities — Within 200 feet of each living unit, there must be clean and sanitary bathing and handwashing facilities, supplied with hot and cold water under pressure. Common-use facilities must be properly separated by sex.

Laundry Facilities — Occupants must have use of laundry facilities, with adequate hot and cold water under pressure. Laundry rooms must be equipped with no less than one washing machine for every 30 residents, along with at least one laundry tray, tub or sink.

Cooking and Eating Facilities — Workers or families who are required or permitted to cook in their individual units must be furnished with a cook stove (with oven), adequate food storage and preparation space, mechanical refrigeration capable of maintaining food at a temperature no greater than 45 degrees F., a table and chairs or equivalent seating and eating arrangements, and an adequate sink with hot and cold water under pressure. Congregate food service facilities are subject to similar specifications.

Garbage and Other Refuse — There must be durable fly-tight containers, with a minimum capacity of 20 gallons, adjacent to each unit for the storage of trash, in a minimum ratio of one for every 10 persons. Trash must be collected at least twice a week.

Sleeping Facilities — Every occupant of a migrant camp must be provided with a bed or bunk, equipped with a clean mattress. Any bedding supplied by the camp operator must be clean and sanitary.

Fire, Safety, and First Aid — Camps must be built and maintained in accordance with state and local fire and safety laws. There must be multiple means of escape in the event of fire, and not more than 100 feet from each housing unit there must be readily accessible fire extinguishing equipment and first-aid supplies. There must be a functional smoke detector in each sleeping area. No flammable liquids or materials (other than those needed for current household use) may be stored in or around living areas, and agricultural pesticides and toxic chemicals may not be stored in the housing area.

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.

SPECIAL NOTES OR ADVISORIES

Housing — Farm Labor Housing Standards — Wisconsin

RETALIATION — An employer or labor contractor may not discharge, discipline or discriminate in any manner 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, who, in addition to any other damages, may be liable to the worker for reinstatement and accumulated back wages.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *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. After providing notice to the owner or operator, agents of the Department may enter any property during reasonable daylight hours to determine whether a facility subject to these provisions exists, and to make an initial or follow-up inspection. After a mandatory 15-day correction period, the Department may revoke a certificate and order closure of the camp if it finds a violation of standards. In general, failure to correct a violation within 15 days of receipt of formal notice from the Department may lead to a money penalty against the owner or operator of the facility.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Without regard to any administrative action by the Department, a migrant worker aggrieved by a violation of the migrant labor law by an employer or migrant labor contractor has a right to bring suit against the violator in civil court, using a private attorney or public legal service provider.