

## ● 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*.