

● **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 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.