

● **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

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*.