

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

STATUTORY CITATION: 29 USC §§ 651 – 678

RELATED REGULATIONS: 29 CFR § 1910.142

GENERAL SUMMARY: Under rulemaking authority contained in the Occupational Safety and Health Act, the U.S. Department of Labor has developed and adopted regulations governing temporary labor camps, generally understood to mean employer-provided housing facilities for the seasonal use of their employees.

PROVISIONS APPLICABLE TO AGRICULTURE: Agricultural employers operating a temporary labor camp must comply with specific standards covering the location and construction of such housing and the facilities provided therein.

SITE — Among other requirements, sites must be adequately drained, unsusceptible to periodic flooding, and located no closer than 200 feet to surface collections of water. Sites must be large enough to prevent crowding of structures and must be at least 500 feet from areas where livestock is kept.

CONSTRUCTION — The housing units must protect occupants from exposure to the elements. Sleeping rooms must contain at least 50 square feet of floor space per occupant and have ceilings at least 7 feet in height. Beds must be provided and spaced according to numerical limits on crowding. Floors, windows, doors, heating, and cooking facilities must meet specific rules of construction and safety.

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

TOILET FACILITIES — An adequate number of toilet facilities in relation to the capacity of the camp must be provided, in accordance with space and design specifications.

SEWAGE DISPOSAL FACILITIES — All toilets and drains must be connected to a public sewer system, where available.

LAUNDRY AND BATHING FACILITIES — Laundry, handwashing, and bath or shower facilities, with hot and cold running water, must be provided in specified ratios, related to the camp's occupancy. Clothes-drying facilities must also be provided.

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

REFUSE DISPOSAL — At least one garbage container, of a type approved by a state or local health authority, must be furnished for each family unit, within 100 feet of the unit. Garbage containers must be emptied when full, but no less often than twice a week.

KITCHEN AND FOOD SERVICE FACILITIES — Facilities and equipment used for preparing and serving meals must comply with specified food service standards.

INSECT AND RODENT CONTROL — Preventive pest control measures must be followed.

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

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

SPECIAL NOTES OR ADVISORIES

SMALL-FARM EXEMPTION — A special provision in the annual appropriation bill funding the U.S. Department of Labor prohibits OSHA from conducting inspections or otherwise enforcing the Occupational Safety and Health Act against any farm employer who employs fewer than 11 workers in a given year. An agricultural establishment that operates a temporary labor camp, however, is subject to the Act regardless of the size of its workforce. OSHA is also obligated to conduct an investigation in the event of a death on the job, without regard to the industry involved or the number of workers employed.

PREEMPTION OF JURISDICTION — To the extent that OSHA has established standards regulating a particular occupational safety or health issue, any state or local law that relates to the same issue is preempted by the federal standard and cannot be enforced, except (1) in states that have an OSHA-approved job safety and health plan, and (2) in states that do not have an OSHA-approved plan but where the state or local law is applied only to small farms exempted from federal coverage.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210 (202-693-1999; toll-free 800-321-6742).* OSHA has authority to enter and inspect temporary labor camps, investigate complaints, issue citations, propose and enforce administrative penalties, and file and prosecute civil and criminal actions in federal court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — Any state may assume responsibility for developing and enforcing occupational safety and health standards relating to any issue with respect to which a federal standard has been promulgated, by submitting to the Department a Section 18(b) state plan for developing and enforcing

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such standards. For approval, a plan must contain standards at least as effective in providing safe and healthful employment as the federal counterpart standard, and the state must devote adequate personnel and funds to assure administration and enforcement. In approving a state plan, OSHA in effect removes the preemptive bar against enforcement of state laws dealing with the same subject matter (*see special note above*) and allows the state to enforce its own standards under authority of state law, generally in lieu of enforcement activity by the federal agency.

State plans with provisions regulating temporary labor camps have been approved and are in effect in the following states: *Arizona, California, Hawaii, Maryland, Michigan, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, Tennessee, Vermont, Virginia, and Washington.*