

## ● 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.