

HOUSE BILL REPORT

ESSB 5599

As Reported By House Committee On:
State Government

Title: An act relating to agricultural worker protection regulatory duties.

Brief Description: Regulating temporary worker housing.

Sponsors: Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Deccio, Rasmussen, Jacobsen, Hale and Winsley; by request of Governor Locke).

Brief History:

Committee Activity:

State Government: 3/31/99, 4/2/99 [DP].

Brief Summary of Engrossed Substitute Bill

- The Department of Health and the Department of Labor and Industries are directed to adopt joint rules establishing standards for cherry harvest temporary labor camps.
- The Department of Health and the Department of Labor and Industries must adopt joint rules for the licensing, operation, and inspection of temporary worker housing and the enforcement of these rules.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Haigh; Lambert and D. Schmidt.

Minority Report: Without recommendation. Signed by 2 members: Representatives Miloscia, Democratic Vice Chair and Dunshee.

Staff: Steve Lundin (786-7127).

Background:

The State Board of Health is authorized to adopt rules for labor camps and new housing for agricultural workers.

The Department of Health is required to adopt a temporary worker building code that conforms with the temporary worker housing standards developed under the Washington Industrial Safety and Health Act and rules adopted by the State Board of Health. This code must include guidelines for constructing a variety of formats, including tents, tent platforms, and hard-shell, single exterior wall structures. Any rules pertaining to an employer who is subject to the federal Migrant and Seasonal Housing Agricultural Worker Protection Act must comply with the federal act. Temporary worker housing is defined as a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or is provided by another person who provides such accommodations for employees, for temporary, seasonal occupancy. Temporary worker housing includes labor camps.

Persons operating such facilities consisting of four or fewer dwelling units, or combination of dwelling units, dormitories, or spaces that house nine or fewer occupants, may elect to comply with this code or the uniform building codes that are part of the State Building Code.

Summary of Bill:

1. Temporary cherry harvest labor camps.

Laws providing for the State Board of Health to adopt rules relating to labor camps and new housing for agricultural workers are repealed.

The Department of Health and the Department of Labor are directed to adopt joint rules establishing standards for temporary cherry harvest labor camps. These rules may provide some variation from standards that are necessary for longer occupancies if they are at least as effective as the standards adopted by the Washington Industrial Safety and Health Act. These rules have no application to temporary worker housing constructed under the uniform building codes or the temporary worker housing code adopted by the Department of Health. Old Board of Health rules on labor camps remain in effect until replaced by these new joint rules.

A temporary cherry harvest labor camp is defined as a place where housing and related facilities are provided to any agricultural workers for no more than 21 days in any calendar year. The Department of Health and the local health jurisdiction may allow an extension of up to an additional seven days if they determine that the health and safety of worker occupants would be better served by the extension than closing

the camp and the operator requests the extension at least three days prior to the end of the 21-day period. Temporary labor camps may only be used to provide housing to immigrant aliens admitted to the United States for agricultural labor or for temporary or seasonal services.

2. Temporary worker housing.

Labor camps and rules relating to labor camps do not apply to temporary worker housing.

Temporary worker housing is limited to housing provided for agricultural workers by agricultural employers, including persons growing, producing, or harvesting farm or nursery products or engaged in the forestation or reforestation of lands, including the harvesting of Christmas trees.

The authority to enforce temporary housing codes includes the authority to levy and collect fines.

The Department of Health and the Department of Labor and Industries must adopt joint rules for the licensing, operation, and inspection of temporary worker housing and the enforcement of these rules. The rules shall establish standards that are at least as effective as the standards developed under the Washington Industrial Safety and Health Act.

By December 1, 1999, the Department of Health and the Department of Labor and Industries must jointly establish a formal agreement identifying each of their roles with respect to temporary worker housing operation standards. Where feasible the agreement shall provide for a single agency to inspect and enforce this code. Multiple citations for the same violation shall be avoided.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is one part of a package by the Governor to improve farm worker housing. One agency will set the rules. This bill has been crafted with the assistance of management and labor. Along with the other bills, this will result in more farm worker housing. The standards for temporary cherry harvest labor camps will increase over time.

Testimony Against: This is a step backwards, although there are good intentions behind the bill. Our people are suspicious. The standards are not good enough. Not passing the bill would be better than passing the bill. Our people can still remain homeless living on river banks for a few more years to wait for even better housing.

Testified: (In support) Rich Nafziger, Office of the Governor; Chris Cheney, Washington Growers League; Jeff Johnson, Washington State Labor Council; and Julie Murray, Washington Farm Bureau.

(Opposed) Adrian Moroles, citizen; Rogelio Riojas, Sea-mar; and Jesus Rodriguez, Snohomish Hispanic Network.