

HOUSE OF REPRESENTATIVES

Olympia, Washington

Bil Analysis

Bil No. ESSB5599

Regulating temporary worker housing.

Brief title

Hearing Date 3/31/99

Senator Prenti DeCicca and Rasmussen

Sponsor(s)

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State Government Committee

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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 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 construction of a variety of forms including tent platforms, hard-shell huts, and other structures. Any rules pertaining to an employer who is subject to the federal Migrant Seasonal Industry Agricultural Worker Protection Act must comply with the federal Act. Temporary worker housing is defined as a place or piece of land where sleeping quarters are provided for an employer for his or her employees or provided by another person or provided for an employee for temporary seasonal occupancy. Temporary worker housing includes labor camps.

Persons operating facilities consisting of fewer than five dwelling units, or combinations of dwelling units, dormitory spaces that house no more than five occupants, are exempt from compliance with this code if the uniform building code is a part of the State Building Code.

SUMMARY:

1. Temporary worker 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for the State Board of Health to adopt rules relating to labor camps and new housing for agricultural workers are repealed.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 labor camps. These rules may provide some variations from standards that are necessary for longer occupancy 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 for temporary worker housing adopted by the Department of Health. Old Board of Health rules on labor camps remain effective until replaced by these new joint rules.

A temporary harvest labor camp is defined as a place where housing and related facilities are provided for agricultural workers, not just agricultural workers engaged in harvest, for no more than 90 days in any calendar year. The Department of Health and the local health jurisdiction may allow an extension of up to an additional 90 days if they determine that the health and safety of worker occupants will be better served by the extension. The local health jurisdiction may request the extension at least 30 days prior to the end of the 90-day period. Temporary labor camps may only be used to provide housing for immigrants admitted to the United States for agricultural labor for temporary 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, harvesting, or processing agricultural products engaged in the operation, reforestation, and maintenance of forests, 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 jointly establish a formal agreement identifying their roles with respect to temporary worker housing operations and, where feasible, a provision for a single agency to inspect and enforce this code. Multiple citations for the same violation shall be avoided.

FISCANOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of the session in which it is passed.