
Commerce & Labor Committee

ESB 6769

Brief Description: Concerning sheepherder housing.

Sponsors: Senators Honeyford, Prentice, Rasmussen and Hochstatter.

Brief Summary of Engrossed Bill

- Prohibits the Department of Labor and Industries from enforcing standards for range sheepherder mobile housing that exceed applicable federal temporary labor camp standards.

Hearing Date:

Staff: Chris Cordes (786-7103).

Background:

Both Washington and federal safety and health rules for workplaces have provisions governing temporary worker housing or labor camps when the housing is provided as a condition of employment. In Washington, the rules applying to agriculture have been adopted jointly by the Department of Labor and Industries under the Washington Industrial Safety and Health Act and the Department of Health. Because Washington is a "state plan state" under the federal Occupational Safety and Health Act, only the state rules are enforced in most Washington workplaces.

According to a Department of Labor and Industries regional directive issued in November 2001, a small number of sheepherders work in Washington under a federal temporary foreign worker program administered by the Employment Security Department (ESD). This foreign worker program requires the employer to provide free and approved housing for workers who are not able to return to their residences daily. The ESD must certify to the U.S. Department of Labor that applicable health and safety standards are met for these workers.

Beginning in December 2000, certifying authorities began consulting with the Department of Labor and Industries. These discussions led to the issuance of the November 2001 regional directive that gives interpretive guidance for enforcing the state temporary worker housing standards when housing is provided to sheepherders as a condition of employment. This directive discusses the circumstances under which "feasibility" and "de minimis" arguments

should be evaluated and lists the standards for which citations may not be issued in certain circumstances. The directive also states that the department will not cite violations of the state requirements before May 1, 2002, if the requirement would not have been enforced under prior agreements relating to certification of the sheepherder program.

Both state and federal temporary worker housing standards regulate such issues as: siting the housing or camps; shelter requirements; water supply; toilet, laundry, handwashing, and bathing facilities; lighting; sewage and refuse disposal; operation of kitchen facilities; insect and rodent control; first aid facilities; and disease prevention and reporting.

Summary of Bill:

The state workplace safety and health rules governing temporary worker housing do not apply, with respect to range sheepherding mobile housing, to employers who are engaged in the business of sheepherding.

The Department of Labor and Industries may not enforce workplace safety and health standards for range sheepherder mobile housing that exceed the minimum applicable requirements in standards adopted by the U.S. Department of Labor.

Rules Authority: The bill does not contain provisions addressing the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Not requested.

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