

Chapter 246-358 WAC

TEMPORARY WORKER HOUSING

WAC

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246-358-115	Lighting. [Statutory Authority: RCW 70.54.110. WSR 93-03-032 (Order 326B), § 246-358-115, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-115, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order	246-358-680

124B), recodified as § 246-358-115, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-115, filed 5/2/88.] Repealed by WSR 96-02-014, filed 12/21/95, effective 1/1/96. Statutory Authority: RCW 70.54.110.

Use of tents. [Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-140, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-140, filed 1/12/93, effective 2/12/93.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.065 and 70.114A.110.

Cherry harvest camps—Applicability. [Statutory Authority: RCW 70.54.110 and 43.20.050(3). WSR 99-12-006, § 246-358-600, filed 5/19/99, effective 5/19/99.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.-065 and 70.114A.110.

Cherry harvest camps—Licensing. [Statutory Authority: RCW 70.54.110 and 43.20.050(3). WSR 99-12-006, § 246-358-610, filed 5/19/99, effective 5/19/99.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.065 and 70.114A.110.

Cherry harvest camps—Transitional compliance schedule. [Statutory Authority: RCW 70.54.110 and 43.20.050(3). WSR 99-12-006, § 246-358-620, filed 5/19/99, effective 5/19/99.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.065 and 70.114A.110.

Cherry harvest camps—Location of camp area and camp management plan. [Statutory Authority: RCW 70.54.110 and 43.20.050(3). WSR 99-12-006, § 246-358-630, filed 5/19/99, effective 5/19/99.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.065 and 70.114A.110.

Cherry harvest camps—Adequate lighting, electricity and alternative power. [Statutory Authority: RCW 70.54.110 and 43.20.050(3). WSR 99-12-006, § 246-358-640, filed 5/19/99, effective 5/19/99.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.065 and 70.114A.110.

Cherry harvest camps—Bathing, toilet and handwashing areas. [Statutory Authority: RCW 70.54.110 and 43.20.050(3). WSR 99-12-006, § 246-358-650, filed 5/19/99, effective 5/19/99.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.065 and 70.114A.110.

Cherry harvest camps—Personal storage. [Statutory Authority: RCW 70.54.110 and 43.20.050(3). WSR 99-12-006, § 246-358-660, filed 5/19/99, effective 5/19/99.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.-065 and 70.114A.110.

Cherry harvest camps—Cold food storage areas. [Statutory Authority: RCW 70.54.110 and 43.20.050(3). WSR 99-12-006, § 246-358-670, filed 5/19/99, effective 5/19/99.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.-065 and 70.114A.110.

Cherry harvest camps—Food storage and preparation areas. [Statutory Authority: RCW 70.54.110 and 43.20.050(3). WSR 99-12-006, § 246-358-680, filed 5/19/99, effective 5/19/99.] Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.114A.065 and 70.114A.110.

WAC 246-358-001 Purpose and applicability. (1)
Purpose. This chapter is adopted by the Washington state department of health to implement the provisions of chapter 70.114A RCW and establish minimum health and safety requirements for temporary worker housing.

(2) Applicability.

(a) This chapter applies only to operators of temporary worker housing. Operators using tents within the cherry harvest season must refer to WAC 296-307-16300, Part L-1, or chapter 246-361 WAC.

(b) Operators with ten or more occupants are required to be licensed under this chapter. Operators with nine or less employees are not required to be licensed, but must comply with these standards.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-001, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-001, filed 12/21/95, effective 1/1/96; WSR 93-12-043 (Order 365B), § 246-358-001, filed 5/25/93, effective 6/25/93; WSR 93-03-032 (Order 326B), § 246-358-001, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-001, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-001, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-001, filed 5/2/88; WSR 84-18-034 (Order 273), § 248-63-001, filed 8/30/84. Formerly WAC 248-61-001.]

WAC 246-358-010 Definitions. For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the reforestation or reforestation of lands, which includes, but is not limited to, the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Building" means any structure used or intended to be used for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping, and sanitation facilities.

(4) "Common food-handling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

(5) "Current certificate (first aid)" means a first-aid-training certificate that has not expired.

(6) "Department" means the Washington state department of health and/or the department of labor and industries.

(7) "Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

(8) "Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

(9) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common-use areas.

(10) "First-aid qualified" means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content or hours.

(11) "Food-handling facility" means a designated, enclosed area for preparation of food.

(12) "Group A water system" means a public water system and includes community and noncommunity water systems.

(a) A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

(b) A noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

(ii) Transient (TNC) water system that serves:

(A) Twenty-five or more different people each day for sixty or more days within a calendar year;

(B) Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or

(C) One thousand or more people for two or more consecutive days within a calendar year.

(13) "Group B water system" means a public water system: Constructed to serve less than fifteen residential services regardless of the number of people; or constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or any number of people for less than sixty days within a calendar year.

(14) "Habitable room" means a room or space in a structure with a minimum seven-foot ceiling used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

(15) "Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

(16) "Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

(17) "Livestock operation" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

(18) "MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

(19) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

(20) "Operating license" means a document issued annually by the department or health officer authorizing the use of temporary worker housing.

(21) "Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary worker housing.

(22) "Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

(a) Built on a single chassis, mounted on wheels;

(b) Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and

(c) Certified by the manufacturer as complying with ANSI A119.5.

(23) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies, or other similar coverings.

(24) "Refuse" means solid wastes, rubbish, or garbage.

(25) "Temporary worker" means an agricultural employee employed intermittently and not residing year-round at the same site.

(26) "Temporary worker housing" or "housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy.

(27) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-010, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-010, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-010, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-010, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-010, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-010, filed 5/2/88; WSR 84-18-034 (Order 273), § 248-63-010, filed 8/30/84. Formerly WAC 248-60A-010 and 248-61-010.]

WAC 246-358-025 Operating license. The operator:

(1) Must request a license from the department of health or health officer when:

(a) Housing consists of:

(i) Five or more dwelling units; or

(ii) Any combination of dwelling units, or spaces that house ten or more occupants;

(b) Compliance with MSPA requires a license; or

(c) Construction of camp buildings requires a license under chapter 246-359 WAC, Temporary worker housing construction standard.

(2) Must apply for an operating license at least forty-five days prior to either the use of housing or the expiration of an existing operating license by submitting to the department of health or health officer:

(a) A completed application on a form provided by the department or health officer;

(b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and

(c) A fee as specified in WAC 246-358-990.

(3) Will receive an operating license for the maximum number of occupants as determined by WAC 246-358-029 when:

(a) The application requirements from subsection (2) of this section are met;

(b) The housing is in compliance with this chapter as demonstrated by:

(i) A licensing survey completed by the department of health; or

(ii) A self-survey completed by the operator and approved by the department of health; and

(c) The operator complies with the corrective action plan established by the department.

(4) May allow the use of housing without a renewed license when all of the following conditions exist:

(a) The operator applied for renewal of an operating license in accordance with subsection (2) of this section at least forty-five days before occupancy, as evidenced by the post mark;

(b) The department of health or health officer has not inspected the housing or issued an operating license;

(c) Other local, state, or federal laws, rules, or codes do not prohibit use of the housing; and

(d) The operator provides and maintains housing in compliance with this chapter.

(5) Must post the operating license in a place readily accessible to occupants of the housing.

(6) Must notify the department of health or health officer of a transfer of ownership.

(7) Must cooperate with the department or health officer during on-site inspections.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-025, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 43.70.340. WSR 96-01-084, § 246-358-025, filed 12/18/95, effective 1/1/96. Statutory Authority: RCW 43.70.340 and 43.70.040. WSR 93-03-031 (Order 324), § 246-358-025, filed 1/12/93, effective 2/12/93. Statutory Authority: RCW 70.54.110. WSR 92-04-082 (Order 242B), § 246-358-025, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-025, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW and RCW 43.20.050. WSR 90-06-049 (Order 040), § 248-63-025, filed 3/2/90, effective 3/2/90. Statutory Authority: RCW 43.20.050. WSR 88-10-027 (Order 309), § 248-63-025, filed 5/2/88.]

WAC 246-358-027 Requirements for self-survey program. If a licensed operator meets the requirements provided in this section, then the operator may participate in the self-survey program. This means an operator is allowed to conduct a self-survey for two years. On the third year the department of health will conduct an on-site verification survey to

assure compliance with this chapter and determine if the temporary worker housing still meets the requirements of the self-survey program.

(1) To be in the self-survey program the operator must:

(a) Meet the requirements of WAC 246-358-025;

(b) Not have had any valid complaints;

(c) Have had two consecutive years without any deficiencies or have had very minor deficiencies (for example one or two screens torn, missing a few small trash cans, etc.); and

(d) Be recommended by the health surveyor.

(2) For a licensed operator to remain in the self-survey program the licensed operator must:

(a) Continue to comply with subsection (1) of this section;

(b) Continue to not have any deficiencies or very minor deficiencies; and

(c) Not have a change in ownership.

(3) When licensed temporary worker housing changes ownership, the new licensed operator must comply with the requirements of subsection (1) of this section before being eligible to be on the self-survey program.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-027, filed 3/1/00, effective 3/1/00.]

WAC 246-358-029 Maximum housing occupancy. (1)

The maximum occupancy for operator-supplied housing will be based on:

(a) The square footage of the housing facility; and

(b) The number of bathing, food handling, handwashing, laundry, and toilet facilities.

(2) The maximum occupancy for worker-supplied housing will be based on:

(a) The number of spaces designated for worker-supplied housing by the operator; and

(b) The number of bathing, food handling, handwashing, laundry, and toilet facilities in excess of those facilities required for operator-supplied housing.

Note: Worker supplied housing includes recreational park trailers, recreational vehicles, OSHA compliant tents or other structures that meet the requirements of this chapter.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-029, filed 3/1/00, effective 3/1/00.]

WAC 246-358-040 Variance and procedure. Conditions may exist in operations that a state standard will not have practical use. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided. The substitute means must provide equal protection in accordance with the requirements of chapter 49.17 RCW and chapter 296-350 WAC, variances.

Applications for variances will be reviewed and may be investigated by the department of labor and industries and the department of health. Variances granted will be limited to the specific case or cases covered in the application and may be revoked for cause. The variance shall remain prominently posted on the premises while in effect.

Variance application forms may be obtained from the Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625 or the Department of Health,

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P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625. (Reference RCW 49.17.080 and 49.17.090.)

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-040, filed 3/1/00, effective 3/1/00.]

WAC 246-358-045 Temporary worker housing sites.

The operator must:

(1) Locate and operate a site to prevent a health or safety hazard that is:

(a) Adequately drained and any drainage from and through the housing must not endanger any domestic or public water supply;

(b) Free from periodic flooding and depressions in which water may become a nuisance;

(c) At least two hundred feet from a swamp, pool, sink hole, or other surface collection of water unless there is a mosquito prevention program for those areas;

(d) Large enough to prevent overcrowding of necessary structures. The principal housing area for sleeping and for food preparation and eating must be at least five hundred feet from where livestock are kept; and

(e) The grounds and open areas surrounding the shelters must be in a clean and sanitary condition.

(2) Must develop and implement a temporary worker housing management plan and rules for operators with ten or more occupants, to assure that the housing is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:

(a) Inform occupants of the rules, in a language the occupant understands by providing individual copies of the rules to each occupant or posting the rules in the housing area;

(b) Restrict the number of occupants in the temporary worker housing to the capacity as determined by the department.

(3) When closing housing permanently or for the season, complete the following:

(a) Dispose of all refuse to prevent nuisance;

(b) Fill all abandoned toilet pits with earth; and

(c) Leave the grounds and buildings in a clean and sanitary condition.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-045, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-045, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-045, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-045, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-045, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-045, filed 5/2/88.]

WAC 246-358-055 Water supply. The operator must:

(1) Provide a water system that is:

(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year or provide proof the camp receives water from an approved Group A public water system or provide proof the temporary worker housing receives water from an approved Group A public water system; or

(5/30/14)

(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.

Note: A "same farm exemption" applies to a public water system with four or fewer connections all of which serve residences on the same farm. "Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.

	Avg. daily population of less than 25 people	Avg. daily population of 25 or more people
At least 60 days or more	Group B	Group A TNC
59 days or less	Group B	Group B

Note: If a system has fifteen or more connections, regardless of the population, it is a Group A water system.

(2) Provide an adequate and convenient hot and cold water supply for drinking, cooking, bathing, and laundry purposes.

Note: An "adequate water supply" means the storage capacity of the potable water system must meet the requirements of ASHRAE 1999 Applications Handbook, chapter 48, Water Systems.

(3) Ensure that the distribution lines are able to maintain the working pressure of the water piping system at not less than fifteen pounds per square inch after allowing for friction and other pressure losses.

(4) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within one hundred feet of each dwelling unit.

(5) When water sources are not available in each individual dwelling unit, provide one or more drinking fountains for each one hundred occupants or fraction thereof. Prohibit the use of common drinking cups or containers from which water is dipped or poured.

(6) When water is unsafe for drinking purposes and accessible to occupants, post a sign by the source reading "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD." printed in English and in the native language of the persons occupying the housing or marked with easily-understood pictures or symbols.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-055, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-055, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-055, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-055, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-055, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-055, filed 5/2/88.]

WAC 246-358-065 Sewage disposal. The operator must:

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

(5/30/14)

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapters 246-272 and 173-240 WAC, and local ordinances.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-065, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-065, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-065, filed 1/12/93, effective 2/12/93. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-065, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-065, filed 5/2/88.]

WAC 246-358-070 Electricity and lighting. The operator must ensure that:

(1) Electricity is supplied to all dwelling units, kitchen facilities, shower/bathroom facilities, common areas, and laundry facilities.

(2) All electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the department of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

(3) Each habitable room must have at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet.

(4) Laundry, shower/bathroom facilities, toilet rooms and rooms where people congregate have at least one ceiling-type or wall-type fixture.

(5) General lighting and task lighting is adequate to carry on normal daily activities.

(6) Adequate lighting is provided for safe passage for occupants to handwashing sinks and toilets.

Note: Lighting requirements may be met by natural or artificial means.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-070, filed 3/1/00, effective 3/1/00.]

WAC 246-358-075 Building requirements and maintenance. An operator must:

(1) Construct buildings to provide protection against the elements and comply with:

(a) The State Building Code, chapter 19.27 RCW or the Temporary worker housing construction standard, chapter 246-359 WAC;

(b) State and local ordinances, codes, and regulations when applicable; and

(c) This chapter. Any shelter meeting these requirements is acceptable.

(2) Identify each dwelling unit and space used for shelter by posting a number at each site.

(3) Maintain buildings in good repair and sanitary condition.

(4) Provide exits that are unobstructed and remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(5) Provide a ceiling height of at least seven feet for each habitable room. If a building has a sloped ceiling, no portion of the room measuring less than seven feet from the finished floor to the finished ceiling will be included in any computation of the minimum floor space.

(6) Provide at least seventy square feet of floor space for the first occupant and at least fifty square feet of floor space for each additional occupant in each dwelling unit.

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(7) Provide each room used for sleeping purposes with at least fifty square feet of floor space for each occupant.

(8) Provide floors in accordance with the State Building Code, chapter 19.27 RCW, or the Temporary worker housing construction standard, chapter 246-359 WAC, that are tightly constructed and in good repair.

(9) Ensure wooden floors are at least one foot above ground-level, or meet the requirements in the State Building Code, chapter 19.27 RCW or temporary worker housing construction standard, chapter 246-359 WAC.

(10) Provide habitable rooms that have:

(a) Windows covering a total area equal to at least one-tenth of the total floor area and at least one-half of each window can be opened to the outside for ventilation; or

(b) Mechanical ventilation in accordance with applicable ASHRAE standards.

(11) Provide sixteen-mesh screening on all exterior openings and screen doors with self-closing devices.

(12) Install all heating, cooking, and water heating equipment according to state and local ordinances, codes, and regulations and maintain in a safe condition.

(13) Provide adequate heating equipment if habitable rooms, including bathrooms, are used during cold weather.

(14) Ensure that all recreational vehicles and park trailers meet the requirements of chapter 296-150P or 296-150R WAC.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-075, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-075, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-075, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-075, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-075, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-075, filed 5/2/88.]

WAC 246-358-090 Laundry facilities. An operator must:

(1) Provide one laundry tray or tub or one mechanical washing machine for every thirty persons.

(2) Provide facilities for drying clothes.

(3) Provide sloped, coved floors of nonslip impervious materials with floor drains.

(4) Maintain laundry facilities in a clean and sanitary condition.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-090, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-090, filed 12/21/95, effective 1/1/96.]

WAC 246-358-095 Handwashing and bathing facilities. An operator must:

(1) Provide one handwash sink for each family dwelling unit or for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets.

(2) Provide one showerhead for each family dwelling unit or for every ten persons in centralized facilities.

(3) Provide one "service sink" in each building used for centralized laundry, hand washing, or bathing.

(4) Provide sloped, coved floors of nonslip impervious materials with floor drains.

(5) Ensure shower room walls are smooth and nonabsorbent to the height of four feet. If used, partitions must be smooth and nonabsorbent to the height of four feet.

(6) Provide all showers, baths, or shower rooms with floor drains to remove wastewater.

(7) Provide cleanable, nonabsorbent waste containers.

(8) Maintain centralized bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily.

(9) Request occupants of family dwelling units to maintain bathing and handwashing facilities in a clean and sanitary condition.

(10) Ensure shower facilities provide privacy from the opposite sex and the public.

(11) Make showers and bathing facilities available when needed.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-095, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-095, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-095, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-095, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-095, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-095, filed 5/2/88.]

WAC 246-358-100 Toilet facilities. (1) General toilet requirements. Operators must provide water flush toilets unless chemical toilets or pit privies are specifically approved by the department of health or health officer according to requirements in chapter 246-272 WAC and ensure the following:

(a) Flush toilets, chemical toilets, and urinals must not be located in any sleeping room, dining room, or cooking or food handling facility.

(b) When chemical toilets are approved, they must be:

(i) Located at least fifty feet from any dwelling unit or food handling facility;

(ii) Maintained by a licensed waste disposal company; and

(iii) Comply with local ordinances.

(c) When urinals are provided:

(i) There must be one urinal or two linear feet of urinal trough for each twenty-five men;

(ii) The floors and walls surrounding a urinal and extending out at least fifteen inches on all sides, must be constructed of materials which will not be adversely affected by moisture;

(iii) The urinal must have an adequate water flush where water under pressure is available; and

(iv) Urinal troughs are prohibited in pit privies.

(d) When pit privies are approved they must be:

(i) At least one hundred feet away from any sleeping room, dining room, cooking or food handling facilities; and

(ii) Constructed to exclude insects and rodents from the pit.

(2) Centralized toilet facilities. The operator must meet the following requirements when centralized toilet facilities are provided:

(a) Provide toilet rooms with:

(i) One toilet for every fifteen persons;

(ii) One handwashing sink for every six persons;

(iii) Either a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated; and

(iv) All outside openings screened with sixteen-mesh material.

(b) Locate toilet rooms so that:

(i) Toilets are within two hundred feet of the door of each sleeping room; and

(ii) No person has to pass through a sleeping room to reach a toilet room.

(c) Maintain toilets in a clean and sanitary condition, cleaned at least daily.

(d) Provide each toilet compartment with an adequate supply of toilet paper.

(e) When shared facilities will be used for both men and women:

(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratio as defined in (a) of this subsection;

(ii) Identify each room for "men" and "women" with signs printed in English and in the native language of the persons occupying the camp, or identified with easily understood pictures or symbols; and

(iii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.

(3) Individual family/unit dwelling toilet requirements. If providing flush toilets in individual cabins, apartments, or houses, the operator must:

(a) Provide one toilet for each individual family dwelling unit or fifteen persons.

(b) Provide one handwashing sink for each six persons. The sink must be located in the toilet room or immediately adjacent.

(c) Provide a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated.

(d) Ensure all outside openings are screened with sixteen-mesh material.

(e) Ensure toilet facilities are cleaned prior to occupancy and request occupants to maintain the facilities in a clean and sanitary condition.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-100, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-100, filed 12/21/95, effective 1/1/96.]

WAC 246-358-125 Cooking and food-handling facilities. The operator must provide enclosed or screened cooking and food-handling facilities for all occupants. The operator must provide adequate tables and seating for occupants.

(1) If cooking facilities are located in dwelling units, the operator must provide:

(a) An operable cook stove or hot plate with at least one cooking surface for every two occupants;

(b) A sink with hot and cold running potable water under pressure;

(c) At least two (2) cubic feet of dry food storage space per occupant;

(d) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(e) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;

(5/30/14)

(f) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(g) Nonabsorbent, easily cleanable floors; and

(h) Adequate ventilation for cooking facilities.

(2) In common food-handling facilities, the operator must provide:

(a) A room or building, adequate in size, separate from any sleeping quarters;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

(c) An operable cook stove or hot plate with at least one cooking surface for every four occupants, or four cooking surfaces for every two families;

(d) Sinks with hot and cold running potable water under pressure;

(e) At least two (2) cubic feet of dry food storage space per occupant;

(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(g) Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;

(h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(i) Nonabsorbent, easily cleanable floors; and

(j) Adequate ventilation for cooking facilities.

(3) The operator must ensure that centralized dining hall facilities comply with chapter 246-215 WAC, Food service.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-125, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-125, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-125, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-125, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-125, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-125, filed 5/2/88.]

WAC 246-358-135 Cots, beds, bedding and personal storage. The operator must:

(1) Provide beds, cots, or bunks furnished with clean mattresses in good condition for the maximum occupancy approved by the department of health or health officer for operator-supplied housing.

(2) Maintain bedding, if provided by the operator, in a clean and sanitary condition.

(3) Provide sufficient clearance between each bed or bunk and the floor or provide a commercially available cot, bed or bunk.

(4) Allow space to separate beds laterally and end to end by at least thirty-six inches when single beds are used.

(5) Meet the following requirements when bunk beds are used:

(a) Allow space to separate beds laterally and end to end by at least forty-eight inches;

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

(c) Prohibit triple bunks.

(6) Provide storage facilities for clothing and personal articles in each room used for sleeping.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-135, filed 3/1/00, effective 3/1/00. Statutory Authority:

RCW 70.54.110. WSR 96-02-014, § 246-358-135, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-135, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-135, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-135, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-135, filed 5/2/88.]

WAC 246-358-145 First aid and safety. The operator must:

(1) Comply with chapters 15.58 and 17.21 RCW, chapter 16-228 WAC, chapter 296-307 WAC, Parts I and J, and pesticide label instructions when using pesticides in and around the housing.

(2) Prohibit, in the housing area, the use, storage, and mixing of flammable, volatile, or toxic substances other than those intended for household use.

(3) Provide readily accessible first-aid equipment.

(4) Ensure that a first aid qualified person is readily accessible to administer first aid at all times.

(5) Store or remove unused refrigerator units to prevent access by children.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-145, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-145, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-145, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-145, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-145, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-145, filed 5/2/88.]

WAC 246-358-155 Refuse disposal. The operator must:

(1) Comply with local sanitation codes for removing and disposing of refuse from housing areas.

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse.

(3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable or single-use containers.

(4) Keep refuse containers clean.

(5) Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit.

(6) Empty refuse containers at least twice each week, and when full.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-155, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-155, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-155, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-155, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-155, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-155, filed 5/2/88.]

WAC 246-358-165 Insect and rodent control. The operator must take effective measures to prevent and control insect and rodent infestation.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-165, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 93-03-032 (Order 326B), § 246-358-165, filed 1/12/93, effective 2/12/93. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-165, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-165, filed 5/2/88.]

WAC 246-358-175 Disease prevention and control.

The operator must:

(1) Report immediately to the local health officer the name and address of any occupant known to have or suspected of having a communicable disease.

(2) Report immediately to the local health officer:

(a) Suspected food poisoning;

(b) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or

(c) Productive cough, or when weight loss is a prominent symptom among occupants.

(3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, food-stuffs, or materials in dining halls.

[Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-175, filed 3/1/00, effective 3/1/00. Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-175, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-175, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-175, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-175, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-175, filed 5/2/88.]

WAC 246-358-990 Fees. (1) **Licensing fee.** An operator shall submit to the department of health a licensing fee according to Table 1 of this section prior to the department of health issuing a temporary worker housing (TWH) operating license. Except as provided in subsection (2) of this section, the licensing fee consists of two portions:

(a) An administrative portion according to Table 1 of this section; and

(b) A facility portion, based on the maximum occupancy of the TWH, according to Table 1 of this section. For purposes of this section, maximum occupancy is the greatest number of occupants that reside in the TWH during the calendar year.

(2) **Minimum licensing fee.** The minimum licensing fee is ninety dollars.

(3) **Late fees.** The department of health may charge a late fee according to Table 1 of this section in addition to the licensing fee when:

(a) For a new license, the application and licensing fee are not received by the department of health at least forty-five days prior to the new TWH opening operation date;

(b) For a previously licensed TWH, the application and licensing fee are not received by the department of health by February twenty-eighth of the year the operator intends to operate the TWH.

(4) **Refunds.**

(a) The department of health will refund fees paid by the operator if:

(i) The operator submits a written request to the department of health for a refund; and

(ii) The operator provides documentation to the department of health that the TWH was not occupied during the license period.

(b) The department of health will refund two-thirds of the licensing fees paid, less a fifty dollar processing fee, if an application has been received but no preoccupancy inspection has been performed by the department of health.

(c) The department of health will refund one-third of the licensing fees paid, less a fifty dollar processing fee, if an

application has been received and a preoccupancy inspection has been performed by the department of health.

(d) The department of health will not refund applicant licensing fees under the following conditions:

(i) The department of health has performed more than one on-site inspection for any purpose; or

(ii) One year has elapsed since a license application was received by the department of health, but no license was issued because the applicant failed to complete requirements for licensure.

(5) **Technical assistance fee.** The department of health may charge an operator for each technical assistance visit conducted by the department of health when requested or approved by the operator or their designee. This fee will be charged according to WAC 246-359-990, Table 1.

(6) **TWH civil fine.** The department of health may assess an operator a civil fine according to RCW 43.70.335.

**Table 1
Fees, Regular Temporary Worker Housing**

Fee Type	Administrative Portion	Facility Portion
Licensing	\$50	\$4 per occupant, at maximum occupancy
	(\$90 minimum total fee)	
Late	\$100 (Late fees are in addition to licensing fees)	

[Statutory Authority: RCW 43.70.340, chapter 70.114A RCW and 2012 2nd sp.s. c 7, § 219(32). WSR 14-12-049, § 246-358-990, filed 5/30/14, effective 7/1/14. Statutory Authority: RCW 43.70.340 and 2010 c 37. WSR 11-13-124, § 246-358-990, filed 6/22/11, effective 7/23/11. Statutory Authority: RCW 43.70.340. WSR 99-24-095, § 246-358-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.340 and 43.70.040. WSR 93-03-031 (Order 324), § 246-358-990, filed 1/12/93, effective 2/12/93. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-358-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. WSR 87-24-074 (Order 2564), § 440-44-100, filed 12/2/87; WSR 86-05-029 (Order 2342), § 440-44-100, filed 2/19/86.]