

**WAC 296-307-16103 Definitions.** The following definitions apply throughout this chapter unless the context clearly indicates otherwise:

**Agricultural employee.** Any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

**Agricultural employer.** Any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation 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.

**Bathing facility.** An enclosed area provided by the operator for workers to bathe or shower, and may be located within a family shelter or a common facility.

**Building.** Any structure used or intended by the operator to be used by workers for cooking, eating, sleeping, sanitation, or other facilities.

**Cherry harvest camp.** A place where housing and related facilities are provided to agricultural employees by agricultural employers or TWH operators for their use while employed for the harvest of cherries in the state of Washington. Cherry harvest camps are the only TWH site allowing tents.

**Common.** A shared facility provided by the operator for all workers of the TWH.

**Common areas.** Housing areas shared or used by one or more families or unrelated individuals.

**Current certificate (first aid).** A first-aid training certificate that has not expired.

**Dining hall.** A cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by workers.

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

**Dwelling unit.** A shelter, building, or portion of a building, which may include cooking and eating facilities, that are:

(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 areas. "Physically separated" means a physical wall separating rooms.

**Family shelter.** A dwelling unit with sleeping facilities for up to fifteen workers that may include toilet or cooking facilities. If services such as bathing, food-handling, or toilet facilities are provided in the family shelter, they are for the sole use of the occupants of the family shelter.

**First-aid trained.** The person holds a current certificate of first-aid training.

**Floor space.** The area within a dwelling unit with a minimum ceiling height of seven feet.

**Food-handling facility.** An enclosed area provided by the operator for workers to prepare their own food, and may be within a family shelter or common facility.

**Group A public water system.** A public water system as defined and referenced under WAC 246-290-020.

**Group B public water system.** A public water system that is not a Group A public water system, and is defined and referenced under WAC 246-291-050.

**Habitable room.** A room or space in a structure used for living, sleeping, eating, or cooking. Bathing facilities, toilet facilities, closets, halls, storage or utility space, and similar areas are not considered habitable rooms.

**Health officer.** 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.

**Livestock.** Horses, cows, pigs, sheep, goats, poultry, etc.

**Livestock operation.** 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.

**MSPA.** The Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

**Occupant.** A temporary employee or a person who resides with a temporary worker at the TWH or camp.

**Operating license or license.** A document issued annually by the department of health.

**Operator.** A person holding legal title to the land on which the TWH or camp 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 TWH.

**Recreational park trailers.** 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;

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

and

(d) Chapter 296-150P WAC.

**Recreational vehicle.** A vehicular-type unit that is compliant with chapter 296-150R WAC and 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.

**Refuse.** Solid wastes, rubbish, or garbage.

**Temporary worker or worker.** An agricultural employee employed intermittently and not residing year-round at the same TWH site.

**TWH, temporary worker housing or housing.** A place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy. TWH includes cherry harvest camps.

**Tent.** An enclosure or shelter constructed of fabric or pliable material composed of rigid framework to support tensioned membrane that provides the weather barrier.

**WISHA.** The Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

**Worker-supplied housing.** Housing owned by the worker and made available to the same worker on the operator's TWH site. Worker-supplied housing includes recreational park trailers, recreational vehicles, tents, or other structures that meet the requirements of this chapter.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 20-21-091, § 296-307-16103, filed 10/20/20, effective 11/20/20; WSR 15-13-092, § 296-307-16103, filed 6/15/15, effective 7/16/15. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050 and 1999 c 374. WSR 00-06-081, § 296-307-16103, filed 3/1/00, effective 3/1/00.]