

Chapter 246-358 WAC

TEMPORARY WORKER HOUSING

WAC

246-358-001	Purpose and applicability.		Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340.
246-358-010	Definitions.	246-358-105	Heating. [Statutory Authority: RCW 70.54.110. WSR 93-03-032 (Order 326B), § 246-358-105, filed 1/12/93, effective 2/12/93; WSR 92-04-082 (Order 242B), § 246-358-105, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-105, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-105, filed 5/2/88.] Repealed by WSR 96-02-014, filed 12/21/95, effective 1/1/96. Statutory Authority: RCW 70.54.110.
246-358-015	Technical assistance—Notice of violation.		
246-358-025	Licensure.		
246-358-027	Requirements for self-survey program.		
246-358-028	Enforcement.		
246-358-0280	Operating without a license—Investigation of complaints—Penalties.		
246-358-029	Maximum TWH capacity.		
246-358-040	Variance and procedure.		
246-358-045	Temporary worker housing sites.	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 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 Repealed by WSR 96-02-014, filed 12/21/95, effective 1/1/96.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.
246-358-050	TWH management plan.		
246-358-055	Water supply.		
246-358-065	Sewage disposal.		
246-358-070	Electricity and lighting.		
246-358-075	Building requirements and maintenance.		
246-358-077	Tent requirements and maintenances.		
246-358-080	Carbon monoxide alarms, smoke detectors, and fire extinguishers.		
246-358-090	Laundry facilities.		
246-358-093	Toilet facilities.	246-358-140	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 Repealed by WSR 00-06-082, filed 3/1/00, effective 3/1/00.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.
246-358-095	Handwashing and bathing facilities.		
246-358-125	Cooking and food-handling facilities.		
246-358-135	Cots, beds, bedding, and personal storage.		
246-358-145	First aid and safety.		
246-358-155	Refuse disposal.	246-358-600	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.
246-358-165	Insect and rodent control.		
246-358-175	Disease prevention and control.		
246-358-990	Fees.		
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
246-358-020	Exemptions. [Statutory Authority: RCW 70.54.110. WSR 96-02-014, § 246-358-020, filed 12/21/95, effective 1/1/96; WSR 93-03-032 (Order 326B), § 246-358-020, 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.	246-358-610	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.
246-358-030	Department authority. [Statutory Authority: RCW 43.70.340. WSR 96-01-084, § 246-358-030, filed 12/18/95, effective 1/1/96. Statutory Authority: RCW 43.70.340 and 43.70.040. WSR 93-03-031 (Order 324), § 246-358-030, 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.	246-358-620	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.
246-358-035	Supervision and responsibility. [Statutory Authority: RCW 70.54.110. WSR 92-04-082 (Order 242B), § 246-358-035, filed 2/5/92, effective 3/7/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-035, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-035, filed 5/2/88.] Repealed by WSR 93-03-032 (Order 326B), filed 1/12/93, effective 2/12/93. Statutory Authority: RCW 70.54.110.	246-358-630	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.
246-358-085	Worker-supplied housing. [Statutory Authority: RCW 70.54.110. WSR 93-03-032 (Order 326B), § 246-358-085, filed 1/12/93, effective 2/12/93. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-358-085, filed 12/27/90, effective 1/31/91; WSR 88-10-027 (Order 309), § 248-63-085, filed 5/2/88.] Repealed by WSR 96-02-014, filed 12/21/95, effective 1/1/96. Statutory Authority: RCW 70.54.110.	246-358-640	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.
246-358-100	Toilet facilities. [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.] Repealed by WSR 15-13-091, filed 6/15/15, effective 1/1/16. Statutory Authority:	246-358-650	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.
		246-358-660	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.
		246-358-670	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.

246-358-680 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 RCW 43.70.334 through 43.70.340, and establish minimum health and safety requirements for temporary worker housing and cherry harvest camps.

(2) Applicability.

(a) This chapter applies only to operators of temporary worker housing, including cherry harvest camps, provided by agricultural employers or operators in the state of Washington; and

(b) Operators of temporary worker housing shall be licensed under this chapter if the housing meets the criteria identified in WAC 246-358-025.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-001, filed 6/15/15, effective 7/16/15. 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. The following definitions apply throughout this chapter 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 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.

(3) "Bathing facility" means an enclosed area provided by the operator for occupants to bathe or shower, and may be located within a family shelter or a common facility.

(4) "Building" means any structure used or intended by the operator to be used by occupants for cooking, eating, sleeping, sanitation, or other facilities.

(5) "Cherry harvest camp" means 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.

(6) "Common" means a shared facility provided by the operator for all occupants of the TWH.

(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, tent, building, or portion of a building, which may include cooking and eating facilities, that 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 areas. As used in this subsection, "physically separated" means a physical wall separating rooms.

(10) "Family shelter" means a dwelling unit with sleeping facilities for up to fifteen occupants 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.

(11) "First-aid trained" means the person holds a current certificate of first-aid training.

(12) "Floor space" means the area within a dwelling unit with a minimum ceiling height of seven feet.

(13) "Food-handling facility" means an enclosed area provided by the operator for occupants to prepare their own food, and may be within a family shelter or common facility.

(14) "Group A public water system" means a public water system as defined under WAC 246-290-020.

(15) "Group B public water system" means a public water system that is not a Group A public water system, and is defined under WAC 246-291-005.

(16) "Habitable room" means 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.

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

(18) "Occupant" means a temporary worker or a person who resides with a temporary worker at the TWH.

(19) "Operating license" or "license" means a document issued annually by the department of health.

(20) "Operator" means a person holding legal title to the land on which the TWH 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.

(21) "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;

(c) Certified by the manufacturer as complying with American National Standards Institute standards A119.5; and

(d) Compliant with chapter 296-150P WAC.

(22) "Recreational vehicle" means 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.

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

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

(25) "Tent" means an enclosure or shelter used at a cherry harvest camp that is constructed of fabric or pliable material composed of rigid framework to support a tensioned membrane that provides a weather barrier.

(26) "Temporary worker housing (TWH)" 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. TWH includes cherry harvest camps.

(27) "Worker-supplied housing" means housing provided 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: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-010, filed 6/15/15, effective 7/16/15. 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 246-358-015 Technical assistance—Notice of violation. (1) The department of health or the department of labor and industries may provide technical assistance to assist in compliance with this chapter if requested by an operator.

(2) The department of health may charge a fee for construction review technical assistance in accordance with WAC 246-359-990.

(3) During a technical assistance visit or within a reasonable time thereafter, the department of health shall inform the operator of the TWH on any violations of law or agency rules as follows:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department of health requires compliance to be achieved; and

(d) Notice of the means to contact any technical assistance services provided by the department of health or other sources of technical assistance.

(6/15/15)

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-015, filed 6/15/15, effective 7/16/15.]

WAC 246-358-025 Licensure. (1) Any operator providing TWH shall apply for a TWH operating license from the department of health when:

(a) The TWH 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 the Migrant and Seasonal Agricultural Worker Protection Act (96 Sta. 2583; 29 U.S.C. Sec. 1801 et. seq.) requires a license; or

(c) The operator provides housing consisting of four or fewer dwelling units or any combination of dwelling units or spaces that house nine or fewer occupants and elects to comply with chapter 246-359 WAC.

(2) The operator shall submit to the department of health a completed application that:

(a) Is on a form provided by the department of health;

(b) Identifies the maximum number of occupants during the period of licensure. This number must not exceed the maximum capacity as determined by WAC 246-358-029;

(c) Proves the TWH is permitted for occupancy by the department of health or the local government building department with jurisdiction;

(d) Proves that the water system(s) serving the TWH is in compliance with chapter 246-290 or 246-291 WAC, or local board of health rules. Operators using a Group B public water system must also provide water quality test results from a certified laboratory accredited under chapter 173-50 WAC with an official scope of accreditation for drinking water analytical parameters. Water quality test results must document compliance with the following water quality standards and frequency on a form produced by the laboratory conducting the test:

(i) Satisfactory coliform within the previous twelve months; and

(ii) Ten milligrams per liter or less nitrate within the previous three years; and

(e) Includes a fee as specified in WAC 246-358-990.

(3) The operator will receive a TWH license for the maximum number of occupants identified in the application. This number must not exceed the maximum capacity as determined by WAC 246-358-029.

(4) The operator will receive a TWH license when:

(a) The application requirements from subsections (2) and (5) of this section are met;

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

(i) A preclosure inspection completed by the department of health; or

(ii) Except as provided for in subsection (10) of this section, a self-survey completed by the operator and approved by the department of health; and

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

(5) The operator shall submit the documentation in subsection (2) of this section:

(a) For a new TWH site, by at least forty-five days prior to the new TWH site operation date; or

(b) For a previously licensed TWH site, by February 28th of the year the operator intends to operate the TWH.

(6) Except as provided for in subsection (10) of this section, the department of health may allow the use of TWH without a renewed license when all of the following conditions exist:

(a) The operator timely applied for renewal of an operating license in accordance with this section as evidenced by the post mark;

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

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

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

(7) An operating license is not transferable.

(8) The operator shall post the operating license or a copy of the operating license in a place readily accessible to occupants of the TWH.

(9) The operator will receive an annual occupancy inspection completed and approved by the department of health.

(10) For licensure and operation of cherry harvest camps:

(a) Subsections (4)(b)(ii) and (6) of this section do not apply;

(b) A TWH license to operate a cherry harvest camp is limited to one week before the start through one week following the conclusion of the cherry harvest.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-025, filed 6/15/15, effective 7/16/15. 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. Except for an operator of a cherry harvest camp, an operator meeting the requirements provided in this section may participate in the self-survey program.

(1) The cycle of the self-survey program is as follows:

(a) The operator may qualify to conduct self-surveys for up to two consecutive years.

(b) During the third year, the department of health will conduct an on-site inspection(s) to ensure compliance with this chapter.

(c) If the department of health determines the TWH site still meets the requirements of the self-survey program after the on-site inspection, the operator shall be eligible for a new self-survey program cycle as described in this subsection.

(2) To be in the self-survey program the operator shall:

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

(b) Be licensed for two consecutive years without any deficiencies.

(3) To remain in the self-survey program the operator shall:

(a) Continue to comply with subsections (1) and (2) of this section;

(b) Complete the department of health self-survey form and return the completed form to the department of health prior to temporary worker occupancy;

(c) Remain free from all deficiencies;

(d) Ensure modifications to any building or structure on the TWH made during the self-survey period meets the conditions of this chapter; and

(e) Not have a change in ownership.

(4) When a licensed TWH changes ownership, the new operator shall comply with the requirements of subsection (2) of this section before being eligible to be on the self-survey program.

(5) A TWH licensee who qualifies for the self-survey program shall pay a reduced fee as specified in WAC 246-358-990.

(6) The department of health or department of labor and industries are authorized to conduct inspections based on complaints or to verify compliance with this chapter.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-027, filed 6/15/15, effective 7/16/15. 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 246-358-028 Enforcement. Any violation of this section will be cause for the department of health to proceed with legal action, to assess a civil fine, or modify, suspend, or revoke the license.

(1) An operator shall comply with all applicable laws and regulations.

(2) When the department of health finds an operator out of compliance with any applicable law or regulation, the department of health will send the operator a notice of correction according to RCW 43.05.100 with an attestation of correction form. For purposes of this section, a "notice of correction" will include:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable law or rule;

(b) A brief statement of what is required to achieve compliance;

(c) The date by which the department of health requires compliance be achieved;

(d) Notice of the means to contact any technical assistance services provided by the department of health or other sources of technical assistance; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department of health.

(3) For purposes of this section, an "attestation of correction form" means a form developed by the department of health and completed, signed, and dated by the operator stating that the operator:

(a) Has or will correct each cited deficiency; and

(b) Will maintain correction of each cited deficiency.

(4) On each attestation of correction form, the operator shall give a date, approved by the department of health, showing when and how the cited deficiency has been or will be corrected.

(5) The operator shall sign and return the completed attestation of correction form to the department of health on or before the date required by the department of health.

(6) Upon request of the department of health the operator shall show proof that for each deficiency cited the operator has corrected or is correcting each deficiency.

(7) If the operator fails to correct the deficiencies by the required date, the department of health may proceed with legal action to assess a civil fine and to modify, suspend, or revoke the license.

(8) An operator may contest a department of health decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(9) The operator shall fully cooperate with the department of health in, and shall in no way impede, its administration and enforcement of all applicable laws and regulations.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-028, filed 6/15/15, effective 7/16/15.]

WAC 246-358-0280 Operating without a license—Investigation of complaints—Penalties. (1) The department of health shall investigate complaints concerning unlicensed operation of TWH when a valid operating license is required under RCW 43.70.335(1) and this chapter.

(2) The department of health may assess a civil fine for failure or refusal to obtain a license prior to occupancy of TWH. Proceedings to assess a civil fine shall be governed by the provisions of RCW 43.70.095, chapter 34.05 RCW, and chapter 246-10 WAC. Civil fines under this section shall not exceed twice the cost of the license plus the cost of the initial on-site inspection for the first violation of this section, and shall not exceed ten times the cost of the license plus the cost of the initial on-site inspection for second and subsequent violations within any five-year period.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-0280, filed 6/15/15, effective 7/16/15.]

WAC 246-358-029 Maximum TWH capacity. (1) Operator-supplied dwelling unit capacity will be based on:

(a) The square footage of the floor space in habitable rooms provided for sleeping purposes as described in WAC 246-358-075 (12) and (13) and Table 1 of this section; and

(b) The number of bathing, food-handling, handwashing, laundry, and toilet facilities as described in WAC 246-358-090 through 246-358-125.

(2) Worker-supplied housing capacity will be based on the number of spaces designated by the operator for worker-supplied housing.

(3) Operators may take into consideration the services provided by the worker-supplied housing to ensure all ratios for services required by this chapter are met for all occupants.

**Table 1
TWH Maximum Capacity**

Floor space requirements	Sleeping room only		Sleeping room with kitchen			
	50 square feet per occupant		100 square feet per temporary worker			
Facility requirements	Toilets		Handwash sinks		Bathtubs or showers	
	Male	Female	Male	Female	Male	Female
Common facility, single sex	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Common facility: Male/female	1 minimum, 1 per 15 occupants	1 minimum, 1 per 15 occupants	1 per 6 occupants	1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Each family shelter	1, if provided		1		1, if provided	

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-029, filed 6/15/15, effective 1/1/16. 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. (1) Conditions may exist in operations that a state standard will not have practical use. The operator may request a variance. 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 chapters 49.17 RCW and 296-900 WAC, administrative rules.

(2) A temporary variance may be requested under chapter 296-900 WAC, administrative rules, when an operator

cannot comply with new requirements by the effective date(s) in this chapter because:

(a) The construction or alteration to a building cannot be completed in time;

(b) Materials or equipment are not available; or

(c) Professional or technical assistance is not available.

(3) 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 must remain prominently posted on the premises while in effect.

(4) 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.

(5) Variance application forms may be obtained upon request from the department of labor and industries or the department of health.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-040, filed 6/15/15, effective 7/16/15. 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 shall:

(1) To prevent a health or safety hazard, locate and operate a TWH site that is:

(a) Adequately drained and any drainage from and through the TWH 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; and

(d) Large enough to prevent overcrowding of necessary structures.

(2) Ensure the principal TWH area for sleeping and for food preparation and eating are at least five hundred feet from where livestock are kept or congregate.

(3) Ensure the TWH grounds and open areas surrounding the buildings are kept in a clean and sanitary condition free from refuse.

(4) Ensure all worker-supplied housing is maintained in good working condition.

(5) Restrict the number of occupants in the TWH to the capacity as determined by the department of health.

(6) When closing housing permanently or for the season:

(a) Dispose of all refuse to prevent nuisance; and

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

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-045, filed 6/15/15, effective 7/16/15. 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 246-358-050 TWH management plan. (1) An operator shall develop and implement a written TWH management plan that must include:

(a) A safety plan that includes the following:

(i) Emergency information, including site name and address, emergency contact phone numbers, location of local emergency services, and the department of health bilingual TWH complaint line;

(ii) A plan for contacting a first-aid trained person or emergency services within a reasonable amount of time; and

(iii) Those designated actions operators and occupants must take to ensure occupant safety from fire and other emergencies, including the following:

(A) Emergency escape procedures and emergency escape route assignments;

(B) Procedures to account for all occupants after emergency evacuation has been completed;

(C) The preferred means of reporting fires and other emergencies; and

(D) Names or regular job titles of those who can be contacted for further information or explanation of duties under the plan.

(iv) A requirement to designate and train a sufficient number of people to assist in the safe and orderly emergency evacuation of occupants; and

(v) A requirement to regularly and properly maintain, according to established procedures, equipment and systems installed on heat producing equipment to prevent accidental ignition of combustible materials.

(b) Residency rules that describe to the occupants expectations for maintaining a safe and orderly TWH.

(2) The operator shall make available:

(a) A written copy of the TWH management plan, in English and the native language(s) of the occupants, to the department of health or the department of labor and industries upon request; and

(b) A written copy of the residency rules to occupants, in the occupant's native language(s) by:

(i) Posting it in a central location visible to the occupants; and

(ii) Providing individual copies to each occupant, if requested.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-050, filed 6/15/15, effective 1/1/16.]

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

(1) Provide a safe and reliable supply of drinking water from an approved Group A or Group B public water system meeting the requirements of:

(a) WAC 246-358-025 (2)(d) and chapter 246-290 WAC, or chapter 246-291 WAC; or

(b) Local board of health rules.

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

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

(4) When water sources are not available in each dwelling unit:

(a) Provide one or more drinking fountains for each one hundred occupants or fraction thereof; and

(b) Prohibit the use of common drinking cups or containers from which water is dipped or poured.

(5) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, and laundry facilities.

(6) Provide an automatically controlled hot water supply of 100 to 120 degrees Fahrenheit in bathing, food-handling, and laundry facilities.

(7) When water located within 100 feet of a dwelling unit is unsafe for drinking purposes and accessible to occupants, post a sign by each nonpotable water source that:

(a) Reads "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD.";

(b) Is printed in English and in the native language(s) of the occupants; and

(c) Is marked with easily understood pictures or symbols.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-055, filed 6/15/15, effective 7/16/15. 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 shall:

(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

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

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-065, filed 6/15/15, effective 7/16/15. 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 shall ensure that:

(1) Electricity is supplied to all dwelling units and common facilities, except chemical toilets.

(2) All electrical wiring, fixtures, and electrical equipment must:

(a) Comply with the electrical standards of the department of labor and industries regulations, chapters 19.28 RCW, 296-46B WAC, and local ordinances; and

(b) Be maintained in a safe condition.

(3) Each habitable room must have at least:

(a) One ceiling-type light fixture; and

(b) At least one separate floor-type or wall-type convenience outlet.

(4) Laundry, toilet facilities, and bathing facilities have at least one ceiling-type or wall-type light fixture.

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

(6) Adequate lighting is provided for safe passage for occupants to handwashing sinks and toilets. Lighting requirements may be met by natural or artificial means.

(7) Lighting provided for tents is compliant with WAC 246-358-077.

(6/15/15)

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-070, filed 6/15/15, effective 1/1/16. 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 shall:

(1) Provide TWH dwelling units, including common facilities, that meet the following requirements:

(a) Protect against the elements;

(b) The State Building Code, chapter 19.27 RCW or the TWH construction standard, chapter 246-359 WAC; and

(c) State and local ordinances, codes, and regulations when applicable.

(2) Prevent condensation in dwelling units and common facilities to the degree that it does not contribute to a health risk or safety issue to occupants.

(3) Prevent mold in dwelling units and common facilities.

(4) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(5) Provide a locking mechanism on all bedroom doors, excluding doors to bedrooms housing more than fifteen occupants. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(6) Provide a locking mechanism on:

(a) Each toilet stall door, if provided; and

(b) Each shower stall door, if provided.

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

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

(9) Comply with all applicable state and federal laws and rules for lead-based paint.

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

(11) Provide habitable rooms with:

(a) Windows that equal at least one-tenth of the total floor space; and

(b) At least one-half of each window which can be opened to the outside for ventilation; or

(c) Mechanical ventilation in accordance with applicable standards from the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE).

(12) Ensure each room used for sleeping purposes has:

(a) At least fifty square feet of floor space for each occupant not including any floor space in any portion of a room less than seven feet from the finished floor to the finished ceiling; and

(b) Windows that equal at least one-tenth of the floor space within the surrounding walls of the sleeping room.

(13) Ensure each room in a family shelter used for sleeping and cooking purposes:

(a) Meets the requirements of subsection (12)(b) of this section; and

(b)(i) Has at least one hundred square feet of floor space per temporary worker.

(ii) For a family shelter constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, one hundred square feet of floor space per temporary worker is required by January 1, 2019. Upon the operator's request, the department of health may grant an extension(s) for up to three additional years. Requests must:

(A) Include a schedule and work plan for achieving compliance;

(B) Be on a form provided by the department of health; and

(C) Be submitted to the department of health prior to January 1, 2019.

(14) 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.

(15) Provide sixteen-mesh screening on all exterior openings.

(16) Provide and maintain screen doors on all exterior entrances that:

(a) Have self-closing devices; and

(b) Close without gaps that would allow entry of pests.

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

(18) Provide habitable rooms with equipment capable of maintaining a temperature of at least seventy degrees Fahrenheit during cold weather.

(19) Ensure that all recreational vehicles and park trailers meet the requirements as defined in this chapter.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-075, filed 6/15/15, effective 1/1/16. 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 246-358-077 Tent requirements and maintenances. (1) Only cherry harvest camps may use tents as TWH.

(2) Each tent must be constructed to sleep no more than fifteen occupants.

(3) Tents must provide protection from the elements, insects, and animals.

(4) Structural stability and floors.

(a) Tents and their supporting framework must be adequately braced and anchored to prevent weather related collapse. The operator shall provide documentation of the structural stability to the department of health, if requested.

(b)(i) Floors must be smooth, sloped from a raised center towards the lower outer edges.

(ii) Floors must be without breaks or holes to provide a hard, stable walking surface.

(iii) Nonridged flooring supported by grass, dirt, soil, gravel or other uneven surface is not acceptable.

(iv) Floors that are constructed of wood or concrete must comply with the building code, chapter 19.27 RCW, and this chapter.

(c) Floor systems must be designed to prevent the entrance of snakes, rodents, and other nuisances.

(5) Flame-retardant treatments.

(a) The sidewalls, drops, and tops of tents shall be composed of flame-resistant material or treated with a flame retardant in an approved manner.

(b) Floor coverings, which are integral to the tent, and the bunting shall be composed of flame-resistant material or treated with a flame retardant in an approved manner and in accordance with Uniform Building Code, Standard 31.1.

(c) All tents must have a permanently affixed label bearing the following information:

(i) Identification of tent size and fabric or material type;

(ii) For flame-resistant materials, the necessary information to determine compliance with this section and National Fire Protection Association Standard 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films;

(iii) For flame retardant materials, the date that the tent was last treated with an approved flame retardant;

(iv) The trade name and type of flame retardant used in the flame-retardant treatment; and

(v) The name of the person and firm that applied the flame retardant.

(6) Means of egress.

(a) Tents must have a primary entrance door. At least one door must lead to the outside of the tent. The door must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(b) If food-handling facilities are provided in tents, or the tent occupancy capacity is for ten or more occupants, a window allowing egress must be located opposite the door and must have a means to open the window or provide an easily openable space, for example, a zipper which opens downward to the floor, must be provided.

(7) Floor area. The operator must:

(a) If food-handling facilities are provided in the tent, provide an additional twenty square feet of floor space;

(b) Provide at least fifty square feet of floor space for each occupant in rooms used for sleeping purposes.

(8) Ceiling height.

(a) A ceiling height of at least seven feet is required in fifty percent of the total floor area.

(b) No portion of the tent measuring less than six feet from the flooring to the ceiling will be included in any computation of the floor area.

(9) Windows and ventilation.

(a) The operator shall provide a window area equal to one-tenth of the total floor area in each habitable room which opens at least halfway or more directly to the outside for cross-ventilation and has a minimum of sixteen-mesh screens on all exterior openings.

(b) The windows must have weather-resistant flaps, which will cover the window area and a means of fastening the flaps to provide protection from the elements and allow privacy for the occupants.

(10) Electrical and lighting. The operator shall ensure that:

(a) Electricity is supplied to all tents used as habitable room.

(b) 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.

(c) Each tent used as habitable room has at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet.

(d) If cooking is provided in the tent, appropriate wiring and electrical equipment is provided.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-077, filed 6/15/15, effective 1/1/16.]

WAC 246-358-080 Carbon monoxide alarms, smoke detectors, and fire extinguishers. (1) An operator shall provide and maintain working carbon monoxide alarms that are:

(a) Located in each dwelling unit with a sleeping area; and

(b) Installed in accordance with the manufacturer's recommendations and in compliance with the building code, WAC 51-51-0315.

(2) An operator shall provide and maintain working smoke detectors that:

(a) Are located in each sleeping area;

(b) Are located on each level of dwelling units with a sleeping area;

(c) Are located in each cooking facility area;

(d) Emits a signal when the batteries are low;

(e) Are placed on the ceiling or wall, but not on the wall above any door; and

(f) Are in compliance with the manufacturer's recommendations and the building code, WAC 51-51-0314.

(3) An operator shall provide properly working fire extinguishers in dwelling units where occupants sleep if the dwelling unit does not have a second means of emergency egress. Fire extinguishers must be:

(a) A minimum 2A:10BC;

(b) Installed and maintained according to the manufacturer's instructions;

(c) Installed in accordance with local ordinances, codes, and regulations when applicable.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-080, filed 6/15/15, effective 1/1/16.]

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

(1) Provide laundry facilities that include:

(a) One laundry tray or tub or one mechanical washing machine for every thirty occupants;

(b) Adequate facilities for drying clothes; and

(c) Sloped, coved floors of nonslip impervious materials with screened floor drains.

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

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-090, filed 6/15/15, effective 7/16/15. 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.]

(6/15/15)

WAC 246-358-093 Toilet facilities. The operator shall:

(1) Provide toilet facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 246-358-029.

(2) Not provide or allow the use of pit privies.

(3) Fill all abandoned pit privies with earth.

(4) Meet the following general requirements for all toilet facilities:

(a) Provide flush toilets unless chemical toilets are specifically approved by the department of health according to requirements in chapter 246-272A WAC;

(b) Flush toilets, chemical toilets, and urinals must not be located in any sleeping room, dining room, cooking or food-handling facility, or any tent;

(c) Toilet rooms must be provided with:

(i) Handwashing sinks located in or immediately adjacent to the toilet room;

(ii) Either a window of at least six square feet opening directly to the outside or adequate ventilation;

(iii) Sixteen-mesh screens on all outside openings;

(iv) Fixtures maintained in good working order, including toilet(s) and sink(s); and

(v) Drains maintained in good working order, including floor drains with screens.

(d) 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;

(iii) Compliant with local ordinances; and

(iv) Located immediately adjacent to a handwash sink(s).

(e) 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; and

(iii) The urinal must have an adequate water flush.

(5) Meet the following requirements for common toilet facilities:

(a) Provide the number of toilets for each sex based on the maximum number of occupants of that sex which the TWH is designed to house at any one time in the ratio of one toilet for every fifteen occupants, with a minimum of two toilets according to Table 1 of WAC 246-358-029;

(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 at all times;

(e) Separate toilets by partitions or walls. For the purposes of this section, partitions do not include curtains.

(i) Partitions and walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces.

[Ch. 246-358 WAC p. 9]

(ii) For a common toilet facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

(f) Ensure the area surrounding common toilet facilities are adequately lighted; and

(g) When common 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(s) of the persons occupying the TWH, 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.

(6) Meet the following requirements for family shelters if common toilet facilities are not provided:

(a) One toilet for each individual family shelter;

(b) Ensure toilet facilities are cleaned prior to occupancy; and

(c) Request occupants to maintain the facilities in a clean and sanitary condition.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-093, filed 6/15/15, effective 1/1/16.]

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

(1) Provide handwashing and bathing facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 246-358-029.

(2) Meet the following general requirements for all handwashing and bathing facilities:

(a) Provide cleanable, nonabsorbent waste containers;

(b) Provide all showers, baths, or shower rooms with screened floor drains, to remove wastewater;

(c) Maintain fixtures and drains in good working order;

(d) Separate showers with partitions or walls.

(i) Partitions and walls must ensure privacy and be smooth, cleanable, and nonabsorbent.

(ii) For a bathing facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

(e) All showers separated by partitions must ensure privacy.

(3) Meet the following requirements for common facilities:

(a) One handwash sink for every six occupants. Of these handwash sinks, locate one handwash sink adjacent to each toilet;

(b) Provide one showerhead for every ten occupants;

(c) Provide one "service sink" in each building used for common laundry, handwashing, or bathing;

(d) Provide sloped, coved floors of nonslip impervious materials with floor drains;

(e) Shower and bathing facilities must provide privacy from the opposite sex and the public;

(f) Maintain common bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily; and

(g) Bathing and shower facilities be available at all times during operation of the TWH.

(4) Meet the following requirements for family shelters:

(a) At least one handwash sink per family shelter. If an operator provides a family shelter with a toilet, the handwash sink must be located in the toilet room or immediately adjacent to the toilet room; and

(b) Request occupants of family shelters to maintain bathing and handwashing facilities in a clean and sanitary condition.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-095, filed 6/15/15, effective 1/1/16. 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 246-358-125 Cooking and food-handling facilities. The operator shall:

(1) Provide sanitary facilities for storing and preparing food.

(2) Provide all food-handling facilities with:

(a) Covered and enclosed or screened cooking and food-handling facilities for all occupants;

(b) Covered and enclosed or screened eating facilities with adequate tables and seating for the occupants;

(c) If provided, hotplates that are compliant with WAC 296-307-16140(2);

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

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

(f) Nonabsorbent and easily cleanable food preparation surfaces situated off the floor;

(g) Mechanical refrigeration conveniently located and able to maintain a temperature of forty degrees Fahrenheit or below, with at least two 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;

(j) Adequate ventilation for cooking facilities; and

(k) Cooking facilities, including fixtures and drains, maintained in good working order.

(3) In common food-handling facilities, provide:

(a) A room, building, or space within a building, adequate in size, separate from any sleeping quarters, for occupants to prepare and cook their own food;

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

(c) An operable cook stove or electric hot plate with four cooking surfaces for every ten occupants through any combination of cooking surfaces including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

(4) In family shelter food-handling facilities, provide an operable cook stove or electric hotplate with four cooking surfaces through any combination of cooking surfaces

including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

(5) Ensure that common dining hall facilities comply with chapter 246-215 WAC, Food service.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-125, filed 6/15/15, effective 1/1/16. 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 shall:

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

(2) Ensure cots are sturdy and stable and without:

- (a) Mold;
- (b) Rips or tears;
- (c) Insect infestation;
- (d) Stains from bodily fluids; or
- (e) Rodents or rodent droppings.

(3) In TWH other than cherry harvest camps, provide beds and bunks with clean mattresses in good repair and without:

- (a) Mold;
- (b) Rips or tears;
- (c) Insect infestation;
- (d) Stains from bodily fluids; or
- (e) Rodents or rodent droppings.

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

(5) Locate all beds and bedding at least thirty-six inches from cooking surfaces.

(6) Provide a minimum of twelve inches of clearance between each bed, bunk, or cot and the floor.

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

(8) 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.

(9) Provide all occupants suitable storage space including personal storage space for clothing and personal articles. Storage space must be located in the occupant's room used for sleeping.

(10) Effective January 1, 2017, for each temporary worker housed in a common sleeping facility, provide suitable storage space that must:

- (a) Ensure all or a portion of the storage space is enclosed and lockable;
- (b) Be anchored in a manner which adequately prevents the storage space from being removed from the building; and

(6/15/15)

(c) Be accessible to the temporary worker.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-135, filed 6/15/15, effective 1/1/16. 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 shall:

(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 TWH.

(2) Prohibit, in the TWH area, the use, storage, or 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 trained person is readily accessible to administer first aid at all times.

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

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-145, filed 6/15/15, effective 7/16/15. 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 shall:

(1) Comply with local sanitation codes for removing and disposing of refuse from TWH 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 containers, or in single-use containers.

(4) Keep refuse containers clean.

(5) Provide at least one container for each dwelling unit that is:

- (a) Located within one hundred feet of each dwelling unit;
- (b) Placed on a solid, flat and level stand made of wood, metal, or concrete; and
- (c) Secured to prevent falling over or spilling.

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

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-155, filed 6/15/15, effective 1/1/16. 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 shall take effective measures to prevent and control insect and rodent infestation.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-165, filed 6/15/15, effective 7/16/15. 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 shall:

(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;
- (c) Productive cough; or
- (d) 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: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-175, filed 6/15/15, effective 7/16/15. 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 TWH operating license. Except as provided in subsections (2) and (3) 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) **Self-survey program.** If an operator is a participant of the self-survey program described in WAC 246-358-027, the operator may pay the administrative portion only of the licensing fee according to Table 1 of this section. The operator may pay this fee only during the years the operator is approved to conduct the self-survey.

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

[Ch. 246-358 WAC p. 12]

(4) **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.

(5) **Occupancy increase adjustment.**

(a) If, at any time, the operator or the department of health determines there are more occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025, the operator shall submit additional funds to the department of health in the amount of four dollars for each additional occupant.

(b) Funds must be submitted to the department of health within thirty calendar days of the operator being made aware of the discrepancy.

(c) Additional occupants accounted for in this subsection may not contribute to exceeding the maximum capacity of the TWH according to WAC 246-358-029.

(6) **Refunds.**

(a) The operator shall submit a written request to the department of health for any refund; and

(b) If the operator provides documentation to the department of health that the TWH was not occupied during the license period, the department of health shall refund fees paid by the operator according to the following conditions:

(i) The department of health will refund the licensing fees paid, less a fifty dollar processing fee, if an application has been received but no preclosure inspection has been performed by the department of health; or

(ii) 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 and a preclosure inspection has been performed by the department of health.

(c) The department of health will not refund applicant licensing fees under subsection (1)(b) of this section if:

(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.

(d) If the operator provides documentation to the department of health of fewer occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025, the department of health shall refund fees paid by the operator according to following conditions:

(i) The department of health will refund the amount of four dollars for every occupant fewer than the maximum number of occupants identified on the application, if an application has been received and no preclosure inspection has been conducted;

(ii) The department of health will refund the amount of two dollars for every occupant fewer than the maximum number of occupants identified on the application, if an appli-

cation has been received and a prelicensure inspection has been conducted; or

(iii) The department of health will not refund any amount under subsection (1)(b) of this section if the department of health has performed more than one on-site inspection for any purpose.

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

**Table 1
Fees, Temporary Worker Housing**

Fee Type	Administrative Portion	Facility Portion
Licensing	\$50	\$4 per occupant, at maximum annual occupancy
	(\$90 minimum total fee)	
License, Self-Survey Program	\$50	\$0
Late	\$100 (Late fees are in addition to licensing fees)	

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-990, filed 6/15/15, effective 7/16/15. 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.]