WSR 26-16-076
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 4, 2026, 1:41 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Temporary worker housing; the department of health (department) is proposing amendments to WAC 246-358-010, 246-358-025, 246-358-027, 246-358-080, 246-358-990, and 246-359-550 to add a definition for "site operation date," add the term in the applicable section, remove gendered language, make editorial updates to align with the code reviser's 2025 Bill Drafting Guide without changing the effect of the rules, and align requirements for carbon monoxide alarms and smoke detectors with the state building code, chapter 51-51 WAC.

Hearing Location(s): On September 22, 2026, at 9:00 a.m. Register in advance for this webinar at https://us02web.zoom.us/webinar/register/WN_LtxB_kwMR962nxUOY9rKcA. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: September 29, 2026.

Submit Written Comments to: Zehra Siddiqui, P.O. Box 47820, Olympia, WA 98504-7820, email zehra.siddiqui@doh.wa.gov, web https://fortress.wa.gov/doh/policyreview/, beginning the date and time of filing, by September 22, 2026, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Zehra Siddiqui, phone 360-236-3010, TTY 711, email zehra.siddiqui@doh.wa.gov, by September 15, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing amendments to add a new definition, update requirements to align with the state building code, and align the rule with the code reviser's 2025 Bill Drafting Guide.

Reasons Supporting Proposal: The proposed changes are intended to increase clarity and ensure consistency with existing state standards.

Statutory Authority for Adoption: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340.

Statute Being Implemented: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Zehra Siddiqui, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-3010; Implementation: Juan Gamez Briceno, 111 Israel Road S.E., Tumwater, WA 98501, 360-628-6620; and Enforcement: Gerald Caird, 111 Israel Road S.E., Tumwater, WA 98501, 564-999-3115.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(b)(iv) exempts rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: The proposed amendments are exempt under RCW 19.85.025(3) and 34.05.310 (4)(d) because their scope is limited to corrections, clarifications, and editorial changes to align with the code reviser's drafting guide. The proposal is also exempt under RCW 34.05.310 (4)(c) because it incorporates by reference the state building code.

Scope of exemption for rule proposal:

Is fully exempt.

August 4, 2026
Kristin Peterson, JD
Chief of Policy
for Dennis E. Worsham
Secretary of Health

RDS-7053.4

AMENDATORY SECTION (Amending WSR 23-19-080, filed 9/19/23, effective 11/1/23)

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 em-

ployers 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) "Communicable disease" means an illness caused by an infectious agent that can be transmitted from a person, animal, or object to a person by direct or indirect means including, but not limited to, transmission via an intermediate host or vector, food, water, or air.

(8) "Community-based outreach worker" means a legal aid representative, a union representative, or a representative from other community-based advocacy organizations.

(9) "Community health worker" means a frontline public health worker who is a trusted member of or has a close understanding of the community served.

(10) "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.

(11) "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.

(12) "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.

(13) "Family shelter" means a dwelling unit with sleeping facilities for up to 15 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.

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

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

(16) "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.

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

(18) "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.

(19) "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.

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

(21) "Local health jurisdiction" or "LHJ" means a county health department under chapter 70.05 RCW, city-county health department under chapter 70.08 RCW, or health district under chapter 70.46 RCW.

(22) "Mechanical ventilation system" means a mechanism that actively processes supplying air to or removing air from an indoor space

by powered equipment such as motor-driven fans and blowers but not by devices such as kitchen or bathroom exhaust fans, wind-driven turbine ventilators, and mechanically operated windows.

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

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

(25) "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.

(26) "Outbreak" means the occurrence of a condition in an area over a given period of time in excess of the expected number of occurrences including, but not limited to, foodborne disease, waterborne disease, and health care-associated infection.

(27) "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.

(28) "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.

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

(30) "Site operation date" means the first date the licensed facility is occupied or used for its intended operational purpose, including housing occupants or conducting approved activities under the license.

(31) "Suspected case" means a person that is suspected by a medical provider or public health provider of having a notifiable condition, but the diagnosis has not yet been confirmed by the medical provider.

((~~(31)~~)) (32) "Temporary worker" or "worker" means an agricultural employee employed intermittently and not residing year-round at the same TWH site.

((~~(32)~~)) (33) "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.

((~~(33)~~)) (34) "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.

((~~(34)~~)) (35) "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.

AMENDATORY SECTION (Amending WSR 15-13-091, 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~~)) 10 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~~)) shall 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~~)) 12 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~~)) shall 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~~)) shall 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 prelicensure 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~~)) 45 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 shall provide the operator with an annual occupancy inspection.

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

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

(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.

AMENDATORY SECTION (Amending WSR 15-13-091, filed 6/15/15, effective 7/16/15)

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~~)) shall 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; and

(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.

AMENDATORY SECTION (Amending WSR 15-13-091, 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, locate, and maintain working carbon monoxide alarms that are((~~:~~

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

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

(2) An operator shall provide, locate, 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.

AMENDATORY SECTION (Amending WSR 25-22-068, filed 10/31/25, effective 12/1/25)

WAC 246-358-990 Fees. (1) The department shall charge the following fees prior to issuing a TWH operating license:

(a) $170 for the administrative portion of licensing plus $14 per occupant at maximum annual occupancy for the facility portion. The maximum annual occupancy is the greatest number of occupants approved to reside in the TWH during the calendar year; or

(b) $310 for the minimum operating licensing fee.

(2) If the department approves a self-survey program as outlined in WAC 246-358-027, the operator shall pay $170.

(3) The department may charge $232 for on-site preapplication technical assistance upon request. This includes two hours of assistance time. Additional time will be billed at the rate of $116 per hour.

(4) The department shall charge a $340 late fee in addition to the licensing fee when:

(a) The application packet and licensing fee for a new license are not received by the department at least 45 days prior to the new TWH ((~~opening~~)) site operation date; or

(b) The renewal packet and licensing fee for a previously licensed TWH are not received by the department by February 28th of the year the operator intends to operate the TWH.

(5) The operator shall submit additional funds to the department in the amount of $14 for each additional occupant and a $170 administrative processing fee when the following occurs:

(a) If, at any time, the operator or the department determines there are more occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025;

(b) If the operator requests additional occupants that do not exceed the maximum capacity; or

(c) If the operator requests to increase occupants based on the maximum capacity.

(6) Funds for the occupancy adjustment increase outlined in subsection (5)(a) of this section must be submitted to the department within 30 calendar days of the operator being made aware of the discrepancy.

(7) Additional occupants accounted for in subsection (5) of this section may not contribute to exceeding the maximum capacity of the TWH according to WAC 246-358-029.

(8) To request a refund from the department, the operator must submit a written request and provide documentation that the TWH was not occupied during the license period. The department shall refund:

(a) Two-thirds of the licensing fees paid, minus $170 refund processing fee, if an application or renewal form was received but no prelicensure inspection was performed by the department; or

(b) One-third of the licensing fees paid, minus $170 refund processing fee, if an application or renewal form was received and a prelicensure inspection was performed by the department.

(9) The department shall refund fees paid by the operator if the operator provides documentation of fewer occupants than the maximum occupants identified on the application or renewal form for an operating license according to WAC 246-358-025, according to the following conditions:

(a) If an application or renewal form has been received and no prelicensure inspection has been conducted, the department will refund

the amount of $14 for every occupant fewer than the maximum number of occupants identified on the application or renewal form; or

(b) If an application or renewal form has been received and a prelicensure inspection has been conducted, the department will refund the amount of $7 for every occupant fewer than the maximum number of occupants identified on the application or renewal form.

(10) The department will not refund facility licensing fees if:

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

(b) One year has elapsed since a license application was received by the department, but no license was issued because of failure to complete licensing requirements.

(11) The department may assess an operator a civil fine according to RCW 43.70.335.

RDS-7202.3

AMENDATORY SECTION (Amending WSR 15-13-091, filed 6/15/15, effective 1/1/16)

WAC 246-359-550 Smoke detectors and carbon monoxide detectors. (1) TWH must be provided with approved smoke detectors installed according to the manufacturer's instructions and located according to the building code, WAC 51-51-0314.

(2) ((~~Smoke detectors must:~~

~~(a) Be installed in each sleeping room;~~

~~(b) Be installed at a central point in a corridor or area which gives access to each separate sleeping room; and~~

~~(c) Emit a signal when the batteries are low.~~

~~(3)~~)) In new construction, required smoke detectors must((~~:~~

~~(a) Receive their primary power from the building wiring, when the wiring is served from a commercial source; and~~

~~(b) Be equipped with a battery backup~~)) be installed according to the manufacturer's instructions and located according to the building code, WAC 51-51-0314.

((~~(4)~~)) (3) Smoke detector wiring must be permanent and without a disconnecting switch except as required for overcurrent protection.

((~~(5)~~)) (4) Battery operated smoke detectors will be accepted:

(a) In existing buildings;

(b) In buildings without commercial power; or

(c) During when alteration, repairs or additions are being conducted to a building.

((~~(6) An approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units or one on each level of the dwelling. The approved carbon monoxide alarms must be installed in accordance~~))

(5) TWH must be provided with approved carbon monoxide alarms installed in compliance with the manufacturer's recommendations ((~~in compliance~~)) and with the building code, WAC 51-51-0315 ((~~and 246-358-080~~)).