

AMENDATORY SECTION (Amending WSR 02-23-073, filed 11/19/02, effective 1/1/03)

WAC 296-833-100 Scope. This chapter applies to all employers who provide or require their employees to live in temporary housing.

Exemption:

This rule does not apply to the agriculture industry.

For agriculture employers, see WAC 296-307-161, Temporary worker housing((7)) and ((~~WAC 296-307-163,7~~)) cherry harvest camps.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-161 Temporary worker housing and cherry harvest camps.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16101 Purpose and applicability. (1) Purpose. This part is adopted by the Washington state department of labor and industries to implement the provisions of chapter 49.17 RCW and establish minimum health and safety requirements for temporary worker housing and cherry harvest camps.

(2) Applicability.

This part applies to:

(a) ~~((This part applies only to operators of))~~ Temporary worker housing ~~((Operators using tents within the cherry harvest season must refer to WAC 296-307-163, Part L-1, or chapter 246-361 WAC.))~~, including cherry harvest camps, provided by agricultural employers or operators in the state of Washington; and

(b) ~~Operators ((with ten or more occupants are required to be licensed under this part. Operators with nine or less employees are not required to be licensed, but must comply with these standards))~~ of temporary worker housing shall be licensed under this chapter if the housing meets the criteria identified in WAC 296-307-161.

~~((c) For department of health licensing, on site survey, water test fees, etc., see WAC 246-358-990.))~~ For licensing requirements, see WAC 246-358-025, Licensure. For self-survey requirements, see WAC 246-358-027, Requirements for self-survey program. For enforcement requirements, see WAC 246-358-028, Enforcement.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16103 Definitions. ~~((For the purposes of this part,))~~ The following ((words and phrases will have the following meanings)) definitions apply throughout this chapter unless the context clearly indicates otherwise:

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

((u))Agricultural employer ~~((u 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.

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

~~((**"**))**Building**((**"**—means)).~~ Any structure used or intended by the operator to be used by workers for ~~((supporting or sheltering any use or occupancy that may include))~~ cooking, eating, sleeping, ~~((and))~~ sanitation, or other facilities.

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

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

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

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

~~((**"**))**Current certificate (first aid)**((**"**—means)).~~ A first-aid training certificate that has not expired.

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

~~((**"**))**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))~~ workers.

~~((**"**))**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.

~~((**"**))**Dwelling unit**((**"**—means)).~~ A shelter, building, or portion of a building, ~~((that))~~ which may include cooking and eating facilities, ~~((which is))~~ that are:

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

~~((•))~~ (b) Physically separated from other sleeping and ~~((common-use))~~ common areas. "Physically separated" means a physical wall separating rooms.

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

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

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

~~((**"**))**Food-handling facility**((**"**—means—a designated,))~~ An enclosed area ~~((for preparation of food))~~ provided by the operator for workers to prepare their own food, and may be within a family shelter or common facility.

~~((**"**))**Group A public water system**((**"**—means)).~~ A public water system ~~((and includes community and noncommunity water systems.~~

~~((a))~~ A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar

year, regardless of the number of people, or regularly serving at least twenty five year round (i.e., more than one hundred eighty days per year) residents.

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

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

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

- Twenty five or more of the same people each day for sixty or more days within a calendar year;

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

- One thousand or more people for two or more consecutive days within a calendar year)) as defined and referenced under WAC 246-290-020.

((**U**)) **Group B public water system**((**U** means)). A public water system((**U** means))

(a) Constructed to serve less than fifteen residential services regardless of the number of people; or

(b) Constructed to serve an average nonresidential population of less than twenty five per day for sixty or more days within a calendar year; or

(c) Any number of people for less than sixty days within a calendar year)) that is not a Group A public water system, and is defined and referenced under WAC 246-291-050.

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

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

((**U**)) **Livestock**((**U** means)). Horses, cows, pigs, sheep, goats, poultry, etc.

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

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

((**U**)) **Occupant**((**U** means)). A temporary ((worker)) employee or a person who resides with a temporary worker at the ((housing site)) TWH or camp.

((**U**)) **Operating license**((**U** means)) or license. A document issued annually by the department of health ((or contracted health officer authorizing the use of temporary worker housing)).

((**U**)) **Operator**((**U** means)). A person holding legal title to the land on which ((temporary worker housing)) the TWH or camp is located.

However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the (~~temporary worker housing~~) TWH.

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

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

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

+))

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

(d) Chapter 296-150P WAC.

((u))Recreational vehicle((u—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.

((u))Refuse((u—means)). Solid wastes, rubbish, or garbage.

((u))Temporary worker((u—means))or worker. An agricultural employee employed intermittently and not residing year-round at the same TWH site.

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

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

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

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

NEW SECTION

WAC 296-307-16104 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 labor and industries will only provide technical assistance to cherry harvest camps if requested by an operator.

(3) During a consultative technical assistance visit, or within a reasonable time thereafter, the department shall inform the owner or 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 agency requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the agency or others; 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 agency.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16115 Maximum ((housing occupancy)) capacity for TWH occupants. (1) ((The maximum occupancy for)) Operator-supplied ((housing)) dwelling unit capacity will be based on:

(a) The square footage of the ((housing facility)) floor space in habitable rooms provided for sleeping purposes as described in WAC 296-307-16145 (10) and (11) and Table 1 of this section; and

(b) The number of bathing, food handling, handwashing, laundry, and toilet facilities as described in WAC 296-307-16150 through 296-307-16165.

(2) ((The maximum occupancy for)) Worker-supplied housing will be based on ((+))

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

~~((b) The number of))~~.

(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. If the ratios for services are not met, then the operator must provide common facility capacity for bathing, food handling, handwashing, laundry, and toilet facilities ((in excess of those facilities required for operator-supplied housing)).

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

Table 1
TWH Maximum Capacity

Occupant capacity: Determine total square footage and total facility to occupant ratio			
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

Occupant capacity: Determine total square footage and total facility to occupant ratio						
Common facilities	Male	Female	Male	Female	Male	Female
		<u>2 minimum 1 per 15 occupants</u>	<u>2 minimum 1 per 15 occupants</u>	<u>1 per 6 occupants</u>	<u>1 per 6 occupants</u>	<u>1 per 10 occupants</u>
Each family shelter	1, if provided		1		1, if provided	

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16120 Variance and procedure. Conditions may exist in operations that a state standard will not have practical use. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided. The substitute means must provide equal protection in accordance with the requirements of chapter 49.17 RCW and chapter ((296-350 WAC, variances)) 296-901 WAC, Administrative rules.

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

Variance application forms may be obtained from the Department of Labor and Industries, P.O. Box ((44625)) 44650, Olympia, Washington ((98504-4625)) 98504-4650 or the Department of Health, P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box ((44625)) 44650, Olympia, Washington ((98504-4625)) 98504-4650. (Reference RCW 49.17.080 and 49.17.090.)

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16125 Temporary worker housing sites and cherry harvest campsites. The operator must:

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

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

(d) Large enough to prevent overcrowding of necessary structures. The principal housing area for sleeping and for food preparation and

eating must be at least five hundred feet from where livestock are kept; and

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

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

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

~~(b)) 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 ((temporary worker housing)) TWH to the capacity as determined by the department of health.~~

~~((3)) (6) When closing housing permanently or for the season((, complete the following)):~~

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

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

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

NEW SECTION

WAC 296-307-16127 TWH management plan. (1) The operator licensed under this chapter must 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) Those designated actions operators and employees must take to ensure employee safety from fire and other emergencies, including the following:

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

(B) Procedures to account for all employees 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.

(iii) Training. Designate and train a sufficient number of employees to assist in the safe and orderly emergency evacuation of employees; and

(iv) Maintenance. Regularly and properly maintain, according to established procedures, equipment and systems installed on heat pro-

ducing equipment to prevent accidental ignition of combustible materials.

(b) Camp residency rules that describe to the employees expectations for maintaining a safe and orderly TWH.

(2) The operator shall make available:

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

(b) A written copy of the rules for review to employees, in the employee's native language, by:

(i) Posting it in a central location accessible to the employees; or

(ii) Providing individual copies to each employee if requested.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16130 Water supply. The operator must:

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

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

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

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

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

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

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

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

~~(3)) WAC 246-358-025 (2)(d), chapter 246-290 WAC and 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 ((fif-

teen)) twenty pounds per square inch after allowing for friction and other pressure losses.

~~((4))~~ (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.

~~((5))~~ (4) When water sources are not available in each individual dwelling unit or tent, provide one or more drinking fountains for each one hundred occupants or fraction thereof. ~~((Prohibit))~~ The use of common drinking cups or containers from which water is dipped or poured is prohibited.

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

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

~~((6))~~ (7) When water within one hundred feet of a dwelling unit is unsafe for drinking purposes and accessible to ~~((occupants)) workers~~, post a sign by ~~((the source reading))~~ 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 of the ~~((persons occupying the housing, or)) workers~~;

(c) Is printed on material colored to indicate unsafe; and

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

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16135 Sewage disposal. The operator must:

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

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

(a) Public sewers, if available; or

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

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16140 Electricity and lighting. The operator must ensure that:

(1) Electricity is supplied to all dwelling units, ~~((kitchen facilities, shower/bathroom facilities, common areas, and laundry facilities))~~ family shelters, and common facilities, except chemical toilets;

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

(a) Comply with the electric standards of the department of labor and industries regulations, chapter 19.28 RCW, chapter 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 ((rooms, shower/bathroom)) facilities, and bathing facilities((, and rooms where people congregate)) 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)) workers to handwashing sinks and toilets. ((Note: Lighting requirements may be met by natural or artificial means.)) Lighting requirements may be met by natural or artificial means;

(7) For lighting requirements in tents, please see WAC 296-307-16147.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16145 Building requirements and maintenance. An operator must:

(1) Construct ((buildings to provide protection against the elements and comply with)), if provided TWH dwelling units, including common facilities, which must meet the following requirements:

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

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

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

(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 employees.

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

(4) Provide locking mechanisms on:

(a) Exterior doors;

(b) Bedroom doors;

(c) Bathroom doors; and

(d) Toilet and shower stalls that have doors.

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

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

((4)) (7) Prohibit use of lead based paint on any part of the TWH.

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

((5)) (9) Provide ((a ceiling height of at least seven feet for each habitable room. If a building has a sloped ceiling, no portion of the room measuring less than seven feet from the finished floor to the

~~finished ceiling will be included in any computation of the minimum floor space.~~

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

~~(7)) habitable rooms with:~~

~~(a) Windows covering a total area equal to at least one-tenth of the total floor space; and~~

~~(b) At least one-half of each window 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).~~

~~(10) Provide each room used for sleeping purposes with:~~

~~(a) At least fifty square feet of floor space for each (occupant.~~

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

~~(9)) worker, 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 covering a total area equal to at least one-tenth of the floor space within the surrounding walls of the sleep room.~~

~~(11) Provide each room used for sleeping and cooking purposes:~~

~~(a) At least one hundred square feet of floor space per temporary worker;~~

~~(b) Meet the requirements of subsection (10) of this section.~~

~~(12) Ensure wooden floors are at least one foot above ground level or meet the requirements in the State Building Code, chapter 19.27 RCW or Temporary worker housing construction standard, chapter 246-359 WAC.~~

~~((10) Provide habitable rooms that have:~~

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

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

~~(11)) (13) Provide sixteen-mesh screening on all exterior openings and screen doors with self-closing devices.~~

~~((12)) (14) Provide and maintain on all exterior entrances with screen doors that:~~

~~(a) Have self-closing devices; and~~

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

~~(15) Install all heating, cooking, and water heating equipment according to state and local ordinances, codes, and regulations and maintain in a safe condition.~~

~~((13)) (16) Provide ((adequate heating equipment if habitable rooms, including bathrooms, are used)) the ability to maintain inside dwelling unit temperature of at least seventy degrees Fahrenheit during cold weather.~~

~~((14)) (17) Ensure that all recreational vehicles and park trailers meet the requirements ((of)) as defined in this chapter ~~((§ 296-150P and 296-150R WAC)).~~~~

NEW SECTION

WAC 296-307-16147 Tents. (1) Each tent must be constructed to sleep no more than fifteen workers.

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

(3) Structural stability and floors.

(a) Tents and their supporting framework must be adequately braced and anchored to prevent weather related collapse. Documentation of the structural stability must be furnished to the department of health.

(b) Floors must be smooth, sloped from a raised center towards the lower outer edges. Floors must be without breaks or holes to provide a hard, stable walking surface. Nonridged flooring supported by grass, dirt, soil, gravel, or other uneven surfaces is not acceptable. 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.

(4) 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-resistant 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.

(5) 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) The area designated for refuge must be accessible and remain clear of storage materials or hazards.

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

(6) 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 worker in rooms used for sleeping purposes.

(7) 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.

(8) Windows and ventilation.

(a) 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 workers.

(9) Electrical and lighting.

The operator must 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 a 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.

NEW SECTION

WAC 296-307-16149 Carbon monoxide alarms, smoke detectors, and fire extinguishers. (1) An operator must 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 in compliance with the building code, chapter 51-51-0315 WAC.

(2) An operator must 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 building code, chapter 51-51-0314 WAC.

(3) An operator must provide properly working fire extinguishers that are:

(a) A minimum 2A:10BC;

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

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

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16150 Laundry facilities. An operator must:

- (1) Provide laundry facilities that include:
 - ~~(a)~~ One laundry tray or tub or one mechanical washing machine for every thirty ~~((persons))~~ occupants;
 - ~~((2) Provide))~~ (b) Adequate facilities for drying clothes; and
 - ~~((3) Provide))~~ (c) Sloped, coved floors of nonslip impervious materials with screened floor drains~~((+ (4)))~~.
- (2) Maintain laundry facilities in a clean and sanitary condition.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16155 Handwashing and bathing facilities. An operator must:

- ~~(1) Provide ((one handwash sink for each family dwelling unit or for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets;~~
- ~~((2) Provide))~~ handwashing and bathing facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 296-307-16160.
- (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 waste water;
 - (c) Maintain fixtures and drains in good working order;
 - (d) Shower room walls and partitions must be smooth and nonabsorbent; and
 - (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 adjacent to toilets at least one handwash sink for every fifteen occupants;
 - (b) One showerhead for ((each family dwelling unit or for)) every ten ~~((persons in centralized facilities))~~ occupants;
 - ~~((3) Provide))~~ (c) One "service sink" in each building used for ((centralized)) common laundry, handwashing, or bathing;
 - ~~((4) Provide))~~ (d) Sloped, coved floors of nonslip impervious materials with floor drains;
 - ~~((5) Ensure shower room walls are smooth and nonabsorbent to the height of four feet. If used, partitions must be smooth and nonabsorbent to the height of four feet;~~
 - ~~(6) Provide all showers, baths, or shower rooms with floor drains to remove wastewater;~~

~~(7) Provide cleanable, nonabsorbent waste containers))~~ (e) Shower and bathing facilities must provide privacy from the opposite sex and the public;

~~((8))~~ (f) Maintain ((centralized)) common bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily; ((9)) and

(g) Bathing and shower facilities must 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 toilet facilities, at least one handwash sink located in the toilet room or immediately adjacent to the toilet room; and

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

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

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

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16160 Toilet facilities. The operator must:

(1) Provide toilet facilities adequate for the maximum capacity of the TWH according to Table 1 of this section.

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

(3) Fill abandoned pit privies with earth.

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

(a) Provide flush toilets unless chemical toilets ((or pit privies)) are specifically approved by the department of health ((or health officer)) according to requirements in chapter 246-272 WAC ((and ensure the following:

(a));

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

(b)) or in 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; ((and))

(iii) Comply with local ordinances; ((+)) and

(iv) Located immediately adjacent to a handwash sink(s); and

(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 the 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 ((where water under pressure is available; and~~

~~(iv) Urinal troughs are prohibited in pit privies.~~

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

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

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

~~((2) Centralized)) (5) Meet the following requirements for common toilet facilities((. The operator must meet the following requirements when centralized)):~~

(a) Where common toilet facilities are provided((:

~~(a) Provide toilet rooms with:~~

~~(i) One toilet for every fifteen persons;~~

~~(ii) One handwashing sink for every six persons;~~

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

~~(iv) All outside openings screened with sixteen mesh material)),~~
the number of toilets for each sex must be based on the maximum number of occupants of that sex which the camp is designed to house at any one time, in the ratio of one such toilet for every fifteen occupants, with a minimum of two toilets according to Table 1 of this section;

(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) ((When shared facilities will be used for both men and women:))~~
Separate toilets by partitions or walls. Partitions and walls must ensure privacy;

(f) Provide toilet room walls and partitions with smooth, cleanable, and nonabsorbent surfaces;

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

(h) 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 of the persons occupying the camp, or identified with easily understood pictures or symbols; and

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

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

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

~~(a) ((Provide)) One toilet for each individual family ((dwelling unit or fifteen persons)) shelter;~~

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

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

~~(d) Ensure all outside openings screened with sixteen mesh material;~~

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

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

Table 1
Minimum Number of Required Fixtures

<u>Facility Type</u>	<u>Toilets</u>		<u>Handwash Sinks</u>	
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
<u>Common Facilities</u>	<u>2 minimum, 1 per 15 occupants</u>	<u>2 minimum, 1 per 15 occupants</u>	<u>2 minimum, 1 per 6 occupants</u>	<u>2 minimum, 1 per 6 occupants</u>
<u>Each Family Shelter</u>	<u>1, if provided</u>		<u>1</u>	

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16165 Cooking and food-handling facilities. The operator must:

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

(2) Provided all food-handling facilities with:

(a) Enclosed or screened cooking and food-handling facilities for all occupants((. The operator must provide adequate tables and seating for occupants.

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

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

~~(b))~~;

(b) Enclosed or screened eating facilities with tables and seating for a minimum of seventy percent of the occupants;

(c) If provided, hotplates that meet WAC 296-307-16140(2);

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

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

~~((d)) (f) Nonabsorbent, and easily cleanable food preparation ((counters)) surfaces situated off the floor;~~

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

~~((f))~~ (h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;
~~((g))~~ (i) Nonabsorbent, easily cleanable floors; ~~(and~~
~~(h))~~ (j) Adequate ventilation for cooking facilities; and
(k) Cooking facilities, including fixtures and drains, maintained in good working order.

~~((2))~~ (3) In common food-handling facilities, the operator must provide:

(a) A room ~~((or))~~, building, or space within a building adequate in size, separate from any sleeping quarters or tent for workers 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 ~~((hot plate with at least one cooking surface for every four occupants, or four cooking surfaces for every two families;~~

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

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

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

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

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

~~(i) Nonabsorbent, easily cleanable floors; and~~

~~(j) Adequate ventilation for cooking facilities.~~

~~(3))~~ electric hotplate with four cooking surfaces for every ten workers through any combination of cooking surfaces, burners, or one foot in length of burner surface.

(4) In family shelter food-handling facilities, the operator shall provide an operable cook stove or electric hotplate with four cooking surfaces for every ten workers through any combination of cooking surfaces, burners, or one foot in length of burner surface.

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

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16170 Cots, beds, bedding, and personal storage.

The operator must:

(1) Provide beds, cots, or bunks ~~((furnished with clean mattresses))~~ in good condition for the maximum occupancy approved by the department of health ~~((or health officer))~~ for operator-supplied housing. Cots may only be used in tents for cherry harvest camps;

(2) Allow the use of cots in tents for cherry harvest camps only. Cots must be sturdy and stable and without:

(a) Visible mold;

(b) Rips or tears;

(c) Insect infestation;

(d) Stains from bodily fluids; and

(e) Rodents or rodent droppings.

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

~~((3))~~ (4) Locate all beds, cots, and bedding at least thirty-six inches from cooking surfaces;

(5) Provide ~~((sufficient))~~ a minimum of twelve inches of clearance between each cot, bed or bunk and the floor ~~((or a commercially available cot, bed, or bunk))~~;

~~((4))~~ (6) 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;

~~((5))~~ (7) 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) Provide safety railing on each exposed side of top bunks that prevents the occupants from falling out; and

(d) Prohibit triple bunks ~~((; and (6))~~).

(8) Provide all occupants suitable storage space for clothing and personal articles. Storage ~~((facilities for clothing and personal articles in each room used for sleeping))~~ space must be located in the occupant's room used for sleeping. All or a portion of the storage space provided each temporary worker must be enclosed and lockable, such as a wall locker or floor locker.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16175 First aid and safety. The operator must:

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

(2) Prohibit, in the ~~((housing))~~ TWH area, the use, storage, ~~((and))~~ 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 ~~((qualified))~~ trained person is readily accessible to administer first aid at all times;

(5) ~~((Store or))~~ Provide a means of communication on the TWH site so workers can contact the first-aid trained person or emergency services within a reasonable amount of time; and

(6) Remove unused refrigerator units or other appliances to prevent access by children.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16180 Refuse disposal. The operator must:

- (1) Comply with local sanitation codes for removing and disposing of refuse from ~~((housing))~~ 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 or reusable containers or in single-use containers;
- (4) Keep refuse containers clean;
- (5) Provide ~~((a))~~ at least one reusable container ~~((on a wooden, metal, or concrete stand))~~ 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.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16190 Disease prevention and control. The operator must:

- (1) Report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease;
- (2) Report immediately to the local health officer:
 - (a) Suspected food poisoning;
 - (b) An unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; ~~((or))~~
 - (c) Productive cough ~~((or))~~ ; or
 - (d) When weight loss is a prominent symptom among ~~((occupants))~~ workers.
- (3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls.

~~((Part L-1
Cherry Harvest Camps))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-307-16105 Operating license.
- WAC 296-307-16110 Requirements for self-survey program.

WAC 296-307-163 Cherry harvest camps.
WAC 296-307-16301 Purpose and applicability.
WAC 296-307-16303 Definitions.
WAC 296-307-16305 Technical assistance.
WAC 296-307-16310 Operating license.
WAC 296-307-16315 Maximum camp occupancy.
WAC 296-307-16320 Variance and procedure.
WAC 296-307-16325 Cherry harvest campsites.
WAC 296-307-16330 Water supply.
WAC 296-307-16335 Sewage disposal.
WAC 296-307-16340 Electricity and lighting.
WAC 296-307-16345 Tents.
WAC 296-307-16350 Recreational vehicles.
WAC 296-307-16355 Laundry facilities.
WAC 296-307-16360 Handwashing and bathing facilities.
WAC 296-307-16365 Toilet facilities.
WAC 296-307-16370 Cooking and food-handling facilities.
WAC 296-307-16375 Cots, beds, bedding, and personal storage.

WAC 296-307-16380 First aid and safety.
WAC 296-307-16385 Refuse disposal.
WAC 296-307-16390 Insect and rodent control.
WAC 296-307-16395 Disease prevention and control.