



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: May 20, 2022

TIME: 11:31 AM

WSR 22-12-014

Agency: Department of Labor & Industries

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Chapter 296-307 WAC, Temporary worker housing.

The Department of Health (DOH) in conjunction with the Department of Labor & Industries (L&I) continue to respond to the novel coronavirus disease 2019 (COVID-19) pandemic. DOH and L&I are adopting revisions to the initial emergency rule for temporary worker housing. DOH and L&I filed the initial emergency rules on May 13, 2020, WSR 20-11-024 and WSR 20-11-025 respectively. As the pandemic continues to impact residents of Washington state and temporary worker housing occupants, and in response to the Governor's guidance, DOH and L&I filed subsequent emergency rules through January 21, 2022 (WSR 22-04-010 and WSR 22-04-017) to protect occupants from COVID-19 hazards in licensed temporary worker housing.

The emergency rule:

- Maintains the requirements for operators to educate occupants on COVID-19 in a language or languages they understand and the requirement to conspicuously post information regarding the COVID-19 all in a language commonly understood by the occupants.
- Updates the education requirements to include what to do if an occupant is exposed to SARS-CoV-2; and what to do if they test positive for SARS-CoV-2.
- Maintains the language stating existing law regarding allowing entry of community health workers and community-based outreach workers to provide additional information.
- Updates the term "face covering" to "face covering/mask" to reflect current terms used. Maintains the requirement for operators to provide face covering/masks to occupants for use in accordance with DOH guidelines or as required by L&I rules but removes the requirements to instruct occupants and visitors about face coverings.
- Removes requirements related to physical distancing, bed placement, and use of bunk beds in sleeping quarters, and the alternative group shelter option. Operators must comply with the bed placement and bunk bed use requirements under the permanent rule under WAC 296-307-16170.
- Maintains the requirement for ventilation.
- Removes requires related to clean and disinfecting surfaces except for the requirement to clean and disinfect areas where symptomatic suspect SARS-CoV-2 cases or confirmed SARS-CoV-2 positive cases have been and the requirement to ensure adequate supplies of soap and single-use paper towels at all sinks to allow for frequent handwashing.
- Updates the requirements related to screening and isolation of isolation of suspect SARS-CoV-2 and positive SARS-CoV-2 cases as follows:
 - Removes the requirement to provide thermometers to each occupant or training a person to check all occupants temperatures daily, instead operators must ensure that an adequate number or "no touch" or "no contact" thermometers be available for occupants to use.

- Updates the requirement to notify local health officers and provide transportation for any needed medical evaluation upon identification includes individuals known SARS-CoV-2 in addition to individuals suspected of having COVID-19.
- Updates terms referring to confirmed cases.
- Requires the identification of close contacts in accordance with the Washington State Department of Health or local health officer close contact definition.
- Updates the quarantine and isolation requirements for close contacts and individuals who test positive for COVID to follow current DOH guidance, which could vary by vaccination status. Adds that close contacts must follow the DOH guidance for symptom monitoring and masking post-exposure, and that close contacts of a suspect SARS-CoV-2 case that is ruled out do not need to continue to be treated as close contacts.
- Maintains the requirements for daily licensed health care professional visits for employees in isolation with symptoms. For asymptomatic employees in isolation employees, a licensed health care professional visit is required upon initial placement in isolation and upon request of the asymptomatic employee or the licensed health care professional. Maintains the other required related to licensed health care professional visits, including options to use telehealth.
- Removes the requirements related to vaccine verification. Operators may need to verify vaccine status to determine quarantine requirements for close contacts under the DOH guidance.

Both L&I and DOH each filed a Preproposal Statement of Inquiry (CR-101) on September 10, 2020, WSR 20-19-047 and WSR 20-10-050, regarding permanent amendments to the existing permanent rules to address hazards from COVID-19 or other outbreaks of airborne infectious diseases. Some amendments made as part of the emergency rules will be considered for permanent rulemaking. For example, changes to ventilation requirements, and isolation requirements during an outbreak.

Citation of rules affected by this order:

New: WAC 296-307-16102
 Repealed:
 Amended:
 Suspended:

Statutory authority for adoption: RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060 and RCW 49.17.240

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: DOH and L&I continue to take action to help prevent the spread of COVID-19. Given the evolution of the pandemic, DLI and DOH have continued to review new information, data, and science as it comes available to determine what requirements are necessary to protect temporary worker housing occupants from COVID-19 and similar airborne infectious disease hazards. DLI and DOH have also been reviewing and considering information related to the implementation of the requirements in emergency rules and stakeholder input. As the COVID-19 pandemic continues to present a hazard to temporary worker housing occupants, emergency rules are needed to address the hazard while the potential permanent changes are under development. However, this emergency rule removes many previous requirements that are no longer necessary to address on an emergency basis due to changes in case counts and hospitalizations and the increased vaccination rates. This includes requirements related to physical distancing, bed spacing and bunk bed use restrictions for sleeping quarters with unvaccinated occupants, and the group shelter alternative for bed spacing. Requirements related to training, ventilation, and isolation and quarantine are still critical. Given the current stage of the pandemic, DOH and L&I plan to take elements in this emergency rule and work to finalize proposed permanent rules. This emergency rule is necessary for the preservation of public health, safety, and general welfare of occupants of temporary worker housing for the 2022 growing season.

**Note: If any category is left blank, it will be calculated as zero.
 No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
 A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

