



# RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: September 16, 2022

TIME: 8:14 AM

WSR 22-19-053

**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 May 20, 2022 (WSR 22-12-013 and WSR 22-12-014) 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 COVID-19 in a language commonly understood by the occupants.
- Maintains 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 requirement allowing entry of community health workers and community-based outreach workers to provide additional information.
- 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.
- Maintains the requirement for ventilation.
- Maintains requirements related to cleaning and disinfecting surfaces and areas where symptomatic suspect SARS-CoV-2 cases or people who tested positive for SARS-CoV-2 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 and maintains certain requirements related to screening and isolation of suspect SARS-CoV-2 and positive SARS-CoV-2 cases as follows:
  - Updates definition of "suspect SARS-CoV-2 case" to include a person who is waiting for test results.
  - Updates isolation requirement to allow individuals who have tested positive for SARS-CoV-2 to leave isolation after meeting criteria in DOH isolation guidance or when released from isolation by the local health officer.
  - Maintains the requirements for daily licensed health care professional visits for employees in isolation with symptoms. For asymptomatic employees in isolation, 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 requirements related to licensed health care professional visits, including options to use telehealth.

Both DOH and L&I each filed a Preproposal Statement of Inquiry (CR-101) on September 10, 2020, WSR 20-19-047 and WSR 20-19-050, 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, DOH and L&I 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. DOH and L&I have also been reviewing and considering information related to the implementation of the requirements in emergency rules and stakeholder input. As the efforts against COVID-19 continue to impact temporary worker housing occupants, emergency rules are needed to help prevent the spread and outbreaks while the potential permanent changes are under development. This emergency rule removes some 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. 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 remaining 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>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted on the agency's own initiative:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**Date Adopted:** September 16, 2022

**Name:** Joel Sacks

**Title:** Director

**Signature:**

