

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health

Keeping Washington Safe and Working

33.72

Range Housing

Date: February 15, 2024

I. Purpose

This Directive establishes inspection procedures and enforcement policies related to temporary worker housing provided to sheepherders, beekeepers, and other range-based or mobile housing as a condition of employment within the context of the general requirements of WAC 296-307-161 Temporary Worker Housing (TWH).

For the purpose of this directive, “CSHO” refers to both DOSH Inspectors and Consultants.

II. Scope and Application

This directive applies to DOSH operations statewide. It replaces all previous instructions on this issue, whether formal or informal.

III. References

- 296-307-161 Temporary Worker Housing
- OSHA 29 CFR 1910.142 Temporary Labor Camps
- DOL 20 CFR 655.235

IV. Background

The Division of Occupational Safety and Health (DOSHS) enforces WAC 296-307-161, Agriculture Temporary Worker Housing rules that have been adopted jointly with the rules adopted by the state Department of Health (DOH), which regulates – and licenses – most temporary worker housing in the agriculture industry. This joint rulemaking was required by the Legislature in 1999.

Within Washington, there is a small but significant sheepherding industry, involving foreign nationals brought in under the federal H2A program (administered by the Employment Training Administration (ETA) of the United States Department of Labor (USDOL). Typically, sheepherding involves housing provided for fewer than 10 occupants; in such cases, DOH has no jurisdiction over the activity. However, the housing is provided as a condition of employment and is therefore subject to DOSHS requirements.

Some of the requirements of WAC 296-307-161 may raise feasibility concerns. In most cases, infeasibility will not be a valid defense against citation. However, the unique circumstances of range housing (low population, remoteness, mobile sites) can appropriately be considered.

V. Enforcement Policies

All requirements under Chapter 296-307 WAC Safety Standards for Agriculture, Part L – Temporary Worker Housing (TWH) must be met as written, with the following exceptions:

- A. WAC 296-307-16125 (housing sites) can be applied and enforced as applicable. However, (2) must not be cited, because enforcing the separation from livestock is infeasible (given the nature of the work).
- B. Because of feasibility issues involved in a remote, frequently moving operation, WAC 296-307-16130 (water supply) should not be cited for subsections (3), (4), or (5).
 - 1. Commercially bottled water may be provided to **supplement** water tanks on a mobile housing unit when there is danger of freezing, but internal water systems should be used whenever possible.
 - 2. At least 4.5 gallons per person per day must be available for drinking and cooking.
 - 3. Water provided for workers may not be used to water dogs, horses, or the herd.
- C. Issues related to WAC 296-307-16135 (sewage disposal) must not be cited in relation to range housing unless it is being improperly disposed of (not using a licensed service company or RV dump station).
- D. The requirements of WAC 296-307-16145 (building requirements) apply, with exceptions to be made under (6), (12), and (13). When RVs/trailers are used:
 - 1. Shower stalls do not need their own lock under (6) if the bathroom door has a lock.
 - 2. Square footage shall be measured to determine occupancy limits under (12) and (13) in areas with floor to ceiling heights of 6.5 feet (78 inches).
- E. The requirements of WAC 296-307-16150 (laundry facilities) apply to all range housing operations. However, employers may be allowed to launder and return dried clothing for their employees (at no charge) if facilities are not feasible in the mobile housing.
- F. The requirements of WAC 296-307-16160 apply. The distance requirements of (4)(d) with regard to chemical toilets will be considered *de minimis* and therefore not cited, provided that the toilets are segregated from the sleeping and food preparation areas.

G. The requirements of WAC 296-307-16175 (*first aid and safety*) must be met. Because of feasibility issues, the requirements of (4) can be met in mobile operations by ensuring that employees are first-aid trained and that employees working alone are checked at regular intervals by some reliable and effective method. First aid equipment must be readily accessible and provided to the employees, and a direct contact for the nearest hospital/emergency room must be provided.

H. The requirements of WAC 296-307-16180 (*refuse disposal*) must be met, with the exception of (5)(b).

VI. Who to Contact

CSHOs should contact the Agriculture Specialist in DOSH Technical Services, if they have questions regarding a specific situation or application of the standard.

VII. Review and Cancellation

DOSH will review this Directive for applicability on an “as needed” basis, and it will remain effective until superseded or canceled.

Approved: 

Craig Blackwood, L&I Assistant Director
Division of Occupational Safety and Health