

# Evaluation of Temporary Worker Housing Regulations, Fee Structure, and Frequency of Inspections

Pursuant to Third Engrossed House Bill 2127, Section 219 (32)  
(Chapter 7, Laws of 2012, 2<sup>nd</sup> Special Session)

**December 2012**



Publication Number 505-111

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## **Preface**

The Department of Health, Health Systems Quality Assurance (HSQA) Division, works to protect the health and safety of people in Washington State by regulating the quality of migrant farmworker housing through the department's Temporary Worker Housing (TWH) program. The department carries out this responsibility by setting standards for construction and operation of farmworker housing sites in Washington, and by licensing and inspecting sites for compliance with the standards.

In 2012, the Washington State Legislature enacted Third Engrossed Substitute House Bill 2127. This bill provided the department with one-time, supplemental funding for the TWH program and directed the department to reduce fees on a temporary basis. In addition, the department was directed to evaluate the rules, inspection processes, and fee structures for TWH construction and operations, including both fixed TWH housing and temporary cherry harvest camps. Part of the evaluation was to include the farmworker housing occupancy levels used to determine the fee structure and frequency of housing inspections made by the department.

In response, the department collaborated with growers, housing operators, farmworker advocates, and other stakeholders across the state to evaluate the TWH regulatory processes and identify opportunities for program efficiencies. This report summarizes those findings and provides initial recommendations and proposed actions designed to enhance program efficiencies and outcomes.



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## **Executive Summary**

The Department of Health's (department) Temporary Worker Housing (TWH) program works to protect the health and safety of individuals staying in migrant farmworker temporary housing. The TWH program licenses migrant farmworker housing facilities throughout Washington State, and provides technical assistance to growers and others seeking to develop new migrant farmworker housing.

Under chapter 70.114A RCW, the department, with the Departments of Labor and Industries and Commerce, coordinates services to encourage the development of temporary housing for migrant farmworkers. DOH also licenses and inspects temporary worker housing to ensure safe and sanitary living conditions. These services help protect the health and safety of farmworkers who stay in TWH facilities, contribute to public health, and assist growers in attracting an experienced and stable agricultural workforce.

In fiscal year (FY) 2012, the department licensed and inspected 226 TWH facilities throughout Washington State. Of this total, 207 were permanent structures for temporarily housing farmworkers ("regular" TWH facilities), and 19 were temporary tent camps used only during the cherry harvest season (cherry harvest camps).

The TWH program is funded by three sources: Licensing and inspection fees; funds transferred from the Department of Labor and Industries; and general fund-state (GF-S) support. From fiscal years 2008 through 2012, the TWH program experienced significant reductions in GF-S support. This necessitated decreases to TWH program services and changes to make the program operate more efficiently.

Even with these program reductions, the department anticipated that TWH funding levels would be insufficient to cover the program's on-going operating costs. To offset the reduced GF-S funding, the legislature authorized the department to increase TWH licensing fees. The new fees went into effect in August 2011 and were based on the number of occupants. It resulted in an increase from an average of approximately \$2 per housing occupant to \$9 per occupant, and raised the percentage of the overall TWH budget provided from fees from 4 percent to 22 percent. The higher fees raised concerns from some growers and housing operators.

The 2012 Legislature included a proviso in the 2011-13 Supplemental Operating Budget Act, 3ESHB 2127 subsection 219 (32), that gave the department one-time supplemental funding of \$250,000 to subsidize TWH operating license and inspection fees. The proviso also directed the department to "evaluate program regulations including but not limited to the use of occupancy levels to determine the fee structure and the frequency of inspections."

To implement the proviso, the department waived all TWH licensing fees through June 30, 2013. The department also initiated a statewide evaluation of the TWH program with stakeholders including growers, farmworker advocates, housing developers, and grower organizations, as well as local, state and federal agencies with an interest in TWH. The objectives of the evaluation were to review the department's statutory responsibilities, TWH inspection processes, construction standards, fee structures, and regulations for possible efficiencies and changes. A series of four stakeholder workshops were held in the fall of 2012 in Yakima, Kennewick, Wenatchee and Lacey.

Stakeholders recommended several efficiencies with potential impact to inspection frequency, operational standards, the fee structure and fee amount, including:

- Changing the licensing fee structure to include a flat administrative fee plus an inspection fee based on facility size.
- Lowering the current \$9 per occupant licensing fee.
- Expanding the TWH self-survey program for broader participation. This program allows housing operators that have two consecutive years without licensing violations to self inspect their own facilities and forego up to two years of department inspections. In FY 2013, nearly nine percent of TWH facilities qualified to self-survey.
- Eliminating two of the four routine inspections for temporary cherry harvest camps.
- Reviewing the department's regulatory authority and structure regarding enhancing compliance enforcement authority, such as increasing fines.
- Charging use-based fees for certain services, specifically for technical assistance, follow-up inspections, and costs of complaint investigations (for complaints found to be valid).
- Implementing other suggested TWH program changes to construction and operating regulations.

### **Department's Planned Actions to Implement TWH Evaluation Outcomes**

The department reviewed stakeholder recommendations with regard to our statutory responsibility to encourage the development of temporary and permanent housing for migrant farmworkers, and to ensure that licensed housing is safe and sanitary. Based on this review, the department is planning to take the following steps that we believe will make the TWH program more efficient and responsive:

- Adopt policies that will expand the number of facilities that may qualify for the TWH self-survey (self-inspection) program.
- Adopt policies that will eliminate two of the four routine department inspections of most cherry harvest camps, without reducing safety and sanitation safeguards.
- Open the rules to review the TWH licensing fee structure. The following will be included in the review:
  - A standard administrative fee;
  - An inspection fee based on facility size;
  - Overall changes resulting in a lower aggregate licensing fee and/or reduced need for GF-S funding; and
  - Consideration of fees for technical assistance, follow up inspections, and valid complaints.
- Review the department's statutory and regulatory authorities to determine if enforcement of licensing standards and non-licensed TWH may be enhanced.
- Initiate rule making to review other changes recommended by stakeholders to amend the construction or operating regulations.

## Background

The Department of Health (department), Health Systems Quality Assurance (HSQA) Division, works to protect the health and safety of people in Washington State by regulating the quality of migrant farmworker housing. The department's Temporary Worker Housing (TWH) program is responsible for ensuring that living conditions provided for migrant farmworkers are safe and sanitary. The department carries out this responsibility by setting standards for construction and operation of TWH housing sites in Washington, and by licensing and inspecting for compliance with these standards.

Under chapter 70.114A RCW, and RCW 43.70.334 through 43.70.340, the department, working with the Departments of Labor and Industries (L&I) and Commerce, is the lead agency for coordinating state migrant farmworker housing programs. The department carries out these responsibilities by providing technical assistance to organizations and individuals. Regarding the department's scope of responsibility for the TWH program, RCW 70.114A.010 states:

*...It is the intent of the legislature to encourage the development of temporary and permanent housing for workers that is safe and sanitary by: Establishing a clear and concise set of regulations for temporary housing; establishing a streamlined permitting and administrative process that will be locally administered and encourage the development of such housing; and by providing technical assistance to organizations or individuals interested in the development of worker housing.*

The department, working with L&I, has established standards for TWH construction and operation in rule. The services provided by the TWH program include the following (a more inclusive list is in Appendix D):

- Technical assistance to growers and others interested in developing migrant farmworker housing or how to comply with TWH standards when making changes to existing housing.
- Comprehensive building review services including planning assistance, plan review, site review, permitting, construction inspection, and final approval.
- Licensing services.
- Inspecting and monitoring fixed and temporary migrant housing for compliance with safety and sanitation standards.
- Working with farmers, farmworker advocates, grower organizations, community organizations, and local, state, and federal agencies on TWH issues.
- Encouraging housing development by partnering with the Department of Commerce.
- Conducting investigations and coordinating investigations with L&I, U.S. Department of Labor, and local jurisdictions.

In FY 2012, the department licensed 226 TWH facilities. Of those facilities, 207 were "regular" TWH housing, and 21 were temporary cherry harvest camps. The total licensed occupancy capacity of the 226 facilities was 13,246 occupants (farmworkers as well as their families in many cases), of which 828 occupants were in cherry harvest camps. A total of 188 facilities including all 21 cherry harvest camps are located in eastern Washington; 38 facilities are located in western Washington.

The difference between "cherry" and "regular" TWH is in reference to the department's operation rules in the Washington Administrative Code (WAC):

- Chapter 246-361 WAC: Cherry harvest camp rules apply to temporary facilities that house migrant farmworkers who are working only during the annual cherry harvest season (May through July). These camps primarily consist of tents supplied by the growers.
- Chapter 246-358 WAC: “Regular” TWH rules apply to all other permanent structures operated to house agricultural workers temporarily.

Washington’s approximately 39,500 farms and \$46 billion food and agricultural industry contributes 13 percent of the state’s economy.<sup>1</sup> The department monitors and inspects licensed TWH facilities to help reduce unsafe living conditions. Adequate, safe housing helps to protect the health and safety of migrant farmworkers, contribute to public health, and assist the agricultural industry in attracting an experienced and stable labor force. Appropriate, efficient regulation and services benefit farmworkers, farmers, the public, local communities, and the agriculture industry.

### The TWH Budget

The TWH program budget is funded by three sources: general fund-state (GF-S) support; funds transferred from the Department of Labor and Industries (L&I); and licensing and inspection fees charged to operators of TWH facilities.

During the last several years, the nation and the state have endured an economic recession. Because of decreased state revenues, in FY 2010 through 2012 the TWH program experienced declining GF-S maintenance funding compared to FY 2008 and 2009 levels. The TWH program is not subject to RCW 43.70.250 that requires health professions and health facilities fees to cover the department’s full cost of administering the licensing and regulatory program.

Temporary Worker Housing Program Funding FY 2008-2013						
Source	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013 (Projected)
General Fund-State	\$606,867 (annualized)	\$606,867 (annualized)	\$451,352 (annualized)	\$451,352 (annualized)	\$231,337	\$367,528*
Dept. Labor & Industries	\$171,951	\$171,951	\$172,687	\$172,687	\$171,141	\$171,141
Licensing Fees (Collected)	\$22,043	\$20,941	\$23,558	\$23,870	\$115,107**	\$0
TOTAL	\$800,861	\$799,759	\$647,597	\$647,509	\$517,585	\$538,669

GF-S Percentage of TWH Budget	77.8%	75.9%	69.7%	69.7%	44.7%	
Fees Percentage of TWH Budget	2.8%	2.6%	3.6%	3.7%	22.2%	

\* FY 2013 GF-S includes the \$250,000 supplemental funding from 3ESHB 2127.

\*\* A fee increase authorized by the 2010 legislature was implemented in FY 2012

From FY 2009 through FY 2011, the department identified many program efficiencies, and lowered staffing and curtailed some services. This helped the TWH program continue its primary functions within increasingly reduced budgets. But even with these changes, the department anticipated that funding was insufficient to cover the TWH program’s operating costs. The 2010 legislature approved a fee increase to help offset GF-S reductions. This allowed the department to raise licensing fees from an average of \$2 per housing occupant to about \$9 per occupant. Fees covered less than 4

<sup>1</sup> Department of Agriculture website (<http://agr.wa.gov/AgInWA/>)

percent of program funding before the increase (averaging about \$22,000 per year). The higher fees were projected to provide 22.2 percent of program funding, or about \$115,000 per year. The new fees were effective in August 2011. Some growers and operators of migrant farmworker housing raised concerns about this fee increase.

The 2012 legislature enacted the 2011-13 Supplemental Operating Budget Act, Third Engrossed Substitute House Bill (HB) 2127, that includes one-time supplemental funding of \$250,000 in FY 2103, as well as a proviso in subsection 219 (32) that states:

*General fund—state appropriations for fiscal year 2013 includes funding to subsidize operating license and inspection fees in the temporary worker housing program. In implementing this subsidy, the department shall evaluate program regulations including but not limited to the use of occupancy levels to determine the fee structure and the frequency of inspections.*

In response to this proviso, the department waived all TWH licensing fees through June 30, 2013, and used a portion of the supplemental GF-S funding to offset the projected \$115,000 in fee revenue that would have been collected during this period.

The department also undertook an evaluation of the TWH fee structure, program regulations, inspection frequency, and other aspects of the program as directed by HB 2127.

### **TWH Evaluation Methodology**

In response to the legislative direction in HB 2127, the department developed a work plan to evaluate the regulations, inspection frequency, and fee amount and structure. The work plan included seeking stakeholder input on how well the TWH regulations and services were working from a variety of perspectives. The department also conducted an internal evaluation of migrant farmworker housing inspection, licensing and TWH program operations.

The department held four all-day TWH evaluation meetings in the fall of 2012. These meetings were held in Yakima, Kennewick, Wenatchee and Lacey. Invitations were sent via the department listserv as well as e-mailed directly to key stakeholder groups. Stakeholder participation included representatives from:

- Individual growers and TWH housing operators
- Farmworker advocacy groups, including the United Farm Workers of America union, Columbia Legal Services, and Northwest Justice Project
- Washington Growers League
- Washington State Commission on Hispanic Affairs
- Local public health jurisdictions
- The Growers Clearinghouse
- Washington State Farm Bureau
- Office of Rural and Farmworker Housing
- Migrant housing development companies
- Oroville Housing Authority
- Local building and zoning departments
- State Department of Employment Security
- State Department of Labor and Industries

Stakeholders were able to participate in each meeting in person or by telephone. They could also submit written input. Written summaries of each meeting were shared with the participants.

The department approached each meeting in two distinct workgroup segments. One segment focused on the TWH operation-related rules, program processes, and fee amount and structure. The other segment focused on the construction-related rules, processes, and fee amount and structure. The goal was to evaluate possible changes in the TWH program and rules that could be achieved without compromising farmworker health and safety, and could result in long-term program efficiencies that would allow the department to reduce TWH licensing and/or inspection fees.

## **Summary of Stakeholder Input**

Complete TWH stakeholder evaluation meeting minutes and handout information are in Appendix D. A summary of all stakeholder input from the TWH evaluation is in Appendix E.

Stakeholder input is grouped by TWH operation review and TWH construction review, and by the following evaluation topics: regulations, inspection frequency, fee structure, and program processes.

## **TWH Operation Evaluation – Regular Housing and Cherry Harvest Camps**

**Operation Regulations (chapters 246-358 and 246-361 WAC).** Some stakeholders recommended the following rule changes:

- Eliminate the screen door requirement for regular TWH housing, or allow self-closing exterior doors instead of screen doors if the unit has working mechanical air conditioning.
- Remove the requirement to have an emergency telephone available, since most workers do have the ability to contact emergency services by cell phone while in camp.
- Require smoke detectors in regular housing facilities.
- Require carbon monoxide (CO) detectors in facilities where combustible-fueled equipment is provided or in use.
- Clarify requirements around garbage-stands. Only garbage containers at the central garbage collection/pickup area should require stands.
- Evaluate the plumbing fixture ratios. Fixture ratios are requirements based on occupancy, such as the number of hand wash sinks, toilets, laundry tubs, or washing machines per number of occupants.
- Evaluate the square footage ratios, such as minimum required space per occupant.
- Change requirements for potable water supplies to require signage on potable water supplies rather than on non-potable water sources.
- Review appropriate drinking water system standards in coordination with the DOH Office of Drinking Water, including removing the “same farm exemption” from water supply rules.
- Revise the rules using “plain talk”.

**Operation Inspection Frequency.** Some stakeholders recommended:

- Expanding the self-survey program for regular TWH facilities. Under WAC 246-358-027(1)(c), a licensed TWH operator may self-inspect their facility for two years if they, “Have had two consecutive years without any deficiencies or have had very minor deficiencies...” Clarifying what are “minor deficiencies” would broaden the number of TWH facilities that may qualify for self-survey. This may allow operators in the self-survey program to have their fees reduced to reflect fewer on-site inspections required for the license. In FY 2012, 18 of the 207 regular TWH facilities qualified for self-survey.

(Cherry harvest tent camps do not participate in the self-survey program. There was some suggestion from stakeholders to allow cherry harvest tent camps to self-survey. After discussion it was felt that the nature of temporary tent camps would not be appropriate for self survey.)

- Reduce the number of cherry harvest camp inspections. Stakeholders suggested eliminating two of the four routine cherry harvest camp inspections. Because of the short cherry season, it is difficult for department inspectors to visit some camps four times (once pre-season, twice during the season, and once post-season), and it may be unnecessary in some circumstances. Stakeholders suggested:
  - For camps that operate less than 60 days (five camps in 2012), eliminate the second occupancy inspection during the harvest season. This would eliminate an estimated five on-site inspections per year.
  - For all 21 licensed cherry harvest camps, eliminate the post-season ‘closed’ inspection provided the department receives a report from the growers’ tent rental program that all tents have been removed. This would eliminate up to 21 on-site inspections per year.

There was no consensus among stakeholders about whether to reduce the number of routine inspections of regular TWH facilities. Currently, the department inspects regular TWH twice each year: once prior to issuing the facility’s annual license and once during operation. One suggestion was to inspect once every three years.

- Review department tracking of TWH applications and renewals.
  - Currently, for initial (first-time) TWH license applications, if the initial application is incomplete, only one letter is sent from the department to the applicant noting what information is needed to make the application complete. The department should improve tracking to ensure that all operators complete the licensing process.
  - For renewals, current TWH licensees receive one renewal notice. If the grower/operator does not respond, or responds with incomplete renewal paperwork, only one follow up letter is sent from the department. The department should improve tracking of deficient renewals to assure that all current operators keep their licenses active.
- There was a stakeholder suggestion that any grower not cooperating with DOH, L&I or the Department of Employment Security be referred to the U.S. Department of Labor (USDOL). Other stakeholders disagreed, wanting state agencies to handle enforcement themselves. USDOL has jurisdiction over farmworker housing for the federal government. While there is occasional coordination of enforcement and inspection activities, USDOL usually operates independently from state authorities.
- In a related recommendation, it was suggested that the department review and clarify its authority to enforce the TWH regulations, specifically:
  - The ability to close facilities that are seriously out of compliance or where conditions pose an immediate threat to the safety and health of farmworker occupants.
  - Authority to investigate and sanction for operation of an unlicensed TWH.
  - Issuing higher fines for noncompliance or operating unlicensed TWH.

### **Operation Fee Structure**

TWH operators suggested revising the licensing fee structure to include a base administration fee to cover the department cost of license/renewal processing, plus a fee for inspections based on facility size. While some stakeholders said the current per-occupant structure resulted in a fee that was too

high, growers, housing operators, and farmworker advocates agreed that TWH operators should be responsible for a share of program costs. They also suggested the department charge separate fees for:

- Providing technical assistance.
- Costs of re-inspecting facilities after a previous inspection finds serious violations of safety and health standards.
- Department costs related to pursuing complaint investigations when the investigation results in findings against the facility.

Some stakeholders also suggested that the department review whether TWH fines collected could be deposited into the Temporary Worker Housing fund account for use in the program.

### **Operational Processes**

Stakeholders' suggestions included:

- Establishing an arbitration process for operators to dispute citations. This would be in addition to administrative hearing rights that operators currently have to dispute violation citations.
- Establishing a web page showing the number of licensed beds for each TWH licensed facility.
- Referring in-depth technical assistance to organizations such as state Office of Rural and Farmworker Housing, the Washington Growers League, or the Department of Commerce. (Due to the recent budget reductions, the department has been referring some technical assistance requests to these organizations.)
- Holding growers/operators responsible for non-compliant behavior. Some suggested that the department track repeat violations, categorize deficiencies, and use this information to determine frequency of inspections of individual licensees, and the assessment of appropriate fines.

### **TWH Construction Evaluation**

**Construction Regulations (chapter 246-359 WAC).** As with operation regulation review, stakeholders suggested revising the TWH regular housing construction regulations to require carbon monoxide detectors, clarify garbage stand requirements, and allow self-closing doors instead of screen doors where appropriate.

There was no consensus among stakeholders on whether to use 'plain talk' for the TWH construction rules. Some noted that the construction rules contain technical building concepts that would lose their meaning if simplified.

Some stakeholders asked that the TWH construction rules be reorganized to consider different types of construction; for example, wood construction versus masonry construction.

**Construction Inspection Frequency.** There were no stakeholder suggestions regarding construction inspection frequency.

**Construction Fee Structure.** Most stakeholders said the construction fees structure does not need to be changed. One stakeholder did question whether the construction fee structure is overly

complicated. Other stakeholders suggested clarifying the fee formula with examples and explain what is included in the fee amount.

Stakeholders wanted the department to track the TWH construction budget activities separately from the operational program budget activities to simplify review of the TWH construction budget.

**Construction Processes.** Stakeholders suggested changes to the department’s internal processes including to:

- Improve and share construction program information online and with local jurisdictions.
- Provide a shorter initial application form and process.
- Rename the final approval document ‘certificate of completion’ rather than “certificate of occupancy”.

Some stakeholders wanted the department to streamline its construction process for small TWH projects that they perceive can sometimes take as long to approve as larger projects.

## Department Planned Actions to Implement TWH Evaluation Recommendations

The department analyzed each recommendation made by TWH stakeholders using the following criteria:

- Is the recommendation consistent with the department's TWH responsibilities under chapter 70.114A RCW?
- How would implementing the recommendation impact the safety and health of individuals and families living in licensed migrant farmworker housing?
- Would implementing the recommendation result in fewer inspections, lower regulatory costs, or other efficiencies to the department's TWH program?
- Can the recommendation be implemented by internal department operational changes, internal policy changes, or by revising rules?
- Is the recommendation beyond the department's current authority, budget, or capacity?

The department also conducted an internal analysis of the TWH program for possible changes in rules, operations, inspection frequency, and the TWH fee structure.

Based on the analyses of stakeholder recommendations and internal review of the TWH program the department plans to take steps that we believe would improve the efficiency of the TWH program. We believe these steps will allow the department to reduce licensing fees or reduce reliance on GF-S supports. The planned steps include:

- Expanding the self-survey program. This will entail program policy changes to provide clarity and direction for both department staff and the regulated community on how growers or operators may qualify for self-survey. The goal is to increase the number of grower/operators that qualify. (Some facilities that qualify for self-survey participate in the federal "H2A" foreign worker program. The federal "H2A" foreign worker program is managed by the Washington State Department of Employment Security. These facilities may be able to utilize the federal "H2A" Self-Survey program with DOH coordinating with the Department of Employment Security.) Expanding the self-survey program would eliminate some on-site inspections per year, but would still entail administrative costs to review operator self-survey reports. Grower/operators would benefit from the reduced time spent preparing and being available for on-site inspections.
- Revising internal policy to reduce routine cherry harvest camp inspections. Policy changes would be in place in time for the 2013 cherry harvest season to:
  - Eliminate the "closed" camp on-site inspections for all 21 licensed cherry harvest camps, provided the department receives a report from the growers' tent rental program that all tents have been removed. This would result in up to 21 fewer on-site inspections per year.
  - Eliminate the "second occupancy" inspection for licensed camps that operate less than 60 days. This would result in an estimated five fewer on-site inspections per year.

The department will also review the timing of the remaining inspections to ensure that the camps maintain safe and sanitary conditions. Grower/operators would benefit by reduced time spent preparing for and being available on-site for the inspections that are eliminated.

- Initiating rule making to review the TWH licensing fee structure and fee amounts. Consideration of the following will be included in the review:
  - A flat administrative fee covering basic costs of TWH license processing, monitoring and program administration.
  - An inspection fee based on facility size. Inspection fees may also take into account whether the facility is approved for self-survey.
  - Overall changes resulting in a lower aggregate licensing fee and/or reduced need for GF-S funding.
  - Other suggested follow-up inspection fees, complaint inspection fees, and/or technical assistance fees. (Depending on the suggested fee, legislative approval may be necessary.)
- Completing a further review of the department’s regulatory authority and structure to determine if the department can enhance its capability to enforce compliance with licensing or operational requirements. The review would include the potential of enhanced sanctions recommended by stakeholders, including higher fines, for compliance violations or operating unlicensed TWH facilities.
- Initiating the rule making review the stakeholder suggestions:
  - Allowing self-closing exterior doors instead of a screen door where appropriate
  - Requiring carbon monoxide detectors
  - Revising garbage storage requirements
  - Removing land line emergency telephone requirements
  - Changing potable water labeling requirements

In reviewing the rules, the TWH program will also:

- Work with the DOH Office of Drinking Water to review standards for drinking water systems for TWH, including the “same farm exemption” for water systems supplying TWH facilities.
- Revise the rules using “plain talk” when appropriate.
- Research appropriate plumbing ratios for hand-wash sinks, laundry tubs or machines, and square footage ratios for minimum space requirements.
- Implementing other suggested administrative changes, including:
  - Providing materials that clarify the construction fees and processes, using the DOH web site or other resources.
  - Tracking the TWH construction activities in a separate budget from other construction activities.
  - Displaying the number of “occupied” beds for each licensed TWH facility on the department web site.
  - Rename the construction certificate a “certificate of completion.”



## Appendix A

### **THIRD ENGROSSED SUBSTITUTE HOUSE BILL 2127**

Chapter 7, Laws of 2012

(partial veto)

62nd Legislature

2012 2nd Special Session

**SUPPLEMENTAL OPERATING BUDGET**

EFFECTIVE DATE: 05/02/12

...

**Sec. 219.** 2011 2nd sp.s. c 9 s 218 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF HEALTH**

...

(32) General fund--state appropriations for fiscal year 2013 includes funding to subsidize operating license and inspection fees in the temporary worker housing program. In implementing this subsidy, the department shall evaluate program regulations including but not limited to the use of occupancy levels to determine the fee structure and the frequency of inspections.

## Appendix B

### Chapter 70.114A RCW

#### TEMPORARY WORKER HOUSING -- HEALTH AND SAFETY REGULATION

##### RCW SECTIONS

[70.114A.010](#) Findings -- Intent.

[70.114A.020](#) Definitions.

[70.114A.030](#) Application of chapter.

[70.114A.040](#) Responsibilities of department.

[70.114A.045](#) Housing operation standards -- Departments' agreement -- Enforcement.

[70.114A.050](#) Housing on rural worksites.

[70.114A.060](#) Inspection of housing.

[70.114A.065](#) Licensing, operation, and inspection -- Rules.

[70.114A.070](#) Technical assistance.

[70.114A.081](#) Temporary worker building code -- Rules -- Guidelines -- Exceptions -- Enforcement -- Variations.

[70.114A.085](#) Temporary worker building code -- Report.

[70.114A.100](#) Rules -- Compliance with federal act.

[70.114A.110](#) Cherry harvest temporary labor camps -- Rule making -- Definition -- Conditions for occupation--Application.

[70.114A.900](#) Severability -- 1995 c 220.

[70.114A.901](#) Effective date -- 1995 c 220.

##### **RCW 70.114A.010**

##### **Findings -- Intent.**

The legislature finds that there is an inadequate supply of temporary and permanent housing for migrant and seasonal workers in this state. The legislature also finds that unclear, complex regulations related to the development, construction, and permitting of worker housing inhibit the development of this much needed housing. The legislature further finds that as a result, many workers are forced to obtain housing that is unsafe and unsanitary.

Therefore, it is the intent of the legislature to encourage the development of temporary and permanent housing for workers that is safe and sanitary by: Establishing a clear and concise set of regulations for temporary housing; establishing a streamlined permitting and administrative process that will be locally administered and encourage the development of such housing; and by providing technical assistance to organizations or individuals interested in the development of worker housing.

[1995 c 220 § 1.]

## **RCW 70.114A.020**

### **Definitions.**

The definitions in this section apply throughout this chapter.

(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) "Department" means the department of health.

(4) "Dwelling unit" means a shelter, building, or portion of a building, that 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-use areas.

(5) "Enforcement" and "enforcement actions" include the authority to levy and collect fines.

(6) "Facility" means a sleeping place, drinking water, toilet, sewage disposal, food handling installation, or other installations required for compliance with this chapter.

(7) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

(8) "Operator" means a person holding legal title to the land on which temporary worker housing 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 under a lease or other arrangement.

(9) "Temporary worker" means an agricultural employee employed intermittently and not residing year-round at the same site.

(10) "Temporary worker 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.

[1999 c 374 § 6; 1995 c 220 § 2.]

### **RCW 70.114A.030**

#### **Application of chapter.**

Chapter 220, Laws of 1995, applies to temporary worker housing that consists of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants.

[1995 c 220 § 3.]

### **RCW 70.114A.040**

#### **Responsibilities of department.**

The department is designated the single state agency responsible for encouraging the development of additional temporary worker housing, and shall be responsible for coordinating the activities of the various state and local agencies to assure a seamless, nonduplicative system for the development and operation of temporary worker housing.

[1995 c 220 § 4.]

### **RCW 70.114A.045**

#### **Housing operation standards -- Departments' agreement -- Enforcement.**

By December 1, 1999, the department and the department of labor and industries shall jointly establish a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The agreement shall, to the extent feasible, provide for inspection and enforcement actions by a single agency, and shall include measures to avoid multiple citations for the same violation.

[1999 c 374 § 3.]

### **RCW 70.114A.050**

#### **Housing on rural worksites.**

Temporary worker housing located on a rural worksite, and used for workers employed on the worksite, shall be considered a permitted use at the rural worksite for the purposes of zoning or other land use review processes, subject only to height, setback, and road access requirements of the underlying zone.

[1995 c 220 § 5.]

### **RCW 70.114A.060**

#### **Inspection of housing.**

The secretary of the department or authorized representative may inspect housing covered by chapter 220, Laws of 1995, to enforce temporary worker housing rules adopted by the state board of health

prior to July 25, 1999, or the department, or when the secretary or representative has reasonable cause to believe that a violation of temporary worker housing rules adopted by the state board of health prior to July 25, 1999, or the department is occurring or is being maintained. If the buildings or premises are occupied as a residence, a reasonable effort shall be made to obtain permission from the resident. If the premises or building is unoccupied, a reasonable effort shall be made to locate the owner or other person having charge or control of the building or premises and request entry. If consent for entry is not obtained, for whatever reason, the secretary or representative shall have recourse to every remedy provided by law to secure entry.

[1999 c 374 § 7; 1995 c 220 § 6.]

#### **RCW 70.114A.065**

##### **Licensing, operation, and inspection -- Rules.**

The department and the department of labor and industries shall adopt joint rules for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof. These rules shall establish standards that are as effective as the standards developed under the Washington industrial safety and health act, chapter 49.17 RCW.

[1999 c 374 § 1.]

#### **RCW 70.114A.070**

##### **Technical assistance.**

The department of community, trade, and economic development shall contract with private, nonprofit corporations to provide technical assistance to any private individual or nonprofit organization wishing to construct temporary or permanent worker housing. The assistance may include information on state and local application and approval procedures, information or assistance in applying for federal, state, or local financial assistance, including tax incentives, information on cost-effective housing designs, or any other assistance the department of community, trade, and economic development may deem helpful in obtaining the active participation of private individuals or groups in constructing or operating temporary or permanent worker housing.

[1995 c 220 § 7.]

#### **RCW 70.114A.081**

##### **Temporary worker building code -- Rules -- Guidelines -- Exceptions -- Enforcement -- Variations.**

(1) The department shall adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington industrial safety and health act, chapter 49.17 RCW, and the following guidelines:

(a) The temporary worker building code shall provide construction standards for shelter and associated facilities that are safe, secure, and capable of withstanding the stresses and loads associated with their designated use, and to which they are likely to be subjected by the elements;

(b) The temporary worker building code shall permit and facilitate designs and formats that allow for maximum affordability, consistent with the provision of decent, safe, and sanitary housing;

(c) In developing the temporary worker building code the department of health shall consider:

(i) The need for dormitory type housing for groups of unrelated individuals; and

(ii) The need for housing to accommodate families;

(d) The temporary worker building code shall incorporate the opportunity for the use of construction alternatives and the use of new technologies that meet the performance standards required by law;

(e) The temporary worker building code shall include standards for heating and insulation appropriate to the type of structure and length and season of occupancy;

(f) The temporary worker building code shall include standards for temporary worker housing that are to be used only during periods when no auxiliary heat is required; and

(g) The temporary worker building code shall provide that persons operating temporary worker housing consisting of four or fewer dwelling units or combinations of dwelling units, dormitories, or spaces that house nine or fewer occupants may elect to comply with the provisions of the temporary worker building code, and that unless the election is made, such housing is subject to the codes adopted under RCW 19.27.031.

(2) In adopting the temporary worker building code, the department shall make exceptions to the codes listed in RCW 19.27.031 and chapter 19.27A RCW, in keeping with the guidelines set forth in this section. The initial temporary worker building code adopted by the department shall be substantially equivalent with the temporary worker building code developed by the state building code council as directed by section 8, chapter 220, Laws of 1995.

(3) The temporary worker building code authorized and required by this section shall be enforced by the department.

The department shall have the authority to allow minor variations from the temporary worker building code that do not compromise the health or safety of workers. Procedures for requesting variations and guidelines for granting such requests shall be included in the rules adopted under this section.

[1999 c 374 § 8; 1998 c 37 § 2.]

### **RCW 70.114A.085**

#### **Temporary worker building code -- Report.**

The department shall prepare a report to the legislature on utilization of the temporary worker building code authorized by RCW [70.114A.081](#). The report shall include the number of housing units, number of families or individuals housed, number of growers obtaining permits, the geographic distribution of the permits, and recommendations of changes in the temporary worker building code necessary to avoid health and safety problems for the occupants. The report shall be transmitted to the senate committee on commerce, trade, housing and financial institutions and the house of representatives committee on economic development, housing and trade by December 15, 2000, and an update shall be transmitted every two years thereafter.

[1999 c 374 § 11.]

### **RCW 70.114A.100**

#### **Rules -- Compliance with federal act.**

Any rules adopted under chapter 220, Laws of 1995, pertaining to an employer who is subject to the migrant and seasonal agricultural worker protection act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.), must comply with the housing provisions of that federal act.

[1995 c 220 § 10.]

### **RCW 70.114A.110**

#### **Cherry harvest temporary labor camps -- Rule making -- Definition -- Conditions for occupation--Application.**

(1) The department and the department of labor and industries are directed to engage in joint rule making to establish standards for cherry harvest temporary labor camps. These standards may include some variation from standards that are necessary for longer occupancies, provided they are as effective as the standards adopted under the Washington industrial safety and health act, chapter 49.17 RCW. As used in this section "cherry harvest temporary labor camp" means a place where housing and related facilities are provided to agricultural employees by agricultural employers for their use while employed for the harvest of cherries. The housing and facilities may be occupied by agricultural employees for a period not to exceed one week before the commencement through one week following the conclusion of the cherry crop harvest within the state.

(2) Facilities licensed under rules adopted under this section may not be used to provide housing for agricultural employees who are nonimmigrant aliens admitted to the United States for agricultural labor or services of a temporary or seasonal nature under section 1101(a)(15)(H)(ii)(a) of the immigration and nationality act (8 U.S.C. Sec. 1101(a)(15)(H)(ii)(a)).

(3) This section has no application to temporary worker housing constructed in conformance with codes listed in RCW 19.27.031 or [70.114A.081](#).

[2002 c 23 § 1; 1999 c 374 § 5.]

### **RCW 70.114A.900**

#### **Severability -- 1995 c 220.**

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1995 c 220 § 13.]

### **RCW 70.114A.901**

#### **Effective date -- 1995 c 220.**

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 3, 1995].

[1995 c 220 § 14.]

## **Appendix C**

### **Regulations Reviewed**

**Chapter 246-358 Regular Temporary Worker Housing Rules**

**Chapter 246-361 Cherry Harvest Camps Temporary Worker Housing Rules**

**Chapter 246-359 Construction Standard Temporary Worker Housing Rules**

## Chapter 246-358 WAC - Temporary Worker Housing Rules

### WAC 246-358-010 Purpose and applicability

- (1) **Purpose.** This chapter is adopted by the Washington state *department of health to implement the provisions of chapter 70.114A RCW* and establish minimum health and safety requirements for temporary worker housing.
- (2) **Applicability.** This chapter applies only to operators of temporary worker housing.
  - (a) Operators using tents within the cherry harvest season must refer to WAC 296-307-16100, Part L-1, or chapter 246-361 WAC.
  - (b) Operators with ten or more occupants are required to be licensed under this chapter. Operators with nine or less employees are not required to be licensed, but must comply with these standards.

### WAC 246-358-010 Definitions.

For the purposes of this chapter, the following words and phrases will have the following meanings 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) **"Building"** means any structure used or intended to be used for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping, and sanitation facilities.
- (4) **"Common food-handling facility"** means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.
- (5) **"Current certificate (first aid)"** means a first-aid-training certificate that has not expired.
- (6) **"Department"** means the Washington state department of health and/or the department of labor and industries.
- (7) **"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.
- (8) **"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.
- (9) **"Dwelling unit"** means a shelter, building, or portion of a building, that may include cooking and eating facilities, which 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-use areas.
- (10) **"First aid qualified"** means that the person holds a current certificate of first aid training from the American Red Cross or another course with equivalent content or hours.

- (11) **"Food-handling facility"** means a designated, enclosed area for preparation of food.
- (12) **"Group A 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 15 or more service connections used by year-round residents 180 or more days within a calendar year, regardless of the number of people, or regularly serving at least 25 year-round (i.e., more than 180 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 25 or more of the same nonresidential people for 180 or more days within a calendar year.
- (ii) Transient (TNC) water system that serves:
- (A) 25 or more different people each day for 60 or more days within a calendar year;
- (B) 25 or more of the same people each day for 60 or more days, but less than 180 days within a calendar year; or
- (C) 1,000 or more people for 2 or more consecutive days within a calendar year.
- (13) **"Group B water system"** means a public water system: Constructed to serve less than fifteen residential services regardless of the number of people; or constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or any number of people for less than sixty days within a calendar year.
- (14) **"Habitable room"** means a room or space in a structure with a minimum seven-foot ceiling used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.
- (15) **"Health officer"** 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.
- (16) **"Livestock"** means horses, cows, pigs, sheep, goats, poultry, etc.
- (17) **"Livestock operation"** 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.
- (18) **"MSPA"** means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).
- (19) **"Occupant"** means a temporary worker or a person who resides with a temporary worker at the housing site.
- (20) **"Operating license"** means a document issued annually by the department or health officer authorizing the use of temporary worker housing.
- (21) **"Operator"** means a person holding legal title to the land on which temporary worker housing 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.
- (22) **"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; and
  - (c) Certified by the manufacturer as complying with ANSI A119.5.
- (23) **"Recreational vehicle"** means a vehicular type unit 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.
- (24) **"Refuse"** means solid wastes, rubbish, or garbage.
- (25) **"Temporary worker"** means an agricultural employee employed intermittently and not residing year-round at the same site.
- (26) **"Temporary worker housing" 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.
- (27) **"WISHA"** means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

#### **WAC 246-358-025 Operating license.**

The operator:

- (1) Must request a license from the department of health or health officer when:
- (a) Housing consists of:
    - (i) Five or more dwelling units; or
    - (ii) Any combination of dwelling units, or spaces that house ten or more occupants;
  - (b) Compliance with MSPA requires a license; or
  - (c) Construction of camp buildings requires a license under chapter 246-359 WAC, Temporary worker housing construction standard.
- (2) Must apply for an operating license at least 45 days prior to either the use of housing or the expiration of an existing operating license by submitting to the department of health or health officer:
- (a) A completed application on a form provided by the department or health officer;
  - (b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and
  - (c) A fee as specified in WAC 246-358-990.
- (3) Will receive an operating license for the maximum number of occupants as determined by WAC 246-358-029 when:
- (a) The application requirements from subsection (2) of this section are met;
  - (b) The housing is in compliance with this chapter as demonstrated by:
    - (i) A licensing survey completed by the department of health; or
    - (ii) A self-survey completed by the operator and approved by the department of health; and

- (c) The operator complies with the corrective action plan established by the department.
- (4) May allow the use of housing without a renewed license when all of the following conditions exist:
  - (a) The operator applied for renewal of an operating license in accordance with subsection (2) of this section at least forty-five days before occupancy, as evidenced by the post mark;
  - (b) The department of health or health officer has not inspected the housing or issued an operating license;
  - (c) Other local, state, or federal laws, rules, or codes do not prohibit use of the housing; and
  - (d) The operator provides and maintains housing in compliance with this chapter.
- (5) Must post the operating license in a place readily accessible to occupants of the housing.
- (6) Must notify the department of health or health officer of a transfer of ownership.
- (7) Must cooperate with the department or health officer during on-site inspections.

**WAC 246-358-027 Requirements for self-survey program.**

If a licensed operator meets the requirements provided in this section, then the operator may participate in the self-survey program. This means an operator is allowed to conduct a self-survey for two years. On the third year the department of health will conduct an on-site verification survey to assure compliance with this chapter and determine if the temporary worker housing still meets the requirements of the self-survey program.

- (1) To be in the self-survey program the operator must:
  - (a) Meet the requirements of WAC 246-358-025;
  - (b) Not have had any valid complaints;
  - (c) Have had two consecutive years without any deficiencies or have had very minor deficiencies (for example 1 or 2 screens torn, missing a few small trash cans, etc.); and
  - (d) Be recommended by the health surveyor.
- (2) For a licensed operator to remain in the self-survey program the licensed operator must:
  - (a) Continue to comply with subsection (1) of this section;
  - (b) Continue to not have any deficiencies or very minor deficiencies; and
  - (c) Not have a change in ownership.
- (3) When licensed temporary worker housing changes ownership, the new licensed operator must comply with the requirements of subsection (1) of this section before being eligible to be on the self-survey program.

**WAC 246-358-029 Maximum housing occupancy.**

- (1) The maximum occupancy for operator-supplied housing will be based on:
  - (a) The square footage of the housing facility; and
  - (b) The number of bathing, food handling, handwashing, laundry, and toilet facilities.
- (2) The maximum occupancy for worker-supplied housing will be based on:
  - (a) The number of spaces designated for worker-supplied housing by the operator; and
  - (b) The number of 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, recreational vehicles, OSHA compliant tents or other structures that meet the requirements of this chapter.

**WAC 246-358-040 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.

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 remain prominently posted on the premises while in effect.

Variance application forms may be obtained, upon request, from the:

Department of Labor and Industries, or the  
P.O. Box 44625,  
Olympia, Washington 98504-4625

Department of Health,  
P.O. Box 47852,  
Olympia, Washington 98504-7852

Requests for variances from safety and health standards shall be made in writing to the  
Director or Assistant director,  
Department of Labor and Industries,  
P.O. Box 44625,  
Olympia, Washington 98504-4625.

**WAC 246-358-045 Temporary worker housing sites.**

The operator must:

- (1) Locate and operate a site to prevent a health or safety hazard that is:
  - (a) Adequately drained and any drainage from and through the housing 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 200 feet from a swamp, pool, sink hole, or other surface collection of water unless there is 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 500 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) Restrict the number of occupants in the temporary worker housing to the capacity as determined by the department.
- (3) 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
  - (c) Leave the grounds and buildings in a clean and sanitary condition.

**WAC 246-358-055 Water supply.**

The operator must:

- (1) Provide a water system that is:  
 Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies 15 or more connections or 25 or more people at least 60 days per year or provide proof the camp receives water from an approved Group A public water system or provide proof the temporary worker housing receives water from an approved Group A public water system; or

Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than 15 connections and does not supply 25 or more people at least 60 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 livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.*

	<b>Avg. daily population of less than 25 people</b>	<b>Avg. daily population of 25 or more people</b>
<b>At least 60 days or more</b>	Group B	Group A TNC
<b>59 days or less</b>	Group B	Group B

*Note: If a system has 15 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) Ensure that the distribution lines are able to maintain the working pressure of the water piping system at pressures to all fixtures for simultaneous operation; not less than 15 pounds per square inch after allowing for friction and other pressure losses.
- (4) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within 100 feet of each dwelling unit.
- (5) When water sources are not available in each individual dwelling unit, 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.
- (6) When water is unsafe for drinking purposes and accessible to occupants, post a sign by the source reading:

***"DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD."***

printed in English and in the native language of the persons occupying the housing or marked with easily-understood pictures or symbols.

### **WAC 246-358-065 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 and 173-240 WAC, and local ordinances.

### **WAC 246-358-070 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.
- (2) 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.
- (3) Each habitable room must have at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet.
- (4) Laundry, shower/bathroom facilities, toilet rooms and rooms where people congregate have at least one ceiling-type or wall-type fixture.
- (5) General lighting and task lighting is adequate to carry on normal daily activities.
- (6) Adequate lighting is provided for safe passage for occupants to handwashing sinks and toilets.

**Note:** Lighting requirements may be met by natural or artificial means.

## **WAC 246-358-075 Building requirements and maintenance.**

An operator must:

- (1)** Construct buildings to provide protection against the elements and comply with:
  - (a)** The State Building Code, chapter 19.27 RCW or the Temporary worker housing construction standard, chapter 246-359 WAC;
  - (b)** State and local ordinances, codes, and regulations when applicable; and
  - (c)** This chapter. Any shelter meeting these requirements is acceptable.
- (2)** Identify each dwelling unit and space used for shelter by posting a number at each site.
- (3)** Maintain buildings in good repair and sanitary condition.
- (4)** Provide exits that are unobstructed and remain free of any material or matter where its presence would obstruct or render the exit hazardous.
- (5)** 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)** Provide each room used for sleeping purposes with 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 the Temporary worker housing construction standard, chapter 246-359 WAC, that are tightly constructed and in good repair.
- (9)** 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)** Provide sixteen-mesh screening on all exterior openings and screen doors with self-closing devices.
- (12)** Install all heating, cooking, and water heating equipment according to state and local ordinances, codes, and regulations and maintain in a safe condition.
- (13)** Provide adequate heating equipment if habitable rooms, including bathrooms, are used during cold weather.
- (14)** Ensure that all recreational vehicles and park trailers meet the requirements of chapter 296-150P or 296-150R WAC.

## **WAC 246-358-090 Laundry facilities.**

- (1)** Provide one laundry tray or tub or one mechanical washing machine for every thirty persons.
- (2)** Provide facilities for drying clothes.
- (3)** Provide sloped, coved floors of nonslip impervious materials with floor drains.
- (4)** Maintain laundry facilities in a clean and sanitary condition.

## **WAC 246-358-095 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 one showerhead for each family dwelling unit or for every ten persons in centralized facilities.
- (3)** Provide one "service sink" in each building used for centralized laundry, hand washing, or bathing.
- (4)** Provide sloped, covered 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.
- (8)** Maintain centralized bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily.
- (9)** Request occupants of family dwelling units 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.
- (11)** Make showers and bathing facilities available when needed.

## **WAC 246-358-100 Toilet facilities.**

- (1)** General toilet requirements. Operators must provide water 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)** Flush toilets, chemical toilets, and urinals must not be located in any sleeping room, dining room, or cooking or food handling facility.
  - (b)** 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.
  - (c)** 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 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;
    - (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 toilet facilities. The operator must meet the following requirements when centralized 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.
  - (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.
  - (e) When shared 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:
  - (a) Provide one toilet for each individual family dwelling unit or fifteen persons.
  - (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 are screened with sixteen-mesh material.
  - (e) Ensure toilet facilities are cleaned prior to occupancy and request occupants to maintain the facilities in a clean and sanitary condition.

**WAC 246-358-125 Cooking and food-handling facilities.**

The operator must provide 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) A sink with hot and cold running potable water under pressure;
  - (c) At least two (2) cubic feet of dry food storage space per occupant;
  - (d) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

- (e) 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;
  - (f) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;
  - (g) Nonabsorbent, easily cleanable floors; and
  - (h) Adequate ventilation for cooking facilities.
- (2) In common food-handling facilities, the operator must provide:
- (a) A room or building, adequate in size, separate from any sleeping quarters;
  - (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 45 °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) The operator must ensure that centralized dining hall facilities comply with chapter 246-215 WAC, Food service.

**WAC 246-358-135 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.
- (2) Maintain bedding, if provided by the operator, in a clean and sanitary condition.
- (3) Provide sufficient clearance between each bed or bunk and the floor or provide a commercially available cot, bed or bunk.
- (4) Allow space to separate beds laterally and end to end by at least thirty-six inches when single beds are used.
- (5) 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) Prohibit triple bunks.
- (6) Provide storage facilities for clothing and personal articles in each room used for sleeping.

**WAC 246-358-145 First aid and safety.**

The operator must:

- (1) Comply with chapters 15.58 and 17.21 RCW, chapter 16-228 WAC, chapter 296-307 WAC,

- Parts I and J, and pesticide label instructions when using pesticides in and around the housing.
- (2) Prohibit, in the housing area, the use, storage, and 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 person is readily accessible to administer first aid at all times.
  - (5) Store or remove unused refrigerator units to prevent access by children.

**WAC 246-358-155 Refuse disposal.**

The operator must:

- (1) Comply with local sanitation codes for removing and disposing of refuse from housing 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 single-use containers.
- (4) Keep refuse containers clean.
  
- (5) Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit.
- (6) Empty refuse containers at least twice each week, and when full.

**WAC 246-358-165 Insect and rodent control.**

The operator must take effective measures to prevent and control insect and rodent infestation.

**WAC 246-358-175 Disease prevention and control.**

The operator must:

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

**WAC 246-358-990 FEES.**

- (1) License fees. An operator must submit to the department a license fee of twenty-five dollars and an on-site survey fee as specified in Table 990.

*NOTE: A separate on-site survey fee will be charged for each*

*housing site owned or managed by an operator which is more than 30 minutes or 25 miles apart.*

- (2)** Self-survey program fee. An operator who meets the self-survey program requirements of WAC 246-358-027 must pay:
  - (a)** An annual licensing fee, according to Table 990; and
  - (b)** An on-site survey fee every third year.
- (3)** Follow-up surveys. An operator will be charged an additional on-site survey fee for any follow-up surveys, when the department determines additional on-site surveys are necessary to confirm compliance with this chapter.
- (4)** Complaint investigation fees. An operator will be charged for each on-site survey conducted by the department when a complaint investigation results in the complaint being found valid. This fee will be charged according to Table 990 for on-site survey.
- (5)** Water test fees. An operator who cannot provide written proof that the water system serving the camp is in compliance with WAC 246-358-055 at the time of survey will be:
  - (a)** Directly billed for the cost of each required water sample collected by department staff;
  - (b)** Cited for noncompliance with WAC 246-358-055; and
  - (c)** If substantiated, cited for operating an unlicensed camp.
- (6)** Late fees. An operator who does not submit the fee and application as required by WAC 246-358-025, Licensing, may be charged a late fee of one-half the cost of the license fee. If the license fee and the application are not received by the time of the preoccupancy survey, an additional late fee of one-half the cost of the license fee may be charged. If the fee and application are not received within ten days of the preoccupancy survey the TWH may be considered unlicensed and subject to fines according to WAC 246-358-900.
- (7)** Refunds. The license and on-site survey fee may be refunded when the operator submits:
  - (a)** A written request to the department; and
  - (b)** Provides documentation that the housing was not occupied during the license period.

**Table 990 Fees, Temporary Worker Housing**

<b>Number of Units or Occupants Whichever is Greater</b>	<b>On-Site Survey Fee (Includes: Initial, Annual Licensing, Follow-Up, and Complaint Investigation Surveys)</b>	<b>License Fee</b>	<b>Total Fee Survey +License</b>
1 to 4 units or 9 occupants or less*	\$45.00	\$25.00	\$70.00
5 to 10 units or 10 to 50 occupants	\$70.00	\$25.00	\$95.00
11 to 20 units or 51 to 100 occupants	\$120.00	\$25.00	\$145.00
21 to 50 units or 101 to 150 occupants	\$150.00	\$25.00	\$175.00
over 50 units or over 150 occupants	\$175.00	\$25.00	\$200.00

***NOTE:** The on-site survey fee includes two surveys per year (one preoccupancy and one occupancy). Any additional visits (follow-up and/or complaint investigation) will be considered an additional service and will be billed separately at the rates established in Table 990.*

\*Operators with four or less units or nine or less occupants are not required to be licensed except when licensure is required by WAC 246-358-025.

## Chapter 246-359 – Temporary Worker Housing Construction Standards

### WAC 246-359-001 Purpose and scope.

- (1) **Purpose.** The purpose of this chapter is to provide minimum requirements to safeguard the health and general welfare of occupants of temporary worker housing by regulating and controlling the design, construction, materials, location and maintenance of all buildings and structures within the authority of chapter 246-358 WAC (the temporary worker housing rules) and this chapter.
- (2) **Scope.** This chapter implements the requirements established by RCW 70.114A.081 and 43.70.337 to provide minimum construction requirements for new, relocated, existing or altered buildings and structures or portions thereof intended for use as temporary worker housing. Such buildings and structures must be licensed by the Washington state department of health under chapter 246-358 WAC and designated as "temporary worker housing occupancies." Buildings and structures which are not licensed, inspected and approved by the department must meet the provisions of the state building code under the local authority having jurisdiction and local ordinances.

### WAC 246-359-005 Applicability.

- (1) This chapter applies only to temporary worker housing as:
  - (a) Defined in chapter 70.114A RCW; and
  - (b) Licensed under chapter 246-358 WAC (temporary worker housing rules) according to RCW 43.70.340 (Farmworker housing inspection fund -- fee on labor camp operating license).
- (2) Existing structures built as nonresidential buildings, according to the state building code, may be licensed as temporary worker housing by complying with the specific requirements of WAC 246-359-600, alternate construction, and approved under the authority of this chapter.
- (3) Alterations to residential housing constructed according to the state building code and approved by the authority having jurisdiction must apply to:
  - (a) The authority having jurisdiction for issuing building permits; or
  - (b) The department in compliance with this chapter.
- (4) Temporary worker housing meeting the requirements of subsection (1) of this section must:
  - (a) Be located on a rural worksite; and
  - (b) Comply with:
    - (i) WISHA labor camp provisions;

- (ii) Chapter 246-358 WAC (temporary worker housing rules); and
  - (iii) The electrical code, chapter 296-46 WAC.
- (5) Temporary worker housing built in compliance with this chapter is exempt from state building code accessibility laws, RCW 19.27.031(5).
- (6) Temporary worker housing built in compliance with this chapter which is subsequently converted to another use becomes subject to all local requirements for such use as enforced by the authority having jurisdiction.
- (7) This chapter does not apply to:
- (a) Housing built for use by the general public which is governed by chapter 59.18 RCW (Residential Landlord-Tenant Act) or chapter 59.20 RCW (Mobile Home Landlord-Tenant Act);
  - (b) Factory assembled structures as defined in this chapter, except for the requirements in subsection (8) of this section; and
  - (c) The construction of structures governed by the state building code and enforced by the authority having jurisdiction.
- (8) This chapter is limited to issuing a construction permit for factory assembled structures to meet the following requirements:
- (a) On-site installation; and
  - (b) Inspection of the site, foundation, and hook-ups, including, but not limited to: Potable water, sewage disposal systems, or gas connections.

**WAC 246-359-010 Definitions.**

For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

- (1) "Alter" or "alteration" means any change, major repair, addition or modification in construction.
- (2) "Architect" means an individual licensed by chapter 18.08 RCW to practice in the state of Washington.
- (3) "Construction permit" means a permit issued by the department which allows the applicant to construct structures according to this chapter.
- (4) "Construction standard" means temporary worker housing construction code as defined in RCW 70.114A.081.
- (5) "Department" means the Washington state department of health.

- (6) "Dormitory" means a building or portion of a building, designed to provide group sleeping accommodations for temporary workers.
- (7) "Dwelling unit" means a shelter, building, or portion of a building, for a family that may include cooking, eating, sleeping and sanitation facilities and that is physically separated from other nonsleeping and common-use areas.
- (8) "Engineer" means an individual licensed by chapter 18.43 RCW to practice in the state of Washington.
- (9) "Factory assembled structures" or "FAS" means those structures under the authority of chapter 43.22 RCW including:
  - (a) Mobile and manufactured homes;
  - (b) Commercial coaches;
  - (c) Recreational vehicles;
  - (d) Recreational park trailers; and
  - (e) Factory-built housing which is any structure designed for human occupancy other than a manufactured or mobile home, where the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
- (10) "Family" means two or more persons related by blood or marriage or a group of persons living together in a dwelling unit.
- (11) "Floor area" is the area included within the surrounding exterior walls of a building or portion thereof.
- (12) "Habitable room" or "habitable space" is a room or space in a structure with a minimum seven foot ceiling used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.
- (13) "Jurisdiction having authority" means, a local county or city building or health or zoning or public works department or state department of health or ecology or labor and industries, etc.
- (14) "Labor camp" means the temporary labor camp requirements of WAC 296-307-160 of the Washington Industrial Safety and Health Act of 1993, chapter 49.17 RCW as amended September 10, 1994.
- (15) "Occupant" means a temporary worker or a person who resides with a temporary worker at a housing site.
- (16) "State building code" means the building code, plumbing code, mechanical code, and fire code as referenced under RCW 19.27.031.

- (17) "Special inspector" means a person paid at the applicant's expense to conduct special inspections when the department determines the required inspections are not sufficient.
- (18) "Temporary worker" means a person employed intermittently and not residing year-round at the same site.
- (19) "Temporary worker housing" or "TWH" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.
- (20) "Temporary worker housing (TWH) occupancies" means buildings, structures or portions thereof used for occupancy by temporary workers.
- (21) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the state of Washington department of labor and industries. Temporary labor camp requirements of WAC 296-307-16001 are in force for temporary labor camps.

**WAC 246-359-020 Powers and duties of the department of health.**

The department:

- (1) Is authorized and directed to enforce all the provisions of this chapter, according to the laws as enacted by the Washington state legislature.
- (2) Has the power to issue written interpretations of this chapter as long as the interpretations are in conformance with the intent and purpose of this chapter and the regulated community is informed of these interpretations.
- (3) May adopt and enforce rules and supplemental regulations to clarify the application of the provisions of this chapter consistent with the intent and purpose of this chapter.

**WAC 246-359-030 Cooperation with the department of health -- Right of entry.**

- (1) **Department authority.** The department has authority to enter any building or area used for temporary worker housing, at reasonable times to:
  - (a) Inspect the site for compliance with this chapter and related standards; and
  - (b) Determine, based on reasonable cause, if a building or condition on the premises is unsafe, dangerous or hazardous.
- (2) **Refusal of entry.** When the owner or person having lawful control or supervision authority refuses entry or has required a warrant, the department will seek remedies provided by law to secure entry to the temporary worker housing site.

- (3) **Occupied temporary worker housing.** The department must present credentials to the occupant and request the right to enter a dormitory or dwelling unit when temporary workers are in residence.
- (4) **Unoccupied temporary worker housing.** When a dormitory or dwelling unit does not have temporary workers in residence, the department must make a reasonable effort to locate the owner or person having lawful control or supervision of the temporary worker housing to request entry.

**WAC 246-359-040 Appeals.**

- (1) The department may deny, suspend, modify, or revoke a permit in any case in which it finds that there has been a failure or refusal to comply with the requirements of chapter 70.114A RCW or this chapter.
- (2) The department's notice of a denial, suspension, modification, or revocation of a license will be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest a decision.
- (3) An applicant who contests a department permit decision must, within twenty-eight days of receipt of the decision:
  - (a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Administrative Hearings Unit, Department of Health, PO Box 47879, Olympia, WA 98504-7879; and
  - (b) Include in or with the application:
    - (i) A specific statement of the issue or issues and law involved;
    - (ii) The grounds for contesting the department decision; and
    - (iii) A copy of the contested department decision.
- (4) The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW, this chapter, and chapters 246-08 and 246-10 WAC. If a provision in this chapter conflicts with chapter 246-08 or 246-10 WAC, the provision in this chapter governs.

**WAC 246-359-050 Minor variances to the temporary worker housing construction standard.**

An applicant may apply for a minor variance from the requirements of this chapter by filing a written request with the department.

- (1) **Responsibilities of applicant.** If requesting a minor variance, an applicant must:
  - (a) Submit the following information in writing:
    - (i) The specific requirement or requirements from which the variance is requested;

- (ii) Adequate justification that the variance is needed to obtain a beneficial use of the housing or to prevent a practical difficulty; and
  - (iii) How the variance will achieve the same result as the requirement and any specific alternative measures to be taken to protect the health and safety of the occupants;
- (b) Pay a fee set by the department according to WAC 246-359-990, Table I; and
- (c) Follow the process stated in WAC 246-359-060, alternate construction, when applicable.
- (2) **Department response.** The department will provide a written response to the applicant within forty-five days of receipt of the minor variance request. The written response will state the acceptance or denial of the variance, including the reasons for the department's decision. At a minimum the department will make its decision based on:
- (a) The applicant's request as described in subsection (1) of this section;
  - (b) Research into the variance request; and
  - (c) Expert advice.
- (3) **Applicant's response to denials.** According to chapter 34.05 RCW the applicant has twenty-one days after receiving the department's written denial, of the variance request, to contest the decision.

**WAC 246-359-060 Architect or engineer of record and plan submittal responsibilities.**

- (1) The department will require construction documents to be prepared by an architect or engineer under:
- (a) WAC 246-359-600, alternate construction;
  - (b) WAC 246-359-710, installation requirements for factory assembled structures;
  - (c) WAC 246-359-720, installation requirements for manufactured homes.
- (2) The applicant must provide the name of the architect or engineer of record on the construction permit application.
- (3) The applicant is responsible to notify the department, in writing, when the architect or engineer of record changes or is no longer able to review and coordinate all the necessary submittal documents for compatibility with the design of the building.

**WAC 246-359-070 Application and construction documents required for plan review.**

- (1) To have construction documents reviewed the applicant must submit to the department:

- (a) A completed and signed application, on a form provided by the department, for each structure (individual building);
  - (b) The required plan review fee, according to WAC 246-359-990;
  - (c) Two sets of construction documents, on substantial paper, including:
    - (i) Plans and diagrams drawn to scale;
    - (ii) Specifications;
    - (iii) Computations; and
    - (iv) Other documents needed to determine if the provisions of this chapter and related state rules are being met, for example solid waste disposal management plan or soil testing;
  - (d) When applicable, manufacturer's installation instructions as required for factory assembled structures, WAC 246-359-710, and manufactured homes, WAC 246-359-720;
  - (e) Proof of an adequate approved potable water supply to meet the intended use of the temporary worker housing and which meets the requirements of chapters 246-290 and 246-291 WAC (water rules) and WISHA;
  - (f) Copy of the on-site sewage system permit from the jurisdiction having authority;
  - (g) Proof of a water right permit from the department of ecology, when required;
  - (h) Proof of current approval from labor and industries, when required, for factory assembled structures; and
  - (i) Proof the project meets zoning requirements as established for height, setback and road access under the authority having jurisdiction.
- (2) The plans and specifications must clearly identify in detail the location, nature and extent of the work proposed.
- (3) The department will only begin plan review when:
- (a) All the documents required in this section are submitted; and
  - (b) The plan review fee is received.
- (4) The department can refund up to eighty percent of the plan review fee if the applicant submits a written request to stop the project before the plan review process is complete. Refunds are based on the plan review fee paid as required by Table I in WAC 246-359-990 and the amount of plan review completed as determined by the department.

- (5) The department will charge an additional plan review fee according to Table I in WAC 246-359-990, when:
  - (a) Site inspections determine the project has not been built according to the approved construction documents and an additional plan review is required; or
  - (b) Revised construction documents are submitted after approval of the initial construction documents.

**WAC 246-359-080 Plan review approval and expiration of plan approval.**

- (1) The department will notify the applicant in writing:
  - (a) With a "plan review approval letter" when the construction documents meet the requirements of this chapter; or
  - (b) With a "not approved letter" when the construction documents do not meet the requirements of this chapter and a resubmission of plans or documents is required by the department for approval.
- (2) The applicant has a period of one year from the date of the plan review approval letter to submit the construction permit fee or the plan review approval will expire.
- (3) The department will destroy all construction documents related to the project when the plan review approval expires.
- (4) To renew action on an expired plan review the applicant must resubmit the construction documents and pay a new plan review fee to the department as required in WAC 246-359-990.
- (5) Construction documents modified after the department issues approval must be resubmitted for approval with an additional fee as specified in WAC 246-359-070.

**WAC 246-359-090 Issuing and maintaining a construction permit.**

- (1) The department will issue a construction permit when:
  - (a) Construction documents are approved according to WAC 246-359-080; and
  - (b) Permit and inspection fees are paid according to WAC 246-359-990.
- (2) Construction can begin after the applicant is issued a construction permit by the department;
- (3) The following conditions, at a minimum, must be met during construction:
  - (a) The "inspection record card" must be posted in a visible location at the worksite and be readily accessible to the inspector at the worksite; and

- (b) The approved plans must be readily available to the inspector during all scheduled inspections.
- (4) The department will void the permit and the applicant's right to continue construction when:
  - (a) The plans are changed, modified or altered without prior approval by the department as specified in WAC 246-359-080;
  - (b) Any deviation in construction or design is made from the approved plans; and
  - (c) The inspection record card and the approved plans are not readily and easily available to the inspector.

**WAC 246-359-100 Expiration and extension of construction permits.**

- (1) **Permit expiration.** The permit will be considered null and void one year from the date the permit was issued if the applicant:
  - (a) Has not initiated the work authorized by the permit;
  - (b) Suspends or abandons the authorized work at any time after the work has begun by not calling for the next required inspection within one year after a required inspection;
  - (c) Has not applied for a time extension according to the requirements in subsection (2) of this section.
- (2) **Permit extension.** The applicant can apply for a one time only extension when the request is made in writing to the department:
  - (a) Before the permit expires;
  - (b) Stating reasons satisfactory to the department;
  - (c) The original plans and specifications will be used and no changes have been made or are planned to be made; and
  - (d) The applicable standards have not changed.
- (3) Any applicant who does not apply for an extension according to the requirements in this section cannot resume work unless the applicant:
  - (a) Resubmits plans according to WAC 246-359-070; and
  - (b) Pays full plan review and permit fee according to WAC 246-359-990.
- (4) The department can refund up to eighty percent of the construction permit fee if the applicant submits a written request before construction starts. The refund will be determined by the department based on the permit fee paid as required by Table I in WAC 246-359-990.

### **WAC 246-359-110 Construction without a permit.**

- (1) Construction of temporary worker housing allowed by this chapter can only begin after a construction permit has been issued by the department as described in WAC 246-359-090.
- (2) A person who begins any work without a construction permit will be subject to an investigation and an investigation fee as described in WAC 246-359-990 whether or not a permit is then or subsequently issued. An investigation and investigation fee will be in addition to any other "additional" inspections or fees described in WAC 246-359-990.
- (3) The department will determine if the person initiating building or work without a required construction permit is:
  - (a) Under the authority of this chapter and must follow the construction permit process defined in this chapter; or
  - (b) Found to be outside the authority of this chapter and must be reported to the jurisdiction having authority and the prosecuting attorney of that jurisdiction.

### **WAC 246-359-120 Required inspections.**

The department or its designee, when notified by the applicant in writing has authority to conduct all of the inspections described in this section.

- (1) **Site/foundation inspection.** To be made after excavations for footings are complete, and after any required forms and reinforcing steel are in place, **but** before any concrete has been placed.
- (2) **Concrete slab or under-floor inspection.** To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, **but** before any concrete is placed or floor sheathing installed, including the subfloor.
- (3) **Framing/rough-in inspection.** To be made after the roof, all framing, wall, and roof members are in place including fire blocking and bracing, heating, and rough electrical and plumbing has been installed.
- (4) **Final inspection.** To be made after finish grading and the building is completed and ready for occupancy.
- (5) **Additional inspections.** To be made after the applicant has received notification that an additional inspection or inspections are necessary. The department will conduct the following additional inspections to:
  - (a) Assure the requirements of this chapter are being met, specifically to verify:
    - (i) Stop work orders, WAC 246-359-130, are adhered to;

- (ii) Approved plans, according to WAC 246-359-080, have not been altered without prior department approval; and
- (iii) A construction permit has been issued according to WAC 246-359-090;
- (b) Determine compliance with other required laws or ordinances necessary to enforce this chapter; and
- (c) Determine if an approved variance is being followed, when verification cannot be determined through the inspections described in subsections (1) through (4) of this section.
- (6) **Special inspections.** To be made by a special inspector when the applicant is building to the alternate construction standards and the inspections required in subsections (1) through (5) of this section are not sufficient to determine compliance with the alternate construction methods.
- (7) **Reinspections.** Reinspections will be conducted and a reinspection fee charged for each reinspection conducted for the following reasons:
  - (a) Work for which an inspection is requested and is not complete;
  - (b) Required corrections called for have not been made;
  - (c) The inspection record card is not posted or readily available at the worksite;
  - (d) The approved plans are not readily available to the inspector; and
  - (e) The inspector's request for equipment or information was not provided at the site preventing the inspector from conducting the scheduled inspection.

**WAC 246-359-130 Stop work orders.**

- (1) The department, upon notifying the applicant in writing, will order work to be stopped when the work being done is found to be contrary to:
  - (a) The approved plans;
  - (b) The requirements of this chapter; or
  - (c) Other laws or ordinances required and necessary to enforce this chapter at a minimum as stated in WAC 246-359-005(4), applicability.
- (2) If the department finds work being done contrary to subsection (1) of this section the department, in addition to notifying the applicant in writing, will post a "stop work order" on the construction site.
- (3) The applicant is prohibited from continuing any work or causing any work to be performed until solutions to rectify the conditions causing the stop work order have been approved by the department.

- (4) The department will document removal of the stop work order by:
  - (a) Providing the applicant written authorization to proceed with the work; and
  - (b) Removing or causing the "stop work order" to be removed.

**WAC 246-359-140 Certificate of completion.**

- (1) The department will issue a "certificate of completion" when:
  - (a) The inspector determines the project is completed in compliance with the approved construction documents;
  - (b) The department determines the project is in compliance with this chapter and related rules including:
    - (i) Proof the potable water supply is approved and adequate to meet the requirements of chapters 246-290 and 246-291 WAC (water rules) and WISHA;
    - (ii) Proof the sewage disposal system has been approved by the jurisdiction having authority, for example, city or county health or public works department, state department of health or state department of ecology; and
    - (iii) Proof the electrical system has been approved by the jurisdiction having authority, for example, Washington state department of labor and industries or the city building or planning departments.
- (2) **Approved to apply for a license.** The applicant can apply for a temporary worker housing license according to chapter 246-358 WAC after receiving a certificate of completion from the department.

**WAC 246-359-150 Site requirements.**

- (1) The site used for temporary worker housing must be:
  - (a) Adequately drained and not subject to periodic flooding;
  - (b) Located a distance of at least two hundred feet from all surface water;
  - (c) Located so the drainage from and through the temporary worker housing will not endanger any domestic or public water supply;
  - (d) Graded, ditched, and made free from depressions which allow water to become a nuisance;
  - (e) Adequate in size to prevent overcrowding of necessary structures; and
  - (f) Located on a slope which is not more than one unit (inches, feet, etc.) vertical per twenty units horizontal.

- (2) Any structure used for sleeping or preparing and serving food must be located at least five hundred feet from any area in which livestock is kept.
- (3) All temporary worker housing structures must be located a minimum of ten feet from any other structure or building.

**WAC 246-359-160 Temporary worker housing minimum floor area and ceiling height.**

- (1) Rooms used for sleeping purposes only must have a minimum of fifty square feet of floor space for each occupant.
- (2) Rooms used for cooking, living, and sleeping must have a minimum of seventy square feet for the first occupant and fifty-square feet for each additional occupant.
- (3) All habitable rooms and spaces including halls, bathrooms and toilet compartments must have at least a seven foot clear height from the floor to the ceiling or exposed ceiling framing.

**WAC 246-359-170 Wood framed construction and concrete masonry unit (CMU) general limitations.**

- (1) When building with wood or CMU as required by WAC 246-359-200 through 246-359-580 the following requirements apply:
  - (a) Floor area must be limited to three thousand six hundred square feet per building;
  - (b) Height must be limited to one story; and
  - (c) All floor surfaces must be above grade, no basements.
- (2) When building to WAC 246-359-600, alternate construction, the limitations in subsection (1) of this section do not apply.

**WAC 246-359-180 Concrete footings and foundations for wood framed construction.**

- (1) Concrete used for footings and foundations must have a minimum compressive strength of two thousand pounds per square inch (psi). Concrete must be mixed and delivered in accordance with the requirements of ASTM C94 (Ready-Mix Concrete), or may be field mixed. Field mixed concrete will be subject to independent compressive strength testing and special inspection.
- (2) Concrete footings must be placed on firm, undisturbed soil.
- (3) Concrete footings must be continuous, be a minimum of twelve inches wide by six inches thick, be reinforced with a minimum of two No. 4 continuous rebar, and be at least eighteen inches below finished grade measured from the bottom of the footing.
- (4) Concrete foundations must be a minimum of six inches thick, be reinforced with a minimum of two continuous horizontal No. 4 at the top, be reinforced vertically with No. 4 at twenty-four

inches on center, extend at least six inches above the finished grade, and have a total height of not greater than forty-eight inches.

- (5) Concrete foundations that are formed by a thickened concrete slab edge as part of a slab on grade floor must be reinforced with two pieces of No. 4 rebar in the upper part and two pieces of No. 4 rebar in the lower part of the foundation. The concrete floor will be reinforced according to WAC 246-359-430. The thickened concrete slab edge must extend at least eighteen inches below finished grade, be at least twelve inches in width, and provide a slab height of at least six inches above finished grade.
- (6) Where the walls are of wood construction, the treated foundation plates or sills must be bolted to the foundation or foundation wall with not less than one-half inch nominal diameter steel bolts embedded at least seven inches into the concrete and spaced not more than seventy-two inches apart. There must be a minimum of two bolts per piece with one bolt located within twelve inches of each end of each piece. A properly sized nut and washer must be tightened on each bolt to secure the place.

**WAC 246-359-200 Wood framed construction.**

- (1) Buildings constructed using wood materials must follow the requirements of WAC 246-359-001 through 246-359-340 to comply with this chapter.
- (2) Wood structural members in contact with the ground, and/or concrete must be pressure treated and must bear the proper grade mark of an approved inspection/testing agency.

**WAC 246-359-210 Treated wood foundations for wood framed construction.**

- (1) All lumber and plywood used for wood foundation systems must be pressure treated and bear the grade mark FDN (foundation grade) or better.
- (2) Where FDN lumber and plywood is cut or drilled after treatment, the cut surface must be field treated with a preservative that is designated for that purpose.
- (3) Hot-dipped zinc-coated steel nails or stainless steel fasteners will be used as fasteners for treated wood foundation walls. Electrogalvanized nails or staples and hot-dipped zinc-coated staples cannot be used.
- (4) Treated wood foundations must have composite footings consisting of a minimum two-by-eight lumber footing plate set eighteen inches below finished grade on top of a layer of gravel, coarse sand or crushed stone. The gravel, sand, or crushed stone footing will have a width of not less than sixteen inches and a depth of not less than six inches, and must be placed in firm, undisturbed soil.
- (5) The gravel, sand, or crushed stone footing must consist of:

- (a) Washed and graded gravel free from organic, clayey or silty soils with a maximum stone size not exceeding three-fourths inch;
  - (b) Coarse sand free from organic, clayey, or silty soils with a minimum grain size of one-sixteenth inch; or
  - (c) Crushed stone with a maximum size of one-half inch.
- (6) Treated wood foundation walls must be constructed of two-by-six studs at a minimum of sixteen inches on center with a double two-by-six top plate. Cover the studs with a minimum one-half inch thick pressure treated exterior plywood sheathing placed on the exterior of the studs. Treated wood foundation walls will not be greater than forty-eight inches measured from the bottom of the footing plate to the top of the double top plate.
- (7) Joints in the footing plate and top plates must be staggered at least one stud space. Framing at locations where openings occur in the wall and floor systems above, and at other points of concentrated loads must have studs added at those points to support the concentrated loads.
- (8) Before backfilling, cover the gravel, sand, or crushed stone appearing outside the treated wood foundation wall with strips of six-mil thick polyethylene sheeting, Type 30 felt, or equivalent material with adjacent strips lapped to provide for water seepage while preventing excessive infiltration of fine soils.
- (9) Backfill on the outside to eight inches or more below the top of the treated wood foundation walls. Backfill on the inside of the treated wood foundation walls (crawl space) a minimum depth of six inches above the top of the footing plate.

**WAC 246-359-220 Floor framing for wood framed construction.**

**(1) Girders.**

- (a) Girders supporting floor joists must be a minimum four-by-six Hem-Fir #2, spaced not more than eight feet on center, and placed at least twelve inches above ground.
- (b) Girders must be continuous, or must be spliced over supports. When a girder is spliced over a support, a positive tie to the support must be provided.
- (c) Each end of each girder member must have a minimum three inch of bearing on treated wood plates or treated wood posts.

**(2) Floor joists.**

- (a) Floor joists must be a minimum two-by-six spaced sixteen inches on center or two-by-eight spaced twenty-four inches on center, Hem-Fir #2 or better, spanning not more than eight feet between supports, and placed at least eighteen inches above ground.
- (b) Floor joists must be continuous or spliced only over a support with a minimum three-inch lap.

- (c) The end of each joist must have not less than three inch bearing on treated wood plate.
  - (d) Notches on the ends of joists cannot not exceed one fourth the joist depth. Holes bored in joists cannot be within two inches of the top or bottom of the joist, and the diameter of any such hole cannot exceed one-third the depth of the joist. Notches in the top or bottom of joists cannot exceed one-sixth the depth and cannot be located in the middle third of the span.
  - (e) Floor joists must have solid blocking at the ends and at each support. Solid blocking cannot be less than two inches nominal in thickness and the full depth of the joist.
- (3) **Interior bearing.** Interior bearing footings (pads) must be of plain concrete at least sixteen inches by sixteen inches by eight inches thick placed on firm undisturbed soil.
- (4) **Ventilation.** Under floor areas (crawl spaces) must be ventilated by one-fourth inch screened openings of not less than one square foot of opening for each one hundred fifty square feet of under-floor area.
- (5) **Supporting interior bearing partitions.** Interior bearing partitions perpendicular to floor joists must not be offset from support girders more than the joist depth. Interior bearing partitions parallel to the floor joists must be supported by a doubled floor joist located directly under the interior bearing partition.
- (6) **Subflooring.** Subflooring must be structural wood panels (plywood or OSB), particleboard subfloor or combination subfloor-underlayment, or solid wood.
- (a) Structural wood panels will be tongue-and-groove installed perpendicular to the floor joists with end joints occurring over floor joists. The minimum thickness must be five-eighth inches (eleven-sixteenths inches) over floor joists spaced sixteen inches on center and three-fourths inches (twenty-five thirty-seconds inches) over floor joists spaced twenty-four inches on center. Structural wood panels must be grade stamped for use and span. Secure structural wood panels to the floor joist system by use of either nails or glue and nails combination. In both systems, nails must be 8d common or deformed shank, spaced six inches on center at the edges and twelve inches on center at intermediate supports.
  - (b) Particleboard subfloor or combination subfloor-underlayment must be installed perpendicular to the floor joists. The minimum thickness must be five-eighths inches over floor joists spaced sixteen inches on center and three-fourths inches over floor joists spaced twenty-four inches on center. Particleboard must be grade stamped for use and span. Secure particleboard to the floor joist system by use of either nails or glue and nails combination. In both systems, nails must be 8d common or deformed shank, spaced six inches on center at the support edges and twelve inches on center at intermediate supports.
  - (c) Solid wood must be a minimum size of one-inch by six-inch nominal tongue-and-groove wood strip flooring applied perpendicular or diagonally to the floor joists. Secure solid

wood flooring to the floor joist system by use of either nails or glue and nails combination as follows for:

- (i) Wood strip flooring six inches or less must be nailed to each floor joist by "2-8d" common or box nails; or
- (ii) Wood strip flooring greater than six inches must be nailed to each floor joist by "3-8d" common or box nails.

**WAC 246-359-230 Wall framing for wood framed construction.**

(1) Exterior walls and interior partitions must be framed as follows:

- (a) Studs must be minimum two-by-four wood, Hem-Fir stud grade or better, spaced not more than sixteen inches on center, support no more than one ceiling and one roof, nor exceed eight feet in height for exterior walls.
- (b) Studs must be placed with their wide dimension perpendicular to the wall. Not less than three studs must be installed at each corner of an exterior wall.
- (c) Studs must be capped with double top plates installed to provide overlapping at corners and at intersections with other partitions. End joints in double top plates must be offset at least forty-eight inches.
- (d) Studs must have full bearing on a plate or sill not less than two inches nominal in thickness having a width not less than that of the wall studs.

(2) Headers. All openings four feet wide or less in bearing walls must be provided with headers consisting of either two pieces of two-by-eight Hem-Fir #2, or better, placed on edge and securely fastened together or one piece of four-by-eight Hem-Fir #2 or better. All openings over four feet and up to eight feet wide in bearing walls must be provided with headers consisting of two pieces of two-by-twelve Hem-Fir #2 or better, placed on edge and securely fastened together, or one piece of four-by-twelve Hem-Fir #2 or better.

(3) Wall bracing. Exterior walls must be braced with one of the following methods:

- (a) Wood boards of five-eighths inch net minimum thickness applied diagonally to the studs and face nailed with 2-8d common nails per stud.
- (b) Minimum forty-eight inch width of wood structural panel sheathing (plywood) with a minimum thickness of three-eighths inches applied vertically at each corner. Provide solid blocking at all edges not supported by studs and secure to studs with 6d common or deformed shank nails spaced at six inches on center at edges and twelve inches on center at intermediate supports. Sheathing must extend from treated plate through double top plate.

- (4) Where plumbing, heating or other pipes are placed in studs, a metal tie not less than sixteen galvanized gauge and one and one-half inches wide must be fastened to each plate across and to each side of the opening.

**WAC 246-359-240 Exterior wall covering for wood framed construction.**

- (1) All weather-exposed surfaces must have a weather resistive barrier. Such barrier must be of waterproof building paper or asphalt saturated felt. Building paper, felt, or equivalent materials must be covered with siding as a protection against damage. Weatherproof sheathing may be used to meet this requirement.
- (2) When weatherproof sheathing is used for the weather resistive barrier protection, it must be of the exterior type not less than three-eighths inch thick. Joints must occur over framing members and must be protected by built-in edge laps, a continuous wood batten, caulking, flashing, or by an equivalent material installed per the manufacturer's specifications.
- (3) All wood siding and trim must be painted to protect from weather damage.
- (4) Flashing. All exterior openings exposed to the weather must be flashed in such a manner as to make them weatherproof.

**WAC 246-359-250 Roof framing for wood framed construction and concrete masonry units (CMU).**

- (1) Roof framing must have a minimum slope of three units vertical to twelve units horizontal, and must be framed with one of the following methods:
  - (a) Factory built trusses. Installed per manufacturer's directions and spaced not more than twenty-four inches on center. Roof trusses must be supported laterally at points of bearing by solid blocking to prevent rotation and lateral displacement;
  - (b) Rafter spans. Allowable rafter spans for Hem-Fir #2 or better must be in accordance with the spans and load conditions listed in Tables 250-A, 250-B or 250-C;
  - (c) Rafters. Rafters must be framed directly opposite each other at the ridge. There must be a ridge board at least one inch nominal thickness at all ridges and not less in depth than the cut end of the rafter;
  - (d) Notching at the ends of rafters cannot exceed one fourth the depth. Notches in the top or bottom must not exceed one sixth the depth and must not be located in the middle one third of the span;
  - (e) Holes bored in rafters must not be within two inches of the top or bottom and their diameter must not exceed one third the depth of the rafter; and

(f) Rafters must be supported laterally at points of bearing by solid blocking of the same material to prevent rotation and lateral displacement.

Table 250-A		
Western Wood Products Table for Hem-Fir #2		
Rafter (L/240 Deflection Limit) 30# Snow Load and 10# Dead Load		
Rafter Size	Spacing -- inches on center	Span -- feet-inches
2 x 6	12	12-7
2 x 6	16	11-5
2 x 6	24	9-7
2 x 8	12	16-7
2 x 8	16	14-11
2 x 8	24	12-2
2 x 10	12	21-0
2 x 10	16	18-2
2 x 10	24	14-10
2 x 12	12	24-4
2 x 12	16	21-1
2 x 12	24	17-3

Table 250-B		
Western Wood Products Table for Hem-Fir #2		
Rafter (L/240 Deflection Limit) 40# Snow Load and 10# Dead Load		
Rafter Size	Spacing -- inches on center	Span -- feet-inches
2 x 6	12	11-5
2 x 6	16	10-5
2 x 6	24	8-7
2 x 8	12	15-1
2 x 8	16	13-4
2 x 8	24	10-10
2 x 10	12	18-9
2 x 10	16	16-3
2 x 10	24	13-3
2 x 12	12	21-9
2 x 12	16	18-10
2 x 12	24	15-5

Table 250-C		
Western Wood Products Table for Hem-Fir #2		
Rafter (L/240 Deflection Limit) 60# Snow Load and 10# Dead Load		
Ceiling Joist Size	Spacing -- inches on center	Span -- feet-inches
2 x 8	12	13-0

2 x 8	16	11-3
2 x 8	24	9-2
2 x 10	12	15-10
2 x 10	16	13-9
2 x 10	24	11-3
2 x 12	12	18-5
2 x 12	16	15-11
2 x 12	24	13-0
2 x 14	12	20-7
2 x 14	16	17-10
2 x 14	24	14-6

- (2) The department will allow site built trusses accompanied by structural calculations prepared by a structural engineer.
- (3) Trimmer and header rafters must be doubled when the span of the header exceeds four feet. The ends of the header rafters more than six feet long must be supported by framing anchors or rafter hangers unless bearing on a beam, partition, or wall.
- (4) Rafters must be nailed to adjacent ceiling joists to form a continuous tie between exterior walls when such joists are parallel to the rafters. Where not parallel, rafters must be nailed to minimum one-by-four cross ties.
- (5) Rafter cross ties must be spaced not more than four feet on center, located immediately above the ceiling joists.
- (6) Rafter and truss ties must be installed per manufacture's instructions.
- (7) Roof assembly must have rafter and truss ties to the wall below and spaced not more than four feet on center.

**WAC 246-359-300 Ceiling framing for wood framed construction and concrete masonry units (CMU).**

- (1) Notching at the ends of ceiling joists must not exceed one fourth the depth. Notches in the top or bottom must not exceed one sixth the depth and must not be located in the middle one third of the span.
- (2) Holes bored in ceiling joists must not be within two inches of the top or bottom and their diameter must not exceed one third the depth of the rafter.
- (3) Ceiling joists must be supported laterally at points of bearing by solid blocking to prevent rotation and lateral displacement.
- (4) Allowable ceiling joist spans for Hem-Fir #2 or better must be in accordance with the spans and load conditions listed in Table 300-A.
- (5) The department will allow spans using other wood species or grade or other load conditions when accompanied by structural calculations prepared by a structural engineer.

Table 300-A Western Wood Products Table for Hem-Fir #2 <b>Ceiling Joists 10# Dead Load</b>		
Ceiling Joist Size	Spacing -- inches on center	Span -- feet-inches
2 x 6	12	14-5
2 x 6	16	12-8
2 x 6	24	10-4
2 x 8	12	18-6
2 x 8	16	16-0
2 x 8	24	13-1
2 x 10	12	22-7
2 x 10	16	19-7
2 x 10	24	16-0
2 x 12	12	26-3
2 x 12	16	22-8
2 x 12	24	18-6

**WAC 246-359-310 Roof sheathing for wood framed construction and concrete masonry units.**

Roof sheathing shall be structural wood panels (plywood, OSB) with a minimum five-eighths inch thickness, grade stamped for use and span. Secure roof sheathing panels to the roof framing with 8d common nails, spaced six inches on center at the edges and twelve inches on center at intermediate supports.

**WAC 246-359-320 Roof covering materials for wood framed construction and concrete masonry units (CMU).**

Roof sheathing must be protected by installing a material that has been designed as a roofing covering product. Installation of the selected roof covering material must be according to manufacturer's instructions and industry standards.

**WAC 246-359-330 Roof framing ventilation for wood framed construction and concrete masonry units (CMU).**

(1) Ventilation must be provided for enclosed roof framing spaces by providing sixteen-mesh screened openings at:

- (a) The eaves;
- (b) The gable ends;
- (c) The ridge; or
- (d) Any combination of (a) through (c) of this subsection.

(2) The minimum amount of ventilation openings must be at the rate of one square foot of net free opening for every three-hundred square feet of attic area.

**WAC 246-359-340 Nailing schedule wood framed construction and concrete masonry units.**

All nailing must be completed according to Table 340.

Table 340 Nailing Schedule	
CONNECTION	NAILING <sup>1</sup>
1. Joist to sill or girder, toenail	3-8d

2. Bridging to joist, toenail each end	2-8d
3. 1" x 6" subfloor or less to each joist, face nail	2-8d
4. Wider than 1" x 6" subfloor to each joist, face nail	3-8d
5. 2" subfloor to joist or girder, blind and face nail	2-16d
6. Sole plate to joist or blocking, typical face nail	16d at 16" o.c.
Sole plate to joist or blocking, at braced wall panels	3-16d per 16"
7. Top plate to stud, end nail	2-16d
8. Stud to sole plate	4-8d, toenail or 2-16d, end nail
9. Double studs, face nail	16d at 24" o.c.
10. Doubled top plates, typical face nail	16d at 16" o.c.
Doubled top plates, lap splice	8-16d
11. Blocking between joists or rafters to top plate, toenail	3-8d
12. Rim joist to top plate, toenail	8d at 6" o.c.
13. Top plates, laps, and intersections, face nail	2-16d
14. Continuous header, two pieces	16d at 16" o.c. along each edge
15. Ceiling joists to plate, toenail	3-8d
16. Continuous header to stud, toenail	4-8d
17. Ceiling joists, laps over partitions, face nail	3-16d
18. Ceiling joists to parallel rafters, face nail	3-16d
19. Rafter to plate, toenail	3-8d
20. 1" brace to each stud and plate, face nail	2-8d
21. 1" x 8" sheathing or less to each bearing, face nail	2-8d

22. Wider than 1" x 8" sheathing to each bearing, face nail	3-8d
23. Built-up corner studs	16d at 24" o.c.
24. Built-up girder and beams	20d at 32" o.c. at top and bottom and staggered 2-20d at ends and at each splice
25. 2" planks	2-16d at each bearing

<sup>1</sup> Common or boxed nails must be used.

**WAC 246-359-350 Roof connections for concrete masonry units (CMU).**

- (1) Framing members must bear on a two-inch nominal thickness pressure treated plate anchored to the CMU wall with one-half inch diameter bolts. The anchor bolts must be spaced at maximum of six feet on center and a minimum of twelve inches from end of each plate member, and must be embedded into the top of the wall bond beam a minimum of four inches.
- (2) Each roof framing member must be secured to the treated plate by installation of a metal tie as approved by the department.

**WAC 246-359-400 Concrete masonry unit (CMU).**

Buildings constructed using CMU must follow the requirements of WAC 246-359-001 through 246-359-170 and WAC 246-359-400 through 246-359-580 to comply with this chapter.

**WAC 246-359-405 Concrete masonry units (CMU) materials.**

- (1) Solid masonry units must not be used.
- (2) **Water.** Water used in mortar or grout must be clean and free of deleterious amounts of acid, alkalis or organic material or other harmful substances.
- (3) **Cement.** Cementitious materials for:
  - (a) Grout must be either lime or portland cement; and
  - (b) Mortar must be one or more of the following:
    - (i) Lime;
    - (ii) Masonry cement;
    - (iii) Portland cement; or

- (iv) Mortar cement.
- (4) **Mortar.** Mortar must consist of a mixture of cementitious materials and aggregate to which sufficient water has been added to achieve a workable, plastic consistency.
- (5) **Grout.** Grout must consist of a mixture of cementitious materials and aggregate to which water has been added such that the mixture will flow without segregation of the materials.
- (6) **Handling, storage and preparation of materials.** Handling, storage and preparation of materials at the site must conform to the following:
  - (a) Masonry materials must be stored so that at the time of use the materials are clean and structurally suitable for use.
  - (b) All metal reinforcement must be free from loose rust and other coatings that would inhibit reinforcing bond.
  - (c) Concrete masonry units must not be wetted.
  - (d) Mortar or grout mixed at the job site must be mixed for:
    - (i) A period of time not less than three minutes; or
    - (ii) More than ten minutes in a mechanical mixer with the amount of water required to provide the desired workability.
  - (e) Hand mixing of small amounts of mortar is permitted.
  - (f) Mortar may be retempered, except that mortar or grout which has hardened or stiffened due to hydration of the cement must not be retempered or used again.
  - (g) When water has been added to the dry ingredients, at the job site the mixed:
    - (i) Mortar must not be used after two and one-half hours has passed; and
    - (ii) Grout must not be used after one and one-half hours has passed.
  - (h) Mortar and grout dry mixes, blended in the factory, and mixed at the job site must be mixed in mechanical mixers until workable. The on-site mixing time must not exceed ten minutes if the mix is to be acceptable for use.

**WAC 246-359-410 Foundations and footings for concrete masonry units (CMU) walls.**

- (1) Footings for load bearing CMU walls must be continuous concrete having a minimum twelve width-by-ten inch thickness, placed a minimum eighteen inches below the finished grade, and reinforced with a minimum of two No. 4 continuous rebar.
- (2) Foundations must be one of the following:

- (a) Concrete reinforced vertically and horizontally with No. 4 rebar at twenty-four inches on center; or
  - (b) CMU reinforced vertically and horizontally with No. 4 rebar and having all cells below finished grade fully grouted.
- (3) Vertical reinforcement must be spaced at four feet on center, within twelve inches of each corner, extend at least twenty inches up into the CMU wall, and extend at least six inches into the footing with an additional six inches bent at ninety degrees and tied to the horizontal footing rebar.
- (4) Foundations must be six inches in width or the width of the CMU wall, whichever is greater.

**WAC 246-359-420 Placing of concrete masonry units (CMU).**

- (1) CMU must be laid in a running bond pattern with the units in each successive course overlapping the joints in the course below. At corners the length of the corner unit must alternate direction on each successive course.
- (2) The mortar must be sufficiently plastic and the units must be placed with sufficient pressure to extrude mortar from the joint and produce a tight joint. Joint furrowing must not exceed the thickness of the shell.
- (3) Head joints of open-end CMU designed for use as bond beams that are to be fully grouted need not be mortared.
- (4) Surfaces to be in contact with mortar or grout must be clean and free of deleterious materials.

**WAC 246-359-430 Floors for concrete masonry units (CMU).**

- (1) Floors must be concrete slab on grade and not less than three and one-half inches thick reinforced with "6 x 6 10/10 welded wire mesh (wwm)," and be constructed with not less than four sacks of cement per cubic yard.
- (2) When concrete is used as the finished floor it must be sealed or finished according to WAC 246-359-530, interior finishes.

**WAC 246-359-440 Walls of concrete masonry units (CMU).**

- (1) **Wall thickness.** CMU blocks used for bearing walls must have a minimum nominal thickness of six inches.
- (2) **Rebar cover.** All rebar must be:
- (a) Placed within the openings of the hollow masonry units;
  - (b) Completely embedded in mortar or grout; and

- (c) Have a minimum cover of three-fourth inch including the masonry unit. Where masonry is exposed to weather, one and one-half inches of cover is required. Where masonry is exposed to soil, two inches of cover is required.

**(3) Reinforcement.**

- (a) Masonry walls must have both vertical and horizontal reinforcement. Spliced rebar must overlap at least twenty inches. Reinforcement must be placed prior to grouting. Bolts must be accurately set and held in place to prevent dislocation during grouting.
- (b) Vertical reinforcement must consist of No. 4 rebar placed four feet on center along the full length of walls, on each side of window and door openings, and at corners. Vertical rebar must extend from the top of the foundation to the top of the wall and be grouted in place.
- (c) Horizontal reinforcement must consist of bond beams located at four feet above the foundation and repeated at four foot intervals, including one at the top of the wall. Bond beams must be constructed using bond beam masonry units with one continuous No. 4 rebar, grouted in place.
- (d) Lintels over door and window openings must be provided and must be sixteen inches deep consisting of bond beam or lintel masonry units extending over the opening and at least twenty inches beyond each side, and with four pieces of No. 4 rebar running the full length of the lintel, grouted in place. The span of lintels over openings must not exceed twelve feet.

**(4) Grouting.**

- (a) The grout space must be clean so that all spaces to be filled with grout do not contain mortar projections greater than one-half inch, mortar droppings or other foreign material. Cleanouts must be provided where necessary to clean and clear the spaces prior to grouting. When cleanouts are needed, they must be sealed before grouting.
- (b) Grout must be placed so that all spaces designated to be grouted must be filled with grout and the grout must be confined to those specific spaces.
- (c) Where bond beams occur, the grout pour must be stopped a minimum of one-half inch below the top of the masonry.

**WAC 246-359-500 Window construction requirements.**

- (1) All habitable rooms and spaces must be provided with windows the total area of which must be not less than one-tenth of the floor area.
- (2) At least one-half of each required window must be able to open for ventilation purposes.
- (3) Every sleeping room must have at least one operable window or door for emergency escape or rescue directly opening to an outside area to provide a clear escape away from the building.

- (4) Escape or rescue windows must have:
  - (a) A minimum net clear openable area of five point seven square feet; and
  - (b) A finished sill height not more than forty-four inches above the floor.
  - (c) The following minimum net clear openable dimensions:
    - (i) The height dimension of twenty-four inches; and
    - (ii) The width dimension of twenty inches.
- (5) All operable window openings must be screened with sixteen-mesh material.

**WAC 246-359-510 Door requirements.**

Temporary worker housing habitable structures:

- (1) Must have a primary entrance, which is at a minimum, three foot-by-six foot eight-inch exit door made of solid core wood or other material designed for use as an exterior door.
- (2) Must have at least two exit doors when accommodating ten or more occupants. When two exit doors are required, the doors must be placed a distance apart equal to at least one-half of the length of the maximum overall diagonal dimension of the building area used.
- (3) Must have all exterior door openings screened with sixteen-mesh material self-closing screen doors.
- (4) With a calculated occupant load of fifty occupants or more must have a screen door which swings in the direction of exiting.
- (5) With latched screen doors must have a roller type latch.

**WAC 246-359-520 Door landings, stairways and guardrails.**

- (1) **Door landings.** Every door must have, at a minimum, a floor area or landing with:
  - (a) A width not less than the width of the door or the width of the stairway served, whichever is greater; and
  - (b) A length not less than thirty-six inches.
- (2) **Stairways.** Every stairway having two or more risers must meet the following requirements:
  - (a) **Rise and run.** The rise of steps and stairs must not be less than four inches nor more than eight inches. The greatest riser height within any flight of stairs must not exceed the smallest by more than three-eighths inch. The run must not be less than nine inches. Stair treads must

be of uniform size and shape except the largest tread run within any flight of stairs must not exceed the smallest by more than three-eighths inch.

(b) **Headroom.** Every stairway must have a headroom clearance of not less than 6 feet eight inches.

(3) **Handrails.**

(a) At least one handrail is required when a stairway has three or more risers;

(b) The top of a handrail must be placed not less than thirty-four inches or more than thirty-eight inches above the nosing of the treads.

(c) Handrails must be continuous the full length of the stairs.

(d) The handgrip portion of a handrail must:

(i) Not be less than one and one-quarter inches nor more than two inches in cross-sectional dimension; and

(ii) Have a smooth surface with no sharp corners.

(e) Handrails projecting from a wall must have a space of not less than one and one-half inches between the wall and the handrail.

(4) **Guardrails.** Unenclosed porches, balconies, and landings, which are more than thirty inches above grade or floor below must not be less than thirty-six inches in height and must have intermediate rails spaced such that a sphere four inches in diameter cannot pass through.

**WAC 246-359-530 Interior finishes.**

(1) Floors must be finished to provide an easily cleanable surface. Acceptable finishes are paint, sheet vinyl, tile, or other materials designed for use as a finished floor surface. All materials must be installed per manufacturer's instructions.

(2) Walls and ceilings must be finished to prevent any injury to an occupant, for example, no protruding nails or other fasteners or any wires.

(3) In toileting and kitchen areas, walls must be finished to provide an easily cleanable surface impervious to moisture.

(4) If material to provide a finished surface for the walls is to be installed, then material such as one-half inch minimum thickness gypsum board (GB) must be secured to the wall structural members by fasteners approved for such attachment such as glue, nails, or screws. If GB is installed, then the joints must be fire taped and the wall surface sealed with paint or covered with another wall finish material.

- (5) If materials are installed to provide a finished surface for the ceiling, then material such as five-eighths inch minimum thickness GB must be secured to the ceiling structural members by fasteners approved for such attachment such as nails or screws. If GB is installed, then the joints must be fire taped and the ceiling surface sealed with paint.

**WAC 246-359-540 Lighting and electrical.**

- (1) The installation of electrical systems and wiring must comply with the state electrical code, chapter 246-46 WAC, as administered by the department of labor and industries and according to the number of outlets or light fixtures required in subsection (2) of this section.
- (2) Outlets and light fixtures provided in temporary worker housing must comply with the requirements of subsection (1) of this section and WISHA requirements, including:
  - (a) Each habitable room must have:
    - (i) One ceiling light fixture. Additional ceiling light fixtures will be required to comply with the foot candle requirements of chapter 246-358 WAC; and
    - (ii) One separate floor or wall outlet. Additional outlets will be required as determined by the department to prevent safety hazards when the housing is occupied;
  - (b) Laundry and toilet rooms, and rooms where people congregate must have at least one ceiling or wall light fixture. Additional ceiling or wall light fixtures will be required:
    - (i) To comply with the foot candle requirements of chapter 246-358 WAC; and
    - (ii) As determined by the department to prevent safety hazards when the housing is occupied.

**WAC 246-359-550 Smoke detectors.**

- (1) Temporary worker housing must be provided with approved smoke detectors installed according to the manufacturer's instructions.
- (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.
- (4) Smoke detector wiring must be permanent and without a disconnecting switch except as required for overcurrent protection.
- (5) 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.

**WAC 246-359-560 Plumbing.**

- (1) The installation of plumbing systems, fixtures, and fittings must comply with the Uniform Plumbing Code and Uniform Plumbing Code Standards as adopted by the state building code council, chapters 51-46 and 51-47 WAC, except for the following parts of the plumbing code which do not apply:
  - (a) The provisions for "water conservation performance standards";
  - (b) The minimum plumbing facilities and requirements for minimum numbers of fixtures, instead the following ratios will apply:

Minimum Number of Required Plumbing Fixtures					
	Water Closets		Lavatory Sinks		Bathtubs or Showers
Dwelling Units	1		1		1
	Male	Female	Male	Female	
Shared Facilities, not in individual dwelling units.	1 per 15 or fraction thereof; with a minimum of 2.  (See Note)	1 per 15 or fraction thereof; with a minimum of 2.	1 per 6 or fraction thereof.	1 per 6 or fraction thereof.	1 showerhead for every 10 persons or fraction thereof, for both male and female showers.

Note: Where urinals are provided in addition to water closets, the urinals must be provided in a 1:25 ratio.

- (2) The applicant must comply with the following WISHA requirements:

- (a) When a toilet is in a separate building from the sleeping room, the toilet room must be at least one-hundred feet but not more than two-hundred feet from the door of each dormitory unit;
  - (b) Laundry sinks must be provided on a ratio of one to thirty;
  - (c) When handwashing sinks and bathing facilities are not provided in individual dwelling units the following ratios apply:
    - (i) Handwashing sinks must be provided on a ratio of one to every six; and
    - (ii) Bathing facilities must be provided on a ratio of one to every ten.
- (3) Water and septic systems must be approved by the jurisdiction having authority, including installation or modification.

**WAC 246-359-565 Cooking facilities.**

- (1) **Individual dwelling units.** Cooking facilities in individual dwelling units must be sufficient to meet the requirements of WAC 246-358-125, temporary worker housing cooking and foodhandling facilities;
- (2) **Common use cooking facilities.** Cooking facilities separate from sleeping units and used by multiple individuals or families must:
  - (a) Meet the requirements of WAC 246-358-125, temporary worker housing cooking and foodhandling facilities;
  - (b) Comply with WAC 296-307-160, WISHA;
  - (c) Be located within one hundred feet of the dormitory structure; and
  - (d) Have mechanical ventilation installed with a one hundred cubic feet per minute (CFM) intermittent fan or a twenty-five CFM continual fan, vented to the outside for each cooking unit.
- (3) **Dining halls with cooking facilities.** Cooking facilities which are to be provided by the licensed operator for temporary workers residing in the temporary worker housing must comply with:
  - (a) WAC 246-358-125(3), dining hall rules for temporary worker housing;
  - (b) WAC 296-307-160; and
  - (c) Chapter 246-215 WAC, food service sanitation rules.

**WAC 246-359-570 Mechanical installations.**

The installation of heating, ventilating, cooling, refrigeration systems, and other miscellaneous heat producing equipment must meet the requirements of the uniform mechanical code as adopted by the state building code council, chapter 51-42 WAC, except as exempted in WAC 246-359-575.

**WAC 246-359-575 Energy and ventilation and indoor air quality requirement exemptions.**

Temporary worker housing as defined in this chapter are exempt from all versions of the Washington state energy code and the ventilation and indoor air quality code.

**WAC 246-359-580 Heating and insulation.**

(1) When the temporary worker housing is occupied from October 1st through May 1st:

(a) Department approved heat producing equipment must:

(i) Be available or installed; and

(ii) Comply with WISHA and chapter 246-358 WAC.

(b) A minimum of R-11 insulating material must be used to insulate ceilings and exterior walls.

(2) When insulation is used it must be covered with material which is safe and sturdy and sufficient to protect the building occupants from the insulating material.

**WAC 246-359-590 Liquid petroleum gas (LP-gas) storage tanks.**

Installed LP-gas, such as propane, propylene, butane, normal butane or isobutane, and butylenes, must comply with uniform fire code article 82 and uniform fire code standard 82-1.

**WAC 246-359-600 Alternate construction.**

(1) The department will allow alternate construction to the requirements stated in WAC 246-359-200 through 246-359-440 of this chapter when the plans are designed and stamped by an engineer or architect licensed to practice in the state of Washington.

(2) Any changes in the structural design must be stamped by an engineer including:

(a) Fixed construction, which cannot be dismantled and stored. Such fixed construction must comply with the structural requirements of the state building code, for example, wind forces, seismic forces, snow load, live load, and dead load.

(b) Nonfixed construction which can be dismantled and stored for use when ice or snow exceed the snow loads stated in this chapter. Such nonfixed construction must comply with the structural requirements of the state building code, for example, wind forces, seismic forces, live load, and dead load with the exception of snow loads.

- (3) To determine compliance with this section the department may require a special inspector to conduct special inspections.

**WAC 246-359-700 Approval of factory assembled structures (FAS).**

No FAS will be approved unless the FAS has an insignia of approval installed by the manufacturer. Alterations to manufactured housing and mobile homes must be approved by the Washington state department of labor and industries.

**WAC 246-359-710 Installation of factory assembled structures (FAS) -- Except for manufactured homes.**

The department will approve the installation of all FAS except for manufactured homes (see WAC 246-359-720) when the following requirements are met:

- (1) New and relocated FAS must be installed according to the manufacturer's written instructions;
- (2) If the manufacturer's written instructions are unavailable or insufficient to address safe installation the department will require installation instructions for FAS to be submitted by an engineer or architect;
- (3) The department will inspect FAS installation to determine if the site is properly prepared and the FAS is anchored according to the:
  - (a) Manufacturer's installation instructions; or
  - (b) Design of either an engineer or an architect.
- (4) The requirements stated in WAC 246-359-720 (5) through (8) apply to FAS installation.

**WAC 246-359-720 Installation requirements for manufactured homes.**

The department will use the following criteria for approving the installation of manufactured homes:

- (1) New and relocated manufactured homes must be installed according to the manufacturer's written installation instructions;
- (2) If the manufacturer's installation instructions are unavailable for manufactured homes, the department will accept the following:
  - (a) American National Standards Institute (ANSI) A225.1, 1994 edition, section 3; or
  - (b) The installation instructions of an engineer or architect licensed in Washington.
- (3) The department will inspect the installation to determine if the manufactured home is placed on a properly prepared site and anchored according to the:
  - (a) Manufacturer's installation instructions;

- (b) ANSI A225.1, 1994 edition, section 3; or
  - (c) Design of an engineer or architect licensed in Washington.
- (4) The department will require, at a minimum, specific instructions be obtained from a licensed engineer or architect when a manufactured home is to be installed on a site where the specific soil bearing capacity is not addressed in the manufacturer's instructions.
- (5) The department may review, at a minimum, the following installation requirements:
- (a) Heat duct crossovers, except that heat duct crossovers supported above the ground by strapping or blocking to avoid standing water and to prevent compression and sharp bends to minimize stress at the connections are also accepted;
  - (b) Dryer vents exhausted to the exterior side of the wall or skirting, when installed; and
  - (c) Hot water tank pressure relief lines. These lines must be exhausted to the exterior side of the exterior wall or skirting and downward.
- (6) Water lines, waste lines, gas lines and electrical systems must be installed according to the requirements of this chapter.
- (7) When skirting is used the skirting must:
- (a) Be made of a material suitable for ground contact including all metal fasteners which must be made of galvanized, stainless steel or other corrosion resistant material;
  - (b) Be recessed behind the siding or trim and attached in such a manner to prevent water from being trapped between the skirting and siding or trim; and
  - (c) Have vent openings located close to corners which:
    - (i) Provide cross-ventilation on at least two opposite sides;
    - (ii) Are designed to prevent the entrance of rodents by covering the vent openings with corrosion-resistant wire mesh with mesh opening of one-fourth inch in dimension; and
    - (iii) Have a net area of not less than one square foot for each one hundred fifty square feet of under floor area.
- (8) Provide access to the under floor area of the manufactured home so that all areas under the home are available for inspection. The opening must not be less than eighteen inches by twenty-four inches. The cover must be of metal, pressure treated wood or vinyl.

**WAC 246-359-730 Manufactured home installers.**

A manufactured home may be installed by:

- (1) The applicant;
- (2) A certified installer as required by WAC 296-150M-0630;
- (3) An individual supervised by an on-site certified installer; or
- (4) A specialty trades person, for certain aspects of installation.

**WAC 246-359-740 Drain connector to factory assembled structures (FAS).**

- (1) A FAS containing plumbing fixtures must be connected to the drain inlet by a drain connector:
  - (a) Approved by the department;
  - (b) Consisting of pipe not less than Schedule 40 with appropriate fittings and connectors; and
  - (c) Not less in size than the FAS outlet.
- (2) The fitting connected to the drain inlet must be a directional fitting to discharge the flow into the drain inlet.
- (3) A drain connector must be:
  - (a) Installed and maintained with a grade not less than one-fourth inch per foot;
  - (b) Gas-tight and no longer than necessary to make the direct connection between the mobile home outlet and drain inlet at the site.
- (4) Each drain inlet must be maintained gas-tight when not in use.

**WAC 246-359-750 Water connector to factory assembled structures (FAS).**

- (1) A FAS with plumbing fixtures must be connected to the approved water service outlet by a flexible connector, such as copper tubing or other approved material, not less than three-fourths inch interior diameter.
- (2) A separate water service shutoff valve installed on the supply side at or near the water service outlet for each FAS.

**WAC 246-359-760 Gas connections to factory assembled structures (FAS).**

- (1) A FAS, when using gas for heating or cooking purposes, must be connected to the gas outlet by an approved mobile or manufactured home connector. Gas connectors must be of adequate size to supply the total demand of the connected FAS and have a maximum length of six feet.
- (2) A shutoff valve controlling the flow of gas to the entire gas piping system must be:
  - (a) Installed for each FAS;

- (b) Readily accessible;
  - (c) Identified as the "shutoff valve"; and
  - (d) Installed near the point of connection to the service piping or supply connection of the liquified petroleum gas (LP-gas) tank.
- (3) The installation and size of each section of LP-gas piping is determined by the uniform mechanical code.

**WAC 246-359-800 WISHA requirements affecting building temporary worker housing.**

- (1) A separate sleeping area must be provided for the husband and wife in all family units in which one or more children over six years of age are housed.
- (2) If a camp is used during cold weather, adequate heating equipment must be provided.

Note: All heating, cooking, and water heating equipment must be installed according to state and local ordinances and codes regulating installations.

**WAC 246-359-990 Fees.**

**(1) General fee information.**

- (a) The plan review fee and permit or inspection fees for:
  - (i) Wood framed construction and concrete masonry units will be charged based on square footage and the time required to complete the work, according to Table I, Parts A through C;
  - (ii) The installation of factory assembled structures will be based on Table I, Part D; and
- (b) Each fee must be received before the department will:
  - (i) Conduct plan review of construction or installation documents;
  - (ii) Issue a construction permit; or
  - (iii) Conduct any on-site inspection.

**(2) Plan review fee for construction and installation documents.** The plan review fee is:

- (a) A separate and additional fee from the construction permit fees or inspection fees;
- (b) Based on the initial plan review and assumes all documents required by WAC 246-359-070, application process and WAC 246-359-080, required documents for plan review, have been submitted.

- (c) An additional plan review fee will be charged as stated in Table I, Part E when:
- (i) The documents submitted are incomplete;
  - (ii) Plans previously reviewed and approved have been changed;
  - (iii) The department has determined, by inspection, that the approved plans were not followed during construction.
- (3) **Variance requests.** Written variance requests must be accompanied by a fee as stated in Table I, Part E.
- (4) **Construction permit fee, includes required inspections.** The construction permit fee:
- (a) Is a separate and additional fee from the plan review fee;
  - (b) Includes the required inspections as stated in WAC 246-359-120 (1) through (4);
  - (c) Is based on the time required to conduct an inspection and assumes all of the requirements for application and plan review as required by subsection (2) of this section have been met and the plans are approved.
- (5) **Additional inspections.** When the department determines additional inspections are necessary to determine compliance with this chapter the additional inspection fee will be charged according to Table I, Part F.
- (6) **Investigation inspections.** If the department finds a person has initiated building or work without a permit, a fee will be charged according to Table I, Part F for the time taken to investigate.
- (7) **Special inspections.** When an applicant is building to alternate construction standards and the required inspections in this chapter are not deemed sufficient by the department to determine compliance with this chapter special inspections may be required. The applicant must pay the full cost of the special inspections. The department will notify the applicant what is required and the reasons for requiring a special inspection.
- (8) The department will provide on-site technical assistance at the applicant's request. A fee will be charged according to Table I, Part G.

Table I, Fee Table

Square footage of project review		Construction plan review fee	Construction permit or inspection fee
Part A.	Up to 1000 square feet	\$330	\$550
Part B.	For each additional 100 square feet or fraction	\$ 15	\$ 30

	thereof		
Part C.	Preapproved plans For each additional 100 square feet or fraction thereof	\$ 66  \$ 3	\$550  \$ 30
Part D.	Factory Assembled Structures, for example, manufactured homes, park trailers, modular buildings	\$ 66  \$ 3	\$550  \$ 30
Part E.	Additional plan reviews, conducted after initial approval; and Variance requests	\$47 per hour (two hour minimum)	
Part F.	Additional and investigation inspections	\$47 per hour (two hour minimum)	
Part G.	On-site technical assistance visits	\$47 per hour (two hour minimum)	

## Chapter 246-361 - Cherry Harvest Camps

### WAC 246-361-001 Cherry Harvest Camps – Purpose and applicability.

- (1) Purpose. This chapter is adopted by the Washington state department of health to implement the provisions of chapter 70.114A RCW and establish minimum health and safety requirements for cherry harvest camps.
- (2) Applicability.
  - (a) This chapter applies only to operators of cherry harvest camps using tents during the cherry harvest season. Operators using other housing must refer to WAC 296-307-16100, Part L1, or chapter 246-361 WAC.
  - (b) Operators with ten or more occupants are required to be licensed under this chapter. Operators with nine or less employees are not required to be licensed, but must comply with these standards.

### WAC 246-361-010 Definitions.

For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

- (1) **"Building"** means any structure used or intended for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping and sanitation facilities.
- (2) **"Cherry harvest camp"** or **"camp"** means a place, area, or piece of land where dwelling units or camp sites are provided by an operator during the cherry harvest.
- (3) **"Common food-handling facility"** means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.
- (4) **"Current certificate (first aid)"** means a first-aid-training certificate that has not expired.
- (5) **"Department"** means the Washington state department of health and/or the department of labor and industries.
- (6) **"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.
- (7) **"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.
- (8) **"Dwelling unit"** means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:
  - Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and
  - Physically separated from other sleeping and common-use areas.

**Note:** For the purpose of this chapter, a "tent" is considered a dwelling unit.
- (9) **"First aid qualified"** means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content or hours.
- (10) **"Food-handling facility"** means a designated, enclosed area for preparation of food.

- (11) **"Group A 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) 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 different 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.
- (12) **"Group B water system"** means a public water system: Constructed to serve less than fifteen residential services regardless of the number of people; or constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or any number of people for less than sixty days within a calendar year.
- (13) **"Health officer"** 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.
- (14) **"Livestock"** means horses, cows, pigs, sheep, goats, poultry, etc.
- (15) **"Livestock operation"** 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.
- (16) **"MSPA"** means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).
- (17) **"Occupant"** means a temporary worker or a person who resides with a temporary worker at the camp site.
- (18) **"Operating license"** means a document issued annually by the department of health or contracted health officer authorizing the use of temporary-worker housing.
- (19) **"Operator"** means a person holding legal title to the land on which the 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 camp.
- (20) **"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:
- Built on a single chassis, mounted on wheels;

- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
  - Certified by the manufacturer as complying with ANSI A119.5.
- (21) **"Recreational vehicle"** means a vehicular type unit 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.
- (22) **"Refuse"** means solid wastes, rubbish, or garbage.
- (23) **"Temporary worker"** means an agricultural employee employed intermittently and not residing year-round at the same site.
- (24) **"Tent"** means an enclosure or shelter constructed of fabric or pliable material composed of rigid framework to support tensioned membrane that provides the weather barrier.
- (25) **WISHA** means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

#### **WAC 246-361-020 Technical assistance.**

An operator may request technical assistance from the department of health or the department of labor and industries to assist in compliance with this chapter.

#### **WAC 246-361-025 Operating license.**

A cherry tent camp license is limited to twenty-one days.

The operator:

- (1) Must request a license from the department of health or health officer when:
  - (a) The camp will house ten or more occupants;
  - (b) Compliance with MSPA requires a license; or
  - (c) Construction of camp buildings requires a license under chapter 246-359 WAC, Temporary worker housing construction standard.
- (2) Must apply for an operating license at least forty-five days prior to either the use of the camp or the expiration of an existing operating license by submitting to the department of health or health officer:
  - (a) A completed application on a form provided by the department or health officer;
  - (b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and
  - (c) A fee as specified in WAC 246-361-990.
- (3) May receive a license extension from the department of health for up to seven days when:
  - (a) The operator requests an extension for additional days at least three days before the license expiration date; and
  - (b) The department in consultation with the local health jurisdiction will determine if an extension would serve to protect the public health.
- (4) Will receive an operating license for the maximum number of occupants as determined by

WAC 246-361-030 when:

- (a) The application requirements from subsection (2) of this section are met;
  - (b) The site is in compliance with this chapter as demonstrated by a licensing survey completed by the department; and
  - (c) The operator complies with the corrective action plan established by the department.
- (5) Must post the operating license in a place readily accessible to workers.
- (6) Must notify the department of health in the event of a transfer of ownership.
- (7) Must cooperate with the department during on-site inspections.

**WAC 246-361-030 Maximum camp occupancy.**

The maximum occupancy for a camp will be based on:

- (1) The number of shelters provided; and
- (2) The number of bathing, food handling, handwashing, laundry, and toilet facilities.

**WAC 246-361-035 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.

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 must remain prominently posted on the premises while in effect.

Variance application forms may be obtained, upon request, from the:

Department of Labor and Industries, or the  
P.O. Box 44625,  
Olympia, Washington 98504-4625

Department of Health,  
P.O. Box 47852,  
Olympia, Washington 98504-7852

Requests for variances from safety and health standards must be made in writing to the  
Director or Assistant director,  
Department of Labor and Industries,  
P.O. Box 44625,  
Olympia, Washington 98504-4625.

**WAC 246-361-045 Cherry harvest camp sites.**

The operator must:

- (1) Locate and operate a site to prevent a health or safety hazard that is:
  - (a) Adequately drained and any drainage from and through the camp 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 camp area for sleeping and for food preparation and eating must be at least five hundred feet from where livestock are kept; and
  - (e) Maintained in a clean and sanitary condition.
- (2) Develop and implement a cherry harvest camp management plan and rules for camps with ten or more occupants to assure that the camp is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:
  - (a) Inform residents of the rules, in a language the resident understands, by providing individual copies of the rules to each camp resident or posting the rules in the camp area; and
  - (b) Restrict the number of occupants in the camp to the capacity as determined by the department.
- (3) When closing the camp 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
  - (c) Leave the grounds and buildings in a clean and sanitary condition.

**WAC 246-361-055 Water supply.**

The operator must:

- (1) Provide a water system that is:
  - (a) Approved as a Group A public water system in compliance with chapter 246-290
  - (b) 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 camp receives water from an approved Group A public water system; or
  - (c) 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 livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.

	Avg. daily population of less than 25 people	Avg. daily population 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 your system has 15 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) Ensure that the distribution lines are able to maintain the working pressure of the water piping system at not less than fifteen pounds per square inch after allowing for friction and other pressure losses.
- (4) 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) When water sources are not available in each individual 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.
- (6) When water is unsafe for drinking purposes and accessible to occupants, post a sign by the source reading:

***"Do not drink. Do not use for washing. Do not use for preparing food."***

printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols.

**WAC 246-361-065 Sewage disposal.**

An 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 chapter 246-272 WAC, chapter 173-240 WAC, and local ordinances.

**WAC 246-361-070 Electricity and lighting.**

- (1) General electricity requirements.
  - (a) The operator must supply electricity to all dwelling units, kitchen facilities, bathroom facilities, common areas, and laundry facilities.
  - (b) All electrical wiring, fixtures and electrical equipment must comply with department of labor and industries regulations, chapter 19.28 RCW and local ordinances, and maintained in a safe condition.
- (2) **Electricity requirements in tents.**
  - (a) Each individual tent must have at least one separate floor-type or wall-type convenience outlet. If the operator provides a refrigerator in the tent, a dedicated outlet must be provided for it.
  - (b) All electrical wiring and equipment installed in tents must meet the requirements of WAC 296-46-100.
  - (c) All electrical appliances to be connected to the electrical supply must meet the requirements for the load calculations as required by chapter 19.28 RCW.
  - (d) Electrical wiring exiting the tent to connect to the GFI outside outlet must be placed in approved flexible conduit not to exceed six feet in length.
  - (e) All wiring located inside the tent must be placed in conduit for protection and connected to a surface to secure the wiring to prevent movement. Wiring must be located to prevent tripping or safety hazards.
  - (f) Receptacles and lighting fixtures must be UL Listed and approved by the department for use in the tent.
- (3) **General lighting requirements.**
  - (a) The operator must provide adequate lighting sufficient to carry on normal daily activities in all common use areas.
  - (b) Laundry and toilet rooms and rooms where people congregate must have at least one ceiling-type or wall-type fixture. Where portable toilets are used, lighting requirements can be met by area illumination.
  - (c) The operator must provide adequate lighting for safe passage for camp occupants to handwashing sinks and toilets.
  - (d) The operator must provide adequate lighting for shower rooms during hours of operation.

*Note: Lighting requirements may be met by natural or artificial means.*
- (4) **Lighting requirements in tents.**
  - (a) Tents must have adequate lighting sufficient to carry on all normal daily activities. For example: Three 100-watt bulbs located at the top ridge of the frame and are UL Listed or equivalent.
  - (b) Each tent must have at least one ceiling-type light fixture.
  - (c) Food preparation areas, if located in the tent, must have at least one lighting fixture located to provide task lighting over the food preparation area.
  - (d) Alternate lighting appliances must provide adequate lighting. In addition, if using two or more propane, butane, or white gas lighting appliances, a carbon monoxide monitor must be provided and located not more than 30 inches from the floor.

## **WAC 246-361-075 Tents.**

### **(1) Tents must provide protection from the elements.**

**(2) 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.
- (b) Floors must be smooth, flat, and without breaks or holes to provide a hard, stable walking surface. Nonridged flooring supported by grass, dirt, soil, gravel, etc., are not acceptable. Floors that are constructed of wood or concrete must comply with the building code, chapter 19.27 RCW or temporary worker housing construction standard, chapter 246-359 WAC.
- (c) Floor systems must be designed to prevent the entrance of snakes and rodents.

**(3) 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 utilized in the flame-retardant treatment; and
  - (v) The name of the person and firm that applied the flame-retardant.

**(4) Means of egress.**

- (a) At least one door must lead to the outside of the tent and the area designated for refuge must be accessible and remain clear of storage materials or hazards.
- (b) 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.
- (c) If cooking facilities are provided in tents, the window located opposite the door must have a means to open the window or provide an easily openable space, for example, a zipper which opens downward toward the floor.

**(5) Floor area.**

The operator must:

- (a) If cooking facilities are provided in the tent, provide at least seventy square feet of floor space for one occupant and fifty square feet for each additional occupant; or
- (b) If cooking facilities are not provided in the tent, provide at least fifty square feet of floor space for each occupant in rooms used for sleeping purposes.

**(6) Ceiling height.**

- (a) If the tent has a sloped ceiling, a ceiling height of at least seven feet is required in fifty percent of the total 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 minimum floor area.

**(7) 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 half way or more directly to the outside for cross-ventilation and has 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 occupants.

**WAC 246-361-080 Recreation vehicles.**

The operator must ensure that all recreational vehicles and park trailers meet the requirements of chapters 296-150P and 296-150R WAC.

**WAC 246-361-090 Laundry facilities.**

An operator must:

- (1) Provide one laundry tray or tub or one mechanical washing machine for every thirty persons.
- (2) Provide facilities for drying clothes.
- (3) Provide sloped, coved floors of nonslip impervious materials with floor drains.
- (4) Maintain laundry facilities in a clean and sanitary condition.

**WAC 246-361-095 Handwashing and bathing facilities.**

An operator must:

- (1) Provide one handwash sink for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets.
- (2) Provide one showerhead for every ten persons in centralized facilities.
- (3) Provide one "service sink" in each building used for centralized laundry, handwashing, or bathing.
- (4) Provide sloped, covered floors of nonslip impervious materials with floor drains.
- (5) Provide walls that are smooth and nonabsorbent to the height of four feet. If partitions are used, they must be smooth and nonabsorbent to the height of four feet.
- (6) Provide all showers, baths, and shower rooms with floor drains to remove wastewater.
- (7) Provide cleanable, nonabsorbent waste containers.
- (8) Maintain bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily.
- (9) Ensure shower facilities provide privacy from the opposite sex and the public.
- (10) Make showers and bathing facilities available when needed.

**WAC 246-361-100 Toilet facilities.**

**(1) General toilet requirements.**

Operators must provide flush toilets, chemical toilets, or pit privies. The department of health or health officer according to requirements in chapter 246-272 WAC, must approve pit privies. The operator must comply with the following:

- (a) Flush toilets, chemical toilets, and urinals must not be located in any tent.
  - (b) When chemical toilets are provided they must be:
    - (i) Located at least 50 feet from any dwelling unit or food-handling facility;
    - (ii) Maintained by a licensed waste disposal company; and
    - (iii) Comply with local ordinances.
  - (c) When urinals are provided:
    - (i) There must be 1 urinal or 2 linear feet of urinal trough for each 25 men;
    - (ii) The floors and walls surrounding a urinal and extending out at least 15 inches on all sides, must be constructed of materials which will not be adversely affected by moisture;
    - (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 100 feet away from any dwelling unit or food-handling facility; and
    - (ii) Constructed to exclude insects and rodents from the pit.
- (2) **Centralized toilet facilities.** The operator must meet the following requirements when centralized toilet facilities are provided:
- (a) Provide toilet rooms with:
    - (i) One toilet for every 15 persons;
    - (ii) One handwashing sink for every 6 persons;
    - (iii) Either a window of at least 6 square feet opening directly to the outside, or be satisfactorily ventilated; and
    - (iv) All outside openings screened with sixteen-mesh material.
  - (b) Locate toilet rooms so that:
    - (i) Toilets are within 200 feet of the door of each tent; 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.
  - (e) When shared 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 ratios as defined in (a) of this subsection;
    - (ii) Identify each room "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.

### **WAC 246-361-125 Cooking and food-handling facilities.**

The operator must provide enclosed or screened cooking and food-handling facilities for all occupants. Adequate tables and chairs or seating must be provided for camp occupants.

- (1) If the operator provides cooking facilities in tents, the operator must provide:
  - (a) An operable cook stove or hot plate with at least 1 cooking surface for every 4 occupants;
  - (b) A sink with hot and cold running potable water under pressure at each tent site;
  - (c) At least 2 cubic feet of dry food storage space per occupant;
  - (d) Nonabsorbent, easily cleanable food preparation counters situated off the floor;
  - (e) Mechanical refrigeration conveniently located and able to maintain a temperature of 45°F or below, with at least 1 cubic foot of storage space per occupant; and
  - (f) Adequate ventilation for cooking facilities.
- (2) If the operator provides common food-handling facilities, the operator must provide:
  - (a) A room or building, adequate in size, separate from any tent;
  - (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 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 45°F or below, with at least 1 cubic foot 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) The operator must ensure that dining hall facilities comply with chapter 246-215 WAC, Food service.

**WAC 246-361-135 Cots, beds, bedding, and personal storage.**

The operator must provide cots, beds or bunks for each occupant, not to exceed the maximum occupancy approved by the department or health officer.

- (1) Beds or bunks must be furnished with clean mattresses and maintained in a clean and sanitary condition.
- (2) The operator must:
  - (a) Provide sufficient clearance between each cot, bed, or bunk and the floor or provide a commercially available cot, bed, or bunk; and
  - (b) Allow space to separate beds laterally and end to end by at least 36 inches when single beds are used.
- (3) When bunk beds are used the operator must:
  - (a) Allow space to separate beds laterally and end to end by at least 48 inches; and
  - (b) Maintain a minimum space of 27 inches between the upper and lower bunks.
- (4) Locate cots, beds, or bunks at least 30 inches or more from cooking surfaces.
- (5) The use of triple bunk beds is prohibited.
- (6) The operator must provide suitable storage facilities for clothing and personal articles in each tent.

### **WAC 246-361-145 First-aid and safety.**

The operator must:

- (1) Comply with chapters 15.58 and 17.21 RCW, chapter 16-228 WAC, chapter 296-307 WAC Part I and J, and pesticide label instructions when using pesticides in and around the camp.
- (2) Prohibit, in the housing area, the use, storage, and 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 person is readily accessible to administer first-aid at all times.
- (5) Store or remove unused refrigerator units to prevent access by children.

### **WAC 246-361-155 Refuse disposal.**

The operator must:

- (1) Comply with local sanitation codes for removing refuse from camp areas and disposing of refuse.
- (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 single-use containers.
- (4) Keep refuse containers clean.
- (5) Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit.
- (6) Empty refuse containers at least twice each week, and when full

### **WAC 246-361-165 Insect and rodent control.**

The operator must take effective measures to prevent and control insect and rodent infestation.

### **WAC 246-361-175 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 weight loss is a prominent symptom among occupants.
- (3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls.

**WAC 246-361-990 Fees for cherry harvest camps.**

- (1) **License and survey fees.** A cherry camp operator must submit to the department a license fee of twenty-five dollars and an on-site survey fee as specified in Table 990.  
 Note: The on-site survey fee for licensing includes four surveys (one prior to camp being occupied, two while camp is occupied, and one to verify the camp has been closed).
- (2) **Additional survey fees.** An operator will be charged an additional on-site survey fee for any follow-up surveys, when the department determines additional on-site surveys are necessary to confirm compliance with this chapter. The additional survey will be one-half the cost of the on-site survey fee as stated in **Table 990**.
- (3) **Complaint investigation fees.** Operators will be charged for each on-site survey conducted by the department when a complaint investigation results in the complaint being found valid. This fee will be charged according to Table 990 for on-site survey.
- (4) **Water test fees.** An operator will be directly billed for each water sample collected by the department when the operator has not submitted the water tests as required by WAC 246-361-025 and 246-361-055.
- (5) **Refunds.** The license and on-site survey fee may be refunded when the operator submits:
  - (a) A written request to the department; and
  - (b) Provides documentation that the housing was not occupied during the license period.

**TABLE 990 Fee Table for Cherry Harvest Camps**

NUMBER OF UNITS	ON-SITE SURVEY FEE (includes cost of all survey types: Initial, annual, follow-up, complaint)	LICENSE FEE	TOTAL
0 to 9 persons	\$ 45.00	\$25.00	\$70.00
10 to 50 persons	70.00	25.00	95.00
51 to 100 persons	100.00	25.00	125.00
101 to 150 persons	125.00	25.00	150.00
for each additional 50 persons over 150 add \$25	125.00.+ \$25.00 for each 50 persons	25.00	

**Appendix D**  
**Temporary Worker Housing Evaluation**  
**Stakeholder Meetings**

**Meeting Materials**

**Agenda, Minutes, and Handouts for each Meeting**

**September 6, 2012 - Yakima**

**September 27, 2012 - Wenatchee**

**October 18, 2012 - Kennewick**

**November 1, 2012**

# AGENDA

## Temporary Worker Housing

### Workshops

Sept. 6, 2012

WA State Fruit Commission, Yakima

#### **Construction Workshop** – 10 a.m. - Noon

- 10:00 Introductions
  - 10:10 Background and Purpose
  - 10:20 Meeting Goals
    - Evaluate TWH Construction Standards
  - 10:25 Construction Standards Issue Areas/Edit Suggestions
  - 11:45 Next Steps
  - 12:00 Adjourn
- 

#### **Operational Workshop** – 1:30 - 3:30 p.m.

- 1:30 Introductions
- 1:40 Background and Purpose
- 1:50 Meeting Goals
  - Evaluate TWH Regular and Cherry Harvest Rules
- 1:55 Regular and Cherry Rules Issue Areas/Edit Suggestions
- 3:15 Next Steps
- 3:30 Adjourn

## **Minutes**

**September 06, 2012 (Yakima)**

**TWH Evaluation Meetings**

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Signed in/Attendees: Jesse Lane; Mike Gemplar; Marty Miller; Brad Busey; Fabian Naranjo; Rael Paradis; John Harvey; Richard Mumma; Mitch Nickolds; Glenn Sakuma; Fabian Sanchez; Michele Besso; Lola Valazgeli; David Morales; Pedro Serrano; Uriel Iniguez; Kirk Mayer; Scott Dilley; Stan Iwagoshi; Maira Cardenes; Debra Fisher, DOH.

### Subject:

Construction Workgroup – Construction Standards, Construction Program Processes, Construction Fee Structure.

Operational Workgroup – Regular Rules, Operational Program Processes, Operational Fee Structures.

### The Construction meeting:

Everyone introduced themselves. We reviewed the purpose of having the workgroup meetings and reviewed the agenda. The following discussion took place:

#### **TWH Construction Standards**

The general consensus was that the TWH Construction Standards are appropriate with the three exceptions listed below. Although the building codes used by counties have changed, the group saw no reason to alter the TWH Construction Standards. Except for – these standards are dry and complicated and need to be rewritten in ‘plain talk’. ‘Plain talk is a method the state uses to make written materials user friendly and easily understandable. But the actual standards do not need changing other than the following three issues raised by the group:

- Screen doors – The department should find some method for operators to meet the standard that is durable and feasible.
- Fire separation – The standards should include a requirement for fire separation between sleeping rooms and other rooms.
- CO detectors – The standards should include a requirement for CO detectors.

## **TWH Construction Program Processes**

There was agreement that the TWH Construction program is functioning timely and efficiently. The following suggestions were made for the department to:

- Provide a video of cost effective structures and development and improvement methods.
- Make pre-approved plans available to operators.
- Provide a list of FAS manufacturers that have models with MFH approved layouts available to operators.
- Provide the group with budget information for program process assessment.
- Change from calling the final document a Certificate of ‘Occupancy’ to a Certificate of ‘Completion’. Certificate of ‘Occupancy’ is frequently misleading to the operator making them think it’s OK to occupy the housing before/without getting a TWH license.
- ‘Plain Talk’ the standards.
- Make TWH construction materials accessible to local jurisdictions; they can help distribute the information to prospective TWH operators and developers.
- Write up a synopsis of the construction process; i.e. steps 1, 2, 3, for operators and local jurisdictions. Include the timeframe associated with the process.
- Look at what other operators have done for examples and make the information available to operators, including a list of willing operators experienced with the construction process.
- Prioritize handling small projects/TWH projects over other larger project workload (TWH before other projects).

## **TWH Construction Fee Structure**

The group asked if there was a problem with the existing TWH construction fee structure. Program and some members said the structure is complex and confusing. Members suggested looking at some counties’ fee structures for model examples.

The Construction meeting was adjourned.

## **The Operational meeting:**

We reviewed the purpose of having the workgroup meetings and reviewed the agenda. The following discussion took place:

## **TWH Regular and Cherry Harvest Rules**

The group and a write-in identified the following as issues in the rules:

- Self Survey Program - Expand the program so there are levels of participation and incentive; extend the Self Survey Program to Cherry Harvest; replace some inspections with random sampling or rotation surveys.
- Include a requirement for smoke detectors in sleeping quarters and corridors (as in 359).

- Refuse WAC 246-358 and 361-155(5) – research purpose of stand for garbage container and rewrite accordingly.
- Laundry – 1 tub or wash machine to 30 people seems insufficient.
- Require one kitchen sink per cooking center/4-burner stove or 4 people (central) or 1 family (dwelling).
- Kitchen square footage – state a minimum space/square footage.
- Require large grease-traps for kitchens.
- Require dining facilities with sufficient furniture.
- Urinals, if used – remove the requirement for 1 per 25 people, have no ratio requirement.
- Screen doors – find some method for operators to meet the standard that is durable and feasible.
- Because Group B water testing is no longer required by the Drinking Water Rules, the testing requirement needs to be added back in to the TWH Rules.
- Remove the ‘same farm exemption’ note from rule – it doesn’t apply to licensed TWH.
- Drinking Water Rules increased the water pressure required from 15 to 30 pounds per square inch. The TWH rules should make the same change.

### **TWH Operational Program Processes**

We reviewed the program processes from application, inspection, compliance and verification, to issuing a license.

- If reducing inspections, the department needs a way to follow-up on problem housing
  - Need a system to track repeat violations and apply increasing pressure/penalty accordingly, (penalty perhaps in form of follow-up inspections and fees)
  - Use last year’s inspection report to track and determine repeat violations,
  - Categorize the deficiencies,
  - Grade the operator A, B, C, D. A self survey program, B some lower level of self survey, C has work to do, D...under enforcement.
- Need to charge operators for additional inspections and valid complaints.
- Self Survey program – charge for processing the license, but not for inspection.
- Find out if local fire code applies to TWH. If so, reflect in rules.

### **TWH Operational Fee Structures**

Program described that the budget supplement received was to reduce licensing fees and conduct the evaluation. The Suggestions from the group for the fee structures were:

- The department should refund licensing fees retroactively from 7/1/12.
- The department should find \$100,000 in program efficiencies and apply that amount to lower licensing fees.

The Operational meeting was adjourned.

**Next workgroup meetings:**

The next Evaluation workgroup meetings will be held September 27, 2012 in Wenatchee at the Confluence Technology Center at 285 Technology Center Way, Wenatchee. Notification will be sent to everyone on today's sign-in list as well as to our MFH stakeholder distribution list and the MFH Listserv. To sign up for the MFH Listserv, go to <http://listerv.wa.gov> and find MFHousing.

# AGENDA

## Temporary Worker Housing

### Workshops

Sept. 27, 2012

Confluence Technology Center, Wenatchee

#### **Construction Workshop – 10 a.m. - Noon**

- 10:00 Introductions
- 10:10 Background and Purpose
- 10:20 Meeting Goals
- Evaluate TWH Construction Standards
- 10:25 Construction Standards Issue Areas/Edit Suggestions
- 11:45 Next Steps
- 12:00 Adjourn

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#### **Operational Workshop – 1:30 - 3:30 p.m.**

- 1:30 Introductions
- 1:40 Background and Purpose
- 1:50 Meeting Goals
- Evaluate TWH Regular and Cherry Harvest Rules
- 1:55 Regular and Cherry Rules Issue Areas/Edit Suggestions
- 3:15 Next Steps
- 3:30 Adjourn

# Minutes

September 27, 2012 (Wenatchee)

TWH Evaluation Meetings

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**Signed-in and call-in Attendees:** Miguel Barahona and Mitch Nelson, Rent Me Storage; Brian Nelson, Western Ranch Buildings/Rent Me Storage; Steve Shiflett, Steve Shiflett Orchards; Stan Stewart, Stan Stewart Construction; Oliver Rose, McDougall & Sons Inc; Roberta Carr Harden, Carr Harden Orchards; Linda Marsh, Morris West LLC; Lisa Mitchell, Stemilt Ag Services; Kirk Mayer, WA Growers Clearinghouse Assn; Larry Gore, L&I Temporary Worker Housing; Scott Dilley, WA Farm Bureau; Darryl Ehlers, Ehlers Farm; Jorge A. Valenzuela, United Farm Workers; Cole Renfroe, Oroville Housing Authority; Patrick Pleas, Northwest Justice Project; John W Senseney, Senseney Orchards; Stan Iwagoshi, DOH Construction Review Services; Debra Fisher, DOH Migrant Farmworker Housing Program.

Subject:

Construction Workgroup – Construction Standards, Construction Program Processes, Construction Fee Structure.

Operational Workgroup – Regular Rules, Operational Program Processes, Operational Fee Structures.

**The Construction meeting:**

Everyone introduced themselves. We reviewed the purpose of having the workgroup meetings and reviewed the agenda. The following discussion took place:

**TWH Construction Standards**

The general consensus was that the TWH Construction Standards are appropriate with few exceptions:

- Rewrite the rules in ‘plain talk’ or review and possibly adopt the Evergreen Standards. ‘Plain talk is a method the state uses to make written materials user friendly and more easily understandable. The Evergreen Standards are an example of standards written clearly.
- Reorder the standards to be in order of the actual construction process.
- Screen doors – will the department accept screen flaps to meet the standard? Would like to see some workable alternative or solution to the easily damaged screen door.
  - If air conditioned or screened openable windows, allow a self closing door instead of a screen door.
- No need to add fire separation requirements in TWH rules. Although it may be required with alternative construction standards in situations like a two-story dormitory style facility.
- Refuse WAC 246-358 and 361-155(5) – research purpose of stand for garbage container and rewrite accordingly. Check with OSHA if alternative is acceptable. Write according to the desired outcome; i.e. secure refuse container to prevent spillage or fly/rodent entry.

## **TWH Construction Program Processes**

There were few issues with how the TWH Construction program is functioning. The following suggestions and comments were made:

- Have a flowchart for new users of the TWH Construction Standards with timeframes including a range of time needed for review periods.
- Call the final document a Certificate of 'Completion' rather than 'Occupancy'. The term 'Occupancy' is frequently misleading and implies it's OK to occupy the housing before/without getting a TWH license.

## **TWH Construction Fee Structure**

The group said the fee structure is not that complicated - it just needs some clarification and possibly examples. They suggested we explain what costs are included in the fees; for example, site inspection, and staff travel time.

In addition to suggesting we provide the group with budget information for program process and fee assessment, the following suggestions were made:

- Compare the cost of an old development project plan (by Commerce) with the costs of the same project under the Evergreen Standards.
- Compare migrant farmworker housing setup fees across Counties.

The Construction meeting was adjourned.

## **The Operational meeting:**

We had introductions, reviewed the purpose of having the workgroup meetings, and reviewed the agenda. The following discussion took place:

### **TWH Regular and Cherry Harvest Rules**

The group identified the following as issues in the rules:

- The worksite field regulations require operators to mark potable water supplies. To be consistent and because we'd rather know the water is safe, the TWH regulations should also require potable water supplies be marked rather than or in addition to the current TWH requirement to mark non-potable water supplies.
- Self Survey Program - Expand the program so there are levels of participation and incentive; extend the Self Survey Program to Cherry Harvest; replace some inspections with random sampling or rotation surveys.
- Refuse WAC 246-358 and 361-155(5) – research purpose of stand for garbage container and rewrite accordingly. Check with OSHA if alternative is acceptable. Write according to the desired outcome; i.e. secure refuse container to prevent spillage or fly/rodent entry.
- Laundry – 1 tub or wash machine to 30 people seems insufficient.
- Screen doors – Address rodent or bug issues separate of the screen door requirement. Instead of the door requirement, have a prevention requirement, offer simple guidelines with self-closing screen door as example.

- Look into other states and OSHA clothes washing requirements and check OSHA flexibility - the one tub or machine to 30 occupants requirement has been found to be too little at times.
- Look into the RV ceiling height requirement for employer and employee owned RVs.
- Look into handwash sink ratio, currently 1 to 6 occupants in TWH rules. That seems excessive, 1 - 10 like showers may be better. Check with OSHA for 1 - 6 rationale and possible flexibility.
- As part of safety and security, occupants need ability to contact emergency services when needed. That could be that the security, manager, or first aid person is accessible and they have a functioning phone, or the occupants' phones function (if no signal there would need to find means of getting signal). Assess/what would this mean – technology and feasibility?

### **TWH Operational Program Processes**

We reviewed the program processes and the group made the following efficiency recommendations:

- Eliminate the cherry close inspection and instead rely on the word of the Growers League that tents have been removed. Or use a roving/random close inspection process.
- Eliminate one cherry occupancy inspection - tent camps have been running well.
- Extend the Self Survey program to cherry harvest camp operations.
- Show online the number of beds approved for licensed sites.

### **TWH Operational Fee Structures**

Program explained the current fee calculation method – maximum occupancy is based on facilities including the number of beds provided. The operator lets us know the number of occupants they expect to have, they pay accordingly for the license, and our inspectors verify with a count of the beds available/occupants. If the operator later finds they have or need more people, they would notify us and pay the difference in license fees. There were no objections to this method.

The group asked for detailed budget information to assess the costs of various program activities. Program expects to have budget information to everyone before the next meeting.

The Operational meeting was adjourned.

### **Next workgroup meetings:**

October 18, 2012 in Kennewick at the IBEW Office, 2637 West Albany Street, Kennewick  
November 1, 2012 in Lacey at the WA Farm Bureau, 975 Carpenter Road NE, Lacey

# AGENDA

## Temporary Worker Housing Evaluation Workshops

October 18, 2012

IBEW Office, Kennewick

### Construction Workshop – 10 a.m. - Noon

- 10:00 Introductions
- 10:10 Background, Status, and Meeting Goals
- 10:20 Evaluate Construction Standards/Rules (Issue Areas/Edit Suggestions)
- 10:45 Program Process
- 11:40 Fee Schedule
- 12:00 Adjourn

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### Operational Workshop – 1:30 - 3:30 p.m.

- 1:30 Introductions
- 1:40 Background, Status, and Meeting Goals
- 1:50 Evaluate TWH Regular and Cherry Harvest Rules (Issue Areas/Edit Suggestions)
- 2:20 Program Process
- 2:40 Budget Status
- 3:15 Fee Schedule
- 3:30 Adjourn

## Minutes

October 18, 2012 (Kennewick)

TWH Evaluation Meetings

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**Signed-in and call-in Attendees:** Jim Colbert, Chelan Fruit; Carmen Bernal and Teresa Hernandez, Mano a Mano Seasonal Housing; Corwyn Fischer, WA Farm Bureau; Jesse Lane, WA Growers League; Brad Busey, Valley Manufactured Housing; Fabian Naranjo, Department of Employment Security; Uriel Iniguez, Commission on Hispanic Affairs; John Harvey, L&I Factory Assembled Structures; Larry Gore, L&I Temporary Worker Housing; Stan Iwagoshi, DOH Construction Review Services; Shannon Walker, DOH Investigation & Inspection; Debra Fisher, DOH Migrant Farmworker Housing Program.

### Subject:

Construction Workgroup – Construction Standards, Construction Program Processes, Construction Fee Structure.

Operational Workgroup – Regular Rules, Operational Program Processes, Operational Fee Structures.

### **The Construction meeting:**

Everyone introduced themselves. We reviewed the purpose of having the workgroup meetings and reviewed the agenda. The following discussions took place:

#### **TWH Construction Standards**

The general consensus was that the TWH Construction Standards are appropriate. The group had the following comments on the items listed in the Accumulation of Issues document:

- No need for the Evergreen Standards:
  - The TWH Construction Standards are fine.
  - Maybe ‘plain talk’ the rules, but not necessary.
- Screen doors – If the unit is air conditioned or has screened openable windows, allow a self closing door instead of requiring a screen door.
- No need to add fire separation requirements in the TWH rules.
- CO detectors – add the requirement for whenever using combustible fueled appliances.
- Refuse WAC 246-358 and 361-155(5) – the requirement for a stand for the garbage container is to have a cleanable surface:
  - Only require the garbage stand for the garbage container(s) at the central garbage collection/pickup area.

## **TWH Construction Program Processes**

There were few issues with how the TWH Construction program is functioning. The following comments on the items listed in the Accumulation of Issues document were made: Improve and share program information:

- Have experienced growers spread program process information. Share their information on our website.
- Provide chart/procedure manual with timeframes. (use L&I site as example)
- Provide list of resources for preapproved plans.
- Make materials available to local jurisdictions – process, contacts, interpretations.
- Provide a fee calculator on our website.
- List FAS and manufactured homes manufacturers' and other developers' resources.
- Can/should the County help expedite the permit and approval process?
- Possibilities to prioritize TWH Construction Projects – This is already being done.
- Important – call the final certificate a Certificate of 'Completion'. Certificate of 'Occupancy' is frequently misunderstood and implies it's OK to occupy before they are TWH licensed.
- Application – collect minimal information to create file, and collect additional information later.

## **TWH Construction Budget**

The group suggested that the TWH Construction activities be tracked separately from CRS other activities to be able to see and assess the TWH construction budget.

## **TWH Construction Fee Structure**

The group said:

- The fee structure works the way it is.
- There's no need for the state to compare costs with Counties or other systems:
  - Evergreen Standards are used just when state \$ are being used.
  - Individuals can do cost comparison with their own project estimates.

The Construction meeting was adjourned.

## **The Operational meeting:**

We had introductions, reviewed the purpose of having the workgroup meetings, and reviewed the agenda.

## **TWH Regular and Cherry Harvest Rules**

We reviewed the Accumulation of Issues paper Operational Rules section and the group made the following recommendations:

- Self Survey Program:
  - Expand the program with levels for participation.
  - Extend the Self Survey Program to the Cherry Harvest.
  - Do not extend the Self Survey program to cherry harvest camp operations.
- Routine cherry camp inspections:
  - Conduct two routine cherry camp inspections instead of four.
  - Do not reduce routine cherry inspections – we need more strict oversight of cherry camps – they are more volatile situations and can deteriorate fast.
- Require smoke detectors in regular housing (stick built/not tent).
- CO detectors – add the requirement for whenever using combustible fueled appliances.
- Refuse WAC 246-358 and 361-155(5) – require the garbage stand only for the container(s) at the central garbage collection/pickup area.
- Laundry – Consider what the barriers are for use; i.e. cost, location, time, knowledge. Keep the current minimum standard. Use case by case basis. Monitor for future recommendation.
- Kitchen sinks – keep current common area rule; research use to find appropriate ratio.
- Kitchen space – seems to work itself out.
- Grease traps – defer to County as septic issue.
- Dining area:
  - Require common dining areas be clean and cleanable; the operator is responsible.
  - The amount of space may work itself out.

### **TWH Operational Program Processes**

We reviewed the Accumulation of Issues paper program processes and the group made the following recommendations:

- Eliminate the cherry close inspection and instead rely on the word of the Growers League that tents have been removed.
- Eliminate one cherry occupancy inspection unless there were problems on the previous inspection.
- Do not extend the Self Survey program to cherry harvest camp operations.

### **TWH Operational Budget**

When reviewing the budget information, the group expressed concern about what the current program provides.

- It is important that the department track applicants, renewals, and non-renewals in the licensing process;
  - Somehow follow-up with unsuccessful applicants with a letter or more.
- It is important that the department have fining capability for unlicensed activity, including those that applied, renewed, or were suppose to renew.
  - Look at L&I regulations for fining authority language and process.

- Get authority to investigate; there has to be something/consequences for not licensing.
- Need to have a consultation arm – high priority – get someone on board.
- Thorough investigation with appropriate enforcement response.
- DOH as sole/lead with TWH.
- Categorize deficiencies
  - Regular – bad – pay
  - Self survey – basic fee
  - If can't qualify – maybe fee should increase

### **TWH Operational Fee Structures**

We reviewed the Accumulation of Issues paper fee structures and the group made the following recommendations:

- Hold the operator accountable for their additional inspections:
  - Have follow-up inspection fees.
  - Have complaint investigation fees for validated complaints.
- Basing the fee on headcount is unfair.
- We should consider the amount of time it takes to inspect the site:
  - Good conditions take less time, should be a lower fee.
- There should be a baseline license fee:
  - Add some fee per inspection.

The group suggested that we take the whole day November 1<sup>st</sup> for the Operational meeting, focusing on fee structure and budget.

The Operational meeting was adjourned.

### **Next workgroup meeting:**

November 1, 2012 in Lacey at the WA Farm Bureau, 975 Carpenter Road NE, Lacey

**Note:** We will not have a Construction meeting on November 1. Instead, the Operational meeting will start at 10:00 a.m. through 3:30 p.m. The day/Operational meeting will be focused on the budget, program processes, and fee structure topics.

Those who wish to attend by conference call may do so by calling 877-351-4402 and when prompted, enter the code 9500688# The Operational meeting will start at 10:00 a.m. The phone will be down during lunch, noon until 1:30 p.m. Call again after 1:30 to continue the Operational meeting conference call (same number and code).

# AGENDA

## Temporary Worker Housing

### Evaluation Workshop

November 1, 2012

WA State Farm Bureau, Lacey

#### **Operational Workshop – 10 a.m. – 3:30 p.m.**

- 10:00 Introductions
- 10:10 Background, Meeting Goals, and Minutes
- 10:20 Program Budget and Processes
  - Current Budget
  - Current Program Processes
  - Budget at \$9 Fee
  - Program Processes at \$9 Fee
- 11:10 Budget and Processes Discussion/Suggestions
- 12:00 – 1:30 Lunch Break (on your own)
- 1:30 Fee Structure
  - Structure Options and Suggestions
  - Discussion
- 3:10 Overview
  - Next Steps
- 3:30 Adjourn

# Minutes:

**November 1, 2012 (Lacey)**

**TWH Evaluation Meetings**

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**Signed-in and call-in Attendees:** Darryl Ehlers, Ehlers Farm; Dan Ford, Columbia Legal Services; Jesse Lane, WA Growers League; Mike Gempler, WA Growers League; Uriel Iniguez, Commission on Hispanic Affairs; Kirk Mayer, WA Growers Clearinghouse; Marty Miller, Office of Rural and Farmworker Housing; Scott Dilley, WA Farm Bureau; David Manterola, WA Farm Bureau; Stan Iwagoshi, DOH Construction Review Services; Shannon Walker, DOH Investigation & Inspection; Byron Plan, DOH Investigation & Inspection; Andy Fernando, DOH Rules & Legislation; Bart Eggen, DOH Facilities; Debra Fisher, DOH Migrant Farmworker Housing Program.

Subject:

Operational Workgroup – Operational Program Processes, Budget, and Fee Structures.

**The Operational Meeting:**

We did introductions, reviewed the purpose of the workgroup meetings, mentioned that a report to the legislature will be the outcome, and reviewed the agenda. There were no comments on the 10/18/12 meeting minutes. There was a request that all of the meetings' minutes be sent out again.

Mike Gempler went on record stating that conducting the TWH evaluation meetings to include the rules and program processes is outside of the intent of the legislature, and that funding these meetings from the supplemental budget is a miss use of funds.

**General**

The workgroup felt it is important that the Migrant Farmworker Housing (MFH) Program staff be competent and trained. They want program to be mindful to provide timely licensing, timely inspection, and timely working with grower/operators' construction timeframes. And they want growers to be more accountable to independently gain compliance.

**TWH Operational Program Processes**

We reviewed the different processes within the program; i.e. consultation, licensing, inspection, and investigation/enforcement. We looked at what was working and what wasn't working well of current program processes; at processes and activities that had been cut from the program due to funding cuts; at what is needed to make things function properly in the program; and identified which processes and activities are essential or non-essential to the program. Below are the discussions around each process; and below that is the Essential / Non-Essential summary list.

**Consultation Process**

Some felt that, although beneficial, it is not appropriate for DOH to fund non-construction related consultation with the operational program budget. In-depth non-construction consultation, such as

compliance or licensing, should instead be referred to others such as Commerce, The Growers League, or Office of Rural and Farmworker Housing, or paid with a fee.

The workgroup felt that any light operational consultation should be absorbed by the program manager and existing resources. The group also felt DOH should provide education and materials to others who will be providing the consultation to operators.

It was explained by program that part of DOH's charge is to encourage the growth of TWH. This requires DOH to balance providing assistance and regulation.

### **Licensing Process**

The workgroup felt that it is important that the department track applicants, renewals, and non-renewals in the licensing process and follow-up. There was some difference of opinion with how.

Tracking and Follow-up: Each year, there are operators who are due to renew that either do not submit their renewal, submit their renewal but do not complete their renewal to licensure, or newly apply and do not complete the requirements for licensure. Presumably, the vast majority of these continue to operate their housing unlicensed.

In these cases, the department sends a deficiency letter listing what the operator needs to submit. If the operator does not respond or submit the requirements, there is no further follow-up by the department. This is because the program lacks the resources to follow-up further with the tracking, communication, and potential enforcement necessary.

These non-renewals and unsuccessful applications and renewals are not licensed. Those that were not licensed do not receive a renewal notice the following year. Unless they contact the department to pursue licensing, they will likely continue to operate unlicensed.

The workgroup felt this is a problem that is unacceptable. Some felt there needs to be a second notification, but that follow-up beyond a second notification or into enforcement activity is not appropriate. They suggested DOH refer the operator to USDOL if the operator does not comply after the second notice. Others felt DOH should further pursue licensure even into enforcement.

### **Inspection Process**

#### **Inspection-Both Regular and Cherry**

The group felt that we need two inspections for both cherry and regular harvest facilities - preoccupancy and occupancy inspections. They felt the occupancy inspection is critical to ensure appropriate operation of the camp, address the rules, any overcrowding, and changes in the facilities and equipment provided.

#### **Inspection-Cherry**

The workgroup suggested eliminating the cherry verify-closure inspection and instead rely on the WA Growers League to report when the tents are removed for verification.

The group also suggested eliminating the second cherry occupancy inspection provided that:

- The facility operates for less than 60 days.
- The department does not determine that it needs to conduct a follow-up inspection.

## **Deficiencies**

It was suggested that DOH keep a record of facilities' deficiencies noted during inspections, and track repeat violations. It was also noted that this would take more resources because it is a manual process for collecting and tracking specific deficiency data.

## **Self Survey Program**

It was suggested that DOH categorize or scale the deficiencies for determining qualification levels of the self survey program. It was also suggested that there be different levels to the self survey program and that the top levels have reduced fees. Program explained that it takes resources to administer the self survey program, and revenue is reduced when the fees are reduced for the self survey program.

## **Investigation/Enforcement Process**

The workgroup felt that it is imperative that DOH have the right to close unlicensed bad actors.

The group felt strongly that they do not want unlicensed or illegal TWH activity. They want operations licensed and compliant with the regulations. Unlicensed facilities make everyone look bad, and may be unsafe and unhealthy for migrant farmworkers.

The group felt DOH needs to get the authority / statutory authority to be able to:

- Close facilities that are seriously out of compliance. (recommend looking at the TA and L&I authorizing regulations.)
- Issue appropriate unlicensed fines.
- Investigate TWH - unlicensed TWH, and when refused entry to TWH. (recommend looking at L&I's authorizing regulations.)
- Leverage compliance from those that are not cooperating (i.e. refuse to license, repeat violations).

It was suggested that DOH needs an intermediate enforcement mechanism.

Some of the group felt that DOH should not pursue investigation/enforcement of sites that were sent a renewal or that applied, but had not completed the license requirements. Some felt DOH should investigate them.

## **TWH Operational Budget**

It was asked: Why were the fees increased? (in 2011 to \$9) Program explained: The increase was to cover reinstating activities that had been cut due to funding cuts to the program since 2008. Also - if the supplemental \$250,000 was ongoing funding, it would be enough to reinstate the activities cut by the funding cuts.

Program reported that the two TWH inspectors are assigned to work in the Transient Accommodations (TA) program at the expense of the TA program for two months each inspector, each year. The group asked that the program budget reflect a reduction of the two inspectors hours – a total of .033 FTE (0.167 each inspector).

It was suggested that pursuit of illegal, unlicensed activity shouldn't be charged to the program; it should be charged from a different source. An idea was to establish an enforcement fund to charge enforcement activities from, funded by fines.

The workgroup want the operator to be held accountable for their additional inspections; specifically:

- Charge a fee for a follow-up inspection.
- Charge a fee for a complaint investigation when a complaint is found to be valid.

### TWH Operational Fee Structures

Program explained that DOH calculates the license fee with maximum occupants based on the fixture ratio where beds are part of the fixtures. For example, if your facility will hold 100 occupants, but you expect you'll only have 50 occupants, remove beds to 50, and note that number on your renewal notice. If you find later that you will have more occupants, notify the department and pay the difference.

The following examples of fee structures were suggested:

Base Fee	+	Inspection Fee
-0-	+	Per occupant / actual occupied beds
Cost of Licensing Process; i.e. \$85	+	Per occupant / actual occupied beds
Cost of Program Administration; i.e. \$200	+	Per occupant / actual occupied beds

The WA Growers League wants to continue work on a workable fee structure following the meeting. They will get workgroup input and continue the discussion via phone and email on fee structure and amount, and submit their fee structure recommendation to DOH soon.

Following are the activities from the above process discussions that the workgroup identified as essential or non-essential. +/- means there were some for and some against:

#### Essential:

Program staff be competent and trained.

Light consultation for program, licensing, and compliance conducted by program.

Charge fees for in-depth program, licensing, and compliance consultation.

Refer in-depth consultation out (WA Growers League, Commerce, Office of Rural & Farmworker Housing).

Provide education/training to external consultants.

Track licensing applications, incomplete renewals, and non-renewals:

- Send second deficiency letter with note re: referral.
- Refer to USDOL.

Conduct pre-occupancy and one occupancy inspection on regular and cherry camps.

Conduct second occupancy on cherry camps when:

- Operates 60 or more days.
- DOH decides it needs to conduct another inspection.

Keep a record of facilities' deficiencies.

Track repeat violations.

Self Survey:

- Categorize deficiencies.
- Establish multiple levels of the program.

+/- Investigate licensed sites with serious or repeat violations.

+/- Investigate unlicensed status of licensing sites that failed to get licensed.

Get the right/ability/statutory authority to:

- Close facilities that are seriously out of compliance. (Look at TA and L&I)
- Issue appropriate unlicensed fines.
- Investigate TWH - unlicensed TWH, and when refused entry to TWH. (Look at L&I)
- Leverage compliance with the uncooperative (i.e. refuse to license, repeat violations).

Reduce budget for inspectors working in two months each in other program (total minus 0.33 FTE).

Establish enforcement fund to charge enforcement activities from, funded by fines.

Charge operators for their additional inspections, follow-up and complaint investigations (valid).

**Non-Essential:**

In-depth consultation for compliance, construction, program, licensing or other.

+/- Pursue to licensing beyond second deficiency notification/ possible enforcement.

Verify-closure cherry camp inspection

Second occupancy cherry camp inspection – provided:

- The camp operates less than 60 days
- DOH does not feel it needs to conduct another inspection

Charge program for enforcement of illegal/unlicensed activities

Charge program for in-depth consultation

The Operational meeting was adjourned.

**Next steps:**

- The WA Growers League will create, share, collect comment, and submit an operational fee structure to DOH.
- DOH will write up the minutes and try to get them out Monday, 11/5/12.
- DOH will draft the TWH evaluation report to the legislature and share the outline and drafts of the report in progress on the DOH MFH Website.

To get to the website, go to [www.doh.wa.gov](http://www.doh.wa.gov), select Topics A-Z, select M, select Migrant Farmworker Housing, select Migrant Farmworker Housing again, look in the Topics or FAQs for the TWH Evaluation Project materials – this will be coming soon.

## Appendix E

### Summary of Stakeholder Input

#### TWH Evaluation

The TWH evaluation stakeholder workgroups met four times during fall 2012 to evaluate the rules, inspection processes, and fee structure. Below is a summary of the suggested changes made by the workshop participants. Comments are organized by the TWH Construction program and TWH Operations (licensing and annual inspection for fixed (regular) TWH facilities and temporary cherry harvest camps).

#### TWH Construction

##### Construction Rules

- ‘Plain talk’:
  - Some stakeholders suggested rewriting the rules in “plain talk.” Others said the rules are understandable now.
  - Some suggested that we review and possibly adopt the “Evergreen Standard” example of clear writing that may be appropriate for TWH
- Screen doors:
  - Rules should allow for operators to meet the standard that is durable and feasible.
  - If the unit is air conditioned or has screened and openable windows, allow a self closing door instead of requiring a screen door.
  - Rules should not require screen doors when central cooling and heating is provided.
- Fire separation:
  - Some said the department should require fire separation between sleeping rooms and other rooms; i.e. kitchens. Others said this was unnecessary.
- Carbon monoxide (CO) detectors – some said to require CO detectors for whenever occupants are using combustible fueled appliances.
- Some suggested changing the refuse/garbage stand requirements to only require the stand for the garbage container(s) at the central garbage collection/pickup area.
- Some suggested reordering the rules to be in the actual order of the construction process.

##### Construction Program Processes

Some Stakeholders suggested that the department:

- Improve and share TWH construction program information:
  - Use grower networks to spread TWH program process information, and share their information on the DOH website.
  - Provide a chart/procedure manual with construction/inspection timeframes. (use the L&I site as example)
  - Provide list of resources for preapproved housing plans.

- Make materials available to local jurisdictions, such as process, contacts, interpretations.
- Provide a list of manufacturers of manufactured homes and other developers.
- Consider whether the department can/should ask counties to help expedite the permit and approval process.
- Consider possibilities to prioritize TWH construction projects (This is already being done).
- Rename the title the final certificate a “Certificate of Completion”. Certificate of ‘Occupancy’ is frequently misunderstood and implies it’s okay to occupy the facility before it is TWH licensed.
- Allow new applicants to submit collect minimal information to in the beginning to create the file, and collect additional information later.

### **TWH Construction Budget**

- Some suggested that the department track the TWH Construction activities separately from other DOH Construction Review Services activities to more clearly show and review the TWH construction budget.

### **Construction Fee Structure**

- Fee structure – suggestions included that the department should:
  - Provide a fee calculator on the DOH website, and examples.
  - Explain all costs included in the fees, including site inspections, DOH staff travel time.
  - Some suggested restructuring/simplifying the fees, although others said the structure is fine the way it is.
- Project costs:
  - Some suggested comparing the old Department of Commerce development project plan with the costs of the same project under the Evergreen Standard, although others said the Evergreen Standard only applies to state-funded projects.
  - Some suggested comparing migrant farmworker housing setup fees across Counties. Other said there is no need for state to compare costs; individuals can do that for their own projects.

### **TWH Operation**

#### **Regular and Cherry Harvest Rules**

Stakeholder suggestions included:

- Self Survey Program –
  - Expand the program with levels of participation.
  - Some wanted to extend the self survey program to the cherry harvest camps. But other said cherry harvest camps need to be inspected on-site, and the need more monitoring than fixed housing.
- Routine cherry camp inspections:

- Some suggested replacing some cherry inspections with random sampling or rotation surveys. Others disagreed, saying that cherry harvest camps need stricter oversight –camps are more volatile situations and conditions can deteriorate fast.
- Some said the department should eliminate the second occupancy inspections unless:
  - The camp operates 60 or more days.
  - DOH decides it needs to conduct another inspection due to conditions or violations in the previous inspections.
- Requiring smoke detectors in “stick built” housing.
- Requiring CO detectors whenever combustible fueled appliances are provided.
- Review the refuse, garbage stand requirements; only require the stand for the garbage containers at the central garbage collection/pickup area.
- Some said the requirement of one tub or machine to 30 occupants has been found to be too little at some sites. But doubling the requirement may be too much. Other stakeholders suggested keeping the current laundry tub or machine minimum standard
- Some suggested revising the current common area kitchen sinks rule research use to find appropriate ratio. Some said we should require one kitchen sink per cooking center or four-burner stove, or every four people, or per family dwelling. However others said increasing kitchen sinks required may limit needed countertop space and increase costs.
- Some wanted a review of minimum space/square footage requirement for kitchens in rule. Other stakeholder counted that enlarging the kitchen space would increase size and costs. They said kitchen space seems to work itself out.
- Some stakeholder said the department should require large grease-traps for kitchens; incorporate in septic system traps. Others said the issue should be deferred to the counties.
- Some stakeholders suggested that the rules should require dining facilities with sufficient furniture/space. Others disagreed, saying the amount of space may work itself out without specific regulation.
- Some felt the hand wash sink requirement of one sink to six occupants (1:6) seems excessive, that the ratio should be 1:10 or more. Others said the department should check OSHA or building code rules for the rational for 1:6, and whether there might be flexibility.
- Some wanted TWH facilities to follow DOH Group B water testing requirements for coliform and nitrate testing.
- Others suggested removing the ‘same farm exemption’ water supply requirement from rule, saying it doesn’t apply to licensed TWH.
- Some suggested changing drinking water pressure requirement from 15 pounds per square inch to 30 pounds per square inch to mirror the change in the Drinking Water Rules. Others said increasing the water pressure requirement for TWH is unnecessary.
- Some said the department should change WAC 246-358-055 (1)(a) and (b) by deleting/adding: “...or provide proof ~~the camp receives water from an approved Group A public water system or provide proof the temporary worker housing receives water from an approved Group A public water system~~ the facility subject to licensing receives potable 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...”

- Several stakeholders said the rules should require that potable water supplies be marked rather than or in addition to marking non-potable water sources. .
- Stakeholder had the same comments on screen doors as in the Construction Rules, that:
  - If the unit is air conditioned or has screened openable windows, allow a self closing door instead of requiring a screen door.
  - Don't require screen doors when central cooling and heating is provided.
- Some said the rules should note when/if local fire codes apply to TWH.
- Some said that telephones should be available to contact emergency services. Ideas offered included phone available: through camp security, manager, or first aid person; through the occupants' cell phones if they function; if no signal on-site and relying on cell phones, there would need to be a means of getting a signal.

### **Operational Program Processes**

Stakeholder suggestions included that the department:

- Establish an arbitration board/process of about four or five people (that includes a grower or growers) to assess the accusation.
- Include farmers and housing operators in the rules, program, and fee processes.
- Several suggested eliminating the cherry camp verify-closure inspection (now done at the end of the season) and instead:
  - Rely on the WA Growers League notification that they have removed the tents, or
  - Use a roving/random verify-closure inspection process.
- Several also suggested eliminating the second Cherry camp occupancy inspection – unless:
  - The camp operates 60 or more days.
  - DOH decides it needs to conduct another inspection.
- Should track operator deficiencies:
  - Need a system to track repeat violations and apply increasing pressure/penalty accordingly, (penalty perhaps in form of follow-up inspections and fees)
  - Categorize deficiencies.
- Some advocated increased inspections for licensed sites with serious or repeat violations. Some stakeholders suggested charging the responsible operator for additional inspections and valid complaints.
- Change the self-survey program by
  - Charging lower license fees for sites on the program, and charging only for inspections conducted.
  - Extending the Self Survey program to cherry harvest camp operations. But some stakeholder disagreed with the idea.
  - Establishing multiple levels of self-survey participation, from full self-survey to full on-site inspection.
- Show the number of beds approved for licensed sites on the website.
- Ensure TWH program staff are competent and trained.
- Some stakeholder though in-depth consultation (technical assistance) should be handled differently by:
  - Charge a consultation fee.

- Referring the consultation request to others, such as the WA Growers League, Commerce, Office of Rural & Farmworker Housing, with training for these groups. But there wasn't consensus on this suggestion.
  - Some said there consultation should be a high priority, possibly separate from the TWH licensing program.
- Some said the department should do more to track applications, renewals, and non-renewals to completion:
  - Send a second deficiency letter with a note re: referral and short deadline.
  - Some wanted DOH to refer the operator to USDOL when the application or renewal deadline is not met, although others said further enforcement should stay with the state.
- Some wanted the department to open investigations on sites that failed to complete the licensing process, but there wasn't a consensus on this issue.
- Several stakeholders said the department needs to look at and possibly enhance its statutory authority to:
  - Close facilities that are seriously out of compliance. (Look at TA and L&I authorizing regulations)
  - Issue appropriate and effective fines.
  - Investigate TWH violations and unlicensed TWH, including when the department is en refused entry to TWH. .
  - Leverage compliance with operators who have repeat violations or who refuse to become licensed.
- Establish an enforcement fund to charge enforcement activities from, funded by fines, or to deposit fines into the TWH fund account.
- Asking the legislature to make DOH the sole agency responsible for TWH.

### **TWH Operational Budget**

Some stakeholders suggestions included that the department :

- Reflect an FTE reduction due to inspectors outside the TWH program during the winter months.
- Establish enforcement fund to charge enforcement activities from, funded by fines, or to deposit fines into the TWH fund account.
- Refund licensing fees retroactively from July 1, 2012 (Note: no TWH licensing fees were collected between July 1, 2012 and when the department decided to waive fees in September 2012). Some wanted fees refunded from previous years.
- Find \$100,000 in program efficiencies and apply that amount to lower licensing fees.

### **Operational Fee Structures**

Stakeholder suggestions included that the department:

- Consider various methods for changing the current way of determining maximum occupancy for calculating the licensing fee, although there was no consensus on what the structure should be:

- For the licensing fee, maximum occupancy is the largest occupancy expected during the licensing year. The operator notes the largest expected occupancy on the renewal card. The occupancy number must be supported by the facility’s fixtures, including the number of beds.
- Operators are charged for the occupancy they noted on their renewal card. This should be verified by the inspection.
- If the operator later finds they have or need more people, they notify us and pay the difference in license fees.
- Consider charging inspection fees based on the amount of time it takes to inspect the site:
- Consider ideas for a baseline license fee, plus some fee per inspection. Some examples discussed included:

Base Fee	+	Inspection Fee
None	+	Per occupant fee based on actual occupied beds
For DOH cost of Licensing Process	+	Per occupant fee based on actual occupied beds
Cost of licensing and TWH program administration	+	Per occupant fee based on actual occupied beds

- Some suggested requiring operators to pay fees, including :
  - Follow-up inspection fees (to check if violations have been addressed).
  - Complaint fees for validated complaints.
- Several stakeholders said fees should be reduced to pre-2011 levels (fees were increased in 2011).