

March 24, 2008

Oregon OSHA - Adopted Changes To Agricultural Labor Housing (ALH)

After meeting with stakeholders, negotiations with Federal OSHA, and giving consideration to comments received at hearings, Oregon OSHA adopts these changes to OAR 437-004-1120, Agricultural Labor Housing (ALH) and Related Facilities, in Division 4/J, Agriculture/Work Environment, to make our rules “as effective” as those of Federal OSHA.

The major changes are:

Beginning on January 1, 2018, the rule will require all agricultural labor housing, where workers cook, live and sleep in the same area, to provide 100 square feet per occupant. Square footage requirements for sleep-only areas will not change.

For units built after April 3, 1980, at least one-half the required floor space in each living area must have a minimum ceiling height of 7 feet. Floor space with a ceiling height less than 5 feet does not count toward the minimum required floor space.

Beginning on January 1, 2018, only areas with a 7 foot ceiling height will count toward the required square footage of any living or sleeping area.

Ratios of sinks and showers will change starting on April 1, 2009. The rules on laundries and window requirements will also change on April 1, 2009.

Delayed effective dates are to give operators time to secure needed permits from local authorities and to arrange financing for projects that require major work.

Oregon OSHA removed references to tents. Tents are acceptable labor housing when they meet all the criteria in the rule, just like any other style housing.

The rule now requires heat be available in all ALH without regard to the time of year.

The rule now requires 'livestock operations' be at least 500 feet from all ALH unless the employees in the housing are employed to tend or otherwise work with the animals. This does not apply to animals owned by the housing occupants.

OAR 437-002-0142 Temporary Labor Camps in Division 2/J, General Industry/Environmental Controls, is also amended. The entire text of the rule is removed and new language is added stating that OAR 437-004-1120 applies in General Industry, Construction, and Forest Activities as well as Agriculture, except paragraphs (5), (6)(p), and (24).

This is OR-OSHA Administrative Order 4-2008, **adopted March 24, 2008 and effective May 1, 2008**.

Please visit OR-OSHA's web site: www.orosha.org for proposed, adopted, and final rules, as well as current publications, training opportunities, and much more.

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Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on March 24, 2008 by the
Date prior to or same as filing date

Department of Consumer & Business Services/Oregon Occupational Safety & Health Division 437
Agency and Division Administrative Rules Chapter Number

Sue Joye 350 Winter Street NE, Salem OR 97301-3882 503-947-7449
Rules Coordinator Address Telephone

to become effective May 1, 2008 as OR-OSHA Administrative Order 4-2008.
Date upon filing or later

Rulemaking Notice was published in the January 2008 *Oregon Bulletin*.**
Month and Year

RULE CAPTION

Adopt changes to Agricultural Labor Housing (ALH).
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

AMEND: OAR 437-002-0142, 437-004-1120

ORS 654.025(2), 656.726(4)
Stat. Auth.

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

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Please visit OR-OSHA's web site at www.orosha.org

/s/ Michael D. Wood
Authorized Signer

Michael D. Wood 3/20/08
Printed name Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.
**The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday. ARC 930-2005