



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

January 8, 2025

[Text of changes](#)

Adopted Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Rulemaking Summary:

Oregon OSHA adopted comprehensive amendments to its Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120, and in the equivalent Division 2 rule, OAR 437-002-0142.

This rulemaking is a result of a multi-year stakeholder engagement process beginning in 2018, when a rulemaking advisory group began meeting to discuss changes to Oregon OSHA's agricultural labor housing rule. The group consisted of growers, employer representatives, agricultural associations, housing operators and worker representatives, as well as agency personnel. The COVID-19 pandemic delayed rulemaking activities, which Oregon OSHA resumed in 2021 and has continued through 2024.

In August 2024, Oregon OSHA appointed a Fiscal Impact Advisory Committee (FIAC) comprised of five growers or their representatives, five worker representatives, and one neutral chairperson. The purpose of the FIAC was to provide a recommendation to Oregon OSHA regarding the fiscal impact of the proposed rule changes.

This rulemaking is part of a comprehensive package of reforms that contain investments and support to improve conditions and better regulate agricultural labor housing.

The adopted rule changes substantially raise the protective standards for indoor and outdoor facilities that operators must include when they provide housing. Alongside these rule changes, Oregon OSHA plans to:

- Provide technical assistance to support the Oregon Department of Agriculture in providing \$5 million in grant funds to registered operators for existing on-farm housing compliance with the rule change. In addition, a commitment to support additional funding for infrastructure improvements once the existing grant funding is exhausted.



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- Develop a new, annual self-certification requirement for employers that includes required statements and mandatory documentation – including photos, videos, or other evidence – of continued compliance for certain rule provisions. This would be pursued through a budget proposal during the 2025 legislative session. If approved, it would complement future enhancements to the registration system by including more detailed information about each location's amenities. If the legislation is approved, Oregon OSHA would conduct a rulemaking to add the self-certification requirement to its registration process.
- Establish a new seasonal ALH surveyor program to increase Oregon OSHA's ability to evaluate conditions at housing locations. This would be pursued in conjunction with the self-certification program budget proposal. The surveyor program would deploy seven seasonal surveyors across the state to evaluate site conditions, attempt to gain compliance when noncompliant conditions are identified, and refer sites to Oregon OSHA's enforcement program if needed. Other staff will support the program's work, including the recertification process, training, and the expected increase in ALH enforcement inspections. A rulemaking would also be conducted to implement this program.
- Increase interagency coordination regarding issues affecting agricultural workers.

On September 5, 2024, Oregon OSHA filed a notice of proposed rulemaking with the Oregon Secretary of State. Five public hearings were held to receive comments on the proposed rule changes. The hearings were held on the following dates: October 17, 2024 (two hearings this day), October 18, 2024 (Spanish), October 21, 2024 (Spanish), and October 25, 2024.

Oregon OSHA sought input during a public comment period which closed November 3, 2024. During the public comment period on the proposed rule, the Division received approximately 264 written comments. Oregon OSHA considered all comments received; a summary of the agency's response to those comments can be found on the Comments and Agency Decisions webpage, under agricultural labor housing, at: <https://osha.oregon.gov/rules/making/Pages/comments-and-decisions.aspx>.

At the end of the comment period and with subsequent consideration, Oregon OSHA adopted most amendments as proposed. Based on the comments received, the Division did extend many of the effective dates to allow for more time for compliance and clarified rule language. Major differences between the proposed and the final adopted rule include:

- The registration exemption for housing operations that do not produce farm crops will sunset December 31, 2025.
- Additional water testing is not required until January 1, 2026.
- Extends the effective date for labor housing located near livestock operations; adds carveout when specific criteria are met.
- Clarifies electrical receptacle (outlet) requirements; power strips are allowed in accordance with Oregon OSHA requirements.
- Maintains requirement of 15 psi at the outlet end of all water lines, instead of increasing it to 20 psi as proposed.

- Reduces lockable storage requirements from 21 cubic feet to 15 cubic feet.
- Provides an exception to the sleeping room requirement of 50 square feet where there are double bunk beds and the sleeping room is occupied by only a family with children who are all 17 years of age and younger, in which case, it is permissible to provide at least 40 square feet per occupant.
- Removes Appendix A Disease Reporting Requirements (Mandatory) with references to Oregon Health Authority rules and replaces it with simplified disease reporting requirements.

Overall, this rulemaking adopts significant changes to OAR 437-004-1120 as highlighted below. The adopted rule amendments clarify, modernize, and refine language in the rule, including a number of updates to rule references, such as Oregon Health Authority drinking water rules. Unless otherwise stated in the rule, adopted amendments are effective March 31, 2025.

Housing Registration

- Beginning January 1, 2026, housing operators who do not produce farm crops are no longer exempt from the registration process.
- Beginning January 1, 2026, a requirement is added to the registration process to submit water testing results to Oregon OSHA with the annual registration application.

Site Requirements

- Beginning January 1, 2028, housing within 500' of livestock is not permitted unless certain circumstances are met.
- Beginning January 1, 2027, occupants must be provided access to one electrical receptacle (outlet) per occupant in sleeping rooms.
- Beginning January 1, 2026, ensure that road forks and driveways are properly marked and that each building and housing unit is properly marked.

Water

- Beginning, January 1, 2026, water testing must include at least one test for arsenic and annual testing for nitrates and coliform bacteria is required.
- Beginning January 1, 2026, water testing results must be posted in the housing using the worker's language or by use of a pictogram.

Bathing Facilities

- Beginning January 1, 2028, private changing rooms must be provided for the shower area.
- Beginning January 1, 2028, locking shower stalls must be provided.

Handwashing Facilities

- Beginning January 1, 2028, kitchen sinks no longer count toward the handwashing ratio.

Toilets

- Beginning January 1, 2026, the use of an outhouse or pit toilet or privy does not fulfill the ratio of toilet facilities.
- Beginning January 1, 2027, the toilet ratio changes from one for every 15 occupants, to one for every ten occupants (of each gender).
- Beginning January 1, 2027, curtains are no longer allowable on toilet stalls, and doors must be provided.

Living Areas

- Beginning January 1, 2027, a clarification is added to not use gas burners in living areas without adequate ventilation.
- Beginning January 1, 2026, the use of cots is no longer allowable.
- Beginning January 1, 2026, mattresses must be a minimum of 4 inches.
- Beginning January 1, 2026, fumigation is no longer an allowable method to clean mattresses.
- Beginning January 1, 2026, a safe method to access upper bunks is required.
- Beginning January 1, 2026, provide 15 cubic feet per occupant or family unit of storage space, some portion of this space must be lockable.
- Beginning January 1, 2028, provide 50 square feet of floor space per occupant when double bunks are used. There is an exception allowing families with children ages 17 or younger who are also using double bunk beds to provide 40 square feet per occupant.

Fire and carbon monoxide protection

- Beginning January 1, 2026, provide a carbon monoxide detector in accordance with manufacturer's instructions.

Cooking and Eating Facilities

- Beginning January 1, 2028, provide cooking and eating facilities. The requirements for kitchens "when provided" is given an end date of December 31, 2027. If not noted separately, all requirements previously listed under cooking facilities "when provided" have also been moved to the requirement to provide cooking facilities and will become effective January 1, 2028.
- Beginning March 31, 2025, when cooking facilities are already provided, an adequate number of refrigerators must be capable of maintaining temperature of 40 degrees or below. Beginning January 1, 2028, all locations must provide an

adequate number of refrigerators that are capable of 40 degrees Fahrenheit or below.

- Beginning March 31, 2025, when cooking facilities are already provided, adequate food storage must be provided, some of this storage must be protected.
- Beginning January 1, 2028, all locations must provide adequate food storage, some of this storage must be protected.
- Beginning January 1, 2028, kitchen sinks no longer count towards the handwashing ratio requirement.

Disease Reporting

- Beginning March 31, 2025, the references to Oregon Health Authority’s rules are removed; language is added clarifying when housing operators must report illness.

Heat Illness Prevention

- Until December 31, 2026, the requirements for cooling areas, minimizing heat in housing, sleeping room temperatures, under subsections (23)(a), (23)(b), (23)(c), and (23)(d) remain in place.
- Beginning January 1, 2027, rooms where people sleep must be capable to maintain an indoor temperature of 78 degrees Fahrenheit or less. When the outdoor heat index is at or above 95 degrees Fahrenheit, the rooms where people sleep must be at least 15-degree Fahrenheit lower than the outdoor heat index.

In this rulemaking, the Division also amends references in OAR 437-002-0142 to align with the adopted changes in OAR 437-004-1120. In addition, the title of OAR 437-002-0142 is changed to “Labor Housing” to align with Division 4, OAR 437-004-1120’s language that eliminates the use of the word “camp”. This Division 2 general industry rule applies the 437-004-1120 rule to labor housing situations in general industry, construction, and forest activities.

This is Oregon OSHA Administrative Order 1-2025, adopted January 8, 2025, and effective March 31, 2025.

Oregon OSHA contact: Sarah Rew, Salem Central Office @ 503-378-3272, or email at sarah.c.rew@dcbs.oregon.gov.

Please visit our website osha.oregon.gov/rules to view our adopted rules, or select other rule activity from this page.

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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 January 8, 2025 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

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

to become effective March 31, 2025 as Oregon OSHA Administrative Order 1-2025.
Date upon filing or later

Rulemaking Notice was published in the October 2024 *Oregon Bulletin*. **
Month and Year

RULE CAPTION

Adopted Comprehensive Amendments to Agricultural Labor Housing and Related Facilities
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, ORS 315.164, and ORS 658.705 through 658.850
Stats. Implemented

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INDIVIDUAL RULE SUMMARY (By rule number)

Provide a brief summary of the rule (if new adoption), or a brief summary of changes made to the rule (if amending)

437-004-1120

- (1)(a) - Clarifies language by adding the word "employment."
- (1)(c) - Updates rule reference.
- (2)(a) - Clarifies when hotels and motels are exempt.
- (3) - Adds clarifying language to existing provision that occupants cannot be charged for services required by the rule.
- (4)(j) - Two commas were added after the years "1962" and "1976."
- (4)(k) - One comma was added after "1976."
- (4)(m) - Updates rule reference to Oregon Health Authority Drinking Water division.
- (4)(n) - Clarifies language by adding "Chapter" and "Division."
- (4)(o) - Beginning January 1, 2026, outhouses/privy/pit toilets are excluded from counting towards the required ratio of toilet facilities.
- (4)(r) - Clarifies language by adding "or hygiene."
- (4)(t) - Clarifies language by replacing "room" with "facility."
- (5)(a) - Updates reference to subsection(5)(b).
- (5)(a)(A) - "or" added.
- (5)(a)(C) – Adds a December 31, 2025 sunseting date for the exception that housing provided for nonfood crops are not required to register. Adds a new requirement for such sites to register housing beginning January 1, 2026.
- (5)(b) - Clarifies timing of housing registration by adding "or if occupied year-round annually by February 1,".
- (5)(b)(A) - Clarifies timing of occupancy registration, adds the word "calendar." Removes reference to mail.
- (5)(b)(B) - Clarifies language from "substantially in compliance with all applicable safety and health rules" to "free from all hazardous conditions."

- (5)(b)(C) - Clarifies timing of housing registration to be at least 45 calendar days before operation.
- (5)(b)(E) - Adds new requirement to show proof of annual water testing (coliform bacteria and nitrates) as part of the housing registration process with a delayed effective date of January 1, 2026. The initial registration must also include sampling results for arsenic.
- (5)(c)(C) - Clarifies language from "substantially in compliance with all applicable safety and health rules" to "free from all hazardous conditions."
- (5)(e)(B) - Clarifies that worker representatives may file protests on behalf of individuals or group.
- (5)(e)(C) - Adds the word "registration" before "applicant."
- (5)(e)(D) - Adds "ORS" to statute reference numbers to clarify.
- (6)(a) - Removes "substantially" and adds the phrase "nuisance of" to clarify intent of the provision.
- (6)(c) - Clarifies that along with the land, "the structures of the related facilities" must have adequate drainage. It also requires that housing sites be well-drained and free of ground depressions in which water may become a nuisance.
- (6)(d) - Current language is removed and replaced with (e), outlining adjusted.
- (6)(e) - New requirement that all toxic materials used in work activities must be in a locked and secured location at least 30-feet from housing, outlining adjusted.
- (6)(f) - Adds "and related facilities," outlining adjusted.
- (6)(g) - Outlining updated from subsection (h) to (g).
- (6)(h) - Beginning January 1, 2028, eliminates exception that labor housing can be within 500-feet of livestock operations if that is part of their job; adds provision allowing housing when certain provisions are found in same structure, as outlined in (6)(h)(A)-(D); removes note and outlining adjusted.
- (6)(h)(A) – Adds "Required sink(s),"
- (6)(h)(B) – Adds "Required toilet(s),"
- (6)(h)(C) – Adds "Required shower(s),"
- (6)(h)(D) – Adds "Required sleeping area(s), and"
- (6)(h)(E) – Adds "Indoor kitchen(s)."
- (6)(i) - Replaces acronym of ALH with full wording, outlining adjusted.
- (6)(j) - New requirement beginning January 1, 2027, each occupant must be provided access at least one electrical receptacle in each room that is used for sleeping; adds note about duplex receptacles with two outlets; adds note that power strips may be used to meet this requirement.
- (6)(m) - Replaces "rooms" with "facilities"; removes the word "lavatories"; replaces "area" with "areas"; adds "dining halls" with updated punctuation.
- (6)(o) - Adds the words "to common use facilities" to clarify.
- (6)(p) - Adds new requirement beginning January 1, 2026, to ensure road forks and driveways are properly marked, and that each building and unit is properly marked.
- (7)(a) - Updates reference for drinking water standards to Oregon Health Authority.
- (7)(b) - Makes changes and newly requires that except for water that comes from a public water system, the water supply must be tested by an accredited laboratory and the results must be posted.
- (7)(b)(A) - New requirement beginning January 1, 2026 to have an arsenic analysis completed on the water at least once.
- (7)(b)(B) – Adds a December 31, 2025 sunseting date for rule language requiring a "bacteriological analysis" before occupancy; clarifies community water system is a public water system; adds new language beginning January 1, 2026, requiring a "coliform bacteria" analysis at least every 12 months; adds new requirement beginning January 1, 2026, to have a nitrate analysis at least every 12 months.
- (7)(b)(C) – Adds new requirement beginning January 1, 2026 to post the results of the water analysis in the housing in the language of the workers, or, in lieu of translating lab results, post a pictogram that conveys the same information.
- (7)(c) - Clarifies language by replacing "enough" with "ample". Clarifies that requirement to supply 35 gallons of water per day per occupant is in addition to water requirements in other related applicable Oregon OSHA rules.

- (7)(e) - Adds a note to provision (e) to clarify potable water sources.
- (7)(f) - Removes the word "camp."
- (8)(b) - Adds the word "a."
- (9)(a) - "waste water" is changed to "wastewater."
- (9)(b) - Removes language on ratios for showerheads and that requirement is moved to (9)(e)(A).
- (9)(c) - New outlining changing (d) to (c), adds plural from "language" to "language(s)."
- (9)(d) - New requirement beginning January 1, 2028, to provide a private dressing area in or adjacent to bathing facilities that meets the needs of the occupants.
- (9)(e) - New paragraph to introduce additional requirements for bathing facilities.
- (9)(e)(A) - Keeps language that until December 31, 2027, provide at least one shower head with hot and cold water under pressure for every 10 occupants or fraction thereof. Unisex shower rooms are acceptable in the same ratios. They must have working locks and provide privacy.
- (9)(e)(B) - New requirement that beginning January 1, 2028, provide at least one locking shower stall with a shower head with hot and cold water under pressure for every 10 occupants or fraction thereof; adds note if a single shower is located within a lockable room, a locking shower stall is not required.
- (10)(a) - Adds new requirement that beginning January 1, 2028, this handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment.
- (10)(b) - Adds new requirement that paper towels must be provided near the handwashing sinks (single common use towel not permitted) and requires a designated trash receptacle for paper towel disposal.
- (11)(a) - Adds new requirement beginning January 1, 2026, provide laundry machines with plumbed hot and cold water in the combined ratio of 1 for each 30 occupants or each part of 30; or provide laundry tubs or trays with plumbed hot and cold water in the combined ratio of 1 for each 25 occupants or each part of 25.
- (11)(c) - "waste water" is changed to "wastewater."
- (11)(e) - Adds new requirement beginning January 1, 2026, all laundry facilities must provide for separate method for cleaning clothes that are contaminated with chemicals; some examples could include using multiple tubs, trays, or running clothes in separate wash cycles, or sending out the contaminated clothing for commercial laundry.
- (12)(c) - Clarifies the requirement that the walkway to the toilet facilities must have adequate lighting during low hours of light.
- (12)(d) - This provision is reoutlined from (12)(d)(B) to (12)(d), no change in content.
- (12)(e) - New paragraph language introducing new requirements for toilet facility ratios. Previous requirements for cleaning toilet facilities in (12)(e) is moved to (12)(f).
- (12)(e)(A) - Requires that until December 31, 2026, provide at least one toilet for every 15 occupants or fraction thereof for each gender in the labor housing. Toilets must assure privacy. This content was in (12)(d).
- (12)(e)(8) - Adds new requirement that beginning January 1, 2027, provide at least one toilet for every 10 occupants or fraction thereof for each gender in the labor housing, provide no less than two toilets if there are two or more occupants if the toilet facilities are common use; and ensure all toilets provide privacy; adds note that portable or chemical toilets may be used to meet this requirement.
- (12)(e)(C) - This content is the same but re-outlined from (12)(e)(A) to (12)(e)(C).
- (12)(e)(D) - This content is the same but re-outlined from (12)(e)(C) to (12)(e)(D).
- (12)(f) - Clarifies toilet cleaning requirements; the content is re-outlined as it previously was in (12)(e).
- (12)(g) - This content is the same but re-outlined from (12)(f) to (12)(g).
- (12)(h) - The word "rooms" is replaced with "facilities." This subsection is re-outlined from (12)(g) to (12)(h).
- (12)(i) - This content is the same, re-outlined from (12)(h) to (12)(i).
- (12)(j) - This content is the same, re-outlined from (12)(i) to (12)U.

(12)(j)(B) - Adds a December 31, 2026 sunseting date for the use of curtains on toilet compartments; adds new requirement that beginning January 1, 2027, curtains are no longer permissible for privacy, solid doors are required in toilet facilities.

(12)(k) - This content is the same, re-outlined from (12)(j)

(12)(l) - The word "room" is replaced with "facility." This content is the same, re-outlined from (12)(k)

(13)(b) - Adds new requirement that beginning January 1, 2026, privies must be at least 200 feet from any living area or any facility where food is prepared or served.

(13)(e) - New requirement to locate handwashing facilities with water, soap and disposable paper towels adjacent to or a reasonable distance to portable toilets, chemical toilets, or privies; clarifies that portable handwashing facilities are acceptable; new requirement for a garbage bin for paper towels near each handwashing facility.

(16)(a) - Clarifies existing requirement that living areas be "structurally sound."

(16)(c) - There is an existing requirement that operators provide portable heaters, this change requires that the operator notifies occupants of their availability. Changes "ALH" acronym to "housing."

(16)(c)(B) - Grammar correction that adds "of."

(16)(d)(D) - Adds a new requirement that beginning January 1, 2027, do not use gas burners in living areas without adequate ventilation or range hoods vented to outside.

(16)(f) - Adds a December 31, 2025 sunseting date for the provision of cots; beginning January 1, 2026, only beds or bunks are allowed. A note was added that additional storage requirements are addressed in (16)(i).

(16)(f)(A) - Replaces "camp" with "housing," removes the option for pad instead of a mattress.

(16)(f)(B) - New requirement that beginning January 1, 2026, mattresses be at least 4-inches thick; removes language about foam pads.

(16)(f)(C) - Removes "Do not provide uncovered foam pads"; keeps requirement to clean mattress covers before each season's occupancy, previously found in (16)(g)(A), and adds "before each new occupant use;" adds new requirement beginning January 1, 2026, that fumigation is not allowed for cleaning mattresses used by occupant.

(16)(f)(D) - Removes "or pads" as an option.

(16)(f)(F) - Adds new requirement beginning January 1, 2026, that bunks must include a method for safe access to the upper bunk.

(16)(f)(G) - Adds new requirement that an occupant shall not be forced to share a bed.

(16)(f)(H) - New provision that, if requested by the occupants, the housing operator may provide one bed with a mattress for an adult couple in a relationship; this mattress must be at least full size.

(16)(g) - Modifies existing subsection; removes "or pads"; eliminates "camp" adjective; requires that mattresses be fully enclosed in a cleanable cover; removes language mandating the use of fumigation or insecticide use on uncovered mattresses or pads; language about cleaning is deleted and moved to (16)(f)(c).

(16)(h) - Removes "or cots" as an option.

(16)(i) - New content in this subsection, storage used to be addressed in (16)(f). New requirement beginning January 1, 2026, provide at least 15 cubic feet of suitable storage for each occupant or family unit; a portion of this storage must be lockable and capable of securing small personal effects; new outline to (i).

(16)(j) - This content is the same except "built after August 1, 1975" is removed; this content is re-outlined from (16)(i) to (16)(j). The previous content in (16)(j) is deleted as it is no longer an option, "In living areas built before August 1, 1975, where workers cook, live and sleep, provide at least 60 square feet per occupant."

(16)(k) - Adds a December 31, 2027 sunseting date for the provision of 40 square feet of floor space per occupant when double bunks are used; "employee" is changed to "occupant"; "Do not use triple bunks" is moved to (16)(m).

- (16)(l) - Adds new requirement that beginning January 1, 2028, each sleeping room must have at least 50 square feet of floor space per occupant regardless of the use of double bunk beds This is different from previous language that said, "Beginning on January 1, 2018, all agricultural labor housing, where workers cook, live and sleep in the same area, must provide 100 square feet per occupant." Adds provision allowing families with children 17 and under in the same room to provide 40 square feet when using double bunk beds.
- (16)(m) - Moves "Do not use triple bunks" here; previously found in (16)(k).
- (16)(n) - Clarifies that all living and sleeping areas must have a 7-foot ceiling height, this eliminates previous provisions in (16)(m) and (16)(n), that provided different guidance based on the housing date of build.
- (16)(p) - Changes include addition of "air conditioning system" as an option for mechanical ventilation related to openable window space; adds caveat that there must be enough openable window space so as not to limit safe exit from the space during an emergency in accordance with section (17) of this rule.
- (16)(q) - Adds statement, "Products must be used according to the requirements of the label."
- (17) - Adds "and carbon monoxide".
- (17)(b) - The word "camp" is removed from the note.
- (17)(c) - New requirement beginning January 1, 2026 that, "while occupied, where workers sleep must have a working approved carbon monoxide detector installed in accordance with the manufacturer's instructions." (17)(c) previous content moved to (17)(d).
- (17)(d) - Re-outlined, as this content (no change) was in (17)(c) and is now in (17)(d).
- (17)(e) - Re-outlined, as this content (no change) was in (17)(d) and is now in (17)(e).
- (17)(f) - Re-outlined, as this content (no change) was in (17)(e) and is now in (17)(f).
- (17)(g) - Re-outlined, as this content (no change) was in (17)(f) and is now in (17)(g).
- (17)(h) - Re-outlined, as this content (no change) was in (17)(g) and is now in (17)(h).
- (18) - Adds new structure and requirements to section (18); this is a major change as it consolidates all cooking and eating related items, which used to also be (19) Dining halls and equipment (20) Single unit cooking facilities, into one single section (18) and re-titles it from "Common use cooking and eating facilities and equipment" to "Cooking and eating facilities and equipment."
- (18)(a) - Removes "when" and "common use" and adds date, "Until December 31, 2027 and unless stated otherwise by this subsection" to show limited duration of existing requirements. A note was added clarifying that common use facilities are permissible.
- (18)(a)(A) - Removes "A gas or electric refrigerator," and replaces it with an "An adequate number of refrigerators for occupant use that are," lowers colling threshold from 41 to 40 degrees and spells out the word "Fahrenheit."
- (18)(a)(B) - Keeps burner ratio at two for every 10 persons; removes "or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material."
- Note: (18)(a)(C) through (g), all of section (19), and a portion of (20) are removed and consolidates into section (18).
- (18)(a)(C) - Previously this content was outlined as (20)(a)(C), content has not changed.
- (18)(a)(D) - Previously this content was outlined as (20)(a)(D), adds "preparation and storage" after "food."
- (18)(a)(D)(i) - New paragraph, adds "Provide adequate food" storage, "and", "to serve the needs of the occupants. A portion of this space must be protected storage; and"
- (18)(a)(D)(ii) - Previously this content was outlined as (18)(a)(D).
- (18)(a)(E) - Previously this content was found in (18)(a)(E), (19)(a)(E) and (20)(a)(E); content is the same except "place" is replaced with "areas."
- (18)(a)(F) - Previously this content was outlined as (20)(b); changes "A refrigerator" to "refrigerators, "stove" to "the required ratio of stoves", and "plate" to "plates," and clarifies they must always be in working condition. Similar content is repeated in (18)(b)(G).

- (18)(a)(G) - Previously this content was outlined as (20)(c), "and equipment" is added to existing cleaning requirement.
- (18)(a)(H) - Previously this content was outlined as (20)(d), no change to content.
- (18)(a)(I) - Previously this content was outlined as (18)(e) and repeated in (19)(e); adds "In common use kitchens and dining areas"; adds "or the criteria listed in subsection (20)(b) of this rule," and "common use."
- (18)(a)(J) - Previously this content was outlined as (20)(f), no change to content.
- (18)(a)(K) - Previously this content was outlined as (18)(g), no change to content.
- (18)(a)(L) - Previously this content was outlined as (20)(g), the only change is adding "U.S. Food and Drug Administration" to spell out FDA acronym.
- (18)(b) - Consolidates new requirements into one sub-section, "Beginning January 1, 2028, and unless stated otherwise by this subsection, cooking or food preparation facilities or equipment must be provided and have the following," this sub-section introduces new consolidated requirements for cooking and eating facilities in employer-provided housing.
- (18)(b)(A) - Repeats similar provision in (18)(a)(A); previously repeated in (19)(a)(A) and (20)(a)(A); removes "A gas or electric refrigerator," and replaces it with "Adequate number of refrigerators"; lowers refrigerator temperature requirement from 41 to 40 degrees Fahrenheit.
- (18)(b)(B) - Changes requirement for burners to, "A minimum equivalent of two cooking burners for every 8 persons or part thereof, or 2 families, whichever requires the most burners. If a gas or electric hotplate, or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease resistant and fire-resistant material." Keeps note that "labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing."
- (18)(b)(C) - Keeps requirement that, "No liquid petroleum gas (LPG like propane) tanks in use inside. Outside tanks must connect to appliances with lines approved for that purpose."
- (18)(b)(D)(i) and (ii) - Adds food preparation and storage requirements similar to (18)(a)(D)(i) and (18)(a)(D)(ii).
- (18)(b)(E) - Keeps requirement that, "A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping areas." This was previously repeated in (18)(a)(E), and (19)(a)(E), and (20)(a)(E).
- (18)(b)(F) - Adds new requirement that, "Plumbed sinks with hot and cold water and an adequate number of faucets to service the occupants in food preparation areas or within a reasonable distance adjacent to such areas. Plumbed sinks in or adjacent to food preparation areas do not count toward the required ratio for handwashing facilities in section (10) of this rule."
- (18)(b)(G) - Previously outlined as (20)(b); keeps requirement that refrigerators and stoves or hot plates must always be in working condition; adds "required," and "the required ratio of".
- (18)(b)(H) - Keeps requirement to clean the facilities and equipment before each occupancy.
- (18)(b)(I) - Keeps requirement that common use kitchen and dining areas must be separate from all sleeping quarters.
- (18)(b)(J) - Adds "In common use kitchens and dining areas, if the operator becomes aware of or has reason to suspect that anybody preparing, cooking or serving food has a communicable disease or the criteria listed in subsection (20)(b) of this rule, the operator must bar them from the common use cooking facility until the disease is no longer communicable." This content is similar to (18)(a)(I); previously content regarding disease reporting in kitchens was outlined as (18)(e) and (19)(e).
- (18)(b)(K) - Keeps requirement that buildings must have heating capable of keeping the facility at 68 degrees Fahrenheit or more during use, previously in (19)(f).
- (18)(b)(L) - Adds new requirement that cooking facilities must be in buildings or shelters that are enclosed or screened sufficient to prevent infestation by or harborage of animals, insect vectors, or pests and doors, windows, screen walls, and openings, if any, must have screens of 16 mesh or

smaller. This requirement was originally in (19)(h) and now has stronger language about screening requirements.

(18)(b)(M) - Keeps requirement that when operating a dining hall, the facility must also comply with the 2005 edition of the U.S. Food and Drug Administration (FDA) Food Code and associated reference note; this requirement was previously in (19)(g).

(19) - This section was originally outlined as (21) First Aid and is now (19) First Aid, content has not changed only the section number.

(20) - This section was originally outlined as (22) Disease Reporting and is now (20) Disease Reporting. The language referring to Oregon Health Authority's rules and the subsequent notes are removed. The following language is added: "The housing operator must report immediately the following to either the Oregon Health Authority or the local county health authority by telephone, electronic mail (email), online form, or any other method that is equally fast: (a) The name and address of any individual in the housing known to have or suspected of having a communicable disease, or (b) The existence of a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom."

(21) - Outlining updated as previously this section was outlined as (23), no change to content.

(22) - Outlining updated as previously this section was outlined as (24).

(22)(h) - "sub" is added to the word "section ."

(23) - Outlining updated as previously this section was outlined as (25).

(23)(a) - Adds date, "Until December 31, 2026," to show limited duration of existing requirements.

(23)(b) - Adds date, "Until December 31, 2026," to show limited duration of existing requirements.

(23)(c) - Adds new requirement that beginning January 1, 2027, rooms where people sleep must be able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means) whenever the heat index outside the housing units is at or above 80 degrees Fahrenheit but less than 95 degrees Fahrenheit.

(23)(d) - Adds new requirement that beginning January 1, 2027, when the outdoor heat index is at or above 95 degrees Fahrenheit, the rooms where people sleep must be able to be maintained at a temperature at least 15 degrees Fahrenheit lower than the outdoor heat index, also includes a clarifying note.

(23)(e) - Outlining updated as previously this subsection was outlined as (c), no change to content.

(23)(d) - Outlining updated as previously this subsection was outlined as (d), no change to content.

(23)(g) - Outlining updated as previously this subsection was outlined as (e), no change to content.

437-002-0142 – "Camps" is removed from the title and the body and replaced with "Housing". A section reference for 437-004-1120 is updated from (24) to (22). In addition, the word "paragraphs" is removed, and "section" and "subsection" are added accordingly.

Please visit the rules and laws section of our website at osha.oregon.gov/rules and select *adopted rules* in the rule making column to view our adopted rules.


Authorized Signer

Renee Stapleton
Printed Name

1/8/2025
Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

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CHAPTER 437

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION

FILING CAPTION: Adopted Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

EFFECTIVE DATE: 03/31/2025

AGENCY APPROVED DATE: 01/08/2025

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RULES:

437-002-0142, 437-004-1120

AMEND: 437-002-0142

NOTICE FILED DATE: 09/05/2024

RULE SUMMARY: 437-002-0142 – "Camps" is removed from the title and the body and replaced with "Housing". A section reference for 437-004-1120 is updated from (24) to (22). In addition, the word "paragraphs" is removed, and "section" and "subsection" are added accordingly.

CHANGES TO RULE:

437-002-0142

Labor ~~Camps~~ Housing ¶

For temporary labor ~~camps~~ housing operated by employers covered under Divisions 2 (General Industry), 3 (Construction) and 7 (Forest Activities), the following rule applies: Division 4/J, 437-004-1120 (Agricultural Labor Housing and Related Facilities) except ~~paragraphs (5), section (5), subsection (6)(p), and section (24)~~.

Statutory/Other Authority: ORS 654.025(2), 656.726(3-4)

Statutes/Other Implemented: ORS 315.164, 658.750, 658.755, 658.780, 658.785, 658.805, 658.810, 658.825

AMEND: 437-004-1120

NOTICE FILED DATE: 09/05/2024

RULE SUMMARY: 437-004-1120

- (1)(a) - Clarifies language by adding the word "employment."
- (1)(c) - Updates rule reference.
- (2)(a) - Clarifies when hotels and motels are exempt.
- (3) - Adds clarifying language to existing provision that occupants cannot be charged for services required by the rule.
- (4)(j) - Two commas were added after the years "1962" and "1976."
- (4)(k) - One comma was added after "1976."
- (4)(m) - Updates rule reference to Oregon Health Authority Drinking Water division.
- (4)(n) - Clarifies language by adding "Chapter" and "Division."
- (4)(o) - Beginning January 1, 2026, outhouses/privy/pit toilets are excluded from counting towards the required ratio of toilet facilities.
- (4)(r) - Clarifies language by adding "or hygiene."
- (4)(t) - Clarifies language by replacing "room" with "facility."
- (5)(a) - Updates reference to subsection(5)(b).
- (5)(a)(A) - "or" added.
- (5)(a)(C) – Adds a December 31, 2025 sunset date for the exception that housing provided for nonfood crops are not required to register. Adds a new requirement for such sites to register housing beginning January 1, 2026.
- (5)(b) - Clarifies timing of housing registration by adding "or if occupied year-round annually by February 1,".
- (5)(b)(A) - Clarifies timing of occupancy registration, adds the word "calendar." Removes reference to mail.
- (5)(b)(B) - Clarifies language from "substantially in compliance with all applicable safety and health rules" to "free from all hazardous conditions."
- (5)(b)(C) - Clarifies timing of housing registration to be at least 45 calendar days before operation.
- (5)(b)(E) - Adds new requirement to show proof of annual water testing (coliform bacteria and nitrates) as part of the housing registration process with a delayed effective date of January 1, 2026. The initial registration must also include sampling results for arsenic.
- (5)(c)(C) - Clarifies language from "substantially in compliance with all applicable safety and health rules" to "free from all hazardous conditions."
- (5)(e)(B) - Clarifies that worker representatives may file protests on behalf of individuals or group.
- (5)(e)(C) - Adds the word "registration" before "applicant."
- (5)(e)(D) - Adds "ORS" to statute reference numbers to clarify.
- (6)(a) - Removes "substantially" and adds the phrase "nuisance of" to clarify intent of the provision.
- (6)(c) - Clarifies that along with the land, "the structures of the related facilities" must have adequate drainage. It also requires that housing sites be well-drained and free of ground depressions in which water may become a nuisance.
- (6)(d) - Current language is removed and replaced with (e), outlining adjusted.
- (6)(e) - New requirement that all toxic materials used in work activities must be in a locked and secured location at least 30-feet from housing, outlining adjusted.
- (6)(f) - Adds "and related facilities," outlining adjusted.
- (6)(g) - Outlining updated from subsection (h) to (g).
- (6)(h) - Beginning January 1, 2028, eliminates exception that labor housing can be within 500-feet of livestock operations if that is part of their job; adds provision allowing housing when certain provisions are found in same structure, as outlined in (6)(h)(A)-(D); removes note and outlining adjusted.
- (6)(h)(A) – Adds "Required sink(s),"
- (6)(h)(B) – Adds "Required toilet(s),"
- (6)(h)(C) – Adds "Required shower(s),"

- (6)(h)(D) – Adds “Required sleeping area(s), and”
- (6)(h)(E) – Adds “Indoor kitchen(s).”
- (6)(i) - Replaces acronym of ALH with full wording, outlining adjusted.
- (6)(j) - New requirement beginning January 1, 2027, each occupant must be provided access at least one electrical receptacle in each room that is used for sleeping; adds note about duplex receptacles with two outlets; adds note that power strips may be used to meet this requirement.
- (6)(m) - Replaces "rooms" with "facilities"; removes the word "lavatories"; replaces "area" with "areas"; adds "dining halls" with updated punctuation.
- (6)(O) - Adds the words "to common use facilities" to clarify.
- (6)(p) - Adds new requirement beginning January 1, 2026, to ensure road forks and driveways are properly marked, and that each building and unit is properly marked.
- (7)(a) - Updates reference for drinking water standards to Oregon Health Authority.
- (7)(b) - Makes changes and newly requires that except for water that comes from a public water system, the water supply must be tested by an accredited laboratory and the results must be posted.
- (7)(b)(A) - New requirement beginning January 1, 2026 to have an arsenic analysis completed on the water at least once.
- (7)(b)(B) – Adds a December 31, 2025 sunset date for rule language requiring a “bacteriological analysis” before occupancy; clarifies community water system is a public water system; adds new language beginning January 1, 2026, requiring a “coliform bacteria” analysis at least every 12 months; adds new requirement beginning January 1, 2026, to have a nitrate analysis at least every 12 months.
- (7)(b)(C) – Adds new requirement beginning January 1, 2026 to post the results of the water analysis in the housing in the language of the workers, or, in lieu of translating lab results, post a pictogram that conveys the same information.
- (7)(c) - Clarifies language by replacing “enough” with “ample”. Clarifies that requirement to supply 35 gallons of water per day per occupant is in addition to water requirements in other related applicable Oregon OSHA rules.
- (7)(e) -Adds a note to provision (e) to clarify potable water sources.
- (7)(f) - Removes the word "camp."
- (8)(b) - Adds the word "a."
- (9)(a) - "waste water" is changed to "wastewater."
- (9)(b) - Removes language on ratios for showerheads and that requirement is moved to (9)(e)(A).
- (9)(c) - New outlining changing (d) to (c), adds plural from "language" to "language(s)."
- (9)(d) - New requirement beginning January 1, 2028, to provide a private dressing area in or adjacent to bathing facilities that meets the needs of the occupants.
- (9)(e) - New paragraph to introduce additional requirements for bathing facilities.
- (9)(e)(A) - Keeps language that until December 31, 2027, provide at least one shower head with hot and cold water under pressure for every 10 occupants or fraction thereof. Unisex shower rooms are acceptable in the same ratios. They must have working locks and provide privacy.
- (9)(e)(B) - New requirement that beginning January 1, 2028, provide at least one locking shower stall with a shower head with hot and cold water under pressure for every 10 occupants or fraction thereof; adds note if a single shower is located within a lockable room, a locking shower stall is not required.
- (10)(a) - Adds new requirement that beginning January 1, 2028, this handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment.
- (10)(b) - Adds new requirement that paper towels must be provided near the handwashing sinks (single common use towel not permitted) and requires a designated trash receptacle for paper towel disposal.
- (11)(a) - Adds new requirement beginning January 1, 2026, provide laundry machines with plumbed hot and cold water in the combined ratio of 1 for each 30 occupants or each part of 30; or provide laundry tubs or trays with plumbed hot and cold water in the combined ratio of 1 for each 25 occupants or each part of 25.
- (11)(c) - "waste water" is changed to "wastewater."
- (11)(e) - Adds new requirement beginning January 1, 2026, all laundry facilities must provide for separate method for

cleaning clothes that are contaminated with chemicals; some examples could include using multiple tubs, trays, or running clothes in separate wash cycles, or sending out the contaminated clothing for commercial laundry.

(12)(c) - Clarifies the requirement that the walkway to the toilet facilities must have adequate lighting during low hours of light.

(12)(d) - This provision is reoutlined from (12)(d)(B) to (12)(d), no change in content.

(12)(e) - New paragraph language introducing new requirements for toilet facility ratios. Previous requirements for cleaning toilet facilities in (12)(e) is moved to (12)(f).

(12)(e)(A) - Requires that until December 31, 2026, provide at least one toilet for every 15 occupants or fraction thereof for each gender in the labor housing. Toilets must assure privacy. This content was in (12)(d).

(12)(e)(B) - Adds new requirement that beginning January 1, 2027, provide at least one toilet for every 10 occupants or fraction thereof for each gender in the labor housing, provide no less than two toilets if there are two or more occupants if the toilet facilities are common use; and ensure all toilets provide privacy; adds note that portable or chemical toilets may be used to meet this requirement.

(12)(e)(C) - This content is the same but re-outlined from (12)(e)(A) to (12)(e)(C).

(12)(e)(D) - This content is the same but re-outlined from (12)(e)(C) to (12)(e)(D).

(12)(f) - Clarifies toilet cleaning requirements; the content is re-outlined as it previously was in (12)(e).

(12)(g) - This content is the same but re-outlined from (12)(f) to (12)(g).

(12)(h) - The word "rooms" is replaced with "facilities." This subsection is re-outlined from (12)(g) to (12)(h).

(12)(i) - This content is the same, re-outlined from (12)(h) to (12)(i).

(12)(j) - This content is the same, re-outlined from (12)(i) to (12)(j).

(12)(j)(B) - Adds a December 31, 2026 sunset date for the use of curtains on toilet compartments; adds new requirement that beginning January 1, 2027, curtains are no longer permissible for privacy, solid doors are required in toilet facilities.

(12)(k) - This content is the same, re-outlined from (12)(j)

(12)(l) - The word "room" is replaced with "facility." This content is the same, re-outlined from (12)(k)

(13)(b) - Adds new requirement that beginning January 1, 2026, privies must be at least 200 feet from any living area or any facility where food is prepared or served.

(13)(e) – New requirement to locate handwashing facilities with water, soap and disposable paper towels adjacent to or a reasonable distance to portable toilets, chemical toilets, or privies; clarifies that portable handwashing facilities are acceptable; new requirement for a garbage bin for paper towels near each handwashing facility.

(16)(a) - Clarifies existing requirement that living areas be "structurally sound."

(16)(c) - There is an existing requirement that operators provide portable heaters, this change requires that the operator notifies occupants of their availability. Changes "ALH" acronym to "housing."

(16)(c)(B) - Grammar correction that adds "of."

(16)(d)(D) - Adds a new requirement that beginning January 1, 2027, do not use gas burners in living areas without adequate ventilation or range hoods vented to outside.

(16)(f) – Adds a December 31, 2025 sunset date for the provision of cots; beginning January 1, 2026, only beds or bunks are allowed. A note was added that additional storage requirements are addressed in (16)(i).

(16)(f)(A) - Replaces "camp" with "housing," removes the option for pad instead of a mattress.

(16)(f)(B) - New requirement that beginning January 1, 2026, mattresses be at least 4-inches thick; removes language about foam pads.

(16)(f)(C) – Removes "Do not provide uncovered foam pads"; keeps requirement to clean mattress covers before each season's occupancy, previously found in (16)(g)(A), and adds "before each new occupant use;" adds new requirement beginning January 1, 2026, that fumigation is not allowed for cleaning mattresses used by occupant.

(16)(f)(D) - Removes "or pads" as an option.

(16)(f)(F) - Adds new requirement beginning January 1, 2026, that bunks must include a method for safe access to the upper bunk.

- (16)(f)(G) - Adds new requirement that an occupant shall not be forced to share a bed.
- (16)(f)(H) - New provision that, if requested by the occupants, the housing operator may provide one bed with a mattress for an adult couple in a relationship; this mattress must be at least full size.
- (16)(g) - Modifies existing subsection; removes "or pads"; eliminates "camp" adjective; requires that mattresses be fully enclosed in a cleanable cover; removes language mandating the use of fumigation or insecticide use on uncovered mattresses or pads; language about cleaning is deleted and moved to (16)(f)(c).
- (16)(h) - Removes "or cots" as an option.
- (16)(i) - New content in this subsection, storage used to be addressed in (16)(f). New requirement beginning January 1, 2026, provide at least 15 cubic feet of suitable storage for each occupant or family unit; a portion of this storage must be lockable and capable of securing small personal effects; new outline to (i).
- (16)(j) - This content is the same except "built after August 1, 1975" is removed; this content is re-outlined from (16)(i) to (16)(j). The previous content in (16)(j) is deleted as it is no longer an option, "In living areas built before August 1, 1975, where workers cook, live and sleep, provide at least 60 square feet per occupant."
- (16)(k) - Adds a December 31, 2027 sunset date for the provision of 40 square feet of floor space per occupant when double bunks are used; "employee" is changed to "occupant"; "Do not use triple bunks" is moved to (16)(m).
- (16)(l) - Adds new requirement that beginning January 1, 2028, each sleeping room must have at least 50 square feet of floor space per occupant regardless of the use of double bunk beds This is different from previous language that said, "Beginning on January 1, 2018, all agricultural labor housing, where workers cook, live and sleep in the same area, must provide 100 square feet per occupant." Adds provision allowing families with children 17 and under in the same room to provide 40 square feet when using double bunk beds.
- (16)(m) - Moves "Do not use triple bunks" here; previously found in (16)(k).
- (16)(n) - Clarifies that all living and sleeping areas must have a 7-foot ceiling height, this eliminates previous provisions in (16)(m) and (16)(n), that provided different guidance based on the housing date of build.
- (16)(p) - Changes include addition of "air conditioning system" as an option for mechanical ventilation related to openable window space; adds caveat that there must be enough openable window space so as not to limit safe exit from the space during an emergency in accordance with section (17) of this rule.
- (16)(q) - Adds statement, "Products must be used according to the requirements of the label."
- (17) - Adds "and carbon monoxide".
- (17)(b) - The word "camp" is removed from the note.
- (17)(c) - New requirement beginning January 1, 2026 that, "while occupied, where workers sleep must have a working approved carbon monoxide detector installed in accordance with the manufacturer's instructions." (17)(c) previous content moved to (17)(d).
- (17)(d) - Re-outlined, as this content (no change) was in (17)(c) and is now in (17)(d).
- (17)(e) - Re-outlined, as this content (no change) was in (17)(d) and is now in (17)(e).
- (17)(f) - Re-outlined, as this content (no change) was in (17)(e) and is now in (17)(f).
- (17)(g) - Re-outlined, as this content (no change) was in (17)(f) and is now in (17)(g).
- (17)(h) - Re-outlined, as this content (no change) was in (17)(g) and is now in (17)(h).
- (18) - Adds new structure and requirements to section (18); this is a major change as it consolidates all cooking and eating related items, which used to also be (19) Dining halls and equipment (20) Single unit cooking facilities, into one single section (18) and re-titles it from "Common use cooking and eating facilities and equipment" to "Cooking and eating facilities and equipment."
- (18)(a) - Removes "when" and "common use" and adds date, "Until December 31, 2027 and unless stated otherwise by this subsection" to show limited duration of existing requirements. A note was added clarifying that common use facilities are permissible.
- (18)(a)(A) - Removes "A gas or electric refrigerator," and replaces it with an "An adequate number of refrigerators for occupant use that are," lowers colling threshold from 41 to 40 degrees and spells out the word "Fahrenheit."
- (18)(a)(B) - Keeps burner ratio at two for every 10 persons; removes "or wood stove is within 18 inches of a wall, that

wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material."

Note: (18)(a)(C) through (g), all of section (19), and a portion of (20) are removed and consolidates into section (18).

(18)(a)(C) - Previously this content was outlined as (20)(a)(C), content has not changed.

(18)(a)(D) - Previously this content was outlined as (20)(a)(D), adds "preparation and storage" after "food."

(18)(a)(D)(i) - New paragraph, adds "Provide adequate food" storage, "and", "to serve the needs of the occupants. A portion of this space must be protected storage; and"

(18)(a)(D)(ii) - Previously this content was outlined as (18)(a)(D).

(18)(a)(E) - Previously this content was found in (18)(a)(E), (19)(a)(E) and (20)(a)(E); content is the same except "place" is replaced with "areas."

(18)(a)(F) - Previously this content was outlined as (20)(b); changes "A refrigerator" to "refrigerators," "stove" to "the required ratio of stoves", and "plate" to "plates," and clarifies they must always be in working condition. Similar content is repeated in (18)(b)(G).

(18)(a)(G) - Previously this content was outlined as (20)(c), "and equipment" is added to existing cleaning requirement.

(18)(a)(H) - Previously this content was outlined as (20)(d), no change to content.

(18)(a)(I) - Previously this content was outlined as (18)(e) and repeated in (19)(e); adds "In common use kitchens and dining areas"; adds "or the criteria listed in subsection (20)(b) of this rule," and "common use."

(18)(a)(J) - Previously this content was outlined as (20)(f), no change to content.

(18)(a)(K) - Previously this content was outlined as (18)(g), no change to content.

(18)(a)(L) - Previously this content was outlined as (20)(g), the only change is adding "U.S. Food and Drug Administration" to spell out FDA acronym.

(18)(b) - Consolidates new requirements into one sub-section, "Beginning January 1, 2028, and unless stated otherwise by this subsection, cooking or food preparation facilities or equipment must be provided and have the following," this sub-section introduces new consolidated requirements for cooking and eating facilities in employer-provided housing.

(18)(b)(A) - Repeats similar provision in (18)(a)(A); previously repeated in (19)(a)(A) and (20)(a)(A); removes "A gas or electric refrigerator," and replaces it with "Adequate number of refrigerators"; lowers refrigerator temperature requirement from 41 to 40 degrees Fahrenheit.

(18)(b)(B) - Changes requirement for burners to, "A minimum equivalent of two cooking burners for every 8 persons or part thereof, or 2 families, whichever requires the most burners. If a gas or electric hotplate, or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease resistant and fire-resistant material." Keeps note that "labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing."

(18)(b)(C) - Keeps requirement that, "No liquid petroleum gas (LPG like propane) tanks in use inside. Outside tanks must connect to appliances with lines approved for that purpose."

(18)(b)(D)(i) and (ii) - Adds food preparation and storage requirements similar to (18)(a)(D)(i) and (18)(a)(D)(ii).

(18)(b)(E) - Keeps requirement that, "A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping areas." This was previously repeated in (18)(a)(E), and (19)(a)(E), and (20)(a)(E).

(18)(b)(F) - Adds new requirement that, "Plumbed sinks with hot and cold water and an adequate number of faucets to service the occupants in food preparation areas or within a reasonable distance adjacent to such areas. Plumbed sinks in or adjacent to food preparation areas do not count toward the required ratio for handwashing facilities in section (10) of this rule."

(18)(b)(G) - Previously outlined as (20)(b); keeps requirement that refrigerators and stoves or hot plates must always be in working condition; adds "required," and "the required ratio of".

(18)(b)(H) - Keeps requirement to clean the facilities and equipment before each occupancy.

(18)(b)(I) - Keeps requirement that common use kitchen and dining areas must be separate from all sleeping quarters.

(18)(b)(J) - Adds "In common use kitchens and dining areas, if the operator becomes aware of or has reason to suspect that anybody preparing, cooking or serving food has a communicable disease or the criteria listed in subsection (20)(b)

of this rule, the operator must bar them from the common use cooking facility until the disease is no longer communicable." This content is similar to (18)(a)(l); previously content regarding disease reporting in kitchens was outlined as (18)(e) and (19)(e).

(18)(b)(K) - Keeps requirement that buildings must have heating capable of keeping the facility at 68 degrees Fahrenheit or more during use, previously in (19)(f).

(18)(b)(L) - Adds new requirement that cooking facilities must be in buildings or shelters that are enclosed or screened sufficient to prevent infestation by or harborage of animals, insect vectors, or pests and doors, windows, screen walls, and openings, if any, must have screens of 16 mesh or smaller. This requirement was originally in (19)(h) and now has stronger language about screening requirements.

(18)(b)(M) - Keeps requirement that when operating a dining hall, the facility must also comply with the 2005 edition of the U.S. Food and Drug Administration (FDA) Food Code and associated reference note; this requirement was previously in (19)(g).

(19) - This section was originally outlined as (21) First Aid and is now (19) First Aid, content has not changed only the section number.

(20) - This section was originally outlined as (22) Disease Reporting and is now (20) Disease Reporting. The language referring to Oregon Health Authority's rules and the subsequent notes are removed. The following language is added: "The housing operator must report immediately the following to either the Oregon Health Authority or the local county health authority by telephone, electronic mail (email), online form, or any other method that is equally fast: (a) The name and address of any individual in the housing known to have or suspected of having a communicable disease, or (b) The existence of a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom."

(21) - Outlining updated as previously this section was outlined as (23), no change to content.

(22) - Outlining updated as previously this section was outlined as (24).

(22)(h) - "sub" is added to the word "section ."

(23) - Outlining updated as previously this section was outlined as (25).

(23)(a) - Adds date, "Until December 31, 2026," to show limited duration of existing requirements.

(23)(b) - Adds date, "Until December 31, 2026," to show limited duration of existing requirements.

(23)(c) - Adds new requirement that beginning January 1, 2027, rooms where people sleep must be able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means) whenever the heat index outside the housing units is at or above 80 degrees Fahrenheit but less than 95 degrees Fahrenheit.

(23)(d) - Adds new requirement that beginning January 1, 2027, when the outdoor heat index is at or above 95 degrees Fahrenheit, the rooms where people sleep must be able to be maintained at a temperature at least 15 degrees Fahrenheit lower than the outdoor heat index, also includes a clarifying note.

(23)(e) - Outlining updated as previously this subsection was outlined as (c), no change to content.

(23)(d) - Outlining updated as previously this subsection was outlined as (d), no change to content.

(23)(g) - Outlining updated as previously this subsection was outlined as (e), no change to content.

CHANGES TO RULE:

437-004-1120

Agricultural Labor Housing and Related Facilities ¶¶

(1) Application.¶¶

(a) These rules apply to any place, or area of land, where there are living areas, manufactured or prefabricated homes or dwellings or other housing provided by a farmer, farm labor contractor, agricultural employer or other person in connection with the recruitment of workers on an agricultural establishment.¶¶

~~(b) These rules apply to any type of labor housing and related facilities together with the tract of land, established, or to be established, operated or maintained for housing workers with or without families whether or not rent is~~

paid or collected.¶¶

(c) Manufactured dwellings and homes must comply with specifications for construction of sleeping places, unless they comply with ORS 446.155 to 446.185 and OAR 918-500-0020(2) that have the requirements and specifications for sanitation and safety design for manufactured dwellings.¶¶

(d) These rules apply to housing given to, rented, leased to or otherwise provided to employees for use while employed and provided or allowed either by the employer, a representative of the employer or a housing operator.¶¶

(e) These rules, unless otherwise stated, apply to all occupants of the labor housing and facilities.¶¶

(f) These rules apply to all labor housing sites owned, operated, or allowed to operate on property under the jurisdiction of any state or municipal authority.¶¶

(g) Violations relating to the occupants' personal housekeeping practices in facilities that are not common use will not result in citations to the employer.¶¶

(h) For the purposes of OAR 437-004-1120, labor contractors as defined in ORS 658.405 are employers.¶¶

(2) These rules do not apply to:¶¶

(a) hotels or motels that provide similar housing commercially to the public on the same terms as they do to workers.¶¶

(b) accommodations subject to licensing as manufactured dwelling parks, organizational camps, traveler's accommodations or recreation vehicle parks and open to the general public on the same terms.¶¶

(c) manufactured homes or dwellings being moved regularly from place to place because of the work when at parks or camps meant for parking mobile vehicles and open to the general public on the same terms.¶¶

(3) Charging occupants for required services. Operators may not charge for services required by this rule (OAR 437-004-1120). This prohibits pay-per-use toilets, pay-per-use bathing facilities or any other method of paying for individual service requirements.¶¶

(4) Definitions.¶¶

(a) Clean means the absence of soil or dirt or removal of soil or dirt by washing, sweeping, clearing away, or any method appropriate to the material at hand.¶¶

(b) Common use facilities are those for use by occupants of more than one housing unit or by occupants of dormitory-style housing.¶¶

(c) Common use cooking and eating facility is a shared area for occupants to store, prepare, cook, and eat their own food.¶¶

(d) Dining hall is an eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, of the occupants.¶¶

(e) Facility means a living area, drinking water installation, toilet installation, sewage disposal installation, food handling installation, or other installation required for compliance with the labor housing and related facility rules.¶¶

(f) Garbage means food wastes, food packaging materials or any refuse that has been in contact with food stuffs.¶¶

(g) Housing site is a place where there are living areas.¶¶

(h) Livestock operation is any place, establishment or facility with 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 are outside this definition.¶¶

(i) Living area is any room, structure, shelter, tent, manufactured home or dwelling or prefabricated structure, vehicle or other place housing one or more persons.¶¶

(j) Manufactured dwelling is a residential trailer, built before January 1, 1962, for movement on the highway, that has sleeping, cooking and plumbing facilities; or, a mobile home, constructed for movement on the highway, that has sleeping, cooking and plumbing facilities, built between January 1, 1962 and June 15, 1976 and meeting the requirements of Oregon mobile home law in effect at the time of construction.¶¶

(k) Manufactured home is a structure built for movement on the highway that has sleeping, cooking and plumbing facilities and is used as a residence. Built on or after June 15, 1976 to comply with federal manufactured housing standards and regulations in effect at the time of construction. More information on these definitions is in ORS 446.003(26).¶¶

(l) Operator means any person or company that operates labor housing and/or related facilities.¶¶

(m) Potable water is water meeting the bacteriological and other requirements of the Public Health Division of the Oregon Department of Human Services.¶¶

(n) Prefabricated structure means a building or subassembly which has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site; but does not include a manufactured home or dwelling. Prefabricated structures are manufactured in accordance with the Oregon state building code and rules adopted by the Building Codes Division of the Oregon Department of Consumer and Business Services in OAR 918-674.¶¶

- (o) Privy is the same as outhouse or pit toilet but is not the same as portable toilets.¶¶
- (p) Recyclable material means containers that are returnable for refund of a deposit or materials gathered as part of a recycling program.¶¶
- (q) Refuse includes waste materials such as paper, metal, discarded items, as well as debris, litter and trash.¶¶
- (r) Sanitary means free from agents that may be injurious to health.¶¶
- (s) Sewage means the water-carried human and animal wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such ground-water infiltration, surface waters, or industrial wastes as may be present.¶¶
- (t) Toilet room is a room in or on the premises of any labor housing, with toilet facilities for use by employees and occupants of that housing.¶¶
- (5) Housing registration requirements.¶¶
 - (a) ORS 658.750 requires the operator of Agricultural Labor Housing and Related Facilities to register such housing with Oregon OSHA as in (b) below, except the following as defined by ORS 658.705:¶¶
 - (A) Housing occupied solely by members of the same family,¶¶
 - (B) Housing occupied by five or fewer unrelated persons, or¶¶
 - (C) Housing on operations that do not produce or harvest farm crops (Oregon OSHA considers "production of crops" to mean production of farm crops for sale).¶¶
 - (b) Each year, before occupancy, the operator or employer must register agricultural labor housing and related facilities with Oregon OSHA as set out below.¶¶
 - (A) The operator must contact Oregon OSHA at least 45 days before the first day of operation or occupancy of the housing and related facilities. Instructions and additional information will come later by mail.¶¶
 - (B) If the housing and related facilities were not registered in the previous year, the operator must call Oregon OSHA to request a consultation visit to the housing. Oregon OSHA will register housing and related facilities not previously registered only after a pre-occupancy consultation that finds the housing or facility to be substantially in compliance with all applicable safety and health rules.¶¶
 - (C) If there were significant changes in the circumstances of the housing or facilities since the last registration, Oregon OSHA may, at its discretion, refer the employer for a consultation prior to re-registering the housing and facilities.¶¶
 - (D) Once registered, the operator must display the registration certificate provided by Oregon OSHA in a place frequented by employees. The operator must also provide and display a translation of the certificate in the language or languages used to communicate with employees.¶¶
 - (c) The Director of the Department of Consumer and Business Services or designee may revoke a labor housing and related facilities registration if Oregon OSHA determines that any of the following apply:¶¶
 - (A) The application had any negligent or willful material misrepresentation, or false statement.¶¶
 - (B) The conditions under which the registration was accepted no longer exist or have changed.¶¶
 - (C) The housing and related facilities are not substantially in compliance with the applicable safety and health rules.¶¶
 - (d) When Oregon OSHA revokes the registration of agricultural labor housing and related facilities, operators or their agents have 30 days to file a written appeal. On receipt of such appeal, the Director of the Department of Consumer and Business Services will hold a contested case hearing on that appeal under ORS 183.413, et seq.¶¶
 - (e) Any group or individual may protest the proposed registration, continued registration or renewal of any labor housing and related facilities registration under the following conditions:¶¶
 - (A) The signed and dated protest must be submitted in writing and received by the Director before issuance of the registration or renewal.¶¶
 - (B) The protest must include the name, address and phone number of the individual or group filing it.¶¶
 - (C) The protest must clearly identify which housing and related facilities is the subject of the protest, including the exact physical location and name of the applicant.¶¶
 - (D) The protest must clearly state the facts and reasons for the protest. Such facts and reasons must be based on factors that are within the scope of ORS 654, 658.705 through 658.850 and any relevant regulations.¶¶
 - (E) When the above provisions are met, such group or individual may participate in the contested case as a party or limited party under OAR 137-003-0005.¶¶
- (6) Site requirements:¶¶
 - (a) The grounds of labor housing and related facilities must be substantially free from waste water, sewage, garbage, recyclable material, refuse or noxious plants such as poison oak and poison ivy.¶¶
 - (b) During housing occupancy, grass, weeds and brush must be cut back at least 30 feet from buildings.¶¶
 - (c) All housing site land must have adequate drainage. The site must not be subject to flooding when occupied.¶¶
 - (d) Adequately dispose of the waste water and food waste under outside water hydrants.¶¶
 - (e) The operator of labor housing is responsible for the maintenance and operation of the housing and its facilities.¶¶

- (f) Store all toxic materials such as pesticides, fertilizers, paints and solvents in a safe place.¶¶
- (g) Do not leave empty pesticide containers such as drums, bags, cans, or bottles in the housing area.¶¶
- (h) Prevent or control the breeding of mosquitoes, flies, and rodents in the immediate housing area and within 200 feet of any labor housing and related facilities owned or under lawful control or supervision of the operator.¶¶
- (i) Do not locate labor housing within 500 feet of livestock operations unless the employees in the housing are employed to tend or otherwise work with the animals.¶¶

Note: This does not apply to animals owned by the housing occupants.¶¶

- (j) Provide electricity to all housing units and related facilities. Subdivision 4/S, Electricity applies to ALH.¶¶
- (k) Extension cords or plug strips must have circuit breaker or fuse protection either as part of the set or part of the building wiring.¶¶
- (l) Facilities built or remodeled before December 15, 1989, must have a ceiling or wall-type electric light fixture in working order and at least one wall-type electrical outlet in every living area. Facilities built or remodeled after that date must comply with the code in effect at the time of construction or remodeling.¶¶
- (m) Provide a ceiling or wall-type electric light in toilet rooms, lavatories, shower or bathing rooms, laundry rooms, hallways, stairways, the common eating area or other hazardous dark areas.¶¶
- (n) Light privies either directly or indirectly from an outside light source.¶¶
- (o) Provide enough light in corridors and walkways to allow safe travel at night.¶¶
- (p) Each housing site must have its street numbers displayed to be easily visible to responding emergency vehicles on public highways or roads.¶¶
- (q) The lowest point of wooden floor structures must be at least 12 inches above ground.¶¶

(7) Water supply.¶¶

- (a) All domestic water furnished at labor housing and related facilities must conform to the standards of the Public Health Division of the Oregon Department of Human Services. The site water system must supply at least 15 psi at the outlet end of all water lines regardless of the number of outlets in use.¶¶
- (b) Have a bacteriological analysis done on the water before occupancy and as often as needed to assure a potable water supply, except when the water comes from a community water system.¶¶
- (c) Provide enough potable water in the labor housing area for drinking, hand washing, bathing and domestic use. An ample supply is at least 35 gallons of water per day per occupant.¶¶
- (d) Arrange, construct and if necessary, periodically disinfect the water storage and distribution facilities to satisfactorily protect the water from contamination. Install all new plumbing in labor housing and related facilities to comply with the Oregon state building code.¶¶
- (e) When potable water is not available in each dwelling unit, there must be a potable water source within 100 feet of each unit and there must be a working, clean drinking fountain for each 100 occupants or fraction thereof.¶¶
- (f) Post as, "Unsafe for drinking," non-potable water that is accessible to occupants. The posting must be in the language of the camp occupants or with a universal symbol.¶¶
- (g) Portable water containers with spigots and tight fitting lids are acceptable for providing and storing drinking water in the housing.¶¶

(A) These containers must be made of impervious non-toxic materials that protect the water from contamination.¶¶

(B) Wash and sanitize them at least every 7 days.¶¶

- (h) Do not use containers such as barrels, pails or tanks that require dipping or pouring to get the water.¶¶
- (i) Do not use cups, dippers or other utensils for common drinking purposes.¶¶
- (j) Do not allow cross connection between a system furnishing water for drinking purposes and a non-potable supply.¶¶

(8) Bathing, hand washing, laundry, and toilet facilities – General.¶¶

- (a) Provide an adequate supply of hot and cold water under pressure for all common use bathing, hand washing, and laundry facilities at all labor housing and related facilities.¶¶
- (b) In installations with bathing, laundry facilities, or flush toilets, the floor and walls must be of readily cleanable finish and impervious to moisture.¶¶
- (c) All common use bathing, hand washing, and laundry facilities must be clean, sanitary and operating properly.¶¶
- (d) Buildings for common use bathing, hand washing, laundry, and toilet facilities must have heating capable of keeping the facility at 68 degrees or more during use.¶¶

(9) Bathing facilities.¶¶

- (a) Provide drains in all showers to remove waste water. Slope floors so they drain. Do not use slippery materials for flooring.¶¶
- (b) Provide at least one shower head with hot and cold water under pressure for every 10 occupants or fraction thereof. Unisex shower rooms are acceptable in the same ratios. They must have working locks and provide privacy.¶¶
- (c) Separate common use bathing facilities used for both sexes in the same building by a solid, non-absorbent wall

extending from the floor to the ceiling.¶¶

(d) Mark separate sex bathing facilities, if provided, with "women" and "men" in English and in the native language of employees expected to occupy the housing or with easily understood pictures or symbols.¶¶

(10) Hand washing facilities.¶¶

(a) Provide at least one hand washing sink or basin with hot and cold water under pressure for every 6 occupants or fraction thereof. Each 24 linear inches of "trough" type sink with individual faucets counts as one basin. When each living unit does not have hand washing facilities, locate common use facilities either close to the toilet facilities or close to the sleeping places.¶¶

(b) In common use facilities, do not use a single common towel. If you provide paper towels, there must be a container for their disposal.¶¶

(11) Laundry facilities.¶¶

(a) Provide laundry trays, tubs, or machines with plumbed hot and cold water in the combined ratio of 1 for each 30 occupants or each part of 30.¶¶

(b) Provide clothes lines or drying facilities to serve the needs of the occupants.¶¶

(c) Laundry rooms must have drains to remove waste water.¶¶

(d) Each common use laundry room must have a slop sink.¶¶

(12) Toilet facilities.¶¶

(a) Locate toilet facilities in labor housing and related facilities within 200 feet from the living area that they serve.¶¶

(b) Locate toilets, chemical toilets, or urinals in rooms built for that purpose.¶¶

(c) Maintain a usable, unobstructed path or walkway free of weeds, debris, holes or standing water from each living area to the common use toilet facilities.¶¶

(d) Provide at least one toilet for every 15 occupants or fraction thereof for each gender in the labor housing. Toilets must assure privacy.¶¶

(A) If urinals are in the toilet facility and where three or more toilets are required for men, one urinal substitutes for one toilet (24 inches of trough-type urinal equals one urinal), to a maximum of one-third of the total required toilets.¶¶

(B) Existing urinals must be non-absorbent, non-corrosive materials that have a smooth and cleanable finish. Urinals installed after the effective date of this standard must meet Oregon state building code.¶¶

(C) If there are no common use toilet facilities, calculate the required ratio without regard to gender.¶¶

(e) Clean common use toilet facilities daily or more often when needed to maintain sanitation.¶¶

(f) Mark separate sex toilet facilities, when provided, with "women" and "men" in English and in the native language of employees expected to occupy the housing or with easily understood pictures or symbols.¶¶

(g) Ventilate all labor housing toilet rooms according to the Oregon state building code.¶¶

(h) Separate common use toilet facilities used for both sexes in the same building by a solid, non-absorbent wall extending from the floor to the ceiling.¶¶

(i) Install privacy partitions between each individual toilet or toilet seat in multiple toilet facilities. The partitions may be less than the height of the room walls.¶¶

(A) The top of the partition must be not less than 6 feet from the floor and the bottom of the partition not more than 1-foot from the floor. The width of the partition must extend at least 1-1/2 feet beyond the front of the toilet seat.¶¶

(B) Provide a door or curtain so the toilet compartment is private.¶¶

(j) Provide common use toilet facilities with toilet paper and holders or dispensers. Also provide disposal containers with lids.¶¶

(k) Do not allow obstruction of the path or access to a toilet room. If access is through another room, that room must not be lockable.¶¶

(13) Portable toilets, chemical toilets and privies.¶¶

(a) The location and construction of privies must conform to Oregon Department of Environmental Quality standards.¶¶

(b) Privies must be at least 100 feet from any living area or any facility where food is prepared or served.¶¶

(c) Portable toilets and privies must have adequate lighting.¶¶

(d) When in use, service portable and chemical toilets at least weekly or often enough to keep them from becoming a health hazard. Clean portable toilets, chemical toilets and privies at least daily.¶¶

(14) Sewage disposal and plumbing.¶¶

(a) Connect the sewer lines from the labor housing and related facilities to a community sewer system, a septic tank with subsurface disposal of the effluent, pit type privies or other sanitary means conforming to Department of Environmental Quality standards.¶¶

(b) Install all plumbing in labor housing and related facilities to comply with Department of Environmental Quality standards and the Oregon state building code.¶¶

(15) Garbage and refuse disposal outside of buildings.¶¶

Note: Recyclable material is not garbage or refuse referred to in this section (15).¶¶

(a) Keep refuse and garbage containers clean and in good repair.¶¶

(b) Provide at least one 30-gallon or larger container per 15 occupants. Containers must be inside the housing site area and accessible to all occupants.¶¶

(c) Empty garbage bins and dumpsters at least weekly during use, but always before they become a health hazard or full enough to interfere with full closing of the lid.¶¶

(d) Empty common-use cans and portable containers into a bin or dumpster, when full or twice weekly whichever is more frequent. Do not allow garbage on the ground.¶¶

(e) Keep all refuse and garbage containers covered and the garbage storage area clean to control flies and rodents.¶¶

(f) Do not burn any food, garbage or wet refuse.¶¶

(g) Dispose of garbage and refuse according to Department of Environmental Quality standards that govern the disposal of garbage, refuse and other solid wastes.¶¶

(16) Living areas.¶¶

(a) Keep all living areas, safe and in good repair structurally and stable on their foundations. They must provide shelter for the occupants against the elements and protect the occupants from ground and surface water as well as rodents and insects.¶¶

(b) The walls and roof must be tight and solid. Floors must be rigid and durable, with a smooth and cleanable finish in good repair.¶¶

(c) For living areas without a working permanent heating system or heaters, the ALH operator must supply portable heaters at no cost to the occupant. These heaters must be capable of keeping the temperature in the living area at a minimum of 68 degrees. Heaters must meet these requirements:¶¶

(A) Operate by electricity only.¶¶

(B) Have working safety devices installed by the manufacturer for the particular type heater.¶¶

(C) Be in good working order with no defects or alterations that make them unsafe.¶¶

(d) Permanently installed solid fuel or gas fired heaters must meet the following:¶¶

(A) Install and vent any stoves or other sources of heat that use combustible fuel to prevent fire hazards and dangerous concentration of gases.¶¶

(i) Solid or liquid fuel heaters or stoves installed on or before December 15, 1989, must sit on a concrete slab, insulated metal sheet or other fire resistant material when used in a room with wood or other combustible flooring. Extend it at least 18 inches beyond the perimeter of the base of the stove.¶¶

(ii) Solid or liquid fuel heaters or stoves must meet the manufacturer's specifications and the Oregon state building code in effect at the time of installation.¶¶

(B) Install fire resistant material on any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stove pipe. Provide a vented metal collar around the stovepipe, or vent passing through a wall, ceiling, floor or roof or combustible material.¶¶

(C) Heating systems with automatic controls must cut off the fuel supply on failure or interruption of the flame or ignition, or when they exceed a pre-determined safe temperature or pressure.¶¶

(D) All gas appliances and gas piping must comply with the Oregon state building code in effect at time of installation and the manufacturer's instructions.¶¶

(E) Do not locate stoves so they block escape from a sleeping place.¶¶

(e) Provide screens of at least 16 mesh on the doors and windows of the living area. All screen doors must be tight-fitting, in good repair, and self-closing.¶¶

(f) Provide beds, bunks or cots for each occupant and suitable storage facilities, such as wall cabinets or shelves, for each occupant or family unit.¶¶

(A) The camp operator must provide a mattress or pad for each bed or bunk.¶¶

(B) If you provide foam pads, they must be thicker than 2 inches.¶¶

(C) Do not provide uncovered foam pads.¶¶

(D) Mattresses or pads must not sit on the floor.¶¶

(E) The sleeping surface must be at least 12 inches above the floor.¶¶

(g) Mattresses or pads furnished by the camp operator must be clean, in good repair, and free from insects and parasites.¶¶

(A) Fumigate mattresses or pads, used uncovered, or treat with an effective insecticide before each season's occupancy. If you provide covers, clean them before each season's occupancy.¶¶

(B) Store mattresses or pads in a clean, dry place.¶¶

(h) Space the beds, bunks or cots so that there is enough room to allow for rapid and safe exiting during an emergency.¶¶

Note: Do not count children 2 years old and younger when calculating square footage requirements in paragraphs

(i), (j), (k), and (l).¶¶

(i) In living areas built after August 1, 1975, where workers cook, live, and sleep, provide at least 100 square feet per occupant.¶¶

(j) In living areas built before August 1, 1975, where workers cook, live and sleep, provide at least 60 square feet per occupant.¶¶

(k) Each sleeping room without double bunk beds must have at least 50 square feet of floor space per employee. Where there are double bunk beds, provide 40 square feet per occupant. Do not use triple bunks.¶¶

(l) Beginning on January 1, 2018 all agricultural labor housing, where workers cook, live and sleep in the same area, must provide 100 square feet per occupant.¶¶

(m) 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.¶¶

(n) 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. Housing built or remodeled between January 26, 2009 and January 1, 2018 must have minimum 7 foot high ceilings for the space to count toward any required square footage.¶¶

(o) Provide separate private sleeping areas for unrelated persons of each sex and for each family unit.¶¶

(p) Provide windows or skylights with a total area equal to at least 10 percent of the required floor area. At least one-half (nominal) the total required window or skylight area must be openable to the outside. Adequate mechanical ventilation may substitute for openable window space. Not more than one-half the required space can be met with skylights. Openable, screened windows in doors count toward this requirement.¶¶

(q) Before occupancy clean all living areas and eliminate any rodents, insects, and animal parasites.¶¶

(17) Fire protection.¶¶

(a) All fires must be in equipment designed for that use. Do not allow open fires within 25 feet of structures.¶¶

(b) Each season, at the time of initial occupancy, each living area must have a working approved smoke detector.¶¶
Note: The camp operator is not responsible for daily maintenance of the detector or the actions of occupants that defeat its function.¶¶

(c) Provide fire extinguishing equipment in a readily accessible place, not more than 50 feet from each housing unit. The equipment must provide protection equal to a 2A:10BC rated extinguisher.¶¶

Note: Hoses are acceptable substitutes for extinguishers only if the water supply is constant and reliable. Hoses must be immediately available for firefighting use.¶¶

(d) All living areas with more than one room, built before December 15, 1989, with one door, must have, in addition to a door, a window in each sleeping room that can be an exit in case of fire:¶¶

(A) This window must have an openable space at least 24 inches by 24 inches, nominal.¶¶

(B) The lowest portion of the opening must be less than 48 inches above the floor.¶¶

(C) This window must open directly to the outdoors and be readily openable by the occupants from inside without breaking the glass.¶¶

(D) Label the escape window as an emergency exit.¶¶

(e) Living areas built on or after December 15, 1989, must meet the requirements for emergency exits in applicable rules of the Building Codes Division of the Oregon Department of Consumer and Business Services. Required emergency exit windows in sleeping rooms must have a clear net opening of at least 5.7 square feet, minimum vertical opening of 22 inches and minimum horizontal opening of 20 inches.¶¶

Note: Construct and maintain all living areas in labor housing and related facilities to comply with other applicable local and state laws and regulations in effect at the time of construction or remodel.¶¶

(f) A second story must have at least two exits when its occupant load is 10 or more. Comply with the Oregon state building code.¶¶

(g) Occupants on floors above the second story and in basements must have access to at least two separate exits from the floor or basement as required by the Oregon state building code.¶¶

(18) Common use cooking and eating facilities and equipment.¶¶

(a) When provided, common use cooking or food preparation facilities or equipment must have the following:¶¶

(A) A gas or electric refrigerator, capable of keeping food at or below 41 degrees F.¶¶

(B) A minimum equivalent of two cooking burners for every 10 persons or part thereof, or 2 families, whichever requires the most burners. If a gas or electric hotplate or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material.¶¶

Note: Labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing.¶¶

(C) No liquid petroleum gas (LPG like propane) tanks in use inside any occupied building. Outside tanks must connect to appliances with lines approved for that purpose.¶¶

(D) Food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas must be made of or finished with smooth, non-absorbent, cleanable material; and¶¶

- (E) A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping place.¶
- (b) Refrigerators and stoves or hot plates must always be in working condition.¶
- (c) Clean the facilities and equipment before each occupancy.¶
- (d) Common use kitchen and dining areas must be separate from all sleeping quarters. There can be no direct opening between kitchen or dining areas and any living or sleeping area.¶
- (e) If the operator becomes aware of or has reason to suspect that anybody preparing, cooking or serving food has a communicable disease as listed in paragraph (22), the operator must bar them from the cooking facility until the disease is no longer communicable.¶
- (f) Buildings must have heating capable of keeping the facility at 68 degrees or more during use.¶
- (g) Facilities must be in buildings or shelters. Doors, windows and openings, if any, must have screens of 16 mesh or smaller.¶
- (19) Dining halls and equipment.¶
- (a) When provided, dining halls or equipment must have the following:¶
- (A) A gas or electric refrigerator, capable of keeping food at or below 41 degrees F.¶
- (B) A minimum equivalent of two cooking burners for every 10 persons or part thereof, 2 families, whichever requires the most burners. If a gas or electric hotplate or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material.¶
- Note: Labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing.¶
- (C) No liquid petroleum gas (LPG like propane) tanks in use inside any occupied building. Outside tanks must connect to appliances with lines approved for that purpose.¶
- (D) Food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas must be made of or finished with smooth, non-absorbent, cleanable material; and¶
- (E) A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping place.¶
- (b) Refrigerators and stoves or hot plates must always be in working condition.¶
- (c) Clean the facilities and equipment before each occupancy.¶
- (d) Common use kitchen and dining areas must be separate from all sleeping quarters. There can be no direct opening between kitchen or dining areas and any living or sleeping area.¶
- (e) If the operator becomes aware of or has reason to suspect that anybody preparing, cooking or serving food has a communicable disease as listed in paragraph (22), the operator must bar them from the cooking facility until the disease is no longer communicable.¶
- (f) Buildings must have heating capable of keeping the facility at 68 degrees or more during use.¶
- (g) The facility must comply with the 2005 edition of the FDA Food Code.¶
- Note: Follow Division 4, Agriculture when it differs from the FDA Food Code. The code is available at: <https://www.fda.gov/food/fda-food-code/food-code-2005> or contact the Oregon OSHA Resource Center at 800-922-2689 or in Salem 503-378-3272.¶
- (h) Facilities must be in buildings or shelters. Doors, windows and openings, if any, must have screens of 16 mesh or smaller.¶
- (20) Single unit cooking facilities.¶
- (a) When provided, single unit cooking, eating and dining facilities or equipment must have the following:¶
- (A) A gas or electric refrigerator, capable of keeping food at or below 41 degrees F.¶
- (B) A minimum equivalent of two burners for cooking for every 10 persons or part thereof, or 2 families, whichever requires the most burners. If a gas or electric hotplate or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire resistant material.¶
- Note: Labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing.¶
- (C) No liquid petroleum gas (LPG like propane) tanks in use inside. Outside tanks must connect to appliances with lines approved for that purpose.¶
- (D) Food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas made of or finished with smooth, non-absorbent, cleanable material.¶
- (E) A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping place.¶
- (F) A refrigerator and stove or hot plate in working condition.¶
- (b) Clean the facilities before each occupancy.¶
- (21) First aid. OAR 437-004-1305, Medical and First Aid, applies to all labor housing and related facilities. This rule includes requirements for first aid supplies, an emergency medical plan and a plan of communication.¶
- Note: Division 4/K requires all employees know about the first aid requirements and emergency medical plans. If

employees' native language is other than English, this must be taken into account in meeting this requirement.¶

(22) Disease Reporting. The camp operator must comply with Oregon Health Authority's OAR 333-018-0000: Who Is Responsible for Reporting and OAR 333-018-0015: What Is to Be Reported and When.¶

Note: Each Health Care Provider knowing of or attending a case or suspected case of any of the diseases, infections, or conditions listed in OAR 333-018-0015 shall report such cases as specified. Where no Health Care Provider is in attendance, any individual knowing of such a case shall report in a similar manner.¶

Note: Human reportable diseases, infections, microorganisms, and conditions, and the time frames within which they must be reported are as follows:¶

Immediately, day or night: Bacillus anthracis (anthrax); Clostridium botulinum (botulism); Corynebacterium diphtheriae (diphtheria); Severe Acute Respiratory Syndrome (SARS) and infection by SARS-coronavirus; Yersinia pestis (plague); intoxication caused by marine microorganisms or their byproducts (for example, paralytic shellfish poisoning, domoic acid intoxication, ciguatera, scombroid); any known or suspected common-source Outbreaks; any Uncommon Illness of Potential Public Health Significance.¶

Within 24 hours (including weekends and holidays): Haemophilus influenzae (any invasive disease; for laboratories, any isolation or identification from a normally sterile site); measles (rubeola); Neisseria meningitidis (any invasive disease; for laboratories, any isolation or identification from a normally sterile site); Pesticide Poisoning; poliomyelitis; rabies (human or animal); rubella; Vibrio (all species).¶

Within one Local Public Health Authority working day: Bordetella pertussis (pertussis); Borrelia (relapsing fever, Lyme disease); Brucella (brucellosis); Campylobacter (campylobacteriosis); Chlamydia (Chlamydia) psittaci (psittacosis); Chlamydia trachomatis (chlamydiosis; lymphogranuloma venereum); Clostridium tetani (tetanus); Coxiella burnetii (Q fever); Creutzfeldt-Jakob disease and other transmissible spongiform encephalopathies; Cryptosporidium (cryptosporidiosis); Cyclospora cayentanensis (cyclosporiasis); Escherichia coli (Shiga-toxigenic, including E. coli O157 and other serogroups); Francisella tularensis (tularemia); Giardia (giardiasis); Haemophilus ducreyi (chancroid); hantavirus; hepatitis A; hepatitis B (acute or chronic infection); hepatitis C; hepatitis D (delta); HIV infection (does not apply to anonymous testing) and AIDS; Legionella (legionellosis); Leptospira (leptospirosis); Listeria monocytogenes (listeriosis); mumps; Mycobacterium tuberculosis and M. bovis (tuberculosis); Neisseria gonorrhoeae (gonococcal infections); pelvic inflammatory disease (acute, non-gonococcal); Plasmodium (malaria); Rickettsia (all species: Rocky Mountain spotted fever, typhus, others); Salmonella (salmonellosis, including typhoid); Shigella (shigellosis); Taenia solium (including cysticercosis and undifferentiated Taenia infections); Treponema pallidum (syphilis); Trichinella (trichinosis); Yersinia (other than pestis); any infection that is typically arthropod vector-borne (for example: Western equine encephalitis, Eastern equine encephalitis, St. Louis encephalitis, dengue, West Nile fever, yellow fever, California encephalitis, ehrlichiosis, babesiosis, Kyasanur Forest disease, Colorado tick fever, etc.); human bites by any other mammal; CD4 cell count < 200/μl (mm³) or CD4 proportion of total lymphocytes < 14%; hemolytic uremic syndrome.¶

Within 7 days: Suspected Lead Poisoning (for laboratories; this includes all blood lead tests performed on persons with suspected lead poisoning).¶

(23) Access to ORS and OAR. Those wishing access to any of the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR) referenced here, may contact the Oregon OSHA Resource Center in Salem or the nearest Oregon OSHA Field Office.¶

(24) Closure and alternative housing.¶

(a) The operator of agricultural labor housing must provide replacement lodging without charge to the occupants if a government agency with the authority to enforce building, health or safety standards declares the housing or facilities to be uninhabitable and orders them vacated.¶

(b) The operator must provide replacement lodging for 7 consecutive days from the time the housing was closed or until the closing agency allows the original housing to reopen, whichever is shorter.¶

(c) Replacement lodging must meet or exceed the health and safety standards of Oregon OSHA. Oregon OSHA must approve the location of the replacement housing before employees are sent to it.¶

(d) Operators must arrange for replacement lodging not later than the end of the day the original housing closes or another date designated by the closing agency.¶

(e) Post the address of the replacement housing.¶

(A) Not later than the end of the day the original housing closes.¶

(B) In a place convenient to affected workers.¶

(C) In all languages spoken by the occupants.¶

(f) The posting in (e) above must state that the replacement housing is free to occupants of the closed housing.¶

(g) The operator must give Oregon OSHA a list of names of the occupants and the location of the replacement housing, for each.¶

(h) When the cause of the closure is beyond the control of the agricultural labor housing operator, sections (a), (b), (c), (d), (e) and (g) above do not apply. To determine whether the cause of closure was beyond the control of the operator, Oregon OSHA will consider these circumstances, including but not limited to:¶

(A) Whether the cause of the closure is a natural disaster;¶

(B) Whether the circumstances leading to the closure were known or should have been known to the operator;¶

(C) Whether operator diligence could have avoided the circumstances leading to the closure.¶

(i) Agricultural labor housing occupants entitled to temporary replacement housing under this rule must accept or reject that housing when the original housing closes. These rules do not obligate operators to reimburse displaced occupants for housing they obtain without the operator's knowledge or consent. The operator is responsible for replacement lodging only for as many people as occupied the original closed housing. When an occupant rejects the replacement housing, the operator has no obligation to reimburse that occupant for other replacement housing.¶

(j) Oregon OSHA may issue a citation and assess a monetary penalty for violation of these rules as in ORS 654.071 and 654.086.¶

(25) Heat Illness Prevention in Labor Housing. ¶

(a) Cooling Areas. If rooms where people sleep are not able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means), employers must provide an area(s) for occupants to cool off whenever the heat index outside the housing units is at or above 80 degrees Fahrenheit. The cooling area(s) must be large enough to allow use by at least 50 percent of the occupants at the labor housing at any one time and must use either or any combination of the following two approaches: ¶

(A) Giving occupants continual access to one or more common rooms that are maintained at or a below a temperature of 78 degrees Fahrenheit (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means). This can be done by making use of existing common rooms, otherwise unused housing units, or other available indoor spaces that do not present additional risks to the occupants.¶

(B) Giving occupants continual access to outdoor rest areas (located away from work areas or activities that could create a hazard). The rest areas must: ¶

(i) Be shaded by any natural or artificial means, so that occupants can sit or stand in a normal posture fully in the shade; ¶

(ii) Provide water misters, cooling vests, cooling towels, or equally effective means of relief. If relying upon items that can only be used by one individual at a time, enough must be provided to satisfy the 50 percent requirement and they must not be shared without being washed; and ¶

(iii) Locate available chairs, benches, and other seating in a manner that encourages use.¶

Note: Although employers are permitted to use either or any combination of the approaches listed in (A) and (B), they are encouraged to provide at least some of the required space using the methods listed in (A).¶

(b) Minimizing Heat in Housing Units. If rooms where people sleep are not able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means), employers must take the following steps:¶

(A) Optimize the ability to keep housing cool by ensuring that windows can be protected from direct sunlight in a manner that minimizes radiant heat during all hours of the day, whether using natural or artificial shade, the provision of window coverings must deflect the sun and not simply absorb the heat, or other equally effective measures. Such measures must not interfere with the ability to open and close windows or create another hazard; and ¶

(B) Make fans available at no cost for any housing occupants who wish to use them.¶

(c) Temperature Awareness. To ensure that housing occupants can remain aware of the effects of heat on the indoor environment, both immediately and on an ongoing basis, employers must provide a thermometer that displays the temperature in both Fahrenheit and Celsius in each individual housing unit. Employers are encouraged, but not required, to provide a device that also measures humidity.¶

(d) Employee and Occupant Information. In addition to ensuring that employees have received the training required by OAR 437-004-1131(9), the employer must display the "Heat Risks in Housing" poster provided by Oregon OSHA in one or more prominent locations that housing occupants would normally see and must add the necessary emergency contact information to the poster, allowing housing occupants to contact emergency services as necessary. ¶

(e) employment of workers on an agricultural establishment. ¶

(b) These rules apply to any type of labor housing and related facilities together with the tract of land, established, or to be established, operated or maintained for housing workers with or without families whether or not rent is paid or collected. ¶

(c) Manufactured dwellings and homes must comply with specifications for construction of sleeping places, unless they comply with ORS 446.155 to 446.185 and OAR 918-500-0510 that have the requirements and specifications for sanitation and safety design for manufactured dwellings. ¶

(d) These rules apply to housing given to, rented, leased to or otherwise provided to employees for use while employed and provided or allowed either by the employer, a representative of the employer or a housing

operator.¶

(e) These rules, unless otherwise stated, apply to all occupants of the labor housing and facilities.¶

(f) These rules apply to all labor housing sites owned, operated, or allowed to operate on property under the jurisdiction of any state or municipal authority.¶

(g) Violations relating to the occupants' personal housekeeping practices in facilities that are not common use will not result in citations to the employer.¶

(h) For the purposes of OAR 437-004-1120, labor contractors as defined in ORS 658.405 are employers.¶

(2) These rules do not apply to:¶

(a) hotels or motels that provide similar accommodations commercially on a regular basis to the public on the same terms as they do to workers.¶

(b) accommodations subject to licensing as manufactured dwelling parks, organizational camps, traveler's accommodations or recreation vehicle parks and open to the general public on the same terms.¶

(c) manufactured homes or dwellings being moved regularly from place to place because of the work when at parks or camps meant for parking mobile vehicles and open to the general public on the same terms.¶

(3) Charging occupants for required services. Operators may not charge for services required by this rule (OAR 437-004-1120). This prohibits pay-per-use for toilets, toilet paper, soap for handwashing, use of bathing facilities, laundry facilities, cool potable water or any other method of paying for individual service requirements.¶

(4) Definitions.¶

(a) Clean means the absence of soil or dirt or removal of soil or dirt by washing, sweeping, clearing away, or any method appropriate to the material at hand.¶

(b) Common use facilities are those for use by occupants of more than one housing unit or by occupants of dormitory-style housing.¶

(c) Common use cooking and eating facility is a shared area for occupants to store, prepare, cook, and eat their own food.¶

(d) Dining hall is an eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, of the occupants.¶

(e) Facility means a living area, drinking water installation, toilet installation, sewage disposal installation, food handling installation, or other installation required for compliance with the labor housing and related facility rules.¶

(f) Garbage means food wastes, food packaging materials or any refuse that has been in contact with food stuffs.¶

(g) Housing site is a place where there are living areas.¶

(h) Livestock operation is any place, establishment or facility with 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 are outside this definition.¶

(i) Living area is any room, structure, shelter, tent, manufactured home or dwelling or prefabricated structure, vehicle or other place housing one or more persons.¶

(j) Manufactured dwelling is a residential trailer, built before January 1, 1962, for movement on the highway, that has sleeping, cooking and plumbing facilities; or, a mobile home, constructed for movement on the highway, that has sleeping, cooking and plumbing facilities, built between January 1, 1962, and June 15, 1976, and meeting the requirements of Oregon mobile home law in effect at the time of construction.¶

(k) Manufactured home is a structure built for movement on the highway that has sleeping, cooking and plumbing facilities and is used as a residence. Built on or after June 15, 1976, to comply with federal manufactured housing standards and regulations in effect at the time of construction. More information on these definitions is in ORS 446.003(26).¶

(l) Operator means any person or company that operates labor housing and/or related facilities.¶

(m) Potable water is water meeting the bacteriological and other requirements prescribed by the Oregon Health Authority for Drinking Water under OAR Chapter 333, Division 61.¶

(n) Prefabricated structure means a building or subassembly which has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site; but does not include a manufactured home or dwelling. Prefabricated structures are manufactured in accordance with the Oregon state building code and rules adopted by the Building Codes Division of the Oregon Department of Consumer and Business Services in OAR Chapter 918, Division 674.¶

(o) Privy is the same as outhouse or pit toilet but is not the same as portable toilets. Beginning January 1, 2026, the use of an outhouse or pit toilet or privy does not fulfill the ratio of toilet facilities for the purpose of compliance with agricultural labor housing requirements.¶

(p) Recyclable material means containers that are returnable for refund of a deposit or materials gathered as part of a recycling program.¶

(q) Refuse includes waste materials such as paper, metal, discarded items, as well as debris, litter and trash.¶

- (r) Sanitary means free from agents that may be injurious to health or hygiene.¶
- (s) Sewage means the water-carried human and animal wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such ground-water infiltration, surface waters, or industrial wastes as may be present.¶
- (t) Toilet facility is a room in or on the premises of any labor housing, for use by employees and occupants of that housing. ¶
- (5) Housing registration requirements.¶
- (a) ORS 658.750 requires the operator of Agricultural Labor Housing and Related Facilities to register such housing with Oregon OSHA as in subsection (5)(b) below, except the following as defined by ORS 658.705:¶
- (A) Housing occupied solely by members of the same family, or¶
- (B) Housing occupied by five or fewer unrelated persons, or¶
- (C) Until December 31, 2025, housing on operations that do not produce or harvest farm crops (Oregon OSHA considers "production of crops" to mean production of farm crops for sale"). Beginning January 1, 2026, housing on operations that do not produce or harvest farm crops (Oregon OSHA considers "production of crops" to mean production of farm crops for sale") must be registered in accordance with subsection (5)(b) of this rule.¶
- (b) Each year, before occupancy, or if occupied year-round annually by February 1, the operator must register agricultural labor housing and related facilities with Oregon OSHA as set out below.¶
- (A) The operator must contact Oregon OSHA at least 45 calendar days before the first day of operation or occupancy of the housing and related facilities.¶
- (B) If the housing and related facilities were not registered in the previous year, the operator must call Oregon OSHA to request a consultation visit to the housing. Oregon OSHA will register housing and related facilities not previously registered only after a pre-occupancy consultation that finds the housing or facility to be free from all hazardous conditions. ¶
- (C) If there were significant changes in the circumstances of the housing or facilities since the last registration, and the housing is intended to be occupied, the operator must report to Oregon OSHA at least 45 calendar days before operation. Oregon OSHA may, at its discretion, refer the employer for a consultation prior to re-registering the housing and facilities.¶
- (D) Once registered, the operator must display the registration certificate provided by Oregon OSHA in a place frequented by employees. The operator must also provide and display a translation of the certificate in the language or languages used to communicate with employees.¶
- (E) Beginning January 1, 2026, for housing with non-public water systems, the registration form must include proof of annual testing of water in accordance with subsection (7)(b) for coliform bacteria and nitrates from an accredited laboratory each year. The initial registration request must also include water sampling results for arsenic from an accredited laboratory.¶
- (c) The Director of the Department of Consumer and Business Services or designee may revoke a labor housing and related facilities registration if Oregon OSHA determines that any of the following apply:¶
- (A) The application had any negligent or willful material misrepresentation, or false statement.¶
- (B) The conditions under which the registration was accepted no longer exist or have changed.¶
- (C) The housing and related facilities are not free of hazardous conditions.¶
- (d) When Oregon OSHA revokes the registration of agricultural labor housing and related facilities, operators or their agents have 30 days to file a written appeal. On receipt of such appeal, the Director of the Department of Consumer and Business Services will hold a contested case hearing on that appeal under ORS 183.413, et seq.¶
- (e) Any group or individual may protest the proposed registration, continued registration or renewal of any labor housing and related facilities registration under the following conditions:¶
- (A) The signed and dated protest must be submitted in writing and received by the Director before issuance of the registration or renewal.¶
- (B) The protest must include the name, address and phone number of the individual, group, or their representative filing it.¶
- (C) The protest must clearly identify which housing and related facilities is the subject of the protest, including the exact physical location and name of the registration applicant.¶
- (D) The protest must clearly state the facts and reasons for the protest. Such facts and reasons must be based on factors that are within the scope of ORS 654, ORS 658.705 through ORS 658.850 and any relevant regulations.¶
- (E) When the above provisions are met, such group or individual may participate in the contested case as a party or limited party under OAR 137-003-0005.¶
- (6) Site requirements:¶
- (a) The grounds of labor housing and related facilities must be free from the nuisance of wastewater, sewage, garbage, recyclable material, refuse or noxious plants such as poison oak and poison ivy.¶
- (b) During housing occupancy, grass, weeds and brush must be cut back at least 30 feet from buildings.¶
- (c) All housing site land including the structures of the related facilities must have adequate drainage. The site

must not be subject to flooding when occupied. Housing sites must be well-drained and free from depressions in which water may become a nuisance.¶

(d) The operator of labor housing is responsible for the maintenance and operation of the housing and its facilities.¶

(e) Store all toxic materials used in work activities such as pesticides, fertilizers, paints and solvents in a locked and secured location at least 30 feet from any housing or related facilities at the labor housing. If the storage of these materials creates a fire hazard, keep any grass or brush cleared at least 30 feet around any such storage area.¶

(f) Do not leave empty pesticide containers such as drums, bags, cans, or bottles in the housing area and related facilities.¶

(g) Prevent or control the breeding of mosquitoes, flies, and rodents in the immediate housing area and within 200 feet of any labor housing and related facilities owned or under lawful control or supervision of the operator.¶

(h) Do not locate labor housing within 500 feet of livestock operations unless the employees in the housing are employed to tend or otherwise work with the animals. Beginning January 1, 2028, labor housing cannot be located within 500 feet of livestock operations unless that housing contains all of the following as specified by OAR 437-004-1120 in the same structure or dwelling:¶

(A) Required sink(s).¶

(B) Required toilet(s).¶

(C) Required shower(s).¶

(D) Required sleeping area(s), and ¶

(E) Indoor kitchen(s).¶

(i) Provide electricity to all housing units and related facilities. Subdivision 4/S, Electricity applies to agricultural labor housing.¶

(j) Beginning January 1, 2027, each occupant in a room used for sleeping must be provided access to at least one electrical receptacle (outlet).¶

Note: A duplex electrical receptacle contains two "outlets." When both outlets are functional, one duplex electrical receptacle will fulfill this requirement for two occupants in a sleeping room.¶

Note: A relocatable power tap (power strip) may be used to meet this requirement in accordance with requirements of Subdivision S (OAR 437-004-2810 to OAR 437-004-3075).¶

(k) Extension cords or plug strips must have circuit breaker or fuse protection either as part of the set or part of the building wiring.¶

(l) Facilities built or remodeled before December 15, 1989, must have a ceiling or wall-type electric light fixture in working order and at least one wall-type electrical outlet in every living area. Facilities built or remodeled after that date must comply with the code in effect at the time of construction or remodeling.¶

(m) Provide a ceiling or wall-type electric light in toilet facilities, shower or bathing rooms, laundry rooms, hallways, stairways, the common eating areas, dining halls, or other hazardous dark areas.¶

(n) Light privies either directly or indirectly from an outside light source.¶

(o) Provide enough light in corridors and walkways to common use facilities to allow safe travel at night.¶

(p) Each housing site must have its street numbers displayed to be easily visible to responding emergency vehicles on public highways or roads. Beginning January 1, 2026, ensure that road forks and driveways between the public access road and housing site are properly marked, and that each building and unit used to house workers is properly marked.¶

(q) The lowest point of wooden floor structures must be at least 12 inches above ground.¶

(7) Water supply.¶

(a) All domestic water furnished at labor housing and related facilities must conform to the standards of the Oregon Health Authority for Drinking Water under OAR Chapter 333, Division 61. The site water system must supply at least 15 psi at the outlet end of all water lines regardless of the number of outlets in use.¶

(b) Except for water that comes from a public water system, the water supply must be tested by an accredited laboratory as often as needed to ensure a potable water supply and the results of the analysis posted as specified below: ¶

(A) Beginning January 1, 2026, have an arsenic analysis completed on the water at least once; ¶

(B) Until December 31, 2025, have a bacteriological analysis done on the water before occupancy and as often as needed to assure a potable water supply, except when the water comes from a community water system (public water system). Beginning January 1, 2026, have a coliform bacteria and nitrate analysis completed on the water at least every 12 months; and¶

(C) Beginning January 1, 2026, post the most recent results of the water analysis in the housing in the language of the workers, or, in lieu of translating lab results, post a pictogram that conveys the same information.¶

(c) Provide ample potable water in the labor housing area for drinking, hand washing, bathing and domestic use. An ample supply is at least 35 gallons of water per day per occupant and is in addition to any water requirements related to other applicable Oregon OSHA rules; some examples may include heat illness prevention, field

sanitation, and general sanitation.¶

(d) Arrange, construct and if necessary, periodically disinfect the water storage and distribution facilities to satisfactorily protect the water from contamination. Install all new plumbing in labor housing and related facilities to comply with the Oregon state building code.¶

(e) When potable water is not available in each dwelling unit, there must be a potable water source within 100 feet of each unit and there must be a working, clean drinking fountain for each 100 occupants or fraction thereof.¶

Note: Other potable water sources in this rule may satisfy this provision, including plumbed sinks.¶

(f) Post as, "Unsafe for drinking," non-potable water that is accessible to occupants. The posting must be in the language of the occupants or with a universal symbol.¶

(g) Portable water containers with spigots and tight-fitting lids are acceptable for providing and storing drinking water in the housing.¶

(A) These containers must be made of impervious non-toxic materials that protect the water from contamination.¶

(B) Wash and sanitize them at least every 7 days.¶

(h) Do not use containers such as barrels, pails or tanks that require dipping or pouring to get the water.¶

(i) Do not use cups, dippers or other utensils for common drinking purposes.¶

(j) Do not allow cross connection between a system furnishing water for drinking purposes and a non-potable supply.¶

(8) Bathing, hand washing, laundry, and toilet facilities - General.¶

(a) Provide an adequate supply of hot and cold water under pressure for all common use bathing, hand washing, and laundry facilities at all labor housing and related facilities.¶

(b) In installations with bathing, laundry facilities, or flush toilets, the floor and walls must be of a readily cleanable finish and impervious to moisture.¶

(c) All common use bathing, hand washing, and laundry facilities must be clean, sanitary and operating properly.¶

(d) Buildings for common use bathing, hand washing, laundry, and toilet facilities must have heating capable of keeping the facility at 68 degrees or more during use.¶

(9) Bathing facilities.¶

(a) Provide drains in all showers to remove wastewater. Slope floors so they drain. Do not use slippery materials for flooring.¶

(b) Separate common use bathing facilities used for both sexes in the same building by a solid, non-absorbent wall extending from the floor to the ceiling.¶

(c) Mark separate sex bathing facilities, if provided, with "women" and "men" in English and in the native language(s) of employees expected to occupy the housing or with easily understood pictures or symbols.¶

(d) Beginning January 1, 2028, provide a private dressing area in or adjacent to bathing facilities that meets the needs of the occupants.¶

(e) Additional requirements for bathing facilities:¶

(A) Until December 31, 2027, provide at least one shower head with hot and cold water under pressure for every 10 occupants or fraction thereof. Unisex shower rooms are acceptable in the same ratios. They must have working locks and provide privacy.¶

(B) Beginning January 1, 2028, provide at least one locking shower stall with a shower head with hot and cold water under pressure for every 10 occupants or fraction thereof.¶

Note: If a single shower is located within a lockable room, a locking shower stall is not required.¶

(10) Hand washing facilities.¶

(a) Provide at least one hand washing sink or basin with hot and cold water under pressure for every 6 occupants or fraction thereof. Each 24 linear inches of "trough" type sink with individual faucets counts as one basin. When each living unit does not have hand washing facilities, locate common use facilities either close to the toilet facilities or close to the sleeping places. Beginning January 1, 2028, this handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment.¶

(b) In common use facilities, paper towels must be provided near the sink or basin. Do not use a single common towel. A container for paper towel disposal must be provided near each common use handwashing facility.¶

(11) Laundry facilities.¶

(a) Provide laundry trays, tubs, or machines with plumbed hot and cold water in the combined ratio of 1 for each 30 occupants or each part of 30. Beginning January 1, 2026, provide laundry machines with plumbed hot and cold water in the combined ratio of 1 for each 30 occupants or each part of 30; or provide laundry tubs or trays with plumbed hot and cold water in the combined ratio of 1 for each 25 occupants or each part of 25.¶

(b) Provide clothes lines or drying facilities to serve the needs of the occupants.¶

(c) Laundry rooms must have drains to remove wastewater.¶

(d) Each common use laundry room must have a slop sink.¶

(e) Beginning January 1, 2026, all laundry facilities must provide for separate method for cleaning clothes that are

contaminated with chemicals; some examples could include using multiple tubs, trays, or running clothes in separate wash cycles, or sending out the contaminated clothing for commercial laundry.¶

(12) Toilet facilities.¶

(a) Locate toilet facilities in labor housing and related facilities within 200 feet from the living area that they serve.¶

(b) Locate toilets, chemical toilets, or urinals in rooms built for that purpose.¶

(c) Maintain a usable, unobstructed path or walkway free of weeds, debris, holes or standing water from each living area to the common use toilet facilities. The walkway must have adequate lighting during hours of low light.¶

(d) Existing urinals must be non-absorbent, non-corrosive materials that have a smooth and cleanable finish. Urinals installed after the effective date of this standard must meet the Oregon state building code.¶

(e) Toilet facility ratios: ¶

(A) Until December 31, 2026, provide at least one toilet for every 15 occupants or fraction thereof for each gender in the labor housing. Toilets must assure privacy.¶

(B) Beginning January 1, 2027, provide at least one toilet for every 10 occupants or fraction thereof for each gender in the labor housing, provide no less than two toilets if there are two or more occupants if the toilet facilities are common use; and ensure all toilets provide privacy.¶

Note: Portable or chemical toilets are acceptable to meet this ratio requirement.¶

(C) If urinals are in the toilet facility and where three or more toilets are required for men, one urinal substitutes for one toilet (24 inches of trough-type urinal equals one urinal), to a maximum of one-third of the total required toilets.¶

(D) If there are no common use toilet facilities, calculate the required ratio without regard to gender.¶

(f) Ensure that common use toilet facilities are cleaned daily or more often when needed to maintain sanitation.¶

(g) Mark separate sex toilet facilities, when provided, with "women" and "men" in English and in the native language of employees expected to occupy the housing or with easily understood pictures or symbols.¶

(h) Ventilate all labor housing toilet facilities according to the Oregon state building code.¶

(i) Separate common use toilet facilities used for both sexes in the same building by a solid, non-absorbent wall extending from the floor to the ceiling.¶

(j) Install privacy partitions between each individual toilet or toilet seat in multiple toilet facilities. The partitions may be less than the height of the room walls:¶

(A) The top of the partition must be not less than 6 feet from the floor and the bottom of the partition not more than 1-foot from the floor. The width of the partition must extend at least 1 1/2 feet beyond the front of the toilet seat.¶

(B) Until December 31, 2026, provide a door or curtain so the toilet compartment is private. Beginning January 1, 2027, curtains are no longer permissible for privacy, and a solid door must be provided so the toilet compartment is private.¶

(k) Provide common use toilet facilities with toilet paper and holders or dispensers. Also provide disposal containers with lids.¶

(l) Do not allow obstruction of the path or access to a toilet facility. If access is through another room, that room must not be lockable.¶

(13) Portable toilets, chemical toilets and privies.¶

(a) The location and construction of privies must conform to Oregon Department of Environmental Quality standards.¶

(b) Privies must be at least 100 feet from any living area or any facility where food is prepared or served. Beginning January 1, 2026, privies must be at least 200 feet from any living area or any facility where food is prepared or served.¶

(c) Portable toilets and privies must have adequate lighting.¶

(d) When in use, service portable and chemical toilets at least weekly or often enough to keep them from becoming a health hazard. Clean portable toilets, chemical toilets and privies at least daily.¶

(e) Locate handwashing facilities with water, soap and disposable paper towels adjacent to or a reasonable distance to such toilet facilities. Portable handwashing facilities are acceptable. A container for paper towel disposal must be provided near each handwashing facility.¶

(14) Sewage disposal and plumbing.¶

(a) Connect the sewer lines from the labor housing and related facilities to a community sewer system, a septic tank with subsurface disposal of the effluent, pit type privies or other sanitary means conforming to Department of Environmental Quality standards.¶

(b) Install all plumbing in labor housing and related facilities to comply with Department of Environmental Quality standards and the Oregon state building code.¶

(15) Garbage and refuse disposal outside of buildings.¶

Note: Recyclable material is not garbage or refuse referred to in this section (15).

(a) Keep refuse and garbage containers clean and in good repair.

(b) Provide at least one 30-gallon or larger container per 15 occupants. Containers must be inside the housing site area and accessible to all occupants.

(c) Empty garbage bins and dumpsters at least weekly during use, but always before they become a health hazard or full enough to interfere with full closing of the lid.

(d) Empty common use cans and portable containers into a bin or dumpster, when full or twice weekly whichever is more frequent. Do not allow garbage on the ground.

(e) Keep all refuse and garbage containers covered and the garbage storage area clean to control flies and rodents.

(f) Do not burn any food, garbage or wet refuse.

(g) Dispose of garbage and refuse according to Department of Environmental Quality standards that govern the disposal of garbage, refuse and other solid wastes.

(16) Living areas.

(a) Keep all living areas structurally sound, safe and in good repair structurally and stable on their foundations. They must provide shelter for the occupants against the elements and protect the occupants from ground and surface water as well as rodents and insects.

(b) The walls and roof must be tight and solid. Floors must be rigid and durable, with a smooth and cleanable finish in good repair.

(c) For living areas without a working permanent heating system or heaters, the housing operator must supply portable heaters at no cost to the occupant and notify occupants of their availability. These heaters must be capable of keeping the temperature in the living area at a minimum of 68 degrees. Heaters must meet these requirements:

(A) Operate by electricity only.

(B) Have working safety devices installed by the manufacturer for the particular type of heater.

(C) Be in good working order with no defects or alterations that make them unsafe.

(d) Permanently installed solid fuel or gas fired heaters must meet the following:

(A) Install and vent any stoves or other sources of heat that use combustible fuel to prevent fire hazards and dangerous concentration of gases.

(i) Solid or liquid fuel heaters or stoves installed on or before December 15, 1989, must sit on a concrete slab, insulated metal sheet or other fire-resistant material when used in a room with wood or other combustible flooring. Extend it at least 18 inches beyond the perimeter of the base of the stove.

(ii) Solid or liquid fuel heaters or stoves must meet the manufacturer's specifications and the Oregon state building code in effect at the time of installation.

(B) Install fire resistant material on any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stove pipe. Provide a vented metal collar around the stovepipe, or vent passing through a wall, ceiling, floor or roof or combustible material.

(C) Heating systems with automatic controls must cut off the fuel supply on failure or interruption of the flame or ignition, or when they exceed a pre-determined safe temperature or pressure.

(D) All gas appliances and gas piping must comply with the Oregon state building code in effect at time of installation and the manufacturer's instructions. Beginning January 1, 2027, do not use gas burners in living areas without adequate ventilation or range hoods vented to outside.

(E) Do not locate stoves so they block escape from a sleeping place.

(e) Provide screens of at least 16 mesh on the doors and windows of the living area. All screen doors must be tight-fitting, in good repair, and self-closing.

(f) Until December 31, 2025, provide beds, bunks or cots for each occupant and suitable storage facilities, such as wall cabinets or shelves, for each occupant or family unit. Beginning January 1, 2026, provide beds or bunks for each occupant.

Note: Additional storage requirements are specified in subsection (16)(i) of this rule.

(A) The housing operator must provide a mattress for each bed or bunk.

(B) Beginning January 1, 2026, mattresses furnished by the operator must be at least 4 inches thick.

(C) Clean each mattress cover before each new occupant use, and before each season's occupancy. Beginning January 1, 2026, fumigation is not allowed for cleaning mattresses used by occupants.

(D) Mattresses must not sit on the floor.

(E) The sleeping surface must be at least 12 inches above the floor.

(F) Beginning January 1, 2026, when provided, bunks must include a method for safe access to the upper bunk.

(G) Occupant shall not be forced to share a bed.

(H) If requested by the occupants, the housing operator may provide one bed with a mattress for an adult couple in a relationship. This mattress must be at least full size.

(g) Mattresses furnished by the operator must be clean, in good repair, in a fully enclosed cleanable cover, and free from insects and parasites. Mattresses must be stored in a clean, dry place.¶

(h) Space the beds or bunks so that there is enough room to allow for rapid and safe exiting during an emergency.¶

(i) Suitable storage facilities, such as wall cabinets or shelves, for each occupant or family unit must be provided. Beginning January 1, 2026, at least 15 cubic feet of suitable storage facilities, such as wall cabinets or shelves, must be provided for each occupant or family unit. A portion of this storage for each occupant or family unit must be lockable and capable of securing small personal effects.¶

Note: Do not count children 2 years old and younger when calculating square footage requirements in subsections (j), (k), and (l).¶

(j) In living areas where workers cook, live, and sleep, provide at least 100 square feet per occupant.¶

(k) Until December 31, 2027, each sleeping room without double bunk beds must have at least 50 square feet of floor space per occupant. Where there are double bunk beds, provide 40 square feet per occupant.¶

(l) Beginning January 1, 2028, each sleeping room must have at least 50 square feet of floor space per occupant regardless of the use of double bunk beds. Where there are double bunk beds and the sleeping room is occupied by only a family with children who are all 17 years of age or younger, provide at least 40 square feet per occupant.¶

(m) Do not use triple bunks.¶

(n) Living and sleeping areas must have a minimum of 7-foot-high ceilings for the space to count toward any required square footage.¶

(o) Provide separate private sleeping areas for unrelated persons of each sex and for each family unit.¶

(p) Provide windows or skylights with a total area equal to at least 10 percent of the required floor area. At least one-half (nominal) the total required window or skylight area must be openable to the outside. Adequate mechanical ventilation or air conditioning system may substitute for openable window space if it does not limit safe exit from the space during an emergency in accordance with section (17) of this rule. Not more than one-half the required space can be met with skylights. Openable, screened windows in doors count toward this requirement.¶

(q) Before occupancy clean all living areas and eliminate any rodents, insects, and animal parasites. Products must be used according to the requirements of the label.¶

(17) Fire and carbon monoxide protection.¶

(a) All fires must be in equipment designed for that use. Do not allow open fires within 25 feet of structures.¶

(b) Each season, at the time of initial occupancy, each living area must have a working approved smoke detector.¶
Note: The operator is not responsible for daily maintenance of the detector or the actions of occupants that defeat its function.¶

(c) Beginning January 1, 2026, while occupied, where workers sleep must have a working approved carbon monoxide detector installed in accordance with the manufacturer's instructions.¶

(d) Provide fire extinguishing equipment in a readily accessible place, not more than 50 feet from each housing unit. The equipment must provide protection equal to a 2A:10BC rated extinguisher.¶

Note: Hoses are acceptable substitutes for extinguishers only if the water supply is constant and reliable. Hoses must be immediately available for firefighting use.¶

(e) All living areas with more than one room, built before December 15, 1989, with one door, must have, in addition to a door, a window in each sleeping room that can be an exit in case of fire:¶

(A) This window must have an openable space at least 24 inches by 24 inches, nominal.¶

(B) The lowest portion of the opening must be less than 48 inches above the floor.¶

(C) This window must open directly to the outdoors and be readily openable by the occupants from inside without breaking the glass.¶

(D) Label the escape window as an emergency exit.¶

(f) Living areas built on or after December 15, 1989, must meet the requirements for emergency exits in applicable rules of the Building Codes Division of the Oregon Department of Consumer and Business Services. Required emergency exit windows in sleeping rooms must have a clear net opening of at least 5.7 square feet, minimum vertical opening of 22 inches and minimum horizontal opening of 20 inches.¶

Note: Construct and maintain all living areas in labor housing and related facilities to comply with other applicable local and state laws and regulations in effect at the time of construction or remodel.¶

(g) A second story must have at least two exits when its occupant load is 10 or more. Comply with the Oregon state building code.¶

(h) Occupants on floors above the second story and in basements must have access to at least two separate exits from the floor or basement as required by the Oregon state building code.¶

(18) Cooking and eating facilities and equipment.¶

(a) Until December 31, 2027, and unless stated otherwise by this subsection, when provided, cooking or food preparation facilities or equipment must have the following:¶

Note: Common use cooking or food preparation facilities or equipment are permissible as specified by subsections (18)(a) and (18)(b) of this rule.

(A) An adequate number of refrigerators for occupant use that are capable of keeping food at or below 40 degrees Fahrenheit.

(B) A minimum equivalent of two cooking burners for every 10 persons or part thereof, or 2 families, whichever requires the most burners. If a gas or electric hotplate, or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material.

Note: Labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing.

(C) No liquid petroleum gas (LPG like propane) tanks in use inside. Outside tanks must connect to appliances with lines approved for that purpose.

(D) Food preparation facilities and storage must:

(i) Provide adequate food storage shelves and food preparation areas to serve the needs of the occupants. A portion of this space must be protected storage; and

(ii) Contact surfaces and floors in food preparation and serving areas must be made of or finished with smooth, non-absorbent, cleanable material.

(E) A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping areas.

(F) Refrigerators and the required ratio of stoves or hot plates must always be in working condition.

(G) Clean the facilities and equipment before each occupancy.

(H) Common use kitchen and dining areas must be separate from all sleeping quarters. There can be no direct opening between kitchen or dining areas and any living or sleeping area.

(I) In common use kitchens and dining areas, if the operator becomes aware of or has reason to suspect that anybody preparing, cooking or serving food has a communicable disease or the criteria listed in subsection (20)(b) of this rule, the operator must bar them from the common use cooking facility until the disease is no longer communicable.

(J) Buildings must have heating capable of keeping the facility at 68 degrees Fahrenheit or more during use.

(K) Facilities must be in buildings or shelters. Doors, windows and openings, if any, must have screens of 16 mesh or smaller.

(L) When operating a dining hall, the facility must also comply with the 2005 edition of the U.S. Food and Drug Administration (FDA) Food Code.

(b) Beginning January 1, 2028, and unless stated otherwise by this subsection, cooking or food preparation facilities or equipment must be provided and have the following:

(A) Adequate number of refrigerators for occupant use that are capable of keeping food at or below 40 degrees Fahrenheit.

(B) A minimum equivalent of two cooking burners for every 8 persons or part thereof, or 2 families, whichever requires the most burners. If a gas or electric hotplate, or wood stove is within 18 inches of a wall, that wall must be made of or finished with smooth cleanable, nonabsorbent, grease-resistant and fire-resistant material.

Note: Labeled and listed appliances are exempt from the 18-inch requirement when installed according to their listing.

(C) No liquid petroleum gas (LPG like propane) tanks in use inside. Outside tanks must connect to appliances with lines approved for that purpose.

(D) Food preparation and storage:

(i) Provide adequate food storage shelves and food preparation areas to serve the needs of the occupants. A portion of this space must be protected storage.

(ii) Contact surfaces and floors in food preparation and serving areas must be made of or finished with smooth, non-absorbent, cleanable material.

(E) A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping areas.

(F) Plumbed sink(s) with hot and cold water and an adequate number of faucets to service the occupants in food preparation areas or within a reasonable distance adjacent to such areas. Plumbed sinks in or adjacent to food preparation areas do not count toward the required ratio for handwashing facilities in section (10) of this rule.

(G) Required refrigerators and the required ratio of stoves or hot plates must always be in working condition.

(H) Clean the facilities and equipment before each occupancy.

(I) Common use kitchen and dining areas must be separate from all sleeping quarters. There can be no direct opening between kitchen or dining areas and any living or sleeping area.

(J) In common use kitchens and dining areas, if the operator becomes aware of or has reason to suspect that anybody preparing, cooking or serving food has a communicable disease or the criteria listed in subsection (20)(b) of this rule, the operator must bar them from the common use cooking facility until the disease is no longer

communicable.

(K) Buildings must have heating capable of keeping the facility at 68 degrees Fahrenheit or more during use.

(L) Cooking facilities must be in buildings or shelters that are enclosed or screened sufficient to prevent infestation by or harborage of animals, insect vectors, or pests and doors, windows, screen walls, and openings, if any, must have screens of 16 mesh or smaller.

(M) When operating a dining hall, the facility must also comply with the 2005 edition of the U.S. Food and Drug Administration (FDA) Food Code.

Note: Follow Division 4, Agriculture when it differs from the FDA Food Code. The code is available at:

<https://www.fda.gov/food/fda-food-code/food-code-2005> or contact the Oregon OSHA Resource Center at 800-922-2689 or in Salem 503-378-3272.

(19) First aid. OAR 437-004-1305, Medical and First Aid, applies to all labor housing and related facilities. This rule includes requirements for first aid supplies, an emergency medical plan and a plan of communication.

Note: Division 4/K requires all employees know about the first aid requirements and emergency medical plans. If employees' native language is other than English, this must be taken into account in meeting this requirement.

(20) Disease Reporting. The housing operator must report immediately the following to either the Oregon Health Authority or the local county health authority by telephone, electronic mail (email), online form, or any other method that is equally fast:

(a) The name and address of any individual in the housing known to have or suspected of having a communicable disease, or

(b) The existence of a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom.

(21) Access to ORS and OAR. Those wishing access to any of the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR) referenced here, may contact the Oregon OSHA Resource Center in Salem or the nearest Oregon OSHA Field Office.

(22) Closure and alternative housing.

(a) The operator of agricultural labor housing must provide replacement lodging without charge to the occupants if a government agency with the authority to enforce building, health or safety standards declares the housing or facilities to be uninhabitable and orders them vacated.

(b) The operator must provide replacement lodging for 7 consecutive days from the time the housing was closed or until the closing agency allows the original housing to reopen, whichever is shorter.

(c) Replacement lodging must meet or exceed the health and safety standards of Oregon OSHA. Oregon OSHA must approve the location of the replacement housing before employees are sent to it.

(d) Operators must arrange for replacement lodging not later than the end of the day the original housing closes or another date designated by the closing agency.

(e) Post the address of the replacement housing:

(A) Not later than the end of the day the original housing closes.

(B) In a place convenient to affected workers.

(C) In all languages spoken by the occupants.

(f) The posting in (e) above must state that the replacement housing is free to occupants of the closed housing.

(g) The operator must give Oregon OSHA a list of names of the occupants and the location of the replacement housing, for each.

(h) When the cause of the closure is beyond the control of the agricultural labor housing operator, subsections (a), (b), (c), (d), (e) and (g) above do not apply. To determine whether the cause of closure was beyond the control of the operator, Oregon OSHA will consider these circumstances, including but not limited to:

(A) Whether the cause of the closure is a natural disaster;

(B) Whether the circumstances leading to the closure were known or should have been known to the operator;

(C) Whether operator diligence could have avoided the circumstances leading to the closure.

(i) Agricultural labor housing occupants entitled to temporary replacement housing under this rule must accept or reject that housing when the original housing closes. These rules do not obligate operators to reimburse displaced occupants for housing they obtain without the operator's knowledge or consent. The operator is responsible for replacement lodging only for as many people as occupied the original closed housing. When an occupant rejects the replacement housing, the operator has no obligation to reimburse that occupant for other replacement housing.

(j) Oregon OSHA may issue a citation and assess a monetary penalty for violation of these rules as in ORS 654.071 and 654.086.

(23) Heat Illness Prevention in Labor Housing.

(a) Cooling Areas. Until December 31, 2026 if rooms where people sleep are not able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means), employers must provide an area(s) for occupants to cool off whenever the heat

index outside the housing units is at or above 80 degrees Fahrenheit. The cooling area(s) must be large enough to allow use by at least 50 percent of the occupants at the labor housing at any one time and must use either or any combination of the following two approaches: ¶

(A) Giving occupants continual access to one or more common rooms that are maintained at or below a temperature of 78 degrees Fahrenheit (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means). This can be done by making use of existing common rooms, otherwise unused housing units, or other available indoor spaces that do not present additional risks to the occupants.¶

(B) Giving occupants continual access to outdoor rest areas (located away from work areas or activities that could create a hazard). The rest areas must: ¶

(i) Be shaded by any natural or artificial means, so that occupants can sit or stand in a normal posture fully in the shade; ¶

(ii) Provide water misters, cooling vests, cooling towels, or equally effective means of relief. If relying upon items that can only be used by one individual at a time, enough must be provided to satisfy the 50 percent requirement and they must not be shared without being washed; and ¶

(iii) Locate available chairs, benches, and other seating in a manner that encourages use.¶

Note: Although employers are permitted to use either or any combination of the approaches listed in (A) and (B), they are encouraged to provide at least some of the required space using the methods listed in (A).¶

(b) Minimizing Heat in Housing Units. Until December 31, 2026, if rooms where people sleep are not able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means), employers must take the following steps:¶

(A) Optimize the ability to keep housing cool by ensuring that windows can be protected from direct sunlight in a manner that minimizes radiant heat during all hours of the day, whether using natural or artificial shade, the provision of window coverings must deflect the sun and not simply absorb the heat, or other equally effective measures. Such measures must not interfere with the ability to open and close windows or create another hazard; and¶

(B) Make fans available at no cost for any housing occupants who wish to use them.¶

(c) Beginning January 1, 2027, rooms where people sleep must be able to maintain an indoor temperature of 78 degrees Fahrenheit or less (using air conditioners, evaporative coolers, air purifiers with coolers, or other reliable means) whenever the heat index outside the housing units is at or above 80 degrees Fahrenheit but less than 95 degrees Fahrenheit.¶

(d) Beginning January 1, 2027, when the outdoor heat index is at or above 95 degrees Fahrenheit, the rooms where people sleep must be able to be maintained at a temperature at least 15 degrees Fahrenheit lower than the outdoor heat index.¶

Note: For example, when the outdoor heat index is 105 degrees Fahrenheit, the indoor temperature must be maintained at or below 90 degrees Fahrenheit.¶

(e) Temperature Awareness. To ensure that housing occupants can remain aware of the effects of heat on the indoor environment, both immediately and on an ongoing basis, employers must provide a thermometer that displays the temperature in both Fahrenheit and Celsius in each individual housing unit. Employers are encouraged, but not required, to provide a device that also measures humidity.¶

(f) Employee and Occupant Information. In addition to ensuring that employees have received the training required by OAR 437-004-1131(9), the employer must display the "Heat Risks in Housing" poster provided by Oregon OSHA in one or more prominent locations that housing occupants would normally see and must add the necessary emergency contact information to the poster, allowing housing occupants to contact emergency services as necessary. ¶

(g) Access to Emergency Services. Employers must ensure that occupants always have access to a working telephone that can be used to contact emergency services. An electronic device, such as a cell phone, may be used for this purpose only if reception in the area is reliable.

Statutory/Other Authority: ORS 654.025(2), 656.726(4), ~~654.035, 658.750, 658.755, 658.780, 658.785, 658.790, 658.805~~

Statutes/Other Implemented: ORS 654.001 through ~~654.295,~~ ORS 658.705 - 658.850