

IM-96-11

**DEPARTMENT OF CONSUMER & BUSINESS SERVICES
Oregon Occupational Safety & Health Division**

MEMORANDUM

Date: August 2, 1996
To: All OR-OSHA
From: Marilyn Schuster
Subject: Labor Camp Inspection Meeting with DOL

Recently a meeting was held between OR-OSHA representatives and Bob Provencio of the US Department of Labor. Bob and his crew do the labor camp inspections in Oregon. This is a summary of the major points covered and some of the information we got from Bob about how they operate.

Bob began by indicating that there is a memo of understanding between his agency and OSHA to avoid duplication of effort. He said that his inspectors use OSHA standards as well as Migrant and Seasonal Worker Protection Act (MSPA).

Bob said his people ask growers if another agency has already done a recent inspection of their labor camp and if there has been one, they look at the paperwork and move on to another camp.

Bob said his people also do pre-occupancy inspections although not required by their rules and had several questions about our program. He said they also look at employer provided transportation as well as other labor related issues. There was much talk about sharing inspection information between the two agencies. All agreed this would be a good idea.

Bob explained that MSPA applies to all migrant farm labor contractors and laborers but only migrants, not temporaries. His agency does not rely on the employer/employee relationship as we do. Instead, they simply determine of the primary purpose of the housing is to accommodate migrant labor.

Bob indicated that federal inspectors are reluctant to discuss or provide state rules to the people they inspect. This apparently avoids problems with misinterpretations.

He explained that MSPA exemptions include family businesses'where the family does all the contracting for labor. Also, operations that used fewer than 500 mandays of labor in any quarter of the previous calendar year.

The meeting ended with Diane Mekkers offering to coordinate a delegation from OR-OSHA to work with Bob's people to exchange information and coordinate efforts.