



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

September 5, 2024

[Text of proposed changes](#)

Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Virtual Public Hearings Scheduled for:

Hearing Date	Time	Location	Hearings Officer
Thursday, October 17	1:00 p.m.	Virtual	OSHA staff

Register in advance for this webinar:

https://www.zoomgov.com/webinar/register/WN_Vdm4SnseTLWkwB2bLhBQQQ

Thursday, October 17	6:00 p.m.	Virtual	OSHA staff
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Register in advance for this webinar:

https://www.zoomgov.com/webinar/register/WN_GOwTuxp5Q_umWGdO5fHrRg

Friday, October 18	11:00 a.m.	Virtual	OSHA staff
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** This hearing will be conducted in Spanish **

Register in advance for this webinar:

https://www.zoomgov.com/webinar/register/WN_V0BJsmRCRFeOkop8-mGDEg

Monday, October 21	6:00 p.m.	Virtual	OSHA staff
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** This hearing will be conducted in Spanish **

Register in advance for this webinar:

https://www.zoomgov.com/webinar/register/WN_i0ds7clbSpmj0lqJMvf18w

Friday, October 25	10:00 a.m.	Virtual	OSHA staff
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Register in advance for this webinar:

https://www.zoomgov.com/webinar/register/WN_8kjetbbOSFu5he6kkfdCXg

After registering, you will receive a confirmation email containing information about joining the webinar.



350 Winter St. NE
P.O. Box 14480
Salem, OR 97309



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osha.oregon.gov

A hearing will close no earlier than 30 minutes after the hearing has started, and it may close at any point after 30 minutes if all interested persons have had their opportunity to enter their comments into the record.

Rulemaking Summary:

Oregon OSHA is proposing a comprehensive update of its Agricultural Labor Housing and Related Facilities rule in Division 4, OAR 437-004-1120.

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

- Provide technical assistance to support the Oregon Department of Agriculture in providing \$5 million in grant funds to growers 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.
- 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. 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.

Overall, the proposed rule amendments clarify, modernize, and refine language in the rule. This rulemaking affects charging occupants, rule definitions, housing registration, site requirements, water supply, bathing and hand washing facilities, laundry, toilets, living and sleeping areas, fire protection, kitchens, disease reporting, and heat illness prevention. Some new proposed requirements have a phased approach with staggered effective dates to allow transition time for compliance. The rulemaking also includes minor corrections related to grammar and punctuation. Substantive rule changes are detailed below.

Charging Occupants

January 2025 implementation

- Clarify the list of what growers cannot charge occupants to include toilet paper, soap, laundry facilities, and cool water (pay-per-use toilets, pay-per use bathing facilities, or any other method of paying for individual service requirements are currently prohibited). Coin-operated laundry would remain an option for employers to use as a supplement so long as the minimum laundry requirements required by the rule are provided for free.

Definitions

January 2026 implementation

- Do not count privies toward toilet ratios (currently counted in toilet ratios)

Housing Registration

January 2025 implementation

- Remove exception that housing provided for nonfood crops were not required to register (current registration applies only to crops harvested for food)
- Require sites in initial registration to have no hazardous conditions (registration is currently provided when site is substantially in-compliance)
- Submit water testing results to Oregon OSHA with annual registration application (no current requirement)

Site Requirements

January 2025 implementation

- Clarifies that structures to be free from nuisance materials and have adequate drainage
- Housing sites must be well-drained and free from depressions in which water may become a nuisance
- Require secure storage of toxic materials used for work activities 30-feet from any housing
- Clarifies the need to provide adequate exterior/walkway lighting to common use facilities at night

- Ensure forks, driveways, buildings, and housing units are properly marked

January 2026 implementation

- Remove livestock care exception
- Provide one electrical outlet per occupant in sleeping areas

Water

January 2025 implementation

- Water supply must be tested by an accredited laboratory when not from a public water system
- Add arsenic and nitrates to well water testing frequency for all wells provided as part of employee housing
- Post water testing results in language of occupants or pictograms
- Clarifies that per occupant potable water requirements do not include the requirements for other rules, for example, heat illness prevention or field sanitation

January 2026 implementation

- Require water pressure to be no less than 20 psi; if not able to maintain 20 psi, then document limitation from qualified professional, but cannot be less than 15 psi (currently no less than 15 psi)

Bathing Facilities

January 2026 implementation

- Provide at least one locking shower stall with a shower head with hot and cold water under pressure for every 10 occupants

January 2027 implementation

- Provide a private changing room for a shower area that meets the needs of the occupants

Hand Washing Facilities

January 2025 implementation

- Provide paper towels near the sink or basin with a trash receptacle nearby

January 2027 implementation

- Handwashing ratio requirement does not count towards the requirement in section (18), Cooking and eating facilities and equipment

Laundry

January 2026 implementation

- Provide tubs and trays for laundry at 1:25 ratio, or 1:30 ratio if laundry machines are provided
- Provide separate method for cleaning contaminated clothes from other clothes

Toilets

January 2025 implementation

- Provide a handwashing facility with paper towels adjacent or a reasonable distance to portable or chemical toilets

January 2026 implementation

- Require a 1:10 toilet ratio for each gender, no less than two toilets if more than two of the same gender
- Provide solid doors for toilets
- Locate privies (e.g., an outhouse) more than 200 feet from facilities

Living Areas

January 2025 implementation

- Clarify that living areas must be “structurally sound” (currently must be safe and in good repair)
- Require notification of the availability of a space heater (no current requirement)
- Remove cots as an allowable bed option
- Require mattresses to be at least 4 inches thick
- Add safe access to the top bunk such as ladders or stairs
- Prohibit workers from sleeping in the same bed if that is not their preference
- Provide cleanable mattress covers
- Prohibit fumigation as a mechanism to clean mattresses
- Use chemicals in accordance with label for insect/rodent control

January 2026 implementation

- Explicitly require gas burners to vent outside
- Provide 21 cubic feet of storage for each occupant or family unit
- Provide lockable storage for personal effects

January 2027 implementation

- Provide at least 50 square feet per bed in sleeping rooms with bunk beds

Fire Protection

January 2025 implementation

- Install carbon monoxide detectors

Kitchens

January 2025 implementation

- Provide refrigerator capable of maintaining 40 degrees
- Provide 2 cook burners per 8 occupants or 2 family units, whichever is more
- Provide adequate and protected food storage area

January 2027 implementation

- Provide plumbed sinks with hot and cold water near food preparation area
- Provide kitchens that are enclosed/ indoors or screened
- Do not count sinks in toilet rooms toward sink requirements in kitchens

Disease Reporting

January 2025 implementation

- Align disease reporting with the Oregon Health Authority’s (OHA) most current rules
- The text of the referenced OHA rules is in the newly created [Appendix A](#).

Heat Illness Prevention

January 2026 implementation

- Maintain indoor temperature of 78 degrees in all sleeping areas when 80 degrees outside, or 15 degrees below outside temperature if at or above 95 degrees

In this rulemaking, the agency also proposes to amend a reference in OAR 437-002-0142 Labor Camps to align with the proposed changes in 437-004-1120. This Division 2 general industry rule applies the 437-00-1120 rule to labor housing situations in general industry, construction, and forest activities.

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

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

When does this happen: Adoption is tentative by the end of 2024.

To get a copy: Our web site – osha.oregon.gov Rules and laws, then, Proposed rules.
Or call 503-947-7449

To comment: Department of Consumer and Business Services/
Oregon OSHA
PO BOX 14480
Salem OR 97309-0405
Email – OSHA.rulemaking@dcbs.oregon.gov
Fax – 503-947-7461

Comment period closes: Sunday, November 3, 2024, at 11:55 p.m.

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

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

Lisa Appel
Rules Coordinator

350 Winter Street NE Salem OR 97301-3882
Address

503-947-7449
Telephone

RULE CAPTION

Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

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To submit comments on the proposed rule changes, please email the Rules Coordinator at OSHA.rulemaking@dcbs.oregon.gov. You may also send hardcopy written materials to: Rules Coordinator, PO Box 14480, Salem, OR 97309-0405.

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

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

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295, ORS 658.705 through 658.850

Stats. Implemented

RULEMAKING SUMMARY

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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)(B) – Period added.
- (5)(a)(C) – Paragraph deleted, removing exception that housing provided for nonfood crops were not required to register : "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)."
- (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 as part of the housing registration process.
- (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 certain areas.
- (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, 2026, eliminates exception that labor housing can be within 500-feet of livestock operations if that is part of their job; removes note and outlining adjusted.
- (6)(i) – Replaces acronym of ALH with full wording, outlining adjusted.
- (6)(j) – New requirement beginning January 1, 2026, at least one wall-type electrical receptacle must be provided for every two occupants in each room that is used for sleeping.
- (6)(m) – Replaces "rooms" with "facilities", removes the word "lavatories", and adds "dining halls" with updated punctuation.
- (6)(o) – Adds the words "to common use facilities" to clarify.
- (6)(p) – Adds new requirement for signage at roads and ensure buildings are marked for wayfinding.
- (7)(a) – Updates reference for drinking water standards to Oregon Health Authority; removes language about 15 PSI pressure at water system outlet that is moved to (7)(a)(A).
- (7)(a)(A) – Adds that until December 31, 2025, the site water system must supply at least 15 pounds per square inch (PSI) at the outlet end of all water lines regardless of the number of outlets in use; new paragraph.
- (7)(a)(B) – Adds new requirement beginning January 1, 2026, the site water system must supply at least 20 PSI at the outlet end of all water lines regardless of the number of outlets in use.
- (7)(a)(C) – Adds new requirement beginning January 1, 2026, no system can supply less than 15 PSI, and for any system that provides at least 15 PSI but less than 20 PSI, the operator must document the system's limitation in writing through an appropriately qualified professional.
- (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 to have an arsenic analysis completed on the water at least once.
- (7)(b)(B) – Clarify that potable water testing specifically include E. Coli, total coliform, and a new requirement for nitrate analysis. Adds requirement that potable water testing must be performed at least every 12 months if not from a public water system.
- (7)(b)(C) – New requirement 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 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, 2027, 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, 2025, 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, 2026, 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.
- (10)(a) – Adds new requirement that beginning January 1, 2027, 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 with 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, 2025, 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, 2026, 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.
- (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 new requirement that beginning January 1, 2026, curtains are no longer permissible for privacy, solid doors are required in toilet facilities.
- (12)(k) – The word “room” is replaced with “facility.”
- (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) – (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.
- (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, 2026, do not use gas burners in living areas without adequate ventilation or range hoods vented to outside.
- (16)(f) – The change removes the option of providing cots – only beds or bunks allowed; provisions requiring storage requirements are moved to (16)(i).
- (16)(f)(A) – Replaces “camp” with “housing,” removes the option for pad instead of a mattress.
- (16)(f)(B) – Existing paragraph changed with new requirement than mattresses be at least 4-inches thick instead of thicker than two-inches.
- (16)(f)(C) – Keeps requirement to clean mattress cover but changes it from “each season’s occupancy” to “before each new occupant use.” This content was previously located in (16)(g).
- (16)(f)(D) – Removes the option of “or pads.”
- (16)(f)(F) – Adds new requirement 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. Fumigation with pesticides to clean mattresses is no longer allowed. 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). In regard to storage, this change adds a new requirement that beginning January 1, 2026, provide at least 21 cubic feet of suitable storage for each occupant or family unit; some examples include wall cabinets, shelves, dressers, and similar provisions. A portion of this storage must be lockable and capable of securing small personal effects; some examples include a wallet, identification documents, mobile phone, and other similar materials; 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) – Keeps existing provision Until December 31, 2026, that each sleeping room without double bunk beds must have at least 50 square feet of floor space per occupant; “employee” is changed to “occupant.”
- (16)(l) – Adds new requirement that beginning January 1, 2027, each sleeping room must have at least 50 square feet of floor space per occupant regardless of the use of double bunk beds. do not use triple bunks; 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.”
- (16)(m) – 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)(n) – Re-outlined, as this content (no change) was in (16)(o) and is now in (16)(n). The original content in (16)(n) about ceiling height is now addressed in (16)(m).
- (16)(o) – Re-outlined, as this content was in (16)(p) and is now in (16)(o). 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)(p) – Re-outlined, as this content was in (16)(q) and is now in (16)(p). Adds statement, “Products must be used according to the requirements of the label.” Note: due to outline changes in rule, there is no longer a (16)(q).
- (17)(b) – The word “camp” is removed from the note.
- (17)(c) – Adds new requirement 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, 2026,” to show limited duration of existing requirements.
- (18)(a)(A) – Removes “A gas or electric refrigerator,” and replaces it with 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) – Adds new requirement decreasing ratio for cooking burners from two burners for every 10 people to two burners for every 8 people.
- 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 that requires, “Adequate food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas; all of these areas must be made of or finished with smooth, non-absorbent, cleanable material; and.” Some of this content was from a deleted section and moved to this paragraph.
- (18)(a)(D)(ii) – New paragraph that requires, “(ii) Additional protected food storage.”

- (18)(a)(E) – Previously this content was outlined as (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 “stoves,” and “plate” to “plates,” and clarifies they must always be in working condition.
- (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 (20)(e), the reference to disease reporting requirements is updated from paragraph (22) to Appendix A.
- (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, 2027, 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) – Keeps requirement that, “Adequate number of refrigerators for occupant use that are capable of keeping food at or below 40 degrees Fahrenheit.”
- (18)(b)(B) – Keeps new requirement that, “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) – Keeps food preparation and storage requirements from (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.”
- (18)(b)(F) – Adds new requirement that, “beginning January 1, 2027, 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) – Keeps requirement that refrigerators and stoves or hot plates must always be in working condition.
- (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) – Keeps requirement that 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 Appendix A - Disease Reporting Requirements (Mandatory), the operator must bar them from the cooking facility until the disease is no longer communicable.
- (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 beginning January 1, 2027, 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 text of “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” is moved to Appendix A and the updated rule language reflects this reference change; words “The camp” are removed at the beginning.

(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, 2025,” to show limited duration of existing requirements.

(23)(b) – Adds date, “Until December 31, 2025,” to show limited duration of existing requirements.

(23)(c) – Adds new requirement that beginning January 1, 2026, 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, 2026, 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.



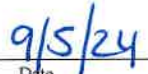
Appendix A – New appendix added to the rule, adds the current (2022 version) text of the Oregon Health Authority’s OAR 333-018-0000: Who Is Responsible for Reporting and OAR 333-018-0015: What Is to Be Reported and When. Previously this content was in section (22).

437-002-0142 – In this rule, 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.

November 3, 2024 at 11:55 p.m.

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

 Signature	
 Printed name	 Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of:**Adopting:**

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

Repealing:

Rule Caption: Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities

Statutory Authority: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 through 654.295, ORS 658.705 through 658.850

Need for the Rule(s):

Federal and state regulations of agricultural labor housing (ALH) have evolved over time in response to changing agricultural techniques and labor conditions. With Congress' adoption of the Occupational Safety and Health Act of 1970, employer-provided housing became subject to the jurisdiction of federal OSHA through the U.S. Department of Labor, which subsequently set minimum federal compliance requirements for employer-provided housing.

In 1973, the Oregon Legislature enacted the Oregon Safe Employment Act (ORS 654), which established Oregon OSHA and set the foundation for Oregon to adopt a "state plan." State plans are federal OSHA-approved workplace safety and health programs operated by individual states and U.S. territories. While there are currently 29 state plans, only a handful have provisions related to employer-provided housing, including Oregon, Washington and California. Most of the remaining states and territories fall under the jurisdiction and regulations set forth by federal OSHA. To gain and maintain approval, state plans must adopt and enforce compliance standards that are "at least as effective" (ALAE) as federal OSHA.

In accordance with this ALAE requirement, Oregon OSHA maintains and enforces rules for employer-provided housing (Labor Camps), which are predominately in agricultural settings. Federal OSHA has determined that the Rules for Agricultural Labor Housing and Related Facilities (OAR 437-004-1120) and the Labor Camp Rules (OAR 437-002-0142) are ALAE as its housing requirements (29 CFR 1910.142). Nothing in federal statute prevents Oregon OSHA from adopting and enforcing standards that are more stringent or protective than federal OSHA standards.

Oregon OSHA's current ALH rule (OAR 437-004-1120) was first adopted in 1998 and applies to any place where there are living areas or other housing provided by someone who recruits workers to work on an agricultural establishment. Housing for workers who produce, or harvest farm crops, must be registered with Oregon OSHA, except when the housing is occupied solely by members of the same family or by five or fewer unrelated people. The ALH rule is rooted in safety and health considerations and has broad requirements across housing conditions.

During a rulemaking process in 2018 on pesticides, worker advocates raised concerns about the application of pesticides within a certain distance to ALH, as well as the ALH rule in general. In response, Oregon OSHA committed to conducting a comprehensive review of the ALH rules using a rulemaking advisory group. In 2018, a rules advisory group was initially formed as an open group composed of a diverse collection of stakeholders, including growers, agricultural associations, housing operators, and employee representative groups. The COVID-19 pandemic delayed rulemaking activities, which Oregon OSHA resumed in 2021 and continued through 2023. At the end of 2023, a preliminary draft of rule changes was shared for consideration with the rules advisory group. These meetings continued in 2024 with the support of a professional facilitator to discuss the proposed provisions.

The proposed rule amendments address the concern that improvements and modernization of employer-provided housing conditions in Oregon are needed while balancing stakeholder perspectives. This rule seeks to strengthen worker protections in agricultural labor housing, providing a safe and healthy place to rest and sleep so they can adequately recover from labor intensive working conditions in agricultural settings. The rulemaking proposal includes a phased approach with some new requirements not going into effect until 2027. Although, most of the housing stock is in the agricultural setting, apart from the provision specified in OAR 437-004-1120(5), (6)(p) and (22), the proposal will affect all employer-provided housing. Employer-provided housing in general industry, construction, and forest activities (Labor Camps) are covered in OAR 437-002-0142, with the noted exceptions above, and point to the Agricultural Labor Housing and Related Facilities OAR 437-004-1120.

Documents Relied Upon, and where they are available:

437-004-1120, Agricultural Labor Housing and Related Facilities, Oregon Administrative Rule, Department of Consumer and Business Services - Oregon OSHA -, rule available at: <https://osha.oregon.gov/OSHARules/div4/div4J.pdf#d1120>

437-002-0142, Labor Camps, Oregon Administrative Rule, Department of Consumer and Business Services - Oregon OSHA -, rule available at: <https://osha.oregon.gov/OSHARules/div2/div2J.pdf#d0142>

Oregon OSHA Program Directive – Guidelines for Scheduling and Conducting Inspections of Agriculture Labor Housing, available at: <https://osha.oregon.gov/OSHARules/pd/pd-222.pdf>

29 CFR 1910.142, Temporary Labor Camps, Code of Federal Regulations, U.S. Department of Labor Occupational Safety and Health Administration, available at: <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.142>

[20 CFR 654.404-417, ETA Housing Checklist, U.S. Department of Labor Occupational Safety and Health Administration, available at: https://www.dol.gov/agencies/whd/eta-housing-checklist](https://www.dol.gov/agencies/whd/eta-housing-checklist)

[20 CFR 654.400-414, Subpart E, Housing for Farmworkers, available at: https://www.ecfr.gov/current/title-20/chapter-V/part-654](https://www.ecfr.gov/current/title-20/chapter-V/part-654)

Chapter 246-358, Temporary Worker Housing, Washington Administrative Code, Washington State Department of Health rules, available at: <https://apps.leg.wa.gov/WAC/default.aspx?cite=246-358>.

Chapter 296-307-161, Temporary worker housing and cherry harvest camps, Washington Administrative Code, Department of Labor & Industries rules, available at: <https://app.leg.wa.gov/WAC/default.aspx?cite=296-307>

Migrant Housing Act of North Carolina, 95-222 through 95-229, available at: https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_95/Article_19.html

California Department of Housing and Community Development, Employee Housing program information, laws and regulations, available at: <https://www.hcd.ca.gov/building-standards/employee-housing>.

California Code of Regulations, Title 25. Housing and Community development, Division 1. Housing and Community development, Chapter 1. State housing Law Regulations and Earthquake Protection law regulations, Subchapter 3. Employee Housing, available at: [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I3FCC12304C8611ECB533000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I3FCC12304C8611ECB533000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

American National Standard: For Sanitation in Fields and Temporary Labor Camps: Minimum Requirements, ANSI/PSAI Z4.4-2016 and Z4.4-1968, *available upon request from Oregon OSHA.*

How much does it cost to build a new house? Web-based article from NewHomeSource.com, available at: <https://www.newhomesource.com/learn/cost-to-build-house-per-square-foot/#the-building-process-cost-breakdown>

Department of Consumer and Business Services - Building Code Division, Fee Adoptions, available at: <https://www.oregon.gov/bcd/jurisdictions/Pages/proposed-fees.aspx>

Statement Identifying How Adoption of Rule(s) Will Affect Racial Equity in This State:

Oregon OSHA is committed to ensuring safe and healthful working and living conditions for all occupants of employer-provided labor housing, especially for vulnerable workers. Recognizing the historical and systemic racial inequities that have disproportionately affected communities of color, Oregon OSHA is dedicated to incorporating racial equity into its rulemaking. Oregon OSHA acknowledges that Latinx, Indigenous, Asian, Pacific Islander, Black, and other communities of color make up the majority of Oregon's agricultural workforce, putting them at disproportionate risk of working and living in unsafe, unhealthy, and unsanitary conditions. This rule seeks to strengthen worker protections in employer-provided housing, providing a safe and healthy place to rest and sleep so they can adequately recover, especially from labor intensive working conditions in agricultural settings.

Fiscal and Economic Impact:

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

All state agencies and local government units are affected by the rules in the sense that they are employers under the Oregon Safe Employment Act (OSEAct). The public as a whole will be affected only to the degree that members of the public are employers who provide labor housing as part of the work agreement.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

There were 109,800 firms with fewer than 50 employees in Oregon in March 2023 (Oregon Employment Department, QualityInfo.org). According to data from the U.S. Bureau of Labor Statistics, in the first quarter of 2023, there were approximately 4,899 Oregon establishments in agriculture, forestry, fishing, and hunting that had less than 50 employees. In 2023, 527 agricultural labor housing registrations were issued by Oregon OSHA, which includes duplicate registrations for multiple operators registering the same housing site. However, not all employer-provided housing are required by rule to be registered by Oregon OSHA. Comprehensive information about the business size and the total number of Oregon employer-provided housing operators statewide and across all industries is not available.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

See attached Fiscal Impact Statement for the projected costs above categorized by individual rule proposal.

c. Equipment, supplies, labor and increased administration required for compliance:

See attached Fiscal Impact Statement for the projected costs above categorized by individual rule proposal.

How were small businesses involved in the development of this rule?

Several smaller agricultural businesses are on the agricultural rulemaking advisory group, and this group is open to anyone to attend to provide their input on the rule development. In addition, small businesses and others were involved in the development of these rules directly and to the extent that their representatives represented them during the ALH rulemaking advisory group meetings. The minutes were posted on the website, along with other information related to the rulemaking process. Throughout the rulemaking process, Oregon OSHA elicited information from small business owners or their representatives, and those on the rulemaking advisory group distribution list.


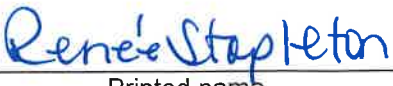
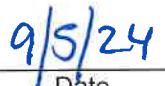
Additionally, Oregon OSHA requested information relating to the current housing stock through a survey of those housing operators registered through the ALH registry system.

Administrative Rule Advisory Committee consulted? Yes, specifically for the Fiscal Impact Advisory Committee (FIAC).

In 2018, Oregon OSHA formed an open rulemaking advisory group composed of a diverse collection of stakeholders, including growers, agricultural associations, housing operators, and employee representative groups. The COVID-19 pandemic delayed rulemaking advisory group meetings and rulemaking activities, which Oregon OSHA resumed in 2021 and continued through 2023. At the end of 2023, a preliminary draft of rule changes was shared for consideration with the rulemaking advisory group. These meetings continued in early 2024 with the support of a professional facilitator to discuss the proposed provisions. Throughout this rulemaking process, Oregon OSHA has requested and received information from employers that report the estimated fiscal impact of various provisions of the proposed rule. The largest bulk of these details were provided in March of 2024 by the rulemaking advisory group members and are reflective of the concepts in the November 2023 preliminary draft, which were posted on Oregon OSHA’s public website and shared with the rulemaking advisory group.

In August 2024, Oregon OSHA appointed a Fiscal Impact Advisory Committee comprised of five growers or their representatives, five worker representatives, and one neutral chairperson. The FIAC provided a recommendation to Oregon OSHA regarding the fiscal impact of the proposed rule changes on September 3, 2024.

The Agency requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing the negative economic impact of the rule on business.

		
Signature	Printed name	Date



Oregon
Tina Kotek, Governor



Oregon OSHA

Fiscal Impact Advisory Committee

OAR 437-004-1120

OAR 437-002-0142

Employer-Provided Housing:

Agricultural Labor Housing and Related Facilities

Introduction

Oregon OSHA is engaged in rulemaking activities related to its requirements for employer-provided housing under its Oregon Administrative Rule (OAR) Chapter 437-004-1120 – Agricultural Labor Housing and Related Facilities (OAR 437-004-1120). The following is a fiscal impact statement (FIS) based on the proposed rule amendments to OAR 437-004-1120. This FIS includes cost estimates and considerations that were received from Oregon stakeholders and members of the rule advisory committee (RAC) convened by Oregon OSHA during this rulemaking process. For ease of reference, the FIS refers to agricultural labor housing (ALH), which is intended to include all employer-provided housing subject to Oregon OSHA's jurisdiction, not just housing provided by agricultural employers.

Generally, the FIS is organized by individual rule sections and includes standardized language to provide additional clarity. To the extent that a proposed rule amendment is not addressed in the FIS, it is intended to signify that Oregon OSHA does not anticipate a fiscal impact for that specific provision. Proposed rule amendments can be identified as either “substantive change” or “clarification of existing requirement,” which denote that a potential fiscal impact is anticipated, or no fiscal impact is anticipated respectively.

Throughout the FIS there will be estimated costs based on available data and information provided by ALH RAC members. However, because of data gaps and variability between operations, some cost estimates cannot be calculated or are indeterminate. Some of the factors that make this FIS assessment challenging include employer site configuration and size, differences in business activities and operations, volume and duration of ALH occupancy, diversity of housing types provided to occupants, local zoning restrictions, climate, proximity to municipal or potable water sources, and site-specific electrical, plumbing, sewage, and construction permitting costs. Each of these factors, among others, can vary widely based on each employer's unique decisions or individual circumstances. Oregon OSHA expects that employers will make site-specific and operation-specific decisions on how best to minimize the

costs to come into compliance on a case-by-case basis. It is important to recognize, that in some instances the potential magnitude of additional costs cannot be quantified at this time.

In addition, improved productivity may occur due to increased employee morale from safer and healthier living conditions. This may result in a reduction in workers compensation claims and absenteeism, and improve employee retention and active participation in the safety and health management system.

The complex nature of these rules makes it difficult to predict and assess the potential financial impacts of housing projects. For example, Exclusive Farm Use (EFU) zoning could potentially limit the types of dwellings an employer may provide on their property. The economic impact of farmworker housing is intricately connected to the agricultural economy in Oregon, which is influenced by fluctuations in market demand, labor availability, and environmental factors. Estimating the financial impact of changes in regulations related to employer-provided housing involves complex considerations, particularly in relation to workforce capacity and the safety or health of workers and their families. Employer-provided housing also carries broader economic implications that can be challenging to quantify. There are many intangible benefits and potential costs that extend beyond the available financial information that can be included in this fiscal impact statement.

It is not Oregon OSHA's intention to create rules for agricultural labor housing that would conflict with the Oregon's Exclusive Farm Use zoning laws. However, to the extent any conflicts arise, making it not feasible for the ALH operator to comply, the ALH operator may seek a permanent variance through the free process at Oregon OSHA. Oregon OSHA cannot guarantee a variance.

Permit Fees for Building, Plumbing, Electrical, and Mechanical Modifications

Table 1 of the FIS relies on the published building permit fee schedules for four Oregon counties: Multnomah, Washington, Linn, and Jefferson (July 2024). The potential costs of improving ALH housing (e.g., plumbing, electrical, etc.) can vary widely due to several factors. Local building permit fees can differ widely by jurisdiction. Additionally, depending on the specific scope, scale, and location of the project, additional fees and requirements may apply that introduce other potential costs. However, the purpose of the FIS is not to present an exhaustive list of all potential costs and compliance options in terms of labor, equipment, professional services, supplies, and administrative activities, but rather provide a reasonable estimate of the potential costs based on the average employer.

Table 1

County	State Surcharge Fees	Plan Review Fees	Building Permit Fees per \$1,000 valuation (minimum)	Plumbing Fees	Electrical Fees	Mechanical Fees
Multnomah	12%	65% of building permit fee	\$145 for the first \$2,000, then \$3.13 - \$12.15 per valuation differential	\$302 - \$1,258 per dwelling unit	\$83 - \$369 per dwelling unit	\$21 - \$81 per unit
Jefferson	12%	75% of building permit fee	\$72.41 - \$882.31, then \$3.05 - \$7.80 per valuation differential	\$321.26 - \$512.40 per dwelling unit	\$99.10 minimum, \$35.70 - \$195.30 per dwelling unit	\$99.10 minimum, \$11.55 - \$72.44 per unit
Washington	12%	65% of building permit fee	\$211.50 for the first \$2,000, then \$7 - \$16.25 per valuation differential	\$726.75 - \$1,135.75 per dwelling unit	\$211.50 - \$327.25 per dwelling unit	\$407 flat fee for new construction
Linn	12%	65% of building permit fee	\$139.75 - \$965.10 minimum, then \$3.05 - \$11.45 per valuation differential	\$363.75 - \$505.85 per dwelling unit	\$25 minimum - \$556, \$6 - \$12 per valuation differential	\$86 minimum, \$16.05 - \$36.40 per unit

Estimates are based on the permit fees for a single family dwelling unit. Additional permit fees and plan evaluation costs may apply based on state and local requirements.

Wage Data

Where listed, wage information was collected from the Oregon Employment Department online database ([Oregon Employment Department Quality Information](#)). To complete the FIS, Oregon OSHA relied on the tenth (10th), fiftieth (50th), and ninetieth (90th) percentiles wage data for 2024:

1. *Farmers, Ranchers, and Other Agricultural Managers* (119013) Oregon (All Counties); Hourly Wage: \$24.16 (10th), \$38.52 (50th), \$72.84 (90th)
2. *Farmworkers and Laborers, Crop, Nursery, and Greenhouse* (452092) Oregon (All Counties); Hourly Wage: \$14.18 (10th), \$16.65 (50th), \$21.55 (90th)
3. *Construction Managers* (119021) Oregon (All Counties); Hourly Wage: \$35.56 (10th), \$59.09 (50th), \$97.85 (90th)
4. *Construction Laborers* (472061) Oregon (All Counties); Hourly Wage: \$18.42 (10th), \$23.74 (50th), \$35.72 (90th)
5. *Electricians* (472111) Oregon (All Counties); Hourly Wage: \$24.13 (10th), \$43.79 (50th), \$55.17 (90th)
6. *Plumbers, Pipefitters, and Steamfitters* (472152) Oregon (All Counties); Hourly Wage: \$24.25 (10th), \$40.87 (50th), \$63.55 (90th)
7. *Septic Tank Servicers and Sewer Pipe Cleaners* (474071) Oregon (All Counties); Hourly Wage: \$18.86 (10th), \$23.92 (50th), \$37.22 (90th)

An estimated range of thirty-five percent (35%) to one hundred percent (100%) was applied for purposes of wage loading. Briefly, wage loading refers to the additional payments or allowances that may be added to a worker's base pay to account for various factors such as benefits, taxes, and other employment related costs. When estimating labor costs, Oregon OSHA utilized the following formula:

Hourly Wage Data for the 10th Percentile x 135% Wage Loading x Time = Lower Bound

Hourly Wage Data for the 90th Percentile x 200% Wage Loading x Time = Upper Bound

RAC members provided a number of cost estimates related to labor and septic tanks.

- Estimated costs to hire an electrician:
 - For Marion County (mid-valley): Electricians: \$120 to \$165 an hour. Apprenticeship rate of \$65 to \$85.
 - A good median hourly rate to go with for an electrician is \$140. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Electrical - \$140.00 – 155.00/hr
 - IBEW (electricians)

- \$60.50 wage
 - \$29.59 benefits
 - \$87.34 total per hour
- Estimated costs to hire a plumber:
 - For Marion County (mid-valley): Plumbers: \$130 to \$200 an hour. Apprentice rate \$75 to \$95.
 - A good median hourly rate to go with for a plumber \$150. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Plumbing -\$145.00/hour.
 - A member estimated the cost to higher a plumber at \$75/hour.
 - Other members provided that cost estimates may range from \$65/hour (apprentice), \$102/hour (journeyman), up to approximately \$145/hour for a plumber.
 - UA (plumbers and pipefitters):
 - \$57.92 wage
 - \$38.00 benefits
 - \$95.92 total per hour
- Estimated costs to hire HVAC specialist:
 - For the Columbia Gorge Area: HVAC -\$145.00/hr
- Estimated septic tank and septic system costs:
 - One contractor shared that in Marion County it's nearly impossible to replace a septic tank with permitting and environmental requirements but for those with a perfect application the replacement costs alone are \$15-20k. He said in Detroit Lake the costs are \$75-120k just for septic tank replacement or new build because of ground requirements (too wet so they need sand filters and grease traps). It's going to depend on the ground the housing is built on.
 - Installation for an example drain field in Spring 2024 – total cost, including a pump system & permitting: \$22,170 - ~\$74/ft.
 - There could be permitting challenges with replacing a drain field in the Scenic area as it can trigger review. Local public health department may also require total system replacement, depending on where you are located. DEQ regulations indicate that replacing a portion of a septic system triggers the need for the entire system to be brought up to current code. They now look at maximum capacity rather than simply the number of bathrooms etc. to determine system size. Today, that would mean that upgrades could trigger a requirement to install a much larger and more expensive system encompassing a dosing tank, a much larger septic tank, and a much larger pumping system in addition to the new drain field in a location where there is no room to place these items. This is just

an additional regulatory challenge that exists in other agencies that would need to be assessed on a project-by-project basis.

Construction Supply and Equipment Estimates

Construction costs, including those for lumber, electrical, and plumbing systems are expected to vary widely between employers due to several factors. The scale and scope of a project significantly impact cost estimates, wherein larger projects may benefit from economies of scale, reducing price per-unit costs, while smaller or more complex projects may incur higher expenses due to specialized labor, materials, or travel distances. Material quality is another crucial factor; premium materials are typically more expensive than standard options. Additionally, as referenced previously, regional labor rates, local building codes, and site-specific conditions, such as accessibility and existing infrastructure, can further impact the range of cost estimates. Taken together, these and other variables collectively contribute to the complexity of estimating the wide range of construction costs observed across different projects and employers.

As discussed previously, the purpose of the FIS is not to present an exhaustive list of all potential costs and compliance options in terms of labor, equipment, professional services, supplies, and administrative activities, but rather provide a reasonable estimate of the potential costs based on the average employer. Below are common construction materials that may be used by an employer to meet compliance requirements would be introduced if the proposed rule was adopted. To the extent an employer needs lumber, electrical cords and wiring, or plumbing supplies, those costs have been estimated below.

Lumber Supply Estimates

- Estimate cost of \$24.30 per sheet (4'x8'x15/32") of plywood, ([Home Depot](#))
- Estimate cost of \$22.87 per sheet (4'x8'x15/32") of plywood, ([Lowe's](#))
- Estimate cost of \$3.65 (2'x4'x8' framing lumber), ([Home Depot](#))
- Estimate cost of \$3.25 (2'x4'x8' framing lumber), ([Lowe's](#))

Electrical Supply Estimates

- Extension cords
 - 6 ft. 12/3 SJTW 15 Amp 125-Volt 1875-Watt Lighted End Indoor/Outdoor Black Heavy-Duty Extension Cord (2-Pack) is estimated to cost approximately \$10.96 per unit ([Home Depot](#))
 - 50 ft. 12/3 SJTW Hi-Visibility Outdoor Heavy-Duty Extension Cord with Power Light Plug is estimated to cost approximately \$46.05 per unit ([Home Depot](#))
 - Woods 8-ft 16/3 3-Prong Black Outdoor SJTW Heavy Duty General Extension Cord to cost approximately \$8.36 per unit ([Lowe's](#))

- Utilitech Outdoor 25-ft 12/3 3-Prong Yellow Outdoor SJTW Heavy Duty Lighted Extension Cord is estimated to cost approximately \$49.97 per unit ([Lowe's](#))
- Electrical wiring varies widely (e.g., length, gauge, max amperage, stranded or solid, etc.); therefore, depending on the specifics of the project, it is estimated that if electrical wiring is required supply costs could range from \$23 per roll for 15 feet of 12/2 electrical wire up to \$1340 per roll for 500 feet of 6/2 wire ([Home Depot](#)); \$59 per roll for Southwire 25-ft 12/2 Solid UF-B Wire W/G ([Lowe's](#)) or \$167 per roll Southwire 50-ft 6/2 Romex SIMpull Solid Indoor CU NM-B W/G ([Lowe's](#))
- RAC members reported a range of cost estimates to upgrade their electrical panels, estimating it would be approximately \$1,928.85 up to \$5,000 per panel (Documents 7, 27, 34)

Plumbing Supply Estimates

- PVC Piping
 - Charlotte Pipe 1 in. x 10 ft. PVC Schedule 40 Tubing DWV Pipe is estimated to cost approximately \$8.48 per unit ([Home Depot](#))
 - IPEX 1-in x 10-ft CPVC Pipe is estimated to cost approximately \$12.96 per unit ([Lowe's](#))
- Copper pipe
 - Streamline 1/2-in x 10-ft Copper Type M Pipe is estimated to cost approximately \$21.92 per unit ([Lowe's](#))
 - Streamline 3/4 in. x 10 ft. Copper Type M Pipe is estimated to cost approximately \$35.54 per unit ([Home Depot](#))
- Galvanized pipe
 - The Plumber's Choice 3/4 in. x 36 in. Galvanized Steel Pipe is estimated to cost approximately \$18.15 per unit ([Home Depot](#))
 - Southland 3/4-in x 24-in Galvanized Pipe is estimated to cost approximately \$19.56 per unit ([Lowe's](#))
- Miscellaneous supplies:
 - Plumbshop 3/8 in. Flare x 1/2 in. FIP x 16 in. Braided Stainless Steel Faucet Supply Line is estimated to cost approximately \$2.05 per unit ([Home Depot](#))
 - RELIABILT 1/2-in FIP x 1/2-in Fip x 20-in Braided Stainless Steel Flexible Faucet Supply Line is estimated to cost approximately \$6.98 per unit ([Lowe's](#))
 - SIMPLE DRAIN 1.25 in. Rubber Threaded P-Trap Bathroom Single Sink Drain Kit is estimated to cost approximately \$12.88 per unit ([Home Depot](#))
 - Snappy Trap Universal Drain Kit for Bathroom Sinks - Black, Adapts to 1-1/4 in - 1-1/2 in sink drains and wall drain pipes is estimated to cost approximately \$15.78 per unit ([Lowe's](#))

- A RAC member provided the following cost estimate related to a shower installation: it cost approximately \$8,000 for 15 hours of work for a plumber to replace a tub with a handicap shower.

Proposed Amendments to OAR 437-004-1120

Proposed Rule Section 1 – Application

Amendment (1)(a) – Clarification of Existing Requirement(s)

- The words, “or employment” were added to the proposed rule to clarify that the ALH rules applied to individuals who employ workers on an agricultural establishment.
- No fiscal impact anticipated.

Amendment (1)(c) – Clarification of Existing Requirement(s)

- The reference to OAR 918-500-0020(2) was replaced by the correct corresponding OAR 918-500-0510, which is associated with ORS 446.155 to 446.185.
- No fiscal impact anticipated.

Proposed Rule Section 2 – Rule Exemptions

Amendment (2)(a) – Clarification of Existing Requirement(s)

- The exemption for hotels or motels was clarified to apply when such establishments provide similar accommodations commercially on a regular basis.
- No fiscal impact anticipated.

Proposed Rule Section 3 – Charging Occupants for Required Services

Amendment (3) – Clarification of Existing Requirement(s)

- Prohibitions against pay-per-use services were clarified to include toilets, toilet paper, soap for handwashing, bathing facilities, laundry facilities, or cool potable water.
- No fiscal impact anticipated, as this provision does not require anything, it is a prohibition.
- A RAC member asked if this amendment would prohibit the use of coin-operated laundry machines. This question is addressed in [Oregon OSHA's ALH FAQ guide](#) on page 5. Summarized below:

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- “If the operator provides the minimum, rule-required services for free, they are permitted to charge for services beyond those minimum requirements. For example, if a housing operator has the minimum requirement of one laundry tray for each 30 occupants and clothes lines or drying facilities that serve their needs available for free, that operator could also have a coin-operated washing machine and dryer available at the facility. [See OAR 437-004-1120(11).] If the operator only provided the pay-per-use equipment, they would be in violation of the rule that prohibits them from charging for the required services.” – Page 5 of ALH FAQ
- Readers should note that the draft rule includes an amendment that would change the ratio for laundry tubs and trays from 1:30 to 1:25. For more details see section 11 of this fiscal impact statement.

Proposed Rule Section 4 – Definitions

Amendment (4)(m) – Clarification of Existing Requirement(s)

- The definition of potable water was clarified to reference the Oregon Health Authority requirements for drinking water under OAR Chapter 333 Division 61.
- No fiscal impact anticipated.

Amendment (4)(n) – Clarification of Existing Requirement(s)

- The definition of “prefabricated structure” was clarified to reference the Oregon Building Codes Division rules in OAR Chapter 918, Division 674.
- No fiscal impact anticipated.

Amendment (4)(o) – Substantive Change (potential fiscal impact anticipated)

- The definition of “privy” proposes to exclude outhouses, pit toilets, or privies as eligible options for meeting compliance requirements related to required toilet facility ratios under the ALH rules.
- To the extent that it impacts an employer, compliance with this proposed change could be achieved through multiple options, including the use of portable chemical toilets, expansion of existing plumbed toilet facilities, or the construction of new toilet facilities.
- A RAC member provided the following information related to this amendment.
 - Although not required by the rule:
 - If modification is needed, operators may build separate toilet facilities.
 - Estimated cost of \$24.30 per sheet plywood (4 – 6 sheets could be needed). Use other plywood sheet language used in other sections.
 - Estimated cost of \$3.65 (2’x4’x8’ framing lumber), it is estimated that 4 to 6 boards per toilet stall needed



- Estimated cost of any additional hardware and concrete/solid construction footing: \$54 - \$108 <https://homeguide.com/costs/concrete-slab-cost>
- Portable chemical toilets:
 - Estimated costs provided by [123 Portable Toilet Rental](#) (Redmond, Oregon), for standard portable toilet (60 gallon holding capacity)
 - Daily – 1 to 4 porta potties – \$99 per day
 - Weekly – 1 to 4 porta potties – \$538 per week
 - Monthly – 1 to 4 porta potties – \$1201 per month
 - Estimated costs provided by [Zters](#) (Eugene, Oregon), for a portable toilet costs between \$264 and \$347 depending on the number of times it is serviced in each 7 day rental period. Delivery costs average \$61.27 depending on the distance, type of toilet product, and current fuel prices. ([Zters](#))
 - One RAC member reported that based on 2023 rental rates, it would cost approximately \$47,200 annually for 59 portable toilets, including delivery, unit rental, and service four times per week
- Expand current stock or install additional plumbed toilet facilities:
 - Toilet fixture (Glacier Bay 12 in. Rough in 2-Piece 1.1 GPF/1.6 GPF Dual Flush Round Toilet in White Seat Included) is estimated to cost approximately \$94.00 per unit. ([Home Depot](#))
 - Toilet fixture (Project Source Pro White Round Chair Height 2-piece WaterSense Toilet 12-in Rough-In 1.28-GPF) is estimated to cost approximately \$89 per unit ([Lowe's](#)).
 - Estimate 2-8 hours of labor for a plumber or similarly qualified person for fixture installation per unit. There may be additional “show up” fees that apply that are estimated to range in cost from approximately \$250-\$350.

Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:

- \$24.25 (10th) x 135% loading x 2 hours = \$65.48
 - \$63.55 (90th) x 200% loading x 8 hours = \$1,016.80
- RAC members provided the following estimated costs to hire a plumber:
 - For Marion County (mid-valley): Plumbers: \$130 to \$200 an hour. Apprentice rate \$75 to \$95.
 - A good median hourly rate to go with for a plumber \$150. There’s usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Plumbing - \$145.00/hour.
 - A member estimated the cost to higher a plumber at \$75/hour.

- Other members provided that cost estimates may range from \$65/hour (apprentice), \$102/hour (journeyman), up to approximately \$145/hour for a plumber.
 - UA (plumbers and pipefitters):
 - \$57.92 wage
 - \$38.00 benefits
 - \$95.92 total per hour
- RAC members reported a range of cost estimates to upgrade their septic system would be approximately \$8,000 to \$160,000. (Documents 2, 25, 29, 30, 34). The cost estimate of \$160,000 was for 4 septic systems. The estimate of \$8,000 was to replace two septic tanks with no additional work necessary to install the new systems. Drain field-related costs were estimated to be approximately \$5,000 - \$23,000. Another member provided an estimate that replacement costs for a septic tank could range from \$15,000 to \$20,000 for replacing only the tank, and range from \$75,000 to \$120,000 for a new septic tank system depending on the ground the housing is built on. Installation for a drain field in Spring 2024 is estimated to cost, including a pump system and permitting: \$22,170 or approximately \$74/foot.
- GreenbarExcavation.com, septic tank replacement range in Oregon \$3,000-\$10,000.
- ToddEWilderConstruction.com, septic tank replacement range in Oregon \$3,500-\$5,000 up to \$22,000-\$32,000 full ATT septic system.
- Estimate 1-8 hours of labor for a septic tank servicer to pump one septic tank system.

Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:

- \$18.86 (10th) x 135% loading x 1 hours = \$25.46
 - \$37.22 (90th) x 200% loading x 8 hours = \$595.52
- RAC members provided the following estimated costs to hire a plumber:
 - For Marion County (mid-valley): Plumbers: \$130 to \$200 an hour. Apprentice rate \$75 to \$95.
 - A good median hourly rate to go with for a plumber \$150. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Plumbing -\$145.00/hour.
 - A member estimated the cost to higher a plumber at \$75/hour.

- Other members provided that cost estimates may range from \$65/hour (apprentice), \$102/hour (journeyman), up to approximately \$145/hour for a plumber.
- UA (plumbers and pipefitters):
 - \$57.92 wage
 - \$38.00 benefits
 - \$95.92 total per hour

RAC members provided additional information related to this amendment:

- \$80/hour for septic tanking pumping costs
- \$450 for two hours of septic servicing in metro area
- \$0.54/gallon for septic pumping costs; approximately \$1080 for two hours to service a 2,000 gallon tank.

Amendment (4)(r) – Clarification of Existing Requirement(s)

- The definition of “sanitary” was clarified to include both health and hygiene.
- No fiscal impact anticipated.

Amendment (4)(t) – Clarification of Existing Requirement(s)

- The definition of “toilet room” was updated to “toilet facility” to align with the proposed rule language.
- No fiscal impact anticipated.

Proposed Rule Section 5 – Housing Registration Requirements

Amendment (5)(a) – Substantive Change (potential fiscal impact anticipated)

- The subsection (5)(a)(C) propose the exemption for ALH registration requirements for housing on sites that do not produce or harvest farm crops was removed.
- Estimated 2-6 hours of administrative time to complete a first-time pre-occupancy ALH site consultation.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 2 hours = \$65.23
- $\$72.84$ (90th) x 200% loading x 6 hours = \$874.08

- Estimate 0.5-1 hour of administrative time to complete re-registration, if no substantial changes to the housing or facilities occurred, each year.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hour = \$16.31 annually
- \$72.84 (90th) x 200% loading x 1 hour = \$145.68 annually

Amendment (5)(b) – Substantive Change (potential fiscal impact anticipated)

- Subsection (5)(b) proposes to clarify that ALH occupied year-round must register by February first each year.
 - No fiscal impact anticipated.
- Subsections (5)(b)(A) and (5)(b)(C) proposes to clarify that operators must contact Oregon OSHA at least 45 calendar days before occupancy if it was previously unregistered, or if the housing or facilities were significantly changed since the previous registration.
 - No fiscal impact anticipated.
- Subsection (5)(b)(B) proposes to clarify that a pre-occupancy consultation must determine that the housing or facilities must be free from all hazardous conditions before being registered.
 - No fiscal impact anticipated.
- Subsection (5)(b)(E) would be added to require that certain housing would be required to include annual water testing results from an accredited lab each year as part of the ALH registration process.
 - See fiscal impact information for proposed rule section 7 (Water Supply) for additional fiscal information related to water testing cost estimates.
- Estimated 0.5-1 hour of administrative time annually to include proposed water quality testing results (see also proposed rule section 7) and to monitor the water system, as part of the ALH registration process.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hour = \$16.31 annually
- \$72.84 (90th) x 200% loading x 1 hour = \$145.68 annually

Amendment (5)(c) – Clarification of Existing Requirement(s)

- Subsection (5)(c)(C) proposes to clarify that the Director of the Department of Consumer and Business Services or designees may revoke a site’s ALH registration if it is determined that is not free of hazardous conditions.
 - No fiscal impact anticipated.

Amendment (5)(e) – Clarification of Existing Requirement(s)

- Subsection (5)(e)(B) proposes to clarify that a designated representative of a group, would be allowed to protest an ALH registration before it is issued.
 - No fiscal impact anticipated.
- Subsection (5)(e)(C) proposes to clarify by adding “registration” before applicant.
 - No fiscal impact anticipated.
- Subsection (5)(e)(D) proposes to clarify by adding “ORS” before statute number.
 - No fiscal impact anticipated.

Proposed Rule Section 6 – Site Requirements

Amendment (6)(a) and (6)(c) – Substantive Change (potential fiscal impact anticipated)

- Subsections (6)(a) and (6)(c) would require that ALH and related facilities must have adequate drainage and be free of depressions in which water may become a nuisance.
- A RAC member provided the following information related to this amendment.
 - Although not required by the rule:
 - If modification is needed, operators may fill any depression with gravel.
 - Estimated cost of gravel: \$12 – 36 (1 to 3 bags)
<https://www.lowes.com/pd/Rain-Forest-Decorative-Landscape-Gravel-30-lb-Red-Gravel/1002075998>
- Estimated cost of any additional hardware and concrete/solid construction footing: \$54 - \$108 <https://homeguide.com/costs/concrete-slab-cost> Estimated costs provided by [Portland Sand and Gravel](#) (Portland, Oregon), for fill dirt:
 - \$20 per yard
 - \$80 minimum delivery fee per trip
- Estimated costs provided by [Landscape Shoppe](#) (Salem, Oregon), for fill dirt:
 - \$38.00 per yard
 - \$40-\$185 minimum delivery fee per trip
- Estimated 0.5-3 hours of labor time to spread one yard of fill dirt.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.5 hours = $\$16.31$
- $\$72.84$ (90th) x 200% loading x 3 hours = $\$437.04$

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18$ (10th) x 135% loading x 0.5 hours = $\$9.57$
- $\$21.55$ (90th) x 200% loading x 3 hours = $\$129.30$

- Estimated 0.5-1 hour of administrative time annually to monitor site and identify areas with depressions that may become a nuisance.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.5 hour = $\$16.31$ annually
- $\$72.84$ (90th) x 200% loading x 1 hour = $\$145.68$ annually

Amendment (6)(e) – Substantive Change (potential fiscal impact anticipated)

- Subsection (6)(e) would require that toxic materials used in work activities are locked in a secure location that is at least 30 feet from ALH or related facilities. While the proposed requirement for lockable storage would be a new requirement, Oregon OSHA's current ALH rule requires that all toxic materials are stored in a safe place.
- 5 ft. x 3 ft. Outdoor Tool Storage Shed, Galvanized Metal Garden Shed, 15 sq. ft. with Lockable Door, is estimated to cost approximately $\$220.80$ per unit ([Home Depot](#))
- Arrow 10-ft x 8-ft High Point Galvanized Steel Storage Shed, is estimated to cost approximately $\$469.00$ per unit ([Lowe's](#))
- Mounted lock, hasp, and latch (4 in. L Steel Heavy-Duty Hasp Latch) is estimated to cost approximately $\$7.98$ per unit ([Home Depot](#)); Padlock (Outdoor Padlock with Key, 1-9/16 in. Wide) is estimated to cost approximately $\$8.78$ per unit ([Home Depot](#))
- Mounted hinged hasp (RELIABILIT 3-1/2-in Stainless Steel Keyed Hinge Hasps) is estimated to cost approximately $\$11.98$ per unit ([Lowe's](#))
- Master Lock Keyed Padlock 5/8-in Shackle is estimated to cost approximately $\$8.88$ per unit ([Lowe's](#))
- Estimated 0.5-1 hours of labor time to install one lock on a toxic material storage area.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.5 hour = $\$16.31$
- $\$72.84$ (90th) x 200% loading x 1 hour = $\$77.04$

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18$ (10th) x 135% loading x 0.5 hour = \$9.57
- $\$21.55$ (90th) x 200% loading x 1 hour = \$43.10

- Estimated 1-4 hours of labor to move materials for ALH sites that would be required to move their existing storage the required distance.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 1 hour = \$32.62
- $\$72.84$ (90th) x 200% loading x 4 hour = \$582.72

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18$ (10th) x 135% loading x 1 hour = \$19.14
- $\$21.55$ (90th) x 200% loading x 4 hour = \$172.40

- Estimated 0.5-2 hours of labor time per area to maintain required perimeter around toxic storage material area (if applicable). The number of times an employer would need to clear the perimeter of brush would depend on the length of occupancy; estimate 2 instances for occupancy of 2 weeks or less, and up to 18 times annually if occupied year-round.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.5 hour = \$16.31 per activity
- $\$72.84$ (90th) x 200% loading x 2 hour = \$291.36 per activity

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18$ (10th) x 135% loading x 0.5 hour = \$9.57 per activity
- $\$21.55$ (90th) x 200% loading x 2 hour = \$86.20 per activity

- Estimated 0.5-1 hour of administrative time monthly to monitor site and identify areas with storage areas might need maintenance attention.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.5 hour = \$16.31 monthly
- $\$72.84$ (90th) x 200% loading x 1 hour = \$145.68 monthly

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Amendment (6)(f) – Clarification of Existing Requirement(s)

- Subsection (6)(f) would clarify that related facilities are included in the requirements for empty pesticide containers.
 - No fiscal impact anticipated.

Amendment (6)(h) – Substantive Change (potential fiscal impact anticipated)

- Subsection (6)(h) would remove the exemption for relocating ALH 500 feet away from livestock operations for employees that are employed to tend or otherwise work with animals.
- RAC member proposal to add: There are barriers that may incur costs up to potentially \$100k for a luba challenge, and 100k for court of appeals for 1 challenge to estimate of (6)(h).

To the extent that covered employers are impacted by this proposed change, ALH operators have multiple options to achieve compliance with this proposed provision. The employer could relocate livestock operations to be more than 500 feet away from the housing or relocate the housing itself. How a particular employer might choose to achieve compliance with this proposed provision is likely to be site-specific, but could range from moving the housing (for example, if a travel trailer is being used), the purchase of travel trailer or tiny home, the construction of new ALH facilities, or moving the livestock to a different area. To the extent that an employer chooses to build new housing, Oregon OSHA anticipates that doing so will have an indeterminant fiscal impact based on the broad range of housing which may be chosen to be constructed. In some instances the potential magnitude of additional costs cannot be quantified at this time. Despite this challenge, Oregon OSHA has considered the information received by RAC member feedback specific to the anticipated fiscal impact tied to new housing construction ([Documents 1-35](#)).

- Additional dwellings on property can add additional fees that may range between \$10,000 to \$100,000.
- The estimated cost to move a mobile dwelling (e.g. trailer or RV) ranges approximately from \$3,000 to \$5,000.
- One RAC member reported that the cost to build a new ALH facility for 150 occupants in 2017 cost approximately \$1.5 million to build, which included all construction costs, permitting, site prep, septic system, laundry machines, in-unit toilets and showers, and indoor cooking units (Document 34).
- One RAC member reported that it cost approximately \$98,1112 in 2022, to construct a single-family unit mobile home, including site prep and plumbing (Document 26).
- One RAC member reported that it cost approximately \$12,069 in 2023 for permit fees and electrical for new housing construction (Document 27).

- RAC members reported a range of cost estimates to upgrade their septic system would be approximately \$8,000 to \$160,000. (Documents 2, 25, 29, 30, 34). The cost estimate of \$160,000 was for 4 septic systems. The estimate of \$8,000 was to replace two septic tanks with no additional work necessary to install the new systems. Drain field-related costs were estimated to be approximately \$5,000 - \$23,000. Another member provided an estimate that replacement costs for a septic tank could range from \$15,000 to \$20,000 for replacing only the tank, and range from \$75,000 to \$120,000 for a new septic tank system depending on the ground the housing is built on. Installation for a drain field in Spring 2024 is estimated to cost, including a pump system and permitting: \$22,170 or approximately \$74/foot.
- Estimated 1-10 hours of labor to move or relocate the livestock or animals.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 1 hour = \$32.62
- \$72.84 (90th) x 200% loading x 10 hour = \$1,456.80

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$14.18 (10th) x 135% loading x 1 hour = \$19.14
- \$21.55 (90th) x 200% loading x 10 hour = \$431.00

- Build new livestock area from lumber:
 - Estimate cost of \$24.30 per sheet (4'x8'x15/32") of plywood, it is estimated that 4-30 sheets could be needed. ([Home Depot](#))
 - Estimate cost of \$22.87 per sheet (4'x8'x15/32") of plywood, it is estimated that 8-30 sheets could be needed depending on the size of animal pen required. ([Lowes](#))
 - Estimate cost of \$3.65 (2'x4'x8' framing lumber), it is estimated that 4 boards depending on the size of animal pen required. ([Home Depot](#))
 - Estimate cost of \$3.25 (2'x4'x8' framing lumber), it is estimated that 4 boards depending on the size of animal pen required. ([Lowes](#))
- Estimated 8-24 hours of labor to construct livestock area from lumber:

Using the 10th and 90th percentile hourly wage information for Construction Managers at the top of this document:

- \$35.56 (10th) x 135% loading x 8 hours = \$384.05
- \$97.85 (90th) x 200% loading x 24 hours = \$4,696.80

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- $\$18.42$ (10th) x 135% loading x 8 hours = $\$198.94$
- $\$35.72$ (90th) x 200% loading x 24 hours = $\$1,714.56$
- Cost estimates related to building or installing new housing if moving the livestock is not an option
 - RV or travel trailer
 - Camping World, 2024 Coleman Lantern LT 17B 21'5" (sleeps 5), is estimated to cost approximately $\$13,999$ per unit.
 - Camping World, 2025 Forest River Wolf Pup 16bhs-or 21'9" (sleeps 5) is estimated to cost approximately $\$23,999$ per unit.
 - Blue Compass RV, 2024 Forest River RV Aurora Light 16BHX 19'6" (sleeps 5) is estimated to cost approximately $\$15,998$ per unit.
 - Blue Compass RV, 2025 Grand Design Transcend One 151BH 20' (sleeps 5) is estimated to cost approximately $\$24,248$ per unit.
 - Prefabricated homes
 - Amfor tiny home (464.5"D x 245.5"W x 97.5"H, 40ftx20ft Foldable House, Prefabricated House with Bathroom and Kitchen) is estimated to cost approximately $\$27,700$ per unit with free delivery. ([Amazon](#))
 - Hugh Hearts tiny home (240"D x 248"W x 99"H, Portable Prefabricated Tiny Home 20x20ft, Mobile Expandable Plastic Prefab House with Restroom) is estimated to cost approximately $\$14,499$ per unit with free delivery. ([Amazon](#))
 - Generic tiny home (232.28"D x 248"W x 99"H, Generic Portable Prefabricated Tiny Home 20ft, Mobile Expandable Plastic Prefab House, White, PNS-002) is estimated to cost approximately $\$21,998$ per unit with free delivery. ([Amazon](#))
 - Generic tiny home (240"D x 190"W x 98"H, Prefabricated 15ft x 20ft Expandable Tiny Houses, Modern Designed, Spacious, Waterproof) is estimated to cost approximately $\$17,500$ per unit with free delivery. ([Amazon](#))
 - Building or expanding existing sleeping areas such as mobile homes, bunk houses, single and multi-family dwellings. To the extent that an employer chooses to build new housing, Oregon OSHA anticipates that doing so will have an indeterminant fiscal impact based on the broad range of housing which may be chosen to be constructed. In some instances the potential magnitude of additional costs can't be quantified at this time. Despite this challenge, Oregon OSHA has considered the information received by RAC member feedback specific to the anticipated fiscal impact tied to new housing construction ([Documents 1-35](#))
 - One RAC member reported that the cost to build a new ALH facility for 150 occupants in 2017 cost approximately $\$1.5$ million to build, which included all construction costs, permitting, site prep, septic system, laundry machines, in-unit toilets and showers, and indoor cooking units (Document 34).

- One RAC member reported that it cost approximately \$98,1112 in 2022, to construct a single-family unit mobile home, including site prep and plumbing (Document 26).
- One RAC member reported that it cost approximately \$12,069 in 2023 for permit fees and electrical for new housing construction (Document 27).
- RAC members reported a range of cost estimates to upgrade their septic system would be approximately \$8,000 to \$160,000. (Documents 2, 25, 29, 30, 34). The cost estimate of \$160,000 was for 4 septic systems. The estimate of \$8,000 was to replace two septic tanks with no additional work necessary to install the new systems. Drain field-related costs were estimated to be approximately \$5,000 -\$23,000. Another member provided an estimate that replacement costs for a septic tank could range from \$15,000 to \$20,000 for replacing only the tank, and range from \$75,000 to \$120,000 for a new septic tank system depending on the ground the housing is built on. Installation for a drain field in Spring 2024 is estimated to cost, including a pump system and permitting: \$22,170 or approximately \$74/foot.
- Construction costs, including those for lumber, electrical, and plumbing systems are expected to vary widely between employers due to several factors. The scale and scope of a project significantly impact cost estimates, wherein larger projects may benefit from economies of scale, reducing price per-unit costs, while smaller or more complex projects may incur higher expenses due to specialized labor and materials. Material quality is another crucial factor; premium materials are typically more expensive than standard options. Additionally, as referenced previously, regional labor rates, local building codes, and site-specific conditions, such as accessibility and existing infrastructure, can further impact the range of cost estimates. Taken together, these and other variables collectively contribute to the complexity of estimating the wide range of construction costs observed across different projects and employers.

Lumber Supply Estimates

- Estimate cost of \$24.30 per sheet (4'x8'x15/32") of plywood, ([Home Depot](#))
- Estimate cost of \$22.87 per sheet (4'x8'x15/32") of plywood, ([Lowes](#))
- Estimate cost of \$3.65 (2'x4'x8' framing lumber), ([Home Depot](#))
- Estimate cost of \$3.25 (2'x4'x8' framing lumber), ([Lowes](#))

Electrical Supply Estimates

- Extension cords
 - 6 ft. 12/3 SJTW 15 Amp 125-Volt 1875-Watt Lighted End Indoor/Outdoor Black Heavy-Duty Extension Cord (2-Pack) is estimated to cost approximately \$10.96 per unit ([Home Depot](#))

- 50 ft. 12/3 SJTW Hi-Visibility Outdoor Heavy-Duty Extension Cord with Power Light Plug is estimated to cost approximately \$46.05 per unit ([Home Depot](#))
- Woods 8-ft 16/3 3-Prong Black Outdoor SJTW Heavy Duty General Extension Cord to cost approximately \$8.36 per unit ([Lowe's](#))
- Utilitech Outdoor 25-ft 12/3 3-Prong Yellow Outdoor SJTW Heavy Duty Lighted Extension Cord is estimated to cost approximately \$49.97 per unit ([Lowe's](#))
- Electrical wiring varies widely (e.g., length, gauge, max amperage, stranded or solid, etc.); therefore, depending on the specifics of the project, it is estimated that if electrical wiring is required supply costs could range from \$23 per roll for 15 feet of 12/2 electrical wire up to \$1340 per roll for 500 feet of 6/2 wire ([Home Depot](#)); \$59 per roll for Southwire 25-ft 12/2 Solid UF-B Wire W/G ([Lowe's](#)) or \$167 per roll Southwire 50-ft 6/2 Romex SIMpull Solid Indoor CU NM-B W/G ([Lowe's](#))

Plumbing Supply Estimates

- PVC Piping
 - Charlotte Pipe 1 in. x 10 ft. PVC Schedule 40 Tubing DWV Pipe is estimated to cost approximately \$8.48 per unit ([Home Depot](#))
 - IPEX 1-in x 10-ft CPVC Pipe is estimated to cost approximately \$12.96 per unit ([Lowe's](#))
- Copper pipe
 - Streamline 1/2-in x 10-ft Copper Type M Pipe is estimated to cost approximately \$21.92 per unit ([Lowe's](#))
 - Streamline 3/4 in. x 10 ft. Copper Type M Pipe is estimated to cost approximately \$35.54 per unit ([Home Depot](#))
- Galvanized pipe
 - The Plumber's Choice 3/4 in. x 36 in. Galvanized Steel Pipe is estimated to cost approximately \$18.15 per unit ([Home Depot](#))
 - Southland 3/4-in x 24-in Galvanized Pipe is estimated to cost approximately \$19.56 per unit ([Lowe's](#))
- Miscellaneous supplies:
 - Plumbshop 3/8 in. Flare x 1/2 in. FIP x 16 in. Braided Stainless Steel Faucet Supply Line is estimated to cost approximately \$2.05 per unit ([Home Depot](#))
 - RELIABILT 1/2-in FIP x 1/2-in Fip x 20-in Braided Stainless Steel Flexible Faucet Supply Line is estimated to cost approximately \$6.98 per unit ([Lowe's](#))
 - SIMPLE DRAIN 1.25 in. Rubber Threaded P-Trap Bathroom Single Sink Drain Kit is estimated to cost approximately \$12.88 per unit ([Home Depot](#))

- Snappy Trap Universal Drain Kit for Bathroom Sinks - Black, Adapts to 1-1/4 in - 1-1/2 in sink drains and wall drain pipes is estimated to cost approximately \$15.78 per unit ([Lowes](#))

Amendment (6)(i) – Clarification of Existing Requirement(s)

- Subsection (6)(i) proposes to spell out “agricultural labor housing” instead of using the acronym.
 - No fiscal impact anticipated.

Amendment (6)(j) – Substantive Change (potential fiscal impact anticipated)

- Subsection (6)(j) would require that all sleeping rooms in ALH have at least one wall-type electrical receptacle for every two occupants. The proper use of power strips and similar devices would be permissible to meet this requirement as long as they are used in accordance with their listing and labeling. To the extent that an employer must expand or install a new electrical panel, Oregon OSHA anticipates that doing so will have an indeterminant fiscal impact based local permitting costs, labor, and scope of the specific project.
- 15-amp duplex wall outlet prices range from \$0.77 (15 Amp Residential Grade Grounding Duplex Outlet, Ivory) to \$1.50 (15 Amp Tamper Resistant Duplex Outlet, Ivory) per unit, not including installation costs. ([Home Depot](#))
- Electrical power strip prices range from \$5.99 (One Power 2-ft 4-Outlet Indoor White Power Strip) to \$17.54 (GE 12-ft 6-Outlet Indoor White Power Strip) per unit ([Lowes](#))
- For ALH that requires the installation of new electrical receptacles, estimate 1-4 hours of labor time to install one wall-type electrical receptacle:

Using the 10th and 90th percentile hourly wage information for Electricians at the top of this document:

- \$24.13 (10th) x 135% loading x 1 hour = \$32.58
- \$55.17 (90th) x 200% loading x 4 hour = \$441.36
- RAC members provided to the following estimated costs to hire an electrician:
 - For Marion County (mid-valley): Electricians: \$120 to \$165 an hour. Apprentice rate of \$65 to \$85.
 - A good median hourly rate to go with for an electrician is \$140. There’s usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Electrical - \$140.00 – 155.00/hr
 - IBEW (electricians)
 - \$60.50 wage
 - \$29.59 benefits

- \$87.34 total per hour

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- \$18.42 (10th) x 135% loading x 1 hour = \$24.87
- \$35.72 (90th) x 200% loading x 4 hour = \$285.76

A RAC member provided the following information about this amendment:

- Add: If modification is needed, an upgrade to the electrical system may be needed. Use estimate indicated in other sections.

Electrical Supply Estimates

- Extension cords
 - 6 ft. 12/3 SJTW 15 Amp 125-Volt 1875-Watt Lighted End Indoor/Outdoor Black Heavy-Duty Extension Cord (2-Pack) is estimated to cost approximately \$10.96 per unit ([Home Depot](#))
 - 50 ft. 12/3 SJTW Hi-Visibility Outdoor Heavy-Duty Extension Cord with Power Light Plug is estimated to cost approximately \$46.05 per unit ([Home Depot](#))
 - Woods 8-ft 16/3 3-Prong Black Outdoor SJTW Heavy Duty General Extension Cord to cost approximately \$8.36 per unit ([Lowe's](#))
 - Utilitech Outdoor 25-ft 12/3 3-Prong Yellow Outdoor SJTW Heavy Duty Lighted Extension Cord is estimated to cost approximately \$49.97 per unit ([Lowe's](#))
- Electrical wiring varies widely (e.g., length, gauge, max amperage, stranded or solid, etc.); therefore, depending on the specifics of the project, it is estimated that if electrical wiring is required supply costs could range from \$23 per roll for 15 feet of 12/2 electrical wire up to \$1340 per roll for 500 feet of 6/2 wire ([Home Depot](#)); \$59 per roll for Southwire 25-ft 12/2 Solid UF-B Wire W/G ([Lowe's](#)) or \$167 per roll Southwire 50-ft 6/2 Romex SIMpull Solid Indoor CU NM-B W/G ([Lowe's](#))

Note: Amendments to subsections (6)(l), (6)(m), and (6)(o) of the proposed rule include non-substantive amendments to existing rule requirements related to ALH remodeling and illumination requirements in facilities, walkways, and corridors.

Amendment (6)(p) – Substantive Change (potential fiscal impact anticipated)

- Subsection (6)(p) of the proposed rule would require that road forks and driveways between ALH housing and public access roads are properly marked, and that each building and unit used to house workers is properly marked.
- A RAC member provided the following information related to this amendment.
 - If modification is needed, operators may need to purchase hardware to mount signs in visible locations.

- Estimated cost of \$3.65 (2'x4'x8' framing lumber), it is estimated that ½ to 1 board per sign needed.
- Estimated cost of \$1 - \$8 for hardware to mount each sign.
<https://www.lowes.com/pd/Grip-Rite-170-Piece-Steel-Assorted-Colors-Screws-Fastener-Kit-Case-Included/1000365245>
- Unit wall numbering with fasteners (4 in. Black Nail-On Aluminum House Number) is estimated to cost approximately \$2.83 per unit (Home Depot)
- Vinyl letter and number sticker pack (Hillman 2-in Black Letter And Number Pack) is estimated to cost approximately \$4.98 per unit (Lowes)
- Estimated 0.5-2 hours of labor time to establish proper marking system per building or housing unit.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hour = \$16.31 per activity
- \$72.84 (90th) x 200% loading x 2 hour = \$291.36 per activity

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$14.18 (10th) x 135% loading x 0.5 hour = \$9.57 per activity
- \$21.55 (90th) x 200% loading x 2 hour = \$86.20 per activity

Lumber Supply Estimates

- Estimate cost of \$24.30 per sheet (4'x8'x15/32") of plywood, ([Home Depot](#))
- Estimate cost of \$22.87 per sheet (4'x8'x15/32") of plywood, ([Lowes](#))
- Estimate cost of \$3.65 (2'x4'x8' framing lumber), ([Home Depot](#))
- Estimate cost of \$3.25 (2'x4'x8' framing lumber), ([Lowes](#))

Proposed Rule Section 7 – Water Supply

Amendment (7)(a) – Substantive Change (potential fiscal impact anticipated)

- A reference to Oregon Health Authority OAR for Drinking Water was added. The amount of pressure that must be delivered at each outlet of the water system was increased from 15 to 20 pounds per square inch (PSI), with documentation requirements for systems that can reach at least 15 PSI but less than 20 PSI.
- Depending on the water system involved, an employer may choose to install a pressurized water tank to increase PSI in the system. Pressure tanks vary in size and capacity.
 - 32-gallon pressurized tank (Water Worker 32 Gal. Pressurized Well Tank) is estimated to cost approximately \$289.00 per unit ([Home Depot](#))

- 86-gallon pressurized tank (A.O. Smith 86-Gallon Vertical Well Pressure Tank) is estimated to cost approximately \$534.00 per unit ([Lowes](#))
- Estimated 1-4 hours of labor time to install the pressurized tank:

Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:

- \$24.25 (10th) x 135% loading x 1 hours = \$32.74
- \$63.55 (90th) x 200% loading x 4 hours = \$508.40
- RAC members provided the following estimated costs to hire a plumber:
 - For Marion County (mid-valley): Plumbers: \$130 to \$200 an hour. Apprentice rate \$75 to \$95.
 - A good median hourly rate to go with for a plumber \$150. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Plumbing -\$145.00/hour.
 - A member estimated the cost to higher a plumber at \$75/hour.
 - Other members provided that cost estimates may range from \$65/hour (apprentice), \$102/hour (journeyman), up to approximately \$145/hour for a plumber.
 - UA (plumbers and pipefitters):
 - \$57.92 wage
 - \$38.00 benefits
 - \$95.92 total per hour
- Estimate 0.5-8 hours of labor to test the PSI of the site water system and document its limitations.

Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:

- \$24.25 (10th) x 135% loading x 0.5 hours = \$27.59
- \$63.55 (90th) x 200% loading x 8 hours = \$1,016.80
- RAC members provided the following estimated costs to hire a plumber:
 - For Marion County (mid-valley): Plumbers: \$130 to \$200 an hour. Apprentice rate \$75 to \$95.
 - A good median hourly rate to go with for a plumber \$150. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Plumbing -\$145.00/hour.
 - A member estimated the cost to higher a plumber at \$75/hour.

- Other members provided that cost estimates may range from \$65/hour (apprentice), \$102/hour (journeyman), up to approximately \$145/hour for a plumber.
- UA (plumbers and pipefitters):
 - \$57.92 wage
 - \$38.00 benefits
 - \$95.92 total per hour

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hour = \$16.31
- \$72.84 (90th) x 200% loading x 8 hour = \$1,165.44

Amendment (7)(b) – Substantive Change (potential fiscal impact anticipated)

- Potable water testing requirements were added to require that water from non-public systems be tested by an accredited lab for arsenic at least once, and *E. coli*, total coliform, and nitrates at least every 12 months. The results of each water test must be posted in the housing in the language of the workers, or in lieu of translation the results, post a pictogram that conveys the same information. Oregon OSHA has committed to developing the pictogram poster for employers to use.
- One RAC member provided the following information related to this amendment.
 - Although not required by the rule, operators may choose to test during mid-operation to measure levels at time water is consumer. This may involve additional testing costs (costs already indicated). This is the practice recommended by the OHA.
- Estimate 1-2 hours of labor to schedule water testing services and post testing results for each facility.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 1 hour = \$32.62
- \$72.84 (90th) x 200% loading x 2 hours = \$291.36

- Water testing service providers vary in cost and location.
- Estimate one-time arsenic test as approximately \$20 to \$40, and testing for nitrates and total coliform at \$40 to \$80 annually ([Water Laboratories, Inc](#))
- Estimate one-time comprehensive test that includes arsenic, total coliform, and nitrates as approximately \$105 annually ([Alexin Analytical Laboratories, Inc](#))
- Estimate 1-2 hours of labor to translate that can be used in subsequent years.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 1 hour = \$32.62
- \$72.84 (90th) x 200% loading x 2 hours = \$291.36

Amendment (7)(c) – Clarification of Existing Requirement(s)

- “Ample supply” of water was clarified to ensure that the 35 gallons of potable water per occupant per day was in addition to any water requirements required by other Oregon OSHA rules.
 - No fiscal impact anticipated.

Proposed Rule Section 8 – Bathing, Hand Washing, Laundry, and Toilet Facilities (General)

The proposed rule does not include substantive amendments to section 8.

Proposed Rule Section 9 – Bathing facilities

Amendment (9)(d) – Substantive Change (potential fiscal impact anticipated)

- A private dressing area in or adjacent to the bathing facilities must be provided for occupants. To the extent that it impacts an employer, compliance with this proposal could be achieved through the construction of a private dressing area within or adjacent to an existing bathing facility. Floor standing dressing rooms prices range from \$109.98 (Clothing Store Fitting Room with Shading Curtain, Portable Temporary Mobile Privacy Protection Dressing Room, Foldable Mall Simple Changing Room and Display Rack, 200x100x95cm) to \$135.99 (Lvrnunben Dressing Room for Boutique, Clothing Store Fitting Room with Privacy Shading Curtain, Changing Room with Garment Hook, C-type Wall Corner Iron Stand Easy-to-install). ([Amazon](#))
- Panel room dividers prices range from \$50.51 (Room Divider 6.1 ft. Freestanding and Folding Privacy Screens 3 Panel) to \$135.99 (Black 8 Panel 6 ft. Tall Double Hinged Foldable Panel Room Divider). ([Home Depot](#))
- Build dressing area from lumber:
 - Estimate cost of \$24.30 per sheet (4'x8'x15/32") of plywood, it is estimated that 1-3 sheets could be needed. ([Home Depot](#))
 - Estimate cost of \$22.87 per sheet (4'x8'x15/32") of plywood, it is estimated that 1-3 sheets could be needed. ([Lowes](#))
 - Estimate cost of \$3.65 (2'x4'x8' framing lumber), it is estimated that 4 boards per stall. ([Home Depot](#))



- Estimate cost of \$3.25 (2'x4'x8' framing lumber), it is estimated that 4 boards per stall. ([Lowes](#))
- A RAC member provided the following information on this amendment:
 - Operators may choose to build additional structures or add on to existing structures.
 - Estimated cost of any additional hardware and concrete/solid construction footing: \$54 - \$108 <https://homeguide.com/costs/concrete-slab-cost>
 - Other construction costs
- Estimated 8-24 hours of labor to construct dressing area from lumber:

Using the 10th and 90th percentile hourly wage information for Construction Managers at the top of this document:

- \$35.56 (10th) x 135% loading x 8 hours = \$384.05
- \$97.85 (90th) x 200% loading x 24 hours = \$4,696.80

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- \$18.42 (10th) x 135% loading x 8 hours = \$198.94
- \$35.72 (90th) X 200% loading x 24 hours = \$1,714.56

- Estimated 2-5 hours of labor to install curtain or similar partition.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 2 hours = \$65.23
- \$72.84 (90th) x 200% loading x 5 hours = \$728.40

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- \$18.42 (10th) x 135% loading x 2 hours = \$38.29
- \$35.72 (90th) X 200% loading x 5 hours = \$215.50

Lumber Supply Estimates

- Estimate cost of \$24.30 per sheet (4'x8'x15/32") of plywood, ([Home Depot](#))
- Estimate cost of \$22.87 per sheet (4'x8'x15/32") of plywood, ([Lowes](#))
- Estimate cost of \$3.65 (2'x4'x8' framing lumber), ([Home Depot](#))
- Estimate cost of \$3.25 (2'x4'x8' framing lumber), ([Lowes](#))

Amendment (9)(e)(B) – Substantive Change (potential fiscal impact anticipated)

- Each shower stall must have a working lock and provide privacy. To the extent that it impacts an employer, compliance with this proposed change could be achieved through

adding a locking mechanism to existing doors or installing doors and locking mechanism where curtains are in place.

- Estimates for installing shower stall
 - HCS plastic laminate toilet compartment door (1" thick honeycomb panels, odor, mildew, and corrosion resistant) is estimated to cost approximately \$175.50 per unit ([Harbor City Supply](#))
 - Toilet partition with door (powder coated) is estimated to cost approximately \$225.00 per unit ([Sustainable Supply](#))
- Estimated labor time of 0.5-2 hours per unit to install solid door on toilet compartment

Using the 10th and 90th percentile hourly wage information for Construction Managers at the top of this document:

- $\$35.56$ (10th) x 135% loading x 0.5 hours = \$24.00
- $\$97.85$ (90th) x 200% loading x 2 hours = \$391.40

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- $\$18.42$ (10th) x 135% loading x 0.5 hours = \$12.43
- $\$35.72$ (90th) x 200% loading x 2 hours = \$142.88

- Where doors are in place – estimate the cost of adding a locking mechanism
- Hook and eyebolt locking mechanisms prices range from \$1.48 for a 2-pack ((2" Zinc-Plated hook and eyebolt) to \$4.99 for a 4-pack (2" Zinc-Plated hook and eyebolt) ([Lowes](#), [Amazon](#))
- Barrel bolt locking mechanism prices range from \$4.18 (3" Zinc-Plated Barrel Bolt) to \$4.74 (3" Zinc-Plated Barrel Bolt). ([Amazon](#), [Home Depot](#))
- Where curtains are in place – estimate the cost to install partition and lock
- Estimate cost for three-wall supported shower compartment with door between existing wall with hinges and lock (overhead braced, powder coated/baked enamel) at \$873.15 per stall. ([Harbor City Supply](#))
- Estimate cost for one-wall supported freestanding shower compartment with door hinges and lock (three walls, overhead braced, powder coated/baked enamel,) at \$1,106.96 per stall. [Harbor City Supply](#))
- Estimate 4-10 hours of labor per stall to install.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 4 hour = \$130.46

○ $\$72.84 (90^{\text{th}}) \times 200\% \text{ loading} \times 10 \text{ hour} = \$1,456.80$

- Estimated 0.25-0.5 hours of labor time to install suitable lock in shower stall.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16 (10^{\text{th}}) \times 135\% \text{ loading} \times 0.25 \text{ hour} = \8.15
- $\$72.84 (90^{\text{th}}) \times 200\% \text{ loading} \times 0.5 \text{ hour} = \72.84

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18 (10^{\text{th}}) \times 135\% \text{ loading} \times 0.25 \text{ hour} = \4.79
- $\$21.55 (90^{\text{th}}) \times 200\% \text{ loading} \times 0.5 \text{ hour} = \21.55

Proposed Rule Section 10 – Hand Washing Facilities

Amendments (10)(a) and (10)(b) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule language maintains the current rule ratio of 1:6 but clarifies that food preparation sinks do not count towards the required ratio. It requires that handwashing be located close to toilets and strikes “or close to the sleeping places.” It requires that paper towels and a disposal bin must be provided near the handwashing facility.
- Estimates related to portable handwashing stations
 - Portable hot/cold handwashing stations with tank prices range from \$1729.90 (Ozark River Portable Sinks Premier Black - Portable Handwashing Station - Portable Sink For Washing Hands - Portable Sink With Hot And Cold Water With Water Tank) to \$2493.11 (Single-Basin Portable Sink Hand - Portable Handwashing Station-Steel Hand Sink with Hot and Cold Water with Sink Tank & Outdoor Hand Washing Station). ([Amazon](#))
 - Portable Sinks with Hot Water & Cold Water prices range from \$2017.95 (Premier Brite White Portable Hot Water Hand Washing Sink with Laminate Cabinet and Single Basin) to \$3009.95 (Elite LS1). ([Ozark River Manufacturing Co.](#))
 - One RAC member reported that portable handwashing stations can be purchased for \$1,399 per unit, and that they would need an additional 24 handwashing stations, which would cost approximately \$33,576.00.
- Estimates for paper towel rolls
 - HDX paper towel rolls (82 sheets) is estimated to cost approximately \$0.98 per unit ([Home Depot](#))

- MOXIE ultra 6-count paper towel pack is estimated to cost approximately \$13.48 per unit ([Lowe's](#))
- Estimates for garbage bins or disposal receptacles
 - Bins in sizes ranging from 5-gallon to 32-gallon prices range from \$5.00 to \$72.00 per unit. ([GRAINGER](#), [Home Depot](#), [Walmart](#))
- A RAC member provided the following information related to this amendment:
 - Although not required by the rule, operators may choose to move port-a-potties closer to existing handwashing facilities.
 - Estimate to move port-a-potties: labor/service - .5 hour (use other labor costs)
 - Although not required by the rule, operators may choose to install plumbed handwashing sinks rather than use portable handwashing stations.
 - Estimated costs from kitchen sink section.
- Estimated 2-6 hours one time cost to set up portable sink.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 2 hours = \$65.23
- \$72.84 (90th) x 200% loading x 6 hours = \$874.08

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$18.42 (10th) x 135% loading x 2 hours = \$38.29
- \$35.72 (90th) X 200% loading x 6 hours = \$258.60

- Estimated 0.5-1 hours to replenish the paper towels and empty the garbage bin daily.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hours = \$16.31 per day
- \$72.84 (90th) x 200% loading x 1 hours = \$145.68 per day

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$18.42 (10th) x 135% loading x 0.5 hours = \$9.57 per day
- \$35.72 (90th) X 200% loading x 1 hours = \$43.10 per day

Proposed Rule Section 11 – Laundry Facilities

Amendments (11)(a) and (11)(e) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule language changes the ratio of laundry provisions if tubs or trays are provided to 1:25 occupants, and requires a separate method for cleaning clothing that has been contaminated by chemicals. Options could include additional tubs, running clothes in a separate wash cycle, or sending clothing out for commercial laundering.
- A RAC member provided the following information related to these amendments:
 - Although not required by the rule, employers have multiple options to meet compliance including the use of laundry trays and tubs. Operators may consider adding laundry machines to comply with the proposed regulations.
 - Purchase laundry machine: \$578 – \$796
<https://www.lowes.com/search?searchTerm=commercial+laundry+machines>
 - if needed, operator may need septic upgrade to allow workers to wash work clothing separately from family clothing. See other sections for estimate.
 - Aside from purchase of laundry machine there will be costs associated with electrical outlet appropriate for installing a laundry machine and enclosure of the machine in a protected area from the elements and drainage. \$5,000 if there is no covered area and \$800 dollars for electrical associated with installing a new machine and the appropriate electrical outlets for the machine.
- MUSTEE brand utility sink (Utilatub Combo 24 in. x 18 in. Polypropylene Floor Mounted Laundry Tub in White) is estimated to cost approximately \$134 per unit ([Home Depot](#))
- RuggedTub utility sink (24.25-in x 22-in 1-Basin Graphite Freestanding Utility Tub with Drain and Faucet) is estimated to cost approximately \$149 per unit ([Lowes](#))
- Residential laundromat service costs an estimated \$2.05 per pound with a \$45 minimum order (including pickup and delivery). Commercial service is available for an additional fee. ([Advantage Laundry Solutions](#))
- Estimate 0.25-3 hours of administrative labor time monthly to maintain laundry facilities and clean additional tubs or trays (if applicable).

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.25 hours = \$8.15 monthly
- \$72.84 (90th) x 200% loading x 3 hours = \$437.04 monthly

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

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- \$18.42 (10th) x 135% loading x 0.25 hours = \$4.79 monthly
- \$35.72 (90th) X 200% loading x 3 hours = \$129.30 monthly

Proposed Rule Section 12 – Toilet Facilities

Amendment (12)(c) – Clarification of Existing Requirement(s)

- The proposed rule language would clarify that walkways to common use facilities must have adequate lighting. This is already covered under the illumination requirements in section 6 of this rule.
- No fiscal impact anticipated

Amendment (12)(e)(B) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule language in subsection (12)(c) requires that walkways to common use facilities have adequate lighting, which is already required in section 6 of the rule; it increases the number of required toilets to 1 per 10 occupants of each gender with a minimum of two toilets for common use facilities when there are 2 or more occupants. It requires privacy, removing the option of curtains as toilet doors, requiring solid doors.
- Increased number of toilets – to the extent that it impacts an employer, compliance with this proposed change could be achieved through multiple options, including the use of portable chemical toilets, expansion of existing plumbed toilet facilities, or the construction of new toilet facilities.
- Portable chemical toilets:
 - Estimated costs provided by [123 Portable Toilet Rental](#) (Redmond, Oregon), for standard portable toilet (60 gallon holding capacity):
 - Daily – 1 to 4 porta potties – \$99 per day
 - Weekly – 1 to 4 porta potties – \$538 per week
 - Monthly – 1 to 4 porta potties – \$1201 per month
- One RAC member reported that based on 2023 rental rates, it would cost approximately \$47,200 annually for 59 portable toilets, including delivery, unit rental, and service four times per week
- Expand current stock or install additional plumbed toilet facilities:
 - Toilet fixture (Glacier Bay 12 in. Rough in 2-Piece 1.1 GPF/1.6 GPF Dual Flush Round Toilet in White Seat Included) is estimated to cost approximately \$94.00 per unit. ([Home Depot](#))
 - Toilet fixture (Project Source Pro White Round Chair Height 2-piece WaterSense Toilet 12-in Rough-In 1.28-GPF) is estimated to cost approximately \$89 per unit ([Lowe's](#)).



- Estimate 2-8 hours of labor for a plumber or similarly qualified person for fixture installation per unit. There may be additional “show up” fees that apply that are estimated to range in cost from approximately \$250-\$350.

Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:

- $\$24.25 (10^{\text{th}}) \times 135\% \times 2 \text{ hours} = \65.48
- $\$63.55 (90^{\text{th}}) \times 200\% \times 8 \text{ hours} = \$1,016.80$
- RAC members provided the following estimated costs to hire a plumber:
 - For Marion County (mid-valley): Plumbers: \$130 to \$200 an hour. Apprentice rate \$75 to \$95.
 - A good median hourly rate to go with for a plumber \$150. There’s usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Plumbing -\$145.00/hour.
 - A member estimated the cost to higher a plumber at \$75/hour.
 - Other members provided that cost estimates may range from \$65/hour (apprentice), \$102/hour (journeyman), up to approximately \$145/hour for a plumber.
 - UA (plumbers and pipefitters):
 - \$57.92 wage
 - \$38.00 benefits
 - \$95.92 total per hour
- Estimate 0.25-.5 hours of administrative labor time weekly to clean each additional toilets.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16 (10^{\text{th}}) \times 135\% \text{ loading} \times 0.25 \text{ hours} = \$8.15 \text{ each toilet weekly}$
- $\$72.84 (90^{\text{th}}) \times 200\% \text{ loading} \times 0.5 \text{ hours} = \$72.84 \text{ each toilet weekly}$

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$18.42 (10^{\text{th}}) \times 135\% \text{ loading} \times 0.25 \text{ hours} = \$4.79 \text{ each toilet weekly}$
- $\$35.72 (90^{\text{th}}) \times 200\% \text{ loading} \times 0.5 \text{ hours} = \$21.55 \text{ each toilet weekly}$

- RAC members reported a range of cost estimates to upgrade their septic system would be approximately \$8,000 to \$160,000. (Documents 2, 25, 29, 30, 34). The

cost estimate of \$160,000 was for 4 septic systems. The estimate of \$8,000 was to replace two septic tanks with no additional work necessary to install the new systems. Drain field-related costs were estimated to be approximately \$5,000 - \$23,000. Another member provided an estimate that replacement costs for a septic tank could range from \$15,000 to \$20,000 for replacing only the tank, and range from \$75,000 to \$120,000 for a new septic tank system depending on the ground the housing is built on. Installation for a drain field in Spring 2024 is estimated to cost, including a pump system and permitting: \$22,170 or approximately \$74/foot.

- GreenbarExcavation.com, septic tank replacement range in Oregon \$3,000-\$10,000.
- ToddEWilderConstruction.com, septic tank replacement range in Oregon \$3,500-\$5,000 up to \$22,000-\$32,000 full ATT septic system.
 - RAC members reported a range of cost estimates to upgrade their septic system would be approximately \$8,000 to \$160,000. (Documents 2, 25, 29, 30, 34). The cost estimate of \$160,000 was for 4 septic systems. The estimate of \$8,000 was to replace two septic tanks with no additional work necessary to install the new systems. Drain field-related costs were estimated to be approximately \$5,000 - \$23,000. Another member provided an estimate that replacement costs for a septic tank could range from \$15,000 to \$20,000 for replacing only the tank, and range from \$75,000 to \$120,000 for a new septic tank system depending on the ground the housing is built on. Installation for a drain field in Spring 2024 is estimated to cost, including a pump system and permitting: \$22,170 or approximately \$74/foot.
 - Estimate 1-8 hours of labor for a septic tank servicer to pump one septic tank system.

Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:

- \$18.86 (10th) x 135% loading x 1 hours = \$25.46
- \$37.22 (90th) x 200% loading x 8 hours = \$595.52
- RAC members provided the following estimated costs to hire a plumber:
 - For Marion County (mid-valley): Plumbers: \$130 to \$200 an hour. Apprentice rate \$75 to \$95.
 - A good median hourly rate to go with for a plumber \$150. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Plumbing -\$145.00/hour.
 - A member estimated the cost to higher a plumber at \$75/hour.

- Other members provided that cost estimates may range from \$65/hour (apprentice), \$102/hour (journeyman), up to approximately \$145/hour for a plumber.
- UA (plumbers and pipefitters):
 - \$57.92 wage
 - \$38.00 benefits
 - \$95.92 total per hour

RAC members provided additional information related to this amendment:

- \$80/hour for septic tanking pumping costs
- \$450 for two hours of septic servicing in metro area
- \$0.54/gallon for septic pumping costs; approximately \$1080 for two hours to service a 2,000 gallon tank.

Amendment (12)(f) – Clarification of Existing Requirement(s)

- Subsection (12)(f) proposes to add “ensure” and “cleaned” to the language to the existing requirement for sanitation.
 - No fiscal impact anticipated.

Amendment (12)(h) – Clarification of Existing Requirement(s)

- Subsection (12)(h) proposes to clarify that toilet rooms are a facility.
 - No fiscal impact anticipated.

Amendment (12)(j)(B) – Substantive Change (potential fiscal impact anticipated)

- Removing curtains and installing solid door on toilet compartments
 - HCS plastic laminate toilet compartment door (1" thick honeycomb panels, odor, mildew, and corrosion resistant) is estimated to cost approximately \$175.50 per unit ([Harbor City Supply](#))
 - Toilet partition with door (powder coated) is estimated to cost approximately \$225.00 per unit ([Sustainable Supply](#))
- Estimated labor time of 0.5-2 hours per unit to install solid door on toilet compartment

Using the 10th and 90th percentile hourly wage information for Construction Managers at the top of this document:

- $\$35.56$ (10th) x 135% loading x 0.5 hours = \$24.00
- $\$97.85$ (90th) x 200% loading x 2 hours = \$391.40

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- $\$18.42$ (10th) x 135% loading x 0.5 hours = $\$12.43$
- $\$35.72$ (90th) x 200% loading x 2 hours = $\$142.88$

Amendment (12)(k) – Clarification of Existing Requirement(s)

- Subsection (12)(k) proposes to clarify that toilet rooms are a facility.
 - No fiscal impact anticipated.

Proposed Rule Section 13 – Portable Toilets, Chemical Toilets, and Privies

Amendments (13)(b) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule language requires privies to be moved from 100 feet to 200 feet from living areas or facilities where food is prepped or served.
- Estimated 0.5-3 hours of labor time to spread one yard of fill dirt to fill in existing privy hole.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.5 hours = $\$16.31$
- $\$72.84$ (90th) x 200% loading x 3 hours = $\$437.04$

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18$ (10th) x 135% loading x 0.5 hours = $\$9.57$
- $\$21.55$ (90th) x 200% loading x 3 hours = $\$129.30$

- Estimated costs provided by [Portland Sand and Gravel](#) (Portland, Oregon), for fill dirt:
 - \$20 per yard
 - \$80 minimum delivery fee per trip
- Estimated costs provided by [Landscape Shoppe](#) (Salem, Oregon), for fill dirt:
 - \$38.00 per yard
 - \$40-\$185 minimum delivery fee per trip
- Estimated 1-4 hours of labor to move one existing privy to an adequate location.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 1 hour = $\$32.62$
- $\$72.84$ (90th) x 200% loading x 4 hour = $\$582.72$

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$14.18 (10th) x 135% loading x 1 hour = \$19.14
- \$21.55 (90th) x 200% loading x 4 hour = \$172.40

Amendments (13)(e) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule requires that handwashing facilities equipped with water, soap, and disposable paper towels are adjacent to portable toilet facilities are explicitly required in the portable toilets, chemical toilets, and privies.
- Estimates related to hand soap supplies
 - DIAL 7.5 oz. Foaming Hand Soap is estimated to cost approximately \$2.98 per unit ([Home Depot](#))
 - Softsoap 11.25-fl oz Fresh Citrus Antibacterial Hand Soap is estimated to cost approximately \$2.88 per unit ([Lowe's](#))
- Estimates related to portable handwashing stations
 - Portable hot/cold handwashing stations with tank prices range from \$1729.90 (Ozark River Portable Sinks Premier Black - Portable Handwashing Station - Portable Sink For Washing Hands - Portable Sink With Hot And Cold Water With Water Tank) to \$2493.11 (Single-Basin Portable Sink Hand - Portable Handwashing Station-Steel Hand Sink with Hot and Cold Water with Sink Tank & Outdoor Hand Washing Station). ([Amazon](#))
 - Portable Sinks with Hot Water & Cold Water prices range from \$2017.95 (Premier Brite White Portable Hot Water Hand Washing Sink with Laminate Cabinet and Single Basin) to \$3009.95 (Elite LS1). ([Ozark River Manufacturing Co.](#))
 - One RAC member reported that portable handwashing stations can be purchased for \$1,399 per unit, and that they would need an additional 24 handwashing stations, which would cost approximately \$33,576.00.
- Estimates for paper towel rolls
 - HDX paper towel rolls (82 sheets) is estimated to cost approximately \$0.98 per unit ([Home Depot](#))
 - MOXIE ultra 6-count paper towel pack is estimated to cost approximately \$13.48 per unit ([Lowe's](#))
- Estimates for garbage bins or disposal receptacles
 - Bins in sizes ranging from 5-gallon to 32-gallon prices range from \$5.00 to \$72.00 per unit. ([GRAINGER](#), [Home Depot](#), [Walmart](#))
- A RAC member provided the following information related to this amendment.
 - Although not required by the rule, operators may choose to install plumbed handwashing facilities.

- Add those estimated expenses indicated in other sections.
- Estimate 2-8 hours of labor for a plumber or similarly qualified person for fixture installation per unit. There may be additional “show up” fees that apply that are estimated to range in cost from approximately \$250-\$350.

Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:

- \$24.25 (10th) x 135% loading x 2 hours = \$65.48
 - \$63.55 (90th) x 200% loading x 8 hours = \$1,016.80
 - RAC members provided the following estimated costs to hire a plumber:
 - For Marion County (mid-valley): Plumbers: \$130 to \$200 an hour. Apprentice rate \$75 to \$95.
 - A good median hourly rate to go with for a plumber \$150. There’s usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Plumbing -\$145.00/hour.
 - A member estimated the cost to higher a plumber at \$75/hour.
 - Other members provided that cost estimates may range from \$65/hour (apprentice), \$102/hour (journeyman), up to approximately \$145/hour for a plumber.
 - UA (plumbers and pipefitters):
 - \$57.92 wage
 - \$38.00 benefits
 - \$95.92 total per hour
- Plumbed sink fixtures
 - 22 in. D x 19 in. W Freestanding Stainless Steel Laundry/Utility Sink with Hot and Cold Faucet is estimated to cost approximately \$189.99 per unit ([Home Depot](#))
 - Free Standing Stainless-Steel Single Bowl, Commercial Restaurant Kitchen Sink Set w/Faucet & Drainboard, Prep & Utility Washing Hand Basin w/Workbench & Storage Shelves Indoor Outdoor (47 inch) is estimated to cost approximately \$279.99 per unit with free delivery. ([Amazon](#))
- RAC members reported a range of cost estimates to upgrade their septic system would be approximately \$8,000 to \$160,000. (Documents 2, 25, 29, 30, 34). The cost estimate of \$160,000 was for 4 septic systems. The estimate of \$8,000 was to replace two septic tanks with no additional work necessary to install the new systems. Drain field-related costs were estimated to be approximately \$5,000 -\$23,000. Another member provided an estimate that replacement costs for a septic tank could range from \$15,000 to \$20,000 for replacing only the tank, and range from \$75,000 to \$120,000 for a new

septic tank system depending on the ground the housing is built on. Installation for a drain field in Spring 2024 is estimated to cost, including a pump system and permitting: \$22,170 or approximately \$74/foot.

- Estimated 0.5-10 hour of administrative time annually to monitor site and identify when supplies or facilities need to be attended to or replaced.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hour = \$16.31
- \$72.84 (90th) x 200% loading x 10 hour = \$1,456.80

Plumbing Supply Estimates

- PVC Piping
 - Charlotte Pipe 1 in. x 10 ft. PVC Schedule 40 Tubing DWV Pipe is estimated to cost approximately \$8.48 per unit ([Home Depot](#))
 - IPEX 1-in x 10-ft CPVC Pipe is estimated to cost approximately \$12.96 per unit ([Lowe's](#))
- Copper pipe
 - Streamline 1/2-in x 10-ft Copper Type M Pipe is estimated to cost approximately \$21.92 per unit ([Lowe's](#))
 - Streamline 3/4 in. x 10 ft. Copper Type M Pipe is estimated to cost approximately \$35.54 per unit ([Home Depot](#))
- Galvanized pipe
 - The Plumber's Choice 3/4 in. x 36 in. Galvanized Steel Pipe is estimated to cost approximately \$18.15 per unit ([Home Depot](#))
 - Southland 3/4-in x 24-in Galvanized Pipe is estimated to cost approximately \$19.56 per unit ([Lowe's](#))
- Miscellaneous supplies:
 - Plumbshop 3/8 in. Flare x 1/2 in. FIP x 16 in. Braided Stainless Steel Faucet Supply Line is estimated to cost approximately \$2.05 per unit ([Home Depot](#))
 - RELIABILT 1/2-in FIP x 1/2-in Fip x 20-in Braided Stainless Steel Flexible Faucet Supply Line is estimated to cost approximately \$6.98 per unit ([Lowe's](#))
 - SIMPLE DRAIN 1.25 in. Rubber Threaded P-Trap Bathroom Single Sink Drain Kit is estimated to cost approximately \$12.88 per unit ([Home Depot](#))
 - Snappy Trap Universal Drain Kit for Bathroom Sinks - Black, Adapts to 1-1/4 in - 1-1/2 in sink drains and wall drain pipes is estimated to cost approximately \$15.78 per unit ([Lowe's](#))

A RAC member provided the following information related to this amendment:

- Add: As noted above, operators may choose to install plumbed handwashing facilities.
- Add those estimated expenses indicated in other sections.

Proposed Rule Section 14 – Sewage Disposal and Plumbing

The proposed rule does not include amendments to section 14.

Proposed Rule Section 15 – Garbage and Refuse Disposal Outside of Buildings

The proposed rule does not include amendments to section 15.

Proposed Rule Section 16 – Living Areas

Amendment (16)(a) – Clarification of Existing Requirement(s)

- The phrase “structurally sound” was added to clarify the quality of all living areas. Such locations are already required under the current rule to be safe and in good repair structurally and stable on their foundations.
- No fiscal impact anticipated.
- A RAC member provided the following information related to this amendment.
 - Although not required by the rule, operators may choose to hire an engineer or similar professional. Estimated cost of civil engineer: \$2000 - \$15,000. Indeterminate cost to fulfill recommendations.

Amendments (16)(c) – Substantive Change (potential fiscal impact anticipated)

- A notification requirement was added to the heating requirements for living areas. Operators must notify occupants of the availability of portable heaters under certain conditions. The provision of the portable heater units is already a requirement under the current rule.
- Estimated 0.25-0.5 hours of administrative time to provide occupants with proper notification.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.25 hour = \$8.15 per activity
- \$72.84 (90th) x 200% loading x 0.5 hour = \$72.84 per activity

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18$ (10th) x 135% loading x 0.25 hour = \$4.79
- $\$21.55$ (90th) x 200% loading x 0.5 hour = \$21.55

Amendment (16)(d)(D) – Substantive Change (potential fiscal impact anticipated)

- A requirement that gas burners not be used in living areas without adequate ventilation or range hoods was added to this provision. The current rule already requires all gas appliance and gas piping to comply with the manufacturer’s instructions and the Oregon building codes in effect when the appliances or piping were installed.
- Ventilation and range hoods for gas burners and gas piping:
 - Broan-NuTone ducted range hood (RL6300 Series 30-inch Ducted Under Cabinet Range Hood with Light in White) is estimated to cost approximately \$89 per unit ([Home Depot](#)).
 - Midea ducted range hood (30-inch 100-CFM Ducted Stainless Steel Under Cabinet Range Hoods Undercabinet Mount) is estimated to cost approximately \$99 per unit ([Lowe's](#)).
 - Rigid duct materials vary in cost depending on the scale of the project. Masterflow round metal duct (3 inch x 2 feet Round Metal Duct Pipe) is estimated to cost approximately \$5.48 per unit. ([Home Depot](#))
 - Imperial duct pipe (4-in x 24-in 30-Gauge Galvanized Steel Round) is estimated to cost approximately \$6.58 per unit. ([Lowe's](#))
- A RAC member provided the following estimated costs to hire HVAC specialist:
 - For the Columbia Gorge Area: HVAC -\$145.00/hour
- Estimate 1-4 hours of labor for an electrician or similarly qualified person for fixture installation per unit.

Using the 10th and 90th percentile hourly wage information for Electricians at the top of this document:

- $\$24.13$ (10th) x 135% loading x 1 hour = \$32.58
- $\$55.17$ (90th) x 200% loading x 4 hour = \$441.36
- RAC members provided to the following estimated costs to hire an electrician:
 - For Marion County (mid-valley): Electricians: \$120 to \$165 an hour. Apprentice rate of \$65 to \$85.
 - A good median hourly rate to go with for an electrician is \$140. There’s usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Electrical - \$140.00 – 155.00/hr
 - IBEW (electricians)

- \$60.50 wage
- \$29.59 benefits
- \$87.34 total per hour

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- \$18.42 (10th) x 135% loading x 1 hour = \$24.87
- \$35.72 (90th) x 200% loading x 4 hour = \$285.76

Using the 10th and 90th percentile hourly wage information for Construction Managers at the top of this document:

- \$35.56 (10th) x 135% loading x 1 hours = \$48.01
- \$97.85 (90th) x 200% loading x 4 hours = \$782.80

Amendment (16)(f) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule removes the option for using cots or foam pads. The proposed rule would require mattresses be at least 4 inches thick and occupants be provided with clean mattress covers. When provided, bunk beds must provide a method for safe access to the upper bunk. The proposed rule would clarify that occupants cannot be forced to share a bed. For an adult couple in a relationship, the operator can provide one mattress given that it is at least full size.
- To the extent that they are impacted by cots being removed, an operator may be required to purchase and install bed frames.
 - Signature Home bed frame (Black Metal Frame for Twin/Full/Queen Mattresses with Center Support Rail System with Adjustable Platform Bed Frame) is estimated to cost approximately \$38.11 per unit. ([Home Depot](#))
 - Ruesleag twin bed frame (Twin Size Bed Frame Metal Platform Bed Frame Classic 14-Inch Mattress Foundation Storage Space Under The Bed, Heavy Duty Frame Bed) is estimated to cost approximately \$19.78 per unit. ([Amazon](#))
- Estimated 0.5-1 hour of labor to build or install each adequate bedframe and remove cots.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hour = \$16.31
- \$72.84 (90th) x 200% loading x 1 hour = \$145.68

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$14.18 (10th) x 135% loading x 0.5 hours = \$.57



- $\$21.55$ (90th) x 200% loading x 1 hours = $\$43.10$
- Twin and full size mattress options that are at least 4 inches thick:
 - Furinno 5-inch full size mattress (Furinno Tidur Full Medium Firm Cooling Gel 5 In. Bed-in-a-Box Memory Foam Mattress) is estimated to cost approximately $\$121.11$ per unit ([Home Depot](#))
 - DHP 6-inch twin size mattress (Dana 6 in. Plush Polyester Fill Tight Top Quilted Pink Twin Mattress) is estimated to cost approximately $\$77.52$ per unit ([Home Depot](#))
 - Linenspa 5-inch full size mattress (Linenspa Essentials ActiveRelief 5-in Firm Full Memory Foam Mattress in a Box) is estimated to cost approximately $\$175.21$ per unit ([Lowes](#))
 - Linenspa 5-inch twin size mattress (Linenspa Essentials ActiveRelief 5-in Firm Full Memory Foam Mattress in a Box) is estimated to cost approximately $\$134.00$ per unit ([Lowes](#))
- Mattress covers
 - RayStar Twin Size Comfort Waterproof Mattress Protector Cover is estimated to cost approximately $\$11.00$ per unit ([Home Depot](#))
 - RayStar Full Size Comfort Waterproof Mattress Protector Cover is estimated to cost approximately $\$14.92$ per unit ([Home Depot](#))
 - Subrtex Microfiber 15-in D Polyester Encasement Mattress Cover with Bed Bug Protection is estimated to cost approximately $\$16.45$ per unit ([Lowes](#))
- Estimated 0.25-0.5 hour of labor time to clean one mattress cover (if not using disposable covers) before each new occupant use and before each season.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.25 hour = $\$8.15$
- $\$72.84$ (90th) x 200% loading x 0.5 hour = $\$72.84$

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18$ (10th) x 135% loading x 0.25 hours = $\$4.79$
- $\$21.55$ (90th) x 200% loading x 0.5 hours = $\$21.55$

- Upper bunk bed access
 - Quick Products (RV Bunk Ladder - 66 in., Silver) is estimated to cost approximately $\$76.79$ per unit ([Home Depot](#))
 - If choosing to build access ladder with lumber, estimate cost of $\$3.65$ (2'x4'x8' framing lumber), it is estimated that 6 boards per ladder. ([Home Depot](#))
 - If choosing to build access ladder with lumber, estimate cost of $\$3.25$ (2'x4'x8' framing lumber), it is estimated that 6 boards per ladder. ([Lowes](#))
- Estimated 0.5-1 hour of labor time to build or install each adequate access to upper bunk.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.5 hour = $\$16.31$
- $\$72.84$ (90th) x 200% loading x 1 hour = $\$145.68$

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18$ (10th) x 135% loading x 0.5 hours = $\$.57$
- $\$21.55$ (90th) x 200% loading x 1 hours = $\$43.10$

Amendment (16)(g) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule removes the option for fumigating mattresses, and otherwise specify that mattresses must be stored in fully enclosed cleanable covers. The current rule already requires that mattresses be stored in clean location.
- Handheld UV Mattress Cleaner with LED light & High Heating Tech, 500W Powerful Deep Mattress Vacuum, HEPA Filter for Bed, Mattress, is estimated to cost approximately $\$129.99$ per unit ([Amazon](#))
- HOOVER CleanSlate Pro Portable Corded Spot Cleaner, Black, is estimated to cost approximately $\$124.00$ per unit ([Home Depot](#))
- HOOVER 116 oz. Oxy Carpet Cleaner Solution for Everyday Use, Carpet, Upholstery, Car Interiors, Colored Stain Remover, is estimated to cost approximately $\$31.98$ per unit (Home Depot)
- BISSELL PRO MAX Clean + Protect Formula 48-fl oz Concentrated Steam Cleaner Chemical Solution, is estimated to cost approximately $\$22.99$ per unit ([Lowes](#))
- Pratt Retail Specialties twin/full sized mattress bag (91 in. x 54 in. x 14 in. Twin and Full Mattress Bag) is estimated to cost approximately $\$10.98$ per unit. ([Home Depot](#))
- Project Source (Full Sized Mattress Bag) is estimated to cost approximately $\$10.98$ per unit. ([Lowes](#))
- Estimated 0.25-0.5 hour of labor time to place one mattress in an adequate bag and location.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.25 hour = $\$8.15$
- $\$72.84$ (90th) x 200% loading x 0.5 hour = $\$72.84$

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$14.18$ (10th) x 135% loading x 0.25 hours = $\$4.79$
- $\$21.55$ (90th) x 200% loading x 0.5 hours = $\$21.55$

Amendment (16)(i) – Substantive Change (potential fiscal impact anticipated)

- “Suitable storage facilities,” including wall cabinets and shelves for each occupant or family unit, is already a requirement under subsection (16)(f) of the current rule. This amendment specifies that such storage must be at least 21 cubic feet per occupant or family unit and require that a portion of this storage would need to be lockable and capable of securing small personal effects. Employers have multiple options including the use of closets, shelves, cabinets, bins, lockers, or other amenities.
- A RAC member provided the following information related to this amendment.
 - Although not required by the rule:
 - If modification is needed, operators may choose to implement these proposed regulations by building wood cabinets in the sleeping rooms or other living areas if applicable for the housing sites for each occupant.
 - Estimated cost of \$24.30 per sheet plywood, it is estimated that 1 -3 sheets could be needed. (use other plywood sheet language used in other sections.
- Estimated cost of \$3.65 (2’x4’x8’ framing lumber), it is estimated that 1 – 3 boards per stall needed. A RAC member provided the following information related to this amendment.
 - Operators may elect to reduce housing capacity if storage needs cannot be met under subsection (16)(i); estimate \$160-\$180 per square feet if the grower does not have capacity to give up space.
- 4-level plastic shelves (12 in. W x 48 in. H x 24 in. D 4 Shelves Resin Freestanding Cabinet Storage Unit System for Home or Garage in White) is estimated to cost approximately \$42.22 per unit ([Home Depot](#))
- HDX plastic storage tote (30 gallon with lid) is estimated to cost approximately \$12.98 per unit. ([Home Depot](#))
- Project Source small storage (5-gallon) is estimated to cost approximately \$7.98 per unit. ([Lowes](#))
- Kyodoled medium cast box (Small Safe with Key, 7.87"x 6.30"x 3.54" Black) is estimated to cost approximately \$13.99 per unit. ([Amazon](#))
- A 12-inch wide metal locker (approximately 5-6 feet tall) costs approximately \$141 to \$417 per unit. ([Lockers](#))
- A heavy-duty padlock with key costs approximately \$5 to \$47 per unit. ([Home Depot](#))
- Lockable storage cabinet prices range from \$279.30 (~ 28 ft³ Ready-to-Assemble 24-Gauge Steel Freestanding Garage Cabinet in Black (36.6 in. W x 72 in. H x 18.3 in. D)) to \$ 365.38 (~ 26 ft³ Combination storage cabinet 17.7"D x 35.4"W x 72"H Black Metal Locker Storage Home Office Garage). ([Home Depot](#))
- One RAC member reported the cost for a 21 cubic feet lockable storage closet to be approximately \$566.82 ([Grainger](#)). If one unit is needed per family unit, then the cost for this grower’s 316 family units would be approximately \$158,000.00. If one unit is needed per bed, then the cost for this grower’s 1,720 occupants would be approximately \$860,000.00. (Document 34)
- Estimated 0.5-8 hour of labor time to assemble, install, or build or install each adequate storage per occupant or family unit.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16$ (10th) x 135% loading x 0.5 hour = $\$16.31$
- $\$72.84$ (90th) x 200% loading x 8 hour = $\$1,165.44$

Using the 10th and 90th percentile hourly wage information for Construction Managers at the top of this document:

- $\$35.56$ (10th) x 135% loading x 0.5 hours = $\$24.00$
- $\$97.85$ (90th) x 200% loading x 8 hours = $\$1,565.60$

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- $\$18.42$ (10th) x 135% loading x 0.5 hours = $\$12.43$
- $\$35.72$ (90th) x 200% loading x 8 hours = $\$571.52$

Amendment (16)(j) – Clarification of Existing Requirement(s)

- Subsection (16)(j) proposes to clarify that strikes the building of housing date.
 - No fiscal impact anticipated.

Amendment (16)(k) – Clarification of Existing Requirement(s)

- Subsection (16)(k) proposes to clarify that strikes “employee” and add “occupant”.
 - No fiscal impact anticipated.

Amendment (16)(l) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule would require 50 square feet of floor space per occupant when double bunk beds are used. The current rule already requires 40 square feet of floor space per occupant when double bunk beds are used. To the extent that an employer is impacted by the increase in 10 square feet, they would have multiple options to consider to meet the new requirements including reducing the number of occupants in a given sleeping area, including among other things, purchasing additional mobile space such as RV or travel trailers, decreasing the volume of housing offered in impacted areas, and building new or expanding existing housing.
 - RV or travel trailer
 - Camping World, 2024 Coleman Lantern LT 17B 21'5" (sleeps 5), is estimated to cost approximately \$13,999 per unit.

- Camping World, 2025 Forest River Wolf Pup 16bhs-or 21'9" (sleeps 5) is estimated to cost approximately \$23,999 per unit.
 - Blue Compass RV, 2024 Forest River RV Aurora Light 16BHX 19'6" (sleeps 5) is estimated to cost approximately \$15,998 per unit.
 - Blue Compass RV, 2025 Grand Design Transcend One 151BH 20' (sleeps 5) is estimated to cost approximately \$24,248 per unit.
- Prefabricated homes
 - Amfor tiny home (464.5"D x 245.5"W x 97.5"H, 40ftx20ft Foldable House, Prefabricated House with Bathroom and Kitchen) is estimated to cost approximately \$27,700 per unit with free delivery. ([Amazon](#))
 - Hugh Hearts tiny home (240"D x 248"W x 99"H, Portable Prefabricated Tiny Home 20x20ft, Mobile Expandable Plastic Prefab House with Restroom) is estimated to cost approximately \$14,499 per unit with free delivery. ([Amazon](#))
 - Generic tiny home (232.28"D x 248"W x 99"H, Generic Portable Prefabricated Tiny Home 20ft, Mobile Expandable Plastic Prefab House, White, PNS-002) is estimated to cost approximately \$21,998 per unit with free delivery. ([Amazon](#))
 - Generic tiny home (240"D x 190"W x 98"H, Prefabricated 15ft x 20ft Expandable Tiny Houses, Modern Designed, Spacious, Waterproof) is estimated to cost approximately \$17,500 per unit with free delivery. ([Amazon](#))
- Building or expanding existing sleeping areas: mobile homes, bunk houses, single and multi-family dwellings. To the extent that an employer chooses to build new housing, Oregon OSHA anticipates that doing so will have an indeterminate fiscal impact based on the broad range of housing which may be chosen to be constructed. Therefore, Oregon OSHA is relying partly on RAC member feedback specific to the anticipated fiscal impact tied to new housing construction ([Documents 1-35](#))
 - One RAC member reported that the cost to build a new ALH facility for 150 occupants in 2017 cost approximately \$1.5 million to build, which included all construction costs, permitting, site prep, septic system, laundry machines, in-unit toilets and showers, and indoor cooking units (Document 34).
 - One RAC member reported that it cost approximately \$98,1112 in 2022, to construct a single-family unit mobile home, including site prep and plumbing (Document 26).
 - One RAC member reported that it cost approximately \$12,069 in 2023 for permit fees and electrical for new housing construction (Document 27).
 - RAC members reported a range of cost estimates to upgrade their septic system would be approximately \$8,000 to \$160,000. (Documents 2, 25, 29, 30, 34). The cost estimate of \$160,000 was for 4 septic systems. The estimate of \$8,000 was to replace two septic tanks with no additional work necessary to install the new systems. Drain field-related costs were estimated to be approximately \$5,000 - \$23,000. Another member provided an estimate that replacement costs for a septic tank could range from \$15,000 to \$20,000 for replacing only the tank, and range from \$75,000 to \$120,000 for a new septic tank system depending on the ground the housing is built on. Installation for a drain field in Spring 2024 is

- estimated to cost, including a pump system and permitting: \$22,170 or approximately \$74/foot.
- A RAC member provided information specific to their impact related to this amendment:
 - Regarding basic construction costs construction materials, including framing, foundation, roofing, siding, interior and exterior doors, windows, insulation, drywall, siding, paint, flooring, electrical, plumbing fixtures, and light fixtures from two contractors in The Dalles:
 - Estimate \$160-180/ ft² for the most basic low-end construction
 - Estimate \$165-175/ ft² but it all depends on what's in it, bathrooms, kitchens etc.
 - Estimate \$170/ ft² as the average for low end construction, not including septic or drain field.
 - Using a 4-year gross income average (years 2020-2023), looking at this year's filled to capacity camp roster and that almost all of the cabins are 4 bed units, we learned the following:
 - *85% of the seasonal harvesters are families (mostly of 4 people) and 15% groups of single men (mostly of 4).
 - For a small farm, to comply with subsection (16)(l) will remove 50 of 110 beds, a 45% drop in total capacity. % Drop in pickers = % drop in Gross Revenue.
 - Without the ability to build back those 50 workers, the "average cost to comply" with subsection (16)(l) is \$1,013,203.80/year.
 - If new construction can occur for those 50 workers lost to harvest all the crop, the new housing will come at an estimated cost of \$1,7000,000 not including septic/drain field, a permanent loss of income on 1-2 producing acres, and a permanent property tax increase (partial loss of farm deferral). Calculation per year: 50 beds x 200 ft² per bed x \$170 ft² = \$1.7M. To account for sleeping, cooking, bathing and laundry total square footage per person is estimated at 200 ft².
 - Construction costs, including those for lumber, electrical, and plumbing systems are expected to vary widely between employers due to several factors. The scale and scope of a project significantly impact cost estimates, wherein larger projects may benefit from economies of scale, reducing price per-unit costs, while smaller or more complex projects may incur higher expenses due to specialized labor and materials. Material quality is another crucial factor; premium materials are typically more expensive than standard options. Additionally, as referenced previously, regional labor rates, local building codes, and site-specific conditions, such as accessibility and existing infrastructure, can further impact the range of cost estimates. Taken together, these and

other variables collectively contribute to the complexity of estimating the wide range of construction costs observed across different projects and employers.

Lumber Supply Estimates

- Estimate cost of \$24.30 per sheet (4'x8'x15/32") of plywood, ([Home Depot](#))
- Estimate cost of \$22.87 per sheet (4'x8'x15/32") of plywood, ([Lowes](#))
- Estimate cost of \$3.65 (2'x4'x8' framing lumber), ([Home Depot](#))
- Estimate cost of \$3.25 (2'x4'x8' framing lumber), ([Lowes](#))

Electrical Supply Estimates

- Extension cords
 - 6 ft. 12/3 SJTW 15 Amp 125-Volt 1875-Watt Lighted End Indoor/Outdoor Black Heavy-Duty Extension Cord (2-Pack) is estimated to cost approximately \$10.96 per unit ([Home Depot](#))
 - 50 ft. 12/3 SJTW Hi-Visibility Outdoor Heavy-Duty Extension Cord with Power Light Plug is estimated to cost approximately \$46.05 per unit ([Home Depot](#))
 - Woods 8-ft 16/3 3-Prong Black Outdoor SJTW Heavy Duty General Extension Cord to cost approximately \$8.36 per unit ([Lowes](#))
 - Utilitech Outdoor 25-ft 12/3 3-Prong Yellow Outdoor SJTW Heavy Duty Lighted Extension Cord is estimated to cost approximately \$49.97 per unit ([Lowes](#))
- Electrical wiring varies widely (e.g., length, gauge, max amperage, stranded or solid, etc.); therefore, depending on the specifics of the project, it is estimated that if electrical wiring is required supply costs could range from \$23 per roll for 15 feet of 12/2 electrical wire up to \$1340 per roll for 500 feet of 6/2 wire ([Home Depot](#)); \$59 per roll for Southwire 25-ft 12/2 Solid UF-B Wire W/G ([Lowes](#)) or \$167 per roll Southwire 50-ft 6/2 Romex SIMpull Solid Indoor CU NM-B W/G ([Lowes](#))
- RAC members reported a range of cost estimates to upgrade their electrical panels, estimating it would be approximately \$1,928.85 up to \$5,000 per panel (Documents 7, 27, 34)

Plumbing Supply Estimates

- PVC Piping
 - Charlotte Pipe 1 in. x 10 ft. PVC Schedule 40 Tubing DWV Pipe is estimated to cost approximately \$8.48 per unit ([Home Depot](#))
 - IPEX 1-in x 10-ft CPVC Pipe is estimated to cost approximately \$12.96 per unit ([Lowes](#))
- Copper pipe
 - Streamline 1/2-in x 10-ft Copper Type M Pipe is estimated to cost approximately \$21.92 per unit ([Lowes](#))

- Streamline 3/4 in. x 10 ft. Copper Type M Pipe is estimated to cost approximately \$35.54 per unit ([Home Depot](#))
- Galvanized pipe
 - The Plumber's Choice 3/4 in. x 36 in. Galvanized Steel Pipe is estimated to cost approximately \$18.15 per unit ([Home Depot](#))
 - Southland 3/4-in x 24-in Galvanized Pipe is estimated to cost approximately \$19.56 per unit ([Lowe's](#))
- Miscellaneous supplies:
 - Plumbshop 3/8 in. Flare x 1/2 in. FIP x 16 in. Braided Stainless Steel Faucet Supply Line is estimated to cost approximately \$2.05 per unit ([Home Depot](#))
 - RELIABILT 1/2-in FIP x 1/2-in Fip x 20-in Braided Stainless Steel Flexible Faucet Supply Line is estimated to cost approximately \$6.98 per unit ([Lowe's](#))
 - SIMPLE DRAIN 1.25 in. Rubber Threaded P-Trap Bathroom Single Sink Drain Kit is estimated to cost approximately \$12.88 per unit ([Home Depot](#))
 - Snappy Trap Universal Drain Kit for Bathroom Sinks - Black, Adapts to 1-1/4 in - 1-1/2 in sink drains and wall drain pipes is estimated to cost approximately \$15.78 per unit ([Lowe's](#))

Amendments (16)(m), (16)(o) and (16)(p) – Clarification of Existing Requirement(s)

- The proposed rule would clarify existing requirements for ceiling heights in living and sleeping areas, allow air conditioning systems to be used to substitute for openable window space so long as emergency egress is maintained, and pesticide products must be used according to the requirements of the label.
- No fiscal impact anticipated.

Amendment (16)(n) – Clarification of Existing Requirement(s)

- Subsection (16)(n) proposes to strike the effective date of the 7-foot ceiling date as it past the effective date and moved the existing ceiling height to a (m).
 - No fiscal impact anticipated.

Proposed Rule Section 17 – Fire Protection

Amendment (17)(c) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule language would require a working carbon monoxide detector where workers sleep when the housing is occupied.
- Battery operated carbon monoxide detectors cost from \$21 to \$100 per unit. ([Lowe's](#))
- Plug in carbon monoxide detectors from \$30 to \$55 per unit. ([Lowe's](#))
- Hardwired carbon monoxide detectors cost from \$52 to \$133 per unit. ([Grainger](#))

- Sealed battery powered carbon monoxide detectors cost from \$88 to \$103 per unit. ([Grainger](#))
- Estimated 1-2 hours of time labor per unit to install a carbon monoxide alarm.

Using the 10th and 90th percentile hourly wage information for Electricians at the top of this document:

- \$24.13 (10th) x 135% loading x 1 hour = \$32.58
- \$55.17 (90th) x 200% loading x 2 hour = \$220.68
- RAC members provided to the following estimated costs to hire an electrician:
 - For Marion County (mid-valley): Electricians: \$120 to \$165 an hour. Apprentice rate of \$65 to \$85.
 - A good median hourly rate to go with for an electrician is \$140. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Electrical - \$140.00 – 155.00/hr
 - IBEW (electricians)
 - \$60.50 wage
 - \$29.59 benefits
 - \$87.34 total per hour

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- \$18.42 (10th) x 135% loading x 1 hour = \$24.87
- \$35.72 (90th) x 200% loading x 2 hour = \$142.88
- Estimated 0.25-0.5 hour of administrative time annually per unit to monitor site and identify carbon monoxide detection units that may need to be replaced or batteries replaced.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.25 hour = \$8.15 annually
- \$72.84 (90th) x 200% loading x 0.5 hour = \$72.84 annually

Proposed Rule Section 18 – Cooking and Eating Facilities and Equipment

Note: Section 18 of the proposed rule would introduce a number of substantive changes to cooking and facilities, dining halls, and common-use facilities, some of which may have different effective dates. Specifically, subsection (18)(a) of the proposed rule would introduce changes related to refrigerator temperature under (18)(a)(A), changes to cooking burner ratios under (18)(a)(B), and protected food storage under (18)(a)(D), that would be effective upon the first effective date if the rule is adopted, but only if cooking and eating facilities and equipment are already provided to occupants. To the extent that an ALH operator does not currently provide such facilities, there would be no fiscal impact anticipated until the provisions of subsection (18)(b) became effective. The operative clause of subsection (18)(a) of the proposed rule is “when provided.”

Subsection (18)(b) of the proposed rule would similarly introduce a number of substantive changes to cooking and facilities, dining halls, and common-use facilities, but remove the operative clause of “when provided” and replaced with a new operative clause, “must be provided.” The operative clause of subsection (18)(b) would therefore require the provision of cooking or food preparation facilities or equipment by the specified effective date. Therefore, to the extent that ALH operators are not currently providing such facilities and equipment, they would be required to do so beginning on the effective date specified by subsection (18)(b). The FIS information for amendments (18)(a) and (18)(b) takes into account this potential fiscal impact on ALH operators and employers.

Amendment (18)(a) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule would strike “common use” from the title of section 18, require cooking facilities or equipment, ensure that there are adequate number of refrigerators and that temperatures are at or below 40 degrees Fahrenheit, require that burners be provided in a ratio of two burners for every 8 persons (2:8) or part thereof (currently 2:10), and clarify that food storage shelves must be protected and cleanable, when such equipment is provided.
- Subsection (18)(a)(A) – Refrigerator temperature change to 40 degrees (when provided)
 - Refrigerators (20.0 cu ft) may be purchased with prices ranging from \$649 (LG 20.2-cu ft Top-Freezer Refrigerator (White) ENERGY STAR) to \$739.00 (Whirlpool 20.5-cu ft Top-Freezer Refrigerator (Black) ([Lowes](#)))
 - Refrigerators (20.0 cu ft) may be purchased with prices ranging from \$649 (30 in. W 20 cu. ft. Top Freezer Refrigerator w/ Multi-Air Flow and Reversible Door in White, ENERGY STAR) to \$758.00 (Frigidaire 30 in. 20.4 cu. ft. Top Freezer Refrigerator in Stainless Steel). ([Home Depot](#))

- Subsection (18)(a)(B) – Cooking equipment and burners ratio must be 2:8 (when provided)
 - Electric or gas cooktops prices range from \$33.14 (2-Burner 1,500-Watt 6.5 in. Hot Plate) to \$172.33 (12 in. Gas Cooktop in Stainless Steel 2 Sealed Burners Gas Stove 4000 BTUs Simmer Burner). ([Home Depot](#))
 - Electric or gas cooktops prices range from \$95.99 (Courant 24-in Stainless Steel Smooth Surface 2 Burners Infrared Hot Plate) to \$98.10 (XKITCHEN 24-in 2 Burners Coil Black Electric Cooktop with Downdraft Exhaust). ([Lowe's](#))
 - Electric or gas cooktops prices range from \$33.07 (MegaChef Indoor and Outdoor Portable Electric Stove Portable Dual Vitro-Ceramic Infrared Cooktop) to \$89.98 (Hot Plate, Cusimax Dual Infrared Burner, Electric Ceramic Glass Stove, Adjustable Temperature Control, Stainless Steel, Compatible of all Cookware, Easy Clean for Home, Dorm, Office). ([Amazon](#))
- Subsection (18)(a)(D) – Protected food storage must be included if such storage is currently provided – Subsection (18)(a)(D)
 - Kitchen pantries may be purchased prices range from \$132.28 (10 cubic feet - Kitchen Pantry Cabinet 60 in. Tall Food Pantry Storage Cabinet with 3 Shelves(2 Adjustable) Freestanding Storage Cabinet) to \$266.13 (15.37 cubic feet - Monti White Food Pantry with Drawer Kitchen Storage Cabinet). ([Home Depot](#))
 - Kitchen pantries may be purchased from Lowe's and prices range from \$199.00 (25.03 cubic feet - VEIKOUS Traditional White Pantry with 6 Doors, 2 Drawers, and Microwave Stand) to \$249.99 (25.28 cubic feet - VEIKOUS Contemporary/Modern Gray Pantry). ([Lowe's](#))
 - A variety of plastic totes may be purchased and prices range from \$6.99 (STERILITE 18 GALLON TOTE, MARINE BLUE) to \$9.99 (STERILITE 16 QUART/15 LITER STACKING DRAWER) per unit. ([BiMart](#))
 - A variety of plastic totes may be purchased and prices range from \$51.99 (\$8.67 per unit - IRIS USA 32 Qt Stackable Plastic Storage Bins with Lids, 6 Pack - BPA-Free, Made in USA - See-Through Organizing Solution, Latches, Durable Nestable Containers, Secure Pull Handle – Clear) to \$84.97 (\$21.24 per unit - RIS USA 91 Quart Stackable Plastic Storage Bins with Lids and Latching Buckles, 4 Pack, Containers with Lids, Durable Nestable Closet, Garage, Totes, Tubs Boxes Organizing, Pearl) ([Amazon](#))
 - A RAC member provided the following information about this amendment:
 - Operators may choose to build storage structures.
 - Estimated cost of \$24.30 per sheet of plywood, it is estimated that 4 – 6 sheets could be needed. (use other plywood sheet language used in other sections)
 - Estimated cost of \$3.65 (2'x4'x8' framing lumber), it is estimated that 4 to 6 boards per stall needed.
 - Estimated cost of hardware: \$5 per unit – see above.

- Estimate 0.5-24 hours of labor time to move or install new refrigerator, burner or cooking equipment, and protected food storage.

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- \$18.42 (10th) x 135% loading x 0.5 hour = \$12.43
- \$35.72 (90th) x 200% loading x 24 hour = \$1,714.56

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hours = \$16.31
- \$72.84 (90th) x 200% loading x 8 hours = \$3,496

Amendment (18)(b) – Substantive Change (potential fiscal impact anticipated)

- The proposed rule would strike “common use” from subsection (18)(b) and require the provision of certain cooking or food preparation facilities or equipment be provided to occupants. Each provision of the proposed changes to subsection (18)(b) are discussed below.
- Subsection (18)(b)(A) – Refrigerator must be able to maintain 40 degrees or lower
 - Refrigerators (20.0 cu ft) may be purchased with prices ranging from \$649 (LG 20.2-cu ft Top-Freezer Refrigerator (White) ENERGY STAR) to \$739.00 (Whirlpool 20.5-cu ft Top-Freezer Refrigerator (Black) ([Lowes](#)))
 - Refrigerators (20.0 cu ft) may be purchased with prices ranging from \$649 (30 in. W 20 cu. ft. Top Freezer Refrigerator w/ Multi-Air Flow and Reversible Door in White, ENERGY STAR) to \$758.00 (Frigidaire 30 in. 20.4 cu. ft. Top Freezer Refrigerator in Stainless Steel). ([Home Depot](#))
- Subsection (18)(b)(B) – Burner ratios must be 2:8
 - Electric or gas cooktops prices range from \$33.14 (2-Burner 1,500-Watt 6.5 in. Hot Plate) to \$172.33 (12 in. Gas Cooktop in Stainless Steel 2 Sealed Burners Gas Stove 4000 BTUs Simmer Burner). ([Home Depot](#))
 - Electric or gas cooktops prices range from \$95.99 (Courant 24-in Stainless Steel Smooth Surface 2 Burners Infrared Hot Plate) to \$98.10 (XKITCHEN 24-in 2 Burners Coil Black Electric Cooktop with Downdraft Exhaust). ([Lowes](#))
 - Electric or gas cooktops prices range from \$33.07 (MegaChef Indoor and Outdoor Portable Electric Stove Portable Dual Vitro-Ceramic Infrared Cooktop) to \$89.98 (Hot Plate, Cusimax Dual Infrared Burner, Electric Ceramic Glass Stove, Adjustable Temperature Control, Stainless Steel, Compatible of all Cookware, Easy Clean for Home, Dorm, Office). ([Amazon](#))
- Subsection (18)(b)(C) – Liquid petroleum gas (LPG) tanks cannot be used inside.
 - Estimated 1-4 hours of labor to move LPG tanks outside or there appropriate location.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 1 hour = \$32.62
- \$72.84 (90th) x 200% loading x 4 hour = \$582.72

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$14.18 (10th) x 135% loading x 1 hour = \$19.14
- \$21.55 (90th) x 200% loading x 4 hour = \$172.40

- Subsection (18)(b)(D) – Food preparation areas and storage, including protected food storage

- Kitchen pantries may be purchased prices range from \$132.28 (10 cubic feet - Kitchen Pantry Cabinet 60 in. Tall Food Pantry Storage Cabinet with 3 Shelves(2 Adjustable) Freestanding Storage Cabinet) to \$266.13 (15.37 cubic feet - Monti White Food Pantry with Drawer Kitchen Storage Cabinet). ([Home Depot](#))
- Kitchen pantries may be purchased from Lowes and prices range from \$199.00 (25.03 cubic feet - VEIKOUS Traditional White Pantry with 6 Doors, 2 Drawers, and Microwave Stand) to \$249.99 (25.28 cubic feet - VEIKOUS Contemporary/Modern Gray Pantry). ([Lowes](#))
- A variety of plastic totes may be purchased and prices range from \$6.99 (STERILITE 18 GALLON TOTE, MARINE BLUE) to \$9.99 (STERILITE 16 QUART/15 LITER STACKING DRAWER) per unit. ([BiMart](#))
- A variety of plastic totes may be purchased and prices range from \$51.99 (\$8.67 per unit - IRIS USA 32 Qt Stackable Plastic Storage Bins with Lids, 6 Pack - BPA-Free, Made in USA - See-Through Organizing Solution, Latches, Durable Nestable Containers, Secure Pull Handle – Clear) to \$84.97 (\$21.24 per unit - RIS USA 91 Quart Stackable Plastic Storage Bins with Lids and Latching Buckles, 4 Pack, Containers with Lids, Durable Nestable Closet, Garage, Totes, Tubs Boxes Organizing, Pearl) ([Amazon](#))
- A RAC member provided the following information on this amendment.
 - Operators may choose to build food preparation areas adjacent to water source or the sinks
 - Estimated cost of \$24.30 per sheet plywood, it is estimated that 4 – 6 sheets could be needed. (use other plywood sheet language used in other sections)
 - Estimated cost of \$3.65 (2'x4'x8' framing lumber), it is estimated that 4 to 6 boards per toilet stall needed.
 - Estimated cost of hardware: \$5 per unit. See above.
- Estimate 1-8 hours of labor time to install new storage amenities or modify existing storage to be protected per unit.



Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:

- \$24.25 (10th) x 135% loading x 1 hours = \$32.73
- \$63.55 (90th) x 200% loading x 8 hours = \$1,016.80

Using the 10th and 90th percentile hourly wage information for Construction Managers at the top of this document:

- \$35.56 (10th) x 135% loading x 1 hours = \$48.01
- \$97.85 (90th) x 200% loading x 8 hours = \$1,565.60

- Subsection (18)(b)(E) – Fiscal for labor and materials, tables and chairs

- Dinette sets with four chairs may purchased with prices ranging from \$154.00 (Winado Silver Contemporary/Modern Dining Room Set with Rectangular Table) to \$214.00 (Sumyeg Rustic Brown Contemporary/Modern Dining Room Set with Rectangular Table). ([Lowes](#))
- VECELO 3-Piece Dining Room set (63 in. Extendable Dining Table with Benches, Dinette/Dining Table and Chairs Set for 4/6/2 Brown) is estimated to cost approximately \$167.92 per unit. ([Home Depot](#))
- Estimated 1-4 hours of labor to set up appropriate tables and chairs at facility.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 1 hour = \$32.62
- \$72.84 (90th) x 200% loading x 4 hour = \$582.72

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$14.18 (10th) x 135% loading x 1 hour = \$19.14
- \$21.55 (90th) x 200% loading x 4 hour = \$172.40

- Subsection (18)(b)(F) – Plumbed sinks must be installed in food preparation areas or within a reasonable distance adjacent to such areas.

- Plumbed sink
 - 22 in. D x 19 in. W Freestanding Stainless Steel Laundry/Utility Sink with Hot and Cold Faucet is estimated to cost approximately \$189.99 per unit ([Home Depot](#))
 - Free Standing Stainless-Steel Single Bowl, Commercial Restaurant Kitchen Sink Set w/Faucet & Drainboard, Prep & Utility Washing Hand Basin w/Workbench & Storage Shelves Indoor Outdoor (47 inch) is estimated to cost approximately \$279.99 per unit with free delivery. ([Amazon](#))

- Plumbing materials – to the extent that the employer must have new plumbing installed, the costs will vary depending on local permitting requirements and the scale of the installation. To that end, Oregon OSHA estimated the cost of basic materials and plumber labor time.
 - 3/4 in. x 10 ft. PVC Schedule 40 Pressure Plain-End Pipe is estimated to cost approximately \$6.29 per unit ([Home Depot](#))
 - Charlotte Pipe 1-in x 10-ft 200 Psi SDR 21 PVC Pipe is estimated to cost approximately \$4.98 per unit ([Lowe's](#))
- One RAC member provided the following information related to this amendment.
 - Although not required by the rule, operators may need to install concrete or other flooring when installing plumbed sinks. Use costs indicated in other sections
- RAC members reported a range of cost estimates to upgrade their septic system would be approximately \$8,000 to \$160,000. (Documents 2, 25, 29, 30, 34). The cost estimate of \$160,000 was for 4 septic systems. The estimate of \$8,000 was to replace two septic tanks with no additional work necessary to install the new systems. Drain field-related costs were estimated to be approximately \$5,000 - \$23,000. Another member provided an estimate that replacement costs for a septic tank could range from \$15,000 to \$20,000 for replacing only the tank, and range from \$75,000 to \$120,000 for a new septic tank system depending on the ground the housing is built on. Installation for a drain field in Spring 2024 is estimated to cost, including a pump system and permitting: \$22,170 or approximately \$74/foot.
- Estimate 1-8 hours of labor time to install new plumbed sink in or near food preparation areas per unit.

Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:

- \$24.25 (10th) x 135% loading x 1 hours = \$32.73
- \$63.55 (90th) x 200% loading x 8 hours = \$1,016.80

Using the 10th and 90th percentile hourly wage information for Construction Managers at the top of this document:

- \$35.56 (10th) x 135% loading x 1 hours = \$48.01
- \$97.85 (90th) x 200% loading x 8 hours = \$1,565.60

- Estimate 1-8 hours of labor for a septic tank servicer to pump one septic tank system.

Using the 10th and 90th percentile hourly wage information for Plumbers, Pipefitters, and Steamfitters found at the top of this document:



- $\$18.86 (10^{\text{th}}) \times 135\% \text{ loading} \times 1 \text{ hours} = \25.46
- $\$37.22 (90^{\text{th}}) \times 200\% \text{ loading} \times 8 \text{ hours} = \595.52
- RAC members provided the following estimated costs to hire a plumber:
 - For Marion County (mid-valley): Plumbers: \$130 to \$200 an hour. Apprentice rate \$75 to \$95.
 - A good median hourly rate to go with for a plumber \$150. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Plumbing -\$145.00/hour.
 - A member estimated the cost to higher a plumber at \$75/hour.
 - Other members provided that cost estimates may range from \$65/hour (apprentice), \$102/hour (journeyman), up to approximately \$145/hour for a plumber.
 - UA (plumbers and pipefitters):
 - \$57.92 wage
 - \$38.00 benefits
 - \$95.92 total per hour

RAC members provided additional information related to this amendment:

- \$80/hour for septic tanking pumping costs
- \$450 for two hours of septic servicing in metro area
- \$0.54/gallon for septic pumping costs; approximately \$1080 for two hours to service a 2,000 gallon tank.
- Subsection (18)(b)(G) – Refrigerators and cooking equipment must be in working condition.
 - Estimate 0.25-3 hours of administrative labor time to assess and maintain refrigerators and cooking equipment unit(s) each year.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- $\$24.16 (10^{\text{th}}) \times 135\% \text{ loading} \times 0.25 \text{ hours} = \8.15
- $\$72.84 (90^{\text{th}}) \times 200\% \text{ loading} \times 3 \text{ hours} = \437.04

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- $\$18.42 (10^{\text{th}}) \times 135\% \text{ loading} \times 0.25 \text{ hours} = \4.79
- $\$35.72 (90^{\text{th}}) \times 200\% \text{ loading} \times 3 \text{ hours} = \129.30

- Subsection (18)(b)(H) - Fiscal for labor and cleaning materials, clean facilities before each occupancy
 - Cleaning supplies
 - ZEP 1 Gallon Antibacterial Disinfectant Cleaner is estimated to cost approximately \$10.98 per unit. ([Home Depot](#))
 - Lysol 32 oz. Citrus Hydrogen Peroxide Power and Free Multi-Cleaner Spray is estimated to cost approximately \$6.38 per unit. ([Home Depot](#))
 - Clorox 75-Count Fresh Disinfectant Wipes All-Purpose Cleaner is estimated to cost approximately \$7.28 per unit. ([Lowes](#))
 - Clorox 32-fl oz Crisp Lemon Disinfectant Liquid All-Purpose Cleaner Spray is estimated to cost approximately \$5.58 per unit. ([Lowes](#))
 - Estimate 0.25-3 hours of administrative labor time to maintain food preparation areas, perform maintenance tasks, and clean unit(s) each year.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.25 hours = \$8.15
- \$72.84 (90th) x 200% loading x 3 hours = \$437.04

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$18.42 (10th) x 135% loading x 0.25 hours = \$4.79
- \$35.72 (90th) X 200% loading x 3 hours = \$129.30

- Subsection (18)(b)(I) – No fiscal impact anticipated – this clarifies an existing requirement
- Subsection (18)(b)(J) – No fiscal impact anticipated – this clarifies an existing requirement for disease reporting which is already accounted for below in section 20 of the proposed rule FIS.
- Subsection (18)(b)(K) – Fiscal for labor and heating units, electrical costs
 - Electric heaters may be purchased from Lowes and prices range from \$73.40 (Optimus Up to 1500-Watt Fan Compact Personal Indoor Electric Space Heater with Thermostat) to \$124.01 (Dr. Infrared Heater Up to 1500-Watt Infrared Quartz Cabinet Indoor Electric Space Heater with Thermostat and Remote Included). ([Lowes](#))
 - Electric heaters may be purchased from Home Depot and prices range from \$54.17 (10 in 1500-Watt Retro TV Look Ceramic PTC Heater) to \$126.84 (LifeSmart LifePro 6 Element 1500W Portable Infrared Quartz Mica Space Heater). ([Home Depot](#))
 - Estimate 0.5-8 hours of labor for an electrician or similarly qualified person to hook up and install one heating unit or similar equipment.

Using the 10th and 90th percentile hourly wage information for Electricians at the top of this document:

- \$24.13 (10th) x 135% loading x 0.5 hour = \$16.29
- \$55.17 (90th) x 200% loading x 8 hour = \$882.72
- RAC members provided to the following estimated costs to hire an electrician:
 - For Marion County (mid-valley): Electricians: \$120 to \$165 an hour. Apprenticeship rate of \$65 to \$85.
 - A good median hourly rate to go with for an electrician is \$140. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Electrical - \$140.00 – 155.00/hr
 - IBEW (electricians)
 - \$60.50 wage
 - \$29.59 benefits
 - \$87.34 total per hour

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- \$18.42 (10th) x 135% loading x 0.5 hour = \$12.43
- \$35.72 (90th) x 200% loading x 8 hour = \$571.52
- Subsection (18)(b)(L) – Fiscal for labor and construction materials to build kitchen enclosures or move equipment indoors
 - Building enclosed cooking area and screen mesh
 - Estimate cost of \$24.30 per sheet (4'x8'x15/32") of plywood, it is estimated that 10-20 sheets could be needed. ([Home Depot](#))
 - Estimate cost of \$22.87 per sheet (4'x8'x15/32") of plywood, it is estimated that 10-20 sheets could be needed. ([Lowe's](#))
 - Estimate cost of \$3.65 (2'x4'x8' framing lumber), it is estimated that 10-50 boards per enclosure. ([Home Depot](#))
 - Estimate cost of \$3.25 (2'x4'x8' framing lumber), it is estimated that 10-50 boards per enclosure. ([Lowe's](#))
 - Screened gazebo kits
 - 8 ft. x 16 ft. Gray Florence Add-A-Room Solarium is estimated to cost approximately \$3,956.63 per unit with free delivery. ([Home Depot](#))
 - Gazebo Penguin 10.16-ft x 15.83-ft Florence add-A-room Rectangle Sand Metal Polycarbonate Roof Gazebo with Screen Included is estimated to cost approximately \$4,124.05 per unit with free delivery. ([Lowe's](#))
 - Kits to screen in existing outdoor structures can be purchased for approximately \$1,538. ([Screen Porch Living](#))
 - Screened mesh materials

- Phifer 3-ft x 7-ft Charcoal Fiberglass Screen Mesh is estimated to cost approximately \$8.48 per unit ([Lowe's](#))
- 36 in. x 84 in. Charcoal Fiberglass Extra Strength Screen Roll for Windows and Door is estimated to cost approximately \$12.48 per unit ([Home Depot](#))
- A RAC member provided the following estimated costs to hire HVAC specialist:
 - For the Columbia Gorge Area: HVAC -\$145.00/hour
- Estimate 4-24 hours of labor time to move cooking materials indoors or install or construct each adequate enclosure and screens where necessary per unit.

Using the 10th and 90th percentile hourly wage information for Construction Managers at the top of this document:

- \$35.56 (10th) x 135% loading x 4 hours = \$192.02
- \$97.85 (90th) x 200% loading x 24 hours = \$4,696.80

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- \$18.42 (10th) x 135% loading x 4 hours = \$99.47
- \$35.72 (90th) x 200% loading x 24 hours = \$1,714.56

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 4 hour = \$130.46
- \$72.84 (90th) x 200% loading x 24 hour = \$3,496.32 Subsection (18)(b)(M) – Fiscal for labor to review FDA code requirements, and install appropriate facilities or systems.
 - Estimated 0.5-3 hours of administrative time to review the FDA and implement requirements.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hour = \$16.31 annually
- \$72.84 (90th) x 200% loading x 3 hour = \$437.04 annually

Note: The proposed rule would remove section 19 of the current rule, except for the requirement for dining halls to comply with FDA Food Code Requirements (incorporated into section 18 of the proposed rule). The proposed rule would remove section 20 of the current rule. The removal of sections 19 and 20 from the current rule would change the rule numbering for provisions that come after section 18 of the proposed rule. Please review the proposed rule closely.

Proposed Rule Section 19 – First Aid

The proposed rule does not include amendments to section 19.

Proposed Rule Section 20 – Disease Reporting

Amendment (20) – Substantive Change (potential fiscal impact anticipated)

The proposed rule would update the language related to Oregon Health Authority (OHA) disease reporting requirements to reflect OHA's current administrative rules: OAR 333-018-0000 and OAR 333-018-0015. For ease of communication, the provisions of these two OHA OARs would be repackaged into a mandatory appendix at the end of the rule – Appendix A.

- Estimated 0.5-1 hours of administrative time to review the updated OHA OAR disease reporting requirements in Appendix A of the proposed rule.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.5 hour = \$16.31 annually
- \$72.84 (90th) x 200% loading x 1 hour = \$145.68 annually

Proposed Rule Section 21 – Access to ORS and OAR

The proposed rule does not include amendments to section 21.

Proposed Rule Section 22 – Closure and Alternative Housing

The proposed rule does not include amendments to section 22.

Proposed Rule Section 23 – Heat Illness Prevention in Labor Housing

Amendments (23)(c) and (23)(d) – Substantive Change (potential fiscal impact anticipated)

The proposed rule language would require that all sleeping rooms be able to be maintained at 78 degrees Fahrenheit or less whenever the heat index outside is between 80 and 94 degrees Fahrenheit; and that sleeping rooms be able to be maintained at least 15 degrees Fahrenheit less than the outside temperature whenever the outdoor heat index is 95 degrees Fahrenheit or above.

Indoor cooling units (window or in-wall AC units, and portable evaporative coolers) can be obtained through a variety of sources including Amazon, Lowes, Home Depot, Grainger, and Sylvane. The cost varies based on style (window, portable, through the wall), capacity, and features (for example, WIFI capability). To the extent that an employer relies upon equipment that uses electricity, Oregon OSHA anticipates that the use of cooling devices will have an indeterminant annual increase to an employer's electrical costs. In some instances the potential magnitude of additional costs can't be quantified at this time.

One RAC member provided information related to these amendments.

- Although not required by the rule:
 - In addition to insulation, operators may choose to add dry wall. Operators may need to upgrade the electrical system to keep units adequately cool.
 - In addition to interior insulation where not possible, some operators may choose to do clad wrapping of the exterior of the building or siding for added insulation to control the temperatures inside.
 - Estimated Cost: Clad wrapping will most likely require an outside contractor per hour and the materials in addition to what is interior insulation. The outside clad wrapping in some instances may prove more economical because there would not be a need to open the interior walls.
 - Additionally, insulation could be achieved in some instances with foam blown into the interior walls as they are. Add: Blow Foam Insulation cost.
 - Estimated cost: \$17.88/dry wall sheet, indeterminate amount needed based on the project. <https://www.lowes.com/pd/ToughRock-Common-1-2-in-x-4-ft-x-8-ft-Actual-0-49-in-x-3-99-ft-x-7-99-ft-Drywall-Panel/1000363095>.

Electrical Supply Estimates

- Extension cords
 - 6 ft. 12/3 SJTW 15 Amp 125-Volt 1875-Watt Lighted End Indoor/Outdoor Black Heavy-Duty Extension Cord (2-Pack) is estimated to cost approximately \$10.96 per unit ([Home Depot](#))
 - 50 ft. 12/3 SJTW Hi-Visibility Outdoor Heavy-Duty Extension Cord with Power Light Plug is estimated to cost approximately \$46.05 per unit ([Home Depot](#))
 - Woods 8-ft 16/3 3-Prong Black Outdoor SJTW Heavy Duty General Extension Cord to cost approximately \$8.36 per unit ([Lowes](#))
 - Utilitech Outdoor 25-ft 12/3 3-Prong Yellow Outdoor SJTW Heavy Duty Lighted Extension Cord is estimated to cost approximately \$49.97 per unit ([Lowes](#))
- Electrical wiring varies widely (e.g., length, gauge, max amperage, stranded or solid, etc.); therefore, depending on the specifics of the project, it is estimated that if electrical wiring is required supply costs could range from \$23 per roll for 15 feet of 12/2 electrical wire up to \$1340 per roll for 500 feet of 6/2 wire ([Home Depot](#)); \$59 per roll for

Southwire 25-ft 12/2 Solid UF-B Wire W/G ([Lowe's](#)) or \$167 per roll Southwire 50-ft 6/2 Romex SIMpull Solid Indoor CU NM-B W/G ([Lowe's](#))

- Window A/C units
 - LG Window Air Conditioner (10,000 BtuH/450 sq ft coverage), 115V AC, 5-15P is estimated to cost approximately \$547.50 per unit ([GRAINGER](#))
 - Residential window AC units may be purchased ranging from \$119 (5,000 BTUs/150 sq ft) to \$449 (12,000 BTUs/550 sq feet). ([Amazon](#))
 - Residential window AC units may be purchased ranging from \$169 (5,000 BTUs/150 sq ft) to \$1,070 (18,000 BTUs/1050 sq ft). ([Lowe's](#))
 - Residential window AC units may be purchased ranging from \$160 (5,000 BTUs/150 sq ft) to \$680 (24,500 BTUs/1550 sq ft). ([Home Depot](#))
- Through the wall A/C units
 - Residential Grade through the wall AC units capable of cooling between 300 and 700 sq. ft cost an estimated \$600 - \$2,700 per unit. ([GRAINGER](#))
 - 8,000 BTU 115-Volt Through-the-Wall Air Conditioner Cools 350 Sq. Ft is estimated to cost approximately \$459.00 per unit ([Home Depot](#))
 - 14,000/13,600 BTU 230/208 Volts Electronic Controlled Through The Wall Air Conditioner Cools 700 Sq. Ft. is estimated to cost approximately \$548.67 per unit ([Home Depot](#))
 - Keystone 350-sq ft Window Air Conditioner with Heater with Remote (115-Volt, 8000-BTU) is estimated to cost approximately \$389.99 per unit ([Lowe's](#))
 - Bevoi 12000-BTU-BTU 550-sq ft 115-Volt White Through-the-wall Air Conditioner is estimated to cost approximately \$567.63 per unit ([Lowe's](#))
- Evaporative coolers
 - Portable evaporative coolers capable of cooling between 350 and 6,500 sq. ft. cost between \$143.00 and \$6,254 per unit. ([GRAINGER](#))
 - Portable evaporative coolers may be purchased from [Lowe's](#) and range from \$149 (sq ft unknown) to \$448 (1200 sq ft).
 - 500 CFM 4-Speed Portable Evaporative Cooler for 350 sq. ft. is estimated to cost approximately \$459.00 per unit ([Home Depot](#))
- Insulation is not required by the rule, but some employers may choose to add insulation to improve temperature control in certain buildings and areas.
 - R-Tech 1 in. x 48 in. x 8 ft. r-3.85 insulating sheathing is estimated to cost approximately \$15.78 per unit ([Home Depot](#))
 - 1-in x 4-ft x 8-ft Expanded Polystyrene Board Insulation is estimated to cost approximately \$15.78 per unit ([Lowe's](#))
- A RAC member provided the following estimated costs to hire HVAC specialist:
 - For the Columbia Gorge Area: HVAC -\$145.00/hour

65

- Estimate 0.25-3 hours of administrative labor time to maintain conditioning unit(s) each year.

Using the 10th and 90th percentile hourly wage information for Farmers, Ranchers, and Other Agricultural managers at the top of this document:

- \$24.16 (10th) x 135% loading x 0.25 hours = \$8.15
- \$72.84 (90th) x 200% loading x 3 hours = \$437.04

Using the 10th and 90th percentile hourly wage information for Farmworkers and Laborers, Crop, Nursery, and Greenhouse workers at the top of this document:

- \$18.42 (10th) x 135% loading x 0.25 hours = \$4.79
- \$35.72 (90th) X 200% loading x 3 hours = \$129.30

- RAC members reported a range of cost estimates to upgrade their electrical panels, estimating it would be approximately \$1,928.85 up to \$5,000 per panel (Documents 7, 27, 34)

Estimate 0.5-8 hours of labor for an electrician or similarly qualified person to hook up and install one air conditioning unit or other cooling equipment.

Using the 10th and 90th percentile hourly wage information for Electricians at the top of this document:

- \$24.13 (10th) x 135% loading x 0.5 hour = \$16.29
- \$55.17 (90th) x 200% loading x 8 hour = \$882.72

- RAC members provided to the following estimated costs to hire an electrician:
 - For Marion County (mid-valley): Electricians: \$120 to \$165 an hour. Apprentice rate of \$65 to \$85.
 - A good median hourly rate to go with for an electrician is \$140. There's usually a show-up fee of \$250. Some charge a show up fee (\$200-\$250) and others require an up-front payment of a two-hour minimum.
 - For the Columbia Gorge Area: Electrical - \$140.00 – 155.00/hr
 - IBEW (electricians)
 - \$60.50 wage
 - \$29.59 benefits
 - \$87.34 total per hour

Using the 10th and 90th percentile hourly wage information for Construction Laborers at the top of this document:

- \$18.42 (10th) x 135% loading x 0.5 hour = \$12.43
- \$35.72 (90th) x 200% loading x 8 hour = \$571.52

HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING
A *TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.
(ORS 183.534)
FOR ADMINISTRATIVE RULES

AGENCY NAME: DCBS/Oregon OSHA **PERMANENT:** X

HEARING DATES: October 17 at 1 p.m.; October 17 at 6 p.m.; October 18 at 11 a.m. (Spanish); October 21 at 6 p.m.(Spanish); and October 25 at 10 a.m. in the year 2024.

ADDRESS: 350 Winter Street NE

CITY/STATE: Salem OR 97301-3882

TEMPORARY:

EFFECTIVE DATE:

PHONE: 503-947-7449

BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL RESULT FROM THIS PROPOSED CHANGE.

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.

IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

Description of proposed change:

See attached Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

Description of the need for, and objectives of the rule:

See attached Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

List of rules adopted or amended:

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

Materials and labor costs increase or savings:

Oregon OSHA does not foresee any effect of materials or labor costs.

Estimated administrative construction or other costs increase or savings:

Oregon OSHA does not foresee any effect on administrative construction or other costs.

Land costs increase or savings:

Oregon OSHA does not foresee any effect on land costs.

Other costs increase or savings:

Oregon OSHA does not foresee any effect on other costs.

*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

PREPARERS NAME: Lisa Appel, Rules Coordinator

EMAIL ADDRESS: Lisa.Appel@dcbs.oregon.gov

OFFICE OF THE SECRETARY OF STATE
LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR
800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 437

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION

FILED

09/05/2024 1:56 PM
ARCHIVES DIVISION
SECRETARY OF STATE

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

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/03/2024 11:55 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Lisa Appel

503-947-7449

OSHA.rulemaking@dcbs.oregon.gov

350 Winter St. NE

Salem, OR 97301

Filed By:

Lisa Appel

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/17/2024

TIME: 1:00 PM

OFFICER: OSHA Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1603957041

SPECIAL INSTRUCTIONS:

Go to the meeting URL to register for the webinar hearing. After registering, you will receive a confirmation email containing information about joining the webinar.

DATE: 10/17/2024

TIME: 6:00 PM

OFFICER: OSHA Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1605604873

SPECIAL INSTRUCTIONS:

Go to the meeting URL to register for the webinar hearing. After registering, you will receive a confirmation email containing information about joining the webinar.

DATE: 10/18/2024

TIME: 11:00 AM

OFFICER: OSHA Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1608721357

SPECIAL INSTRUCTIONS:

** This hearing will be conducted in Spanish. **

Go to the meeting URL to register for the webinar hearing. After registering, you will receive a confirmation email containing information about joining the webinar.

DATE: 10/21/2024

TIME: 6:00 PM

OFFICER: OSHA Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1606864399

SPECIAL INSTRUCTIONS:

** This hearing will be conducted in Spanish. **

Go to the meeting URL to register for the webinar hearing. After registering, you will receive a confirmation email containing information about joining the webinar.

DATE: 10/25/2024

TIME: 10:00 AM

OFFICER: OSHA Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1606136703

SPECIAL INSTRUCTIONS:

Go to the meeting URL to register for the webinar hearing. After registering, you will receive a confirmation email containing information about joining the webinar.

NEED FOR THE RULE(S)

Federal and state regulations of agricultural labor housing (ALH) have evolved over time in response to changing agricultural techniques and labor conditions. With Congress' adoption of the Occupational Safety and Health Act of 1970, employer-provided housing became subject to the jurisdiction of federal OSHA through the U.S. Department of Labor, which subsequently set minimum federal compliance requirements for employer-provided housing.

In 1973, the Oregon Legislature enacted the Oregon Safe Employment Act (ORS 654), which established Oregon OSHA and set the foundation for Oregon to adopt a "state plan." State plans are federal OSHA-approved workplace safety and health programs operated by individual states and U.S. territories. While there are currently 29 state plans, only a handful have provisions related to employer-provided housing, including Oregon, Washington and California. Most of the remaining states and territories fall under the jurisdiction and regulations set forth by federal OSHA. To gain and

maintain approval, state plans must adopt and enforce compliance standards that are “at least as effective” (ALAE) as federal OSHA.

In accordance with this ALAE requirement, Oregon OSHA maintains and enforces rules for employer-provided housing (Labor Camps), which are predominately in agricultural settings. Federal OSHA has determined that the Rules for Agricultural Labor Housing and Related Facilities (OAR 437-004-1120) and the Labor Camp Rules (OAR 437-002-0142) are ALAE as its housing requirements (29 CFR 1910.142). Nothing in federal statute prevents Oregon OSHA from adopting and enforcing standards that are more stringent or protective than federal OSHA standards.

Oregon OSHA’s current ALH rule (OAR 437-004-1120) was first adopted in 1998 and applies to any place where there are living areas or other housing provided by someone who recruits workers to work on an agricultural establishment. Housing for workers who produce, or harvest farm crops, must be registered with Oregon OSHA, except when the housing is occupied solely by members of the same family or by five or fewer unrelated people. The ALH rule is rooted in safety and health considerations and has broad requirements across housing conditions.

During a rulemaking process in 2018 on pesticides, worker advocates raised concerns about the application of pesticides within a certain distance to ALH, as well as the ALH rule in general. In response, Oregon OSHA committed to conducting a comprehensive review of the ALH rules using a rulemaking advisory group. In 2018, a rules advisory group was initially formed as an open group composed of a diverse collection of stakeholders, including growers, agricultural associations, housing operators, and employee representative groups. The COVID-19 pandemic delayed rulemaking activities, which Oregon OSHA resumed in 2021 and continued through 2023. At the end of 2023, a preliminary draft of rule changes was shared for consideration with the rules advisory group. These meetings continued in 2024 with the support of a professional facilitator to discuss the proposed provisions.

The proposed rule amendments address the concern that improvements and modernization of employer-provided housing conditions in Oregon are needed while balancing stakeholder perspectives. This rule seeks to strengthen worker protections in agricultural labor housing, providing a safe and healthy place to rest and sleep so they can adequately recover from labor intensive working conditions in agricultural settings. The rulemaking proposal includes a phased approach with some new requirements not going into effect until 2027. Although, most of the housing stock is in the agricultural setting, apart from the provision specified in OAR 437-004-1120(5), (6)(p) and (22), the proposal will affect all employer-provided housing. Employer-provided housing in general industry, construction, and forest activities (Labor Camps) are covered in OAR 437-002-0142, with the noted exceptions above, and point to the Agricultural Labor Housing and Related Facilities OAR 437-004-1120.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

437-004-1120, Agricultural Labor Housing and Related Facilities, Oregon Administrative Rule, Department of Consumer and Business Services - Oregon OSHA -, rule available at: <https://osha.oregon.gov/OSHARules/div4/div4J.pdf#d1120>

437-002-0142, Labor Camps, Oregon Administrative Rule, Department of Consumer and Business Services - Oregon OSHA -, rule available at: <https://osha.oregon.gov/OSHARules/div2/div2J.pdf#d0142>

Oregon OSHA Program Directive – Guidelines for Scheduling and Conducting Inspections of Agriculture Labor Housing, available at: <https://osha.oregon.gov/OSHARules/pd/pd-222.pdf>

29 CFR 1910.142, Temporary Labor Camps, Code of Federal Regulations, U.S. Department of Labor Occupational Safety and Health Administration, available at: <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.142>

20 CFR 654.404-417, ETA Housing Checklist, U.S. Department of Labor Occupational Safety and Health Administration, available at: <https://www.dol.gov/agencies/whd/eta-housing-checklist>

20 CFR 654.400-414, Subpart E, Housing for Farmworkers, available at: <https://www.ecfr.gov/current/title-20/chapter-V/part->

Chapter 246-358, Temporary Worker Housing, Washington Administrative Code, Washington State Department of Health rules, available at: <https://apps.leg.wa.gov/WAC/default.aspx?cite=246-358>.

Chapter 296-307-161, Temporary worker housing and cherry harvest camps, Washington Administrative Code, Department of Labor & Industries rules, available at: <https://app.leg.wa.gov/WAC/default.aspx?cite=296-307>

Migrant Housing Act of North Carolina, 95-222 through 95-229, available at: https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_95/Article_19.html

California Department of Housing and Community Development, Employee Housing program information, laws and regulations, available at: <https://www.hcd.ca.gov/building-standards/employee-housing>.

California Code of Regulations, Title 25. Housing and Community development, Division 1. Housing and Community development, Chapter 1. State housing Law Regulations and Earthquake Protection law regulations, Subchapter 3. Employee Housing, available at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I3FCC12304C8611ECB533000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I3FCC12304C8611ECB533000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

American National Standard: For Sanitation in Fields and Temporary Labor Camps: Minimum Requirements, ANSI/PSAI Z4.4-2016 and Z4.4-1968, available upon request from Oregon OSHA.

How much does it cost to build a new house? Web-based article from NewHomeSource.com, available at: <https://www.newhomesource.com/learn/cost-to-build-house-per-square-foot/#the-building-process-cost-breakdown>

Department of Consumer and Business Services - Building Code Division, Fee Adoptions, available at: <https://www.oregon.gov/bcd/jurisdictions/Pages/proposed-fees.aspx>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Oregon OSHA is committed to ensuring safe and healthful working and living conditions for all occupants of employer-provided labor housing, especially for vulnerable workers. Recognizing the historical and systemic racial inequities that have disproportionately affected communities of color, Oregon OSHA is dedicated to incorporating racial equity into its rulemaking. Oregon OSHA acknowledges that Latinx, Indigenous, Asian, Pacific Islander, Black, and other communities of color make up the majority of Oregon’s agricultural workforce, putting them at disproportionate risk of working and living in unsafe, unhealthy, and unsanitary conditions. This rule seeks to strengthen worker protections in employer-provided housing, providing a safe and healthy place to rest and sleep so they can adequately recover, especially from labor intensive working conditions in agricultural settings.

FISCAL AND ECONOMIC IMPACT:

See attached Fiscal Impact Statement

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

All state agencies and local government units are affected by the rules in the sense that they are employers under the Oregon Safe Employment Act (OSEAct). The public as a whole will be affected only to the degree that members of the public are employers who provide labor housing as part of the work agreement.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

There were 109,800 firms with fewer than 50 employees in Oregon in March 2023 (Oregon Employment Department, QualityInfo.org). According to data from the U.S. Bureau of Labor Statistics, in the first quarter of 2023, there were approximately 4,899 Oregon establishments in agriculture, forestry, fishing, and hunting that had less than 50 employees. In 2023, 527 agricultural labor housing registrations were issued by Oregon OSHA, which includes duplicate registrations for multiple operators registering the same housing site. However, not all employer-provided housing are required by rule to be registered by Oregon OSHA. Comprehensive information about the business size and the total number of Oregon employer-provided housing operators statewide and across all industries is not available.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

See attached Fiscal Impact Statement for the projected costs above categorized by individual rule proposal.

c. Equipment, supplies, labor and increased administration required for compliance:

See attached Fiscal Impact Statement for the projected costs above categorized by individual rule proposal.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Several smaller agricultural businesses are on the agricultural rulemaking advisory group, and this group is open to anyone to attend to provide their input on the rule development. In addition, small businesses and others were involved in the development of these rules directly and to the extent that their representatives represented them during the ALH rulemaking advisory group meetings. The minutes were posted on the website, along with other information related to the rulemaking process. Throughout the rulemaking process, Oregon OSHA elicited information from small business owners or their representatives, and those on the rulemaking advisory group distribution list.

Additionally, Oregon OSHA requested information relating to the current housing stock through a survey of those housing operators registered through the ALH registry system.

Administrative Rule Advisory Committee consulted? Yes, specifically for the Fiscal Impact Advisory Committee (FIAC).

In 2018, Oregon OSHA formed an open rulemaking advisory group composed of a diverse collection of stakeholders, including growers, agricultural associations, housing operators, and employee representative groups. The COVID-19 pandemic delayed rulemaking advisory group meetings and rulemaking activities, which Oregon OSHA resumed in 2021 and continued through 2023. At the end of 2023, a preliminary draft of rule changes was shared for consideration with the rulemaking advisory group. These meetings continued in early 2024 with the support of a professional facilitator to discuss the proposed provisions. Throughout this rulemaking process, Oregon OSHA has requested and received information from employers that report the estimated fiscal impact of various provisions of the proposed rule. The largest bulk of these details were provided in March of 2024 by the rulemaking advisory group members and are reflective of the concepts in the November 2023 preliminary draft, which were posted on Oregon OSHA's public website and shared with the rulemaking advisory group.

In August 2024, Oregon OSHA appointed a Fiscal Impact Advisory Committee comprised of five growers or their representatives, five worker representatives, and one neutral chairperson. The FIAC provided a recommendation to Oregon OSHA regarding the fiscal impact of the proposed rule changes on September 3, 2024.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING
A *TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.
(ORS 183.534) FOR ADMINISTRATIVE RULES

AGENCY NAME: DCBS/Oregon OSHA

PERMANENT: X

HEARING DATES: October 17 at 1 p.m.; October 17 at 6 p.m.; October 18 at 11 a.m. (Spanish); October 21 at 6 p.m.
(Spanish); and October 25 at 10 a.m. in the year 2024.

ADDRESS: 350 Winter Street NE

CITY/STATE: Salem OR 97301-3882

PHONE: 503-947-7449

BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL
RESULT FROM THIS PROPOSED CHANGE.

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.

IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

Description of proposed change:

See attached Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

Description of the need for, and objectives of the rule:

See attached Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

List of rules adopted or amended:

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

Materials and labor costs increase or savings:

Oregon OSHA does not foresee any effect on materials or labor costs.

Estimated administrative construction or other costs increase or savings:

Oregon OSHA does not foresee any effect on administrative construction or other costs.

Land costs increase or savings:

Oregon OSHA does not foresee any effect on land costs.

Other costs increase or savings:

Oregon OSHA does not foresee any effect on other costs.

*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil
conditions with no unusual geological hazards.

PREPARERS NAME: Lisa Appel, Rules Coordinator

EMAIL ADDRESS: Lisa.Appel@dcbs.oregon.gov

NOTE: Additional PDF filed with this filing not included in this document. Please contact Department of Consumer and Business Services, Oregon Occupational Safety and Health Division for a copy of this document.

RULES PROPOSED:

437-002-0142, 437-004-1120

AMEND: 437-002-0142

RULE SUMMARY: 437-002-0142 – In this rule, 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 1

For temporary labor camps 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

RULE SUMMARY: List of Changes to OAR 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)(B) – Period added.
- (5)(a)(C) – Paragraph deleted, removing exception that housing provided for nonfood crops were not required to register : “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”).”
- (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 as part of the housing registration process.
- (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 certain areas.
- (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, 2026, eliminates exception that labor housing can be within 500-feet of livestock operations if that is part of their job; removes note and outlining adjusted.
- (6)(i) – Replaces acronym of ALH with full wording, outlining adjusted.
- (6)(j) – New requirement beginning January 1, 2026, at least one wall-type electrical receptacle must be provided for every two occupants in each room that is used for sleeping.
- (6)(m) – Replaces "rooms" with "facilities", removes the word "lavatories", and adds "dining halls" with updated punctuation.
- (6)(o) – Adds the words "to common use facilities" to clarify.

- (6)(p) – Adds new requirement for signage at roads and ensure buildings are marked for wayfinding.
- (7)(a) – Updates reference for drinking water standards to Oregon Health Authority; removes language about 15 PSI pressure at water system outlet that is moved to (7)(a)(A).
- (7)(a)(A) – Adds that until December 31, 2025, the site water system must supply at least 15 pounds per square inch (PSI) at the outlet end of all water lines regardless of the number of outlets in use; new paragraph.
- (7)(a)(B) – Adds new requirement beginning January 1, 2026, the site water system must supply at least 20 PSI at the outlet end of all water lines regardless of the number of outlets in use.
- (7)(a)(C) – Adds new requirement beginning January 1, 2026, no system can supply less than 15 PSI, and for any system that provides at least 15 PSI but less than 20 PSI, the operator must document the system’s limitation in writing through an appropriately qualified professional.
- (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 to have an arsenic analysis completed on the water at least once.
- (7)(b)(B) – Clarify that potable water testing specifically include E. Coli, total coliform, and a new requirement for nitrate analysis. Adds requirement that potable water testing must be performed at least every 12 months if not from a public water system.
- (7)(b)(C) – New requirement 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 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, 2027, 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, 2025, 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, 2026, 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.
- (10)(a) – Adds new requirement that beginning January 1, 2027, 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 with 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, 2025, 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, 2026, 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.
- (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 new requirement that beginning January 1, 2026, curtains are no longer permissible for privacy, solid doors are required in toilet facilities.
- (12)(k) – The word “room” is replaced with “facility.”
- (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) – (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.
- (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, 2026, do not use gas burners in living areas without adequate ventilation or range hoods vented to outside.
- (16)(f) – The change removes the option of providing cots – only beds or bunks allowed; provisions requiring storage requirements are moved to (16)(i).
- (16)(f)(A) – Replaces “camp” with “housing,” removes the option for pad instead of a mattress.
- (16)(f)(B) – Existing paragraph changed with new requirement than mattresses be at least 4-inches thick instead of thicker than two-inches.
- (16)(f)(C) – Keeps requirement to clean mattress cover but changes it from “each season’s occupancy” to “before each new occupant use.” This content was previously located in (16)(g).
- (16)(f)(D) – Removes the option of “or pads.”
- (16)(f)(F) – Adds new requirement 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. Fumigation with pesticides to clean mattresses is no longer allowed. 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). In regard to storage, this change adds a new requirement that beginning January 1, 2026, provide at least 21 cubic feet of suitable storage for each occupant or

family unit; some examples include wall cabinets, shelves, dressers, and similar provisions. A portion of this storage must be lockable and capable of securing small personal effects; some examples include a wallet, identification documents, mobile phone, and other similar materials; 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) – Keeps existing provision Until December 31, 2026, that each sleeping room without double bunk beds must have at least 50 square feet of floor space per occupant; “employee” is changed to “occupant.”

(16)(l) – Adds new requirement that beginning January 1, 2027, each sleeping room must have at least 50 square feet of floor space per occupant regardless of the use of double bunk beds. do not use triple bunks; 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.”

(16)(m) – 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)(n) – Re-outlined, as this content (no change) was in (16)(o) and is now in (16)(n). The original content in (16)(n) about ceiling height is now addressed in (16)(m).

(16)(o) – Re-outlined, as this content was in (16)(p) and is now in (16)(o). 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)(p) – Re-outlined, as this content was in (16)(q) and is now in (16)(p). Adds statement, “Products must be used according to the requirements of the label.” Note: due to outline changes in rule, there is no longer a (16)(q).

(17)(b)– The word “camp” is removed from the note.

(17)(c) – Adds new requirement 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, 2026,” to show limited duration of existing requirements.

(18)(a)(A) – Removes “A gas or electric refrigerator,” and replaces it with 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) – Adds new requirement decreasing ratio for cooking burners from two burners for every 10 people to two burners for every 8 people.

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 that requires, “Adequate food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas; all of these areas must be made of or finished with smooth, non-absorbent, cleanable material; and.” Some of this content was from a deleted section and moved to this paragraph.

- (18)(a)(D)(ii) – New paragraph that requires, “(ii) Additional protected food storage.”
- (18)(a)(E) – Previously this content was outlined as (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 “stoves,” and “plate” to “plates,” and clarifies they must always be in working condition.
- (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 (20)(e), the reference to disease reporting requirements is updated from paragraph (22) to Appendix A.
- (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, 2027, 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) – Keeps requirement that, “Adequate number of refrigerators for occupant use that are capable of keeping food at or below 40 degrees Fahrenheit.”
- (18)(b)(B) – Keeps new requirement that, “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) – Keeps food preparation and storage requirements from (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.”
- (18)(b)(F) – Adds new requirement that, “beginning January 1, 2027, 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) – Keeps requirement that refrigerators and stoves or hot plates must always be in working condition.
- (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) – Keeps requirement that 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 Appendix A - Disease Reporting Requirements (Mandatory), the operator must bar them from the cooking facility until the disease is no longer communicable.
- (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 beginning January 1, 2027, 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 text of “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” is moved to Appendix A and the updated rule language reflects this reference change; words “The camp” are removed at the beginning.

(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, 2025,” to show limited duration of existing requirements.

(23)(b) – Adds date, “Until December 31, 2025,” to show limited duration of existing requirements.

(23)(c) – Adds new requirement that beginning January 1, 2026, 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, 2026, 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.

Appendix A – New appendix added to the rule, adds the current (2022 version) text of the 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. Previously this content was in section (22).

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-toxicogenic, 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/ μ m³ 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) 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. 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.¶

(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) Each year, 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 nitrates, Escherichia coli (E. coli), and total coliform from an accredited laboratory. 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, 2026, labor housing cannot be located within 500 feet of livestock operations regardless of what employees in the housing are employed for or their assigned work duties.¶

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

(j) Beginning January 1, 2026, at least one wall-type electrical receptacle must be provided for every two

occupants in each room that is used for sleeping.¶

(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. 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 and: ¶

(A) Until December 31, 2025, the site water system must supply at least 15 pounds per square inch (PSI) at the outlet end of all water lines regardless of the number of outlets in use; ¶

(B) Beginning January 1, 2026, the site water system must supply at least 20 PSI at the outlet end of all water lines regardless of the number of outlets in use; and¶

(C) Beginning January 1, 2026, no system can supply less than 15 PSI, and for any system that provides at least 15 PSI but less than 20 PSI, the operator must document the system's limitation in writing through an appropriately qualified professional.¶

(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) Have an arsenic analysis completed on the water at least once;¶

(B) Have an Escherichia coli (E. coli), total coliform, and nitrate analysis completed on the water at least every 12 months; and¶

(C) 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.¶

(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 [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 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, 2027, 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, 2025, 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, 2026, 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. ¶
- (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, 2027, 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, 2025, 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, 2026, 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.¶
- (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.¶
- (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 solid door or curtain so the toilet compartment is private. Beginning January 1, 2026, curtains are no longer permissible for privacy.¶
- (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 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, 2026, 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) Provide beds or bunks for each occupant.¶
- (A) The housing operator must provide a mattress for each bed or bunk.¶
- (B) 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.¶
- (D) Mattresses must not sit on the floor.¶
- (E) The sleeping surface must be at least 12 inches above the floor.¶
- (F) 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, provide at least 21 cubic feet of suitable storage for each occupant or family unit; some examples include wall cabinets, shelves, dressers, and similar provisions. A portion of this storage must be lockable and capable of securing small personal effects; some examples include a wallet, identification documents, mobile phone, and other similar materials.¶
- 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, 2026, 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. Do not use triple bunks. ¶
- (l) Beginning January 1, 2027, each sleeping room must have at least 50 square feet of floor space per occupant regardless of the use of double bunk beds. Do not use triple bunks.¶
- (m) Living and sleeping areas must have a minimum of 7-foot-high ceilings for the space to count toward any required square footage.¶
- (n) Provide separate private sleeping areas for unrelated persons of each sex and for each family unit.¶
- (o) 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.¶
- (p) 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 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) 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, 2026, when provided, cooking or food preparation facilities or equipment must 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) Adequate food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas; all of these areas must be made of or finished with smooth, non-absorbent, cleanable material; and¶

(ii) Additional protected food storage. ¶

(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 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) 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 Appendix A - Disease Reporting Requirements (Mandatory), the operator must bar them from the 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, 2027, 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) Adequate food storage shelves, food preparation areas, food contact surfaces and floors in food preparation and serving areas; all of these areas must be made of or finished with smooth, non-absorbent, cleanable material; and¶

(ii) Additional protected food storage.¶

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

(F) Beginning January 1, 2027, 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.¶

(G) Refrigerators and 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) 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 Appendix A - Disease Reporting Requirements (Mandatory), the operator must bar them from the 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) Beginning January 1, 2027, 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. In accordance with mandatory Appendix A of this rule, the operator must comply with the 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.¶

(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, 2025, 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. Until December 31, 2025, 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, 2026, 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, 2026, 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. ¶

[Insert Appendix A to OAR 437-004-1120 - Disease Reporting Requirements (Mandatory)]

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 through 658.850

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are not included in this document. You may view the attachments at the following link:

<https://secure.sos.state.or.us/oard/view.action?ruleNumber=437-004-1120>