

Considerations of General Support: OAR 437-004-1120 (Preliminary Language)

Note: Rule numbering was removed to facilitate review and discussion. Some previously separate rule sections were merged together to make a new section as represented in the preliminary language that was shared with the RAC in November of 2023. This document only includes sections of 437-004-1120 that have language changes. There have been some adjustments to the language since the preliminary draft from November 2023 as evidenced below.

Application:

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 [or employment](#) of workers on an agricultural establishment.

Manufactured dwellings and homes must comply with specifications for construction of sleeping places, unless they comply with ORS 446.155 to 446.185 OAR [918-500-0510](#) ~~918-500-0020(2)~~ that have the requirements and specifications for sanitation and safety design for manufactured dwellings.

These rules do not apply to:

Hotels or motels that provide similar [housing accommodations](#) commercially [on a regular basis](#) to the public on the same terms as they do to workers.

Charging occupants for services:

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, pay per use of use use of](#) bathing facilities, [laundry facilities, cool potable water](#) or any other method of paying for individual service requirements.

Definitions:

[Hot water means water heated to provide at least a temperature of 100 degrees Fahrenheit at point of use.](#)

Potable water is water meeting the bacteriological and other requirements [prescribed in OAR Chapter 333, Division 61, drinking Water, of the Oregon Health Authority.](#) ~~of the Public Health Division of the Oregon Department of Human Services.~~

Privy is the same as outhouse or pit toilet but is not the same as portable toilets. [The use of an outhouse or pit toilet or privy does not fulfill the ratio of toilet facilities for the purpose of compliance with employer-provided labor housing requirements.](#)

Sanitary means free from agents that may be injurious to health or hygiene.

Toilet ~~room facility~~ is a room in or on the premises of any labor housing, ~~with toilet facilities~~ for use by employees and occupants of that housing.

Housing registration requirements:

~~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").~~

Each year, before occupancy, or if occupied year-round annually by February 1, the operator ~~or employer~~ must register agricultural labor housing and related facilities with Oregon OSHA as set out below.

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. ~~Instructions and additional information will come later by mail.~~

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 hazards, substantially in compliance with all applicable safety and health rules.

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 occupancy.~~ Oregon OSHA may, at its discretion, refer the employer for a consultation prior to re-registering the housing and facilities.

Each year, for housing with non-public water systems, the registration form must include proof of annual testing of water for nitrates, E-Coli, and Total Coliform from an accredited laboratory. The initial registration request must also include sampling results for arsenic.

The housing and related facilities are not free off from hazards ~~substantially in compliance with the applicable safety and health rules.~~

The protest must include the name, address, and phone number of the individual, ~~or group,~~ or their representative filing it.

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.

Site requirements:

The grounds of labor housing and related facilities must be ~~substantially~~ free from the nuisance of waste water, sewage, garbage, recyclable material, refuse or noxious plants such as poison oak and poison ivy.

During housing occupancy, grass, weeds and brush must be cut back at least ~~30~~XX feet from buildings.

Commented [SR1]: Discussion point not resolved.

All housing site land [where structures and related facilities are located](#) must have adequate drainage. The site must not be subject to flooding when occupied. [Housing sites must be adequately drained and free from depressions in which water may become a nuisance.](#)

~~Adequately dispose of the waste water and food waste under outside water hydrants.~~

Store all toxic materials such as pesticides, fertilizers, paints and solvents in a safe place, [and secure it according to the label.](#) [If the storage of these materials creates a fire hazard, keep any grass or brush cleared \(such as dead or dying vegetation or debris\) within XX feet of the storage structure.](#)

Commented [SR2]: Discussion point not resolved.

Do not leave empty pesticide containers such as drums, bags, cans, or bottles in the housing ~~area~~ [and related facility areas.](#)

[At least one electrical receptacle must be provided in each room that is used for sleeping for every two occupants.](#)

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 December 15, 1989, date~~ must comply with the code in effect at the time of construction or remodeling.

Provide a ceiling or wall-type electric light in toilet rooms, [~~lavatories~~], shower or bathing rooms, laundry rooms, hallways, stairways, [~~the~~]common eating areas, [dining halls](#), or other

Provide enough light in corridors and walkways [to common use facilities](#) to allow safe travel at night.

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 point highway and housing site are properly marked, and that each building and unit used to house workers is properly marked.](#)

Water supply:

All domestic water furnished at labor housing and related facilities must conform to the standards of the [OAR Chapter 333, Division 61, Drinking Water, of the Oregon Health Authority](#) [~~Public Health Division of the Oregon Department of Human Services~~]. The site water system must supply at least [~~15~~]20 psi at the outlet end of all water lines regardless of the number of outlets in use. [If 20 psi cannot be maintained the operator must install a backflow prevention device in accordance with Oregon Building Codes Division Requirements OAR 333-061-0070 and OAR 333-061-0071.](#)

Have an arsenic analysis completed on the water at least once,

Have an E-Coli, Total Coliform, and nitrate analysis completed on the water at least every 12 months,

Post the results of the bacteriological 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.

Provide ~~enough~~ adequate 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. This does not include water requirements for work areas.

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.

~~Portable water containers with spigots and tight fitting lids are acceptable for providing and storing drinking water in the housing.~~

~~These containers must be made of impervious non-toxic materials that protect the water from contamination.~~

~~Wash and sanitize them at least every 7 days.~~

Bathing, hand washing, laundry, and toilet facilities:

~~Provide for an exhaust fan in each toilet facility. This requirement does not apply to portable, chemical, privy, or pit toilets. Ventilate~~ according to the Oregon state building code. Maintain the ventilation system in proper working order. This requirement does not apply to portable, chemical, privy, or pit toilets.

Commented [SR3]: Existing language that was in section 12 and has been moved up to this section.

Bathing and washing facilities:

Bathing and hand washing facilities.

Provide at least one locking shower stall with 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. The must have working locks and provide privacy.

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.

Provide a private, locking dressing area in or near bathing facilities.

~~Hand washing facilities.~~

In common use facilities, do not use a single common towel. In handwashing facilities provide paper towels and a container for their disposal. ~~If you provide paper towels, there must be a container for their disposal.~~

Laundry facilities:

Maintain a usable, unobstructed 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.

Toilet facilities:

~~Ventilate all labor housing toilet rooms according to the Oregon state building code. Maintain the ventilation system in proper working order.~~

Provide a solid door ~~or curtain with a latch or lock with a lock~~ so the toilet compartment is private.

Privies must be at least 100-200 feet from any living area or any facility where food is prepared or served.

Locate handwashing facilities with water, soap and disposable paper towels within XX feet of any portable toilet, chemical toilet or privy provided. Portable handwashing stations are acceptable.

Commented [SR4]: Discussion point not resolved.

Living areas:

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.

For living areas without a working permanent heating system or heaters, the ALH 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 Fahrenheit. Heaters must meet these requirements:

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. Do not use gas burners in living areas without exhaust fans.

Commented [SR5]: Verify building code requirements.

The camp-housing operator must provide a mattress ~~or pad and bed or bunk~~ for each ~~bed or bunk~~ occupant.

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

When provided, bunks must include a method for safe access to the upper bunk.

Occupants shall not be forced to share a bed.

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

Mattresses ~~or pads~~ furnished by the ~~camp~~ operator must be clean, in good repair, ~~and in a fully enclosed cleanable cover, and~~ free from insects and parasites.

~~If you provide foam pads, m~~ Mattresses furnished by the operator must be at least 4 inches thicker ~~than 2 inches.~~

Mattresses ~~or pads~~ must not sit on the floor.

Clean each mattress cover before each new occupant use, and before each season's occupancy.

~~Do not provide uncovered foam pads.~~

Store mattresses ~~or pads~~ in a clean, dry place.

Provide suitable storage facilities, such as wall cabinets or shelves, for each occupant or family unit that total at least 21 cubic feet. Provide lockable storage for each occupant.

~~Do not provide uncovered foam pads.~~

~~Beginning on January 1, 2018 only Living and sleeping 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 a minimum of 7 foot high ceilings for the space to count toward any required square footage.~~

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. Not more than one-half the required space can be met with skylights. Openable, screened windows in doors count toward this requirement.

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.

Fire protection:

Note: The ~~camp~~ operator is not responsible for daily maintenance of the detector or the actions of occupants that defeat its function.

Each living area must have an approved working carbon monoxide detector if there is a source of carbon monoxide. Educate the occupants on the sources of carbon monoxide.

Cooking and eating facilities and equipment:

~~Common use~~ Cooking and eating facilities and equipment.

~~When provided, common use~~ Provide each occupant with three meals per day at no cost, or provide cooking ~~or~~ and food preparation facilities ~~or~~ and equipment. Cooking facilities must ~~have~~ include the following:

A gas or electric refrigerator, capable of keeping food at or below ~~41~~ 40 degrees Fahrenheit.

Adequate, protected ~~F~~ food storage ~~shelves~~ space, 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;

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

Plumbed sink(s) with hot and cold water and an adequate number of faucets to service the occupants near the food preparation area.

When operating a dining hall, the facility must also comply with the 2005 edition of the FDA Food Code.

Dining halls and equipment

~~When provided, dining halls or equipment must have the following:~~

~~A gas or electric refrigerator, capable of keeping food at or below 41 degrees Fahrenheit.~~

~~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.~~

~~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.~~

~~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~~

~~A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping place.~~

~~Refrigerators and stoves or hot plates must always be in working condition.~~

Clean the facilities and equipment before each occupancy.

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.

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.

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

The facility must comply with the 2005 edition of the FDA Food Code.

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

Commented [SR6]: Verify rule section

Single unit cooking facilities.

When provided, single unit cooking, eating and dining facilities or equipment must have the following:

A gas or electric refrigerator, capable of keeping food at or below 41 degrees Fahrenheit.

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.

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

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.

A table and chairs or equivalent seating and eating arrangements to accommodate the number of occupants living in the sleeping place.

A refrigerator and stove or hot plate in working condition.

Clean the facilities before each occupancy.

Disease reporting:

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.

Heat illness prevention in labor housing:

~~Cooling Areas. If rooms~~ Rooms where people sleep ~~must are not able to~~ 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~~. ~~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:~~

~~When the outdoor heat index is 95 degrees Fahrenheit or above 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. Example: when the outdoor heat index is 105 degrees Fahrenheit, the indoor temperature must be maintained at or below 90 degrees Fahrenheit.~~

~~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.~~

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

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

~~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~~

~~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).~~

~~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

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

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

Preliminary