



Summary of Rule Proposal: Employer-provided Housing

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Employer-provided Housing Rule Proposal

Comprehensive package of reforms in ALH:

- Significant amendments to ALH rule
- Technical assistance to Oregon Department of Agriculture under the \$5 million grant program established by legislature
- Commitment to support more funding for infrastructure improvements to ALH once \$5 million exhausted
- Increased interagency coordination regarding issues affecting agricultural workers.

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As part of a legislative request for 2025/27:

- Creation of annual self-certification housing registration requirement for employers that includes photos, videos, or other evidence of continued compliance for certain provisions
- Establishment of seasonal ALH surveyor program (9 FTE):
 - 7 seasonal surveyors – deployed across Oregon to evaluate site conditions, attempt to gain compliance when noncompliant site conditions are identified, and refer site to enforcement for evaluation, if inspection needed
 - 1 surveyor manager
 - 1 safety compliance officer

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Concepts in ALH proposal (implementation date is January 2025, unless otherwise noted):

Registration:

- Remove exception that housing provided for nonfood crops were not required to register
- Water testing results must be submitted with registration
- Initial registration requires site to have no hazardous conditions

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Concepts **NOT** in ALH proposal:

Registration:

- Require annual Oregon OSHA inspection
- Restrict registrations for applications received within 60 days of occupancy

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Concepts in ALH proposal (implementation date is January 2025, unless otherwise noted):

Facility Grounds:

- Provide adequate exterior/walkway lighting to facilities
- Remove livestock care exception ~ 1/1/2026
- Require secure storage of hazardous materials
- Require product use according to label
- Structures must be free from nuisance materials

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Concepts **NOT** in ALH proposal:

Facility Grounds:

- Prohibit housing from within 1,000 feet of crops
- Clear brush/weeds 100 feet away from housing facilities
- Add recreation area 500 feet from fields

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Concepts in ALH proposal (implementation date is January 2025, unless otherwise noted):

Laundry:

- Provide tubs and trays for laundry at 1:25 ratio, or 1:30 ratio if laundry machines are provided ~ 1/1/2026
- Separate method for cleaning contaminated clothes from other clothes ~ 1/1/2026

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Concepts **NOT** in ALH proposal:

Laundry:

- Protect clothes lines from pesticide drift

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Concepts in ALH proposal (implementation date is January 2025, unless otherwise noted):

Water:

- Post water testing results in language of occupants or pictograms
- Add arsenic and nitrates to well water testing frequency
- Potable water requirements increased to account for other rules – heat illness/sanitation
- Water pressure must be no less than 20 psi; if not able to maintain 20 psi, then document limitation from qualified professional (cannot be less than 15 psi) ~ 1/1/2026

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Concepts **NOT** in ALH proposal:

Water:

- Water pressure must be no less than 40 psi

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Concepts in ALH proposal (implementation date is January 2025, unless otherwise noted):

Bathing Facilities:

- Shower area must have private changing room ~ 1/1/2027
- Shower stalls must lock ~ 1/1/2026

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Concepts **NOT** in ALH proposal:

Bathing Facilities:

- Require 1 shower head for every 5 occupants

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Concepts in ALH proposal (implementation date is January 2025, unless otherwise noted):

Toilets:

- Locate privies more than 200 feet from facilities ~ 1/1/2026
- Privies do not count toward toilet ratios ~ 1/1/2026
- Provide a handwashing facility with paper towels adjacent or a reasonable distance to portable or chemical toilets
- Toilets must have solid doors
- A 1:10 toilet ratio for each gender, no less than two toilets if more than two of the same gender ~ 1/1/2026

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Concepts **NOT** in ALH proposal:

Toilets:

- Require 1 sink per 2 toilets
- Require exhaust fans in addition to venting for toilets
- Do not count portable toilets toward minimum ratios
- Require 5 air exchanges per hour in common toilets

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Concepts in ALH proposal (implementation date is January 2025, unless otherwise noted):

Kitchens:

- Provide kitchens that are enclosed/indoors or screened ~ 1/1/2027
- Provide protected food storage area
- Provide adequate food storage area
- Refrigerator capable of maintaining 40 degrees
- Plumbed sinks with hot and cold water must be provided near food preparation area ~ 1/1/2027
- Toilet sinks cannot count toward sink requirements in kitchens ~ 1/1/2027
- Provide 2 cook burners per 8 occupants or 2 family units, whichever is more
- Explicitly require gas burners to vent outside ~ 1/1/2026

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Concepts **NOT** in ALH proposal:

Kitchens:

- Require indoor kitchens in “new” housing units

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Concepts in ALH proposal (implementation date is January 2025, unless otherwise noted):

Housing:

- Provide at least 50 square feet per bed in sleeping rooms with bunk beds ~ 1/1/2027
- Remove cots as an allowable bed type
- Mattresses must be 4 inches thick
- Ban fumigation with pesticides as a mechanism to clean mattresses
- Provide cleanable mattress covers
- Must not require workers to sleep in same bed if that is not their preference
- Add safe access to the top bunk such as ladders or stairs
- Maintain indoor temp of 78 degrees in all sleeping areas when 80 degrees outside, or 15 degrees below outside temperature if at or above 95 degrees ~ 1/1/2026
- Install carbon monoxide detectors
- Provide one electrical outlet per occupant in sleeping areas ~ 1/1/2026

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Concepts in ALH proposal (implementation date is January 2025, unless otherwise noted):

Housing:

- Ensure forks, driveways, buildings, and housing units are properly marked
- 21 cubic feet of storage provided for each occupant or family unit ~ 1/1/2026
- Lockable storage must be provided for personal effects ~ 1/1/2026
- Use chemicals in accordance with label for insect/rodent control
- Add “structurally sound” to existing housing requirement
- Align disease reporting with the Oregon Health Authority
- Notification of availability of space heater
- Expand list of what growers cannot charge occupants to include toilet paper, soap, laundry facilities, and cool potable water

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Concepts **NOT** in ALH proposal:

Housing:

- Require 113 square feet of living space per occupant
- Require air conditioning in all housing areas, including toilets and kitchens
- Require sinks in each living area
- As building codes are updated, those new requirements apply to any/all housing irrespective of year built
- Define family unit or related
- Require air purifiers in bedrooms
- Prohibit the use of bunk beds for sleeping
- Add requirement to repair or remove broken fixtures
- Require recycling receptacles

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Next steps:

- Appointed a Fiscal Impact Advisory Committee
- Propose before the end of August
- Public comment process
 - Hearings
 - Open comment period
- Public comment closes
 - Review all comments received
- Determine next steps

Questions?

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