

Introduction to Migrant Housing Inspections in North Carolina

With Revisions Through January 2008



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Foreword

In 1989, the General Assembly enacted the Migrant Housing Act of North Carolina, establishing a single set of standards for inspecting all agricultural migrant housing. Since then, the N.C. Department of Labor has conducted an annual housing registration, inspection and compliance program to ensure the safety and healthful condition of migrant housing. A grower who owns or operates a housing unit for any number of migrant workers must register the housing with the Department of Labor. After registration, the Department of Labor must inspect the housing before the migrants can occupy the unit.

In 2007, the General Assembly amended the Migrant Housing Act in order to require owners and operators of migrant housing to provide migrant workers a bed with “a mattress in good repair with a clean cover” and to add additional regulatory and reporting requirements for the Department of Labor. The Migrant Housing Act, as shown in Appendix A, has been modified to reflect these changes.

This publication explains the current legal requirements, the standards that migrant housing must meet, and the inspection procedures that are used. Owners and operators of migrant housing are encouraged to become familiar with the contents of this publication. Additional information and consultation are available from the Department of Labor to help with specific problems.

You may also find more information about the Migrant Housing Act on our Web site, www.nclabor.com/ash/ash.htm, including an electronic copy of this and other publications, information regarding our Gold Star Grower program, a migrant housing inspection checklist, and information regarding the Agricultural Safety and Health Council. You can also register your migrant housing online at www.nclabor.com/ash/ashform.htm.

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Coverage

If you provide housing to one or more migrants employed in agriculture on a seasonal basis, you are covered by the Migrant Housing Act of North Carolina (see Appendix A). If you own housing used by migrants (whether your employees or not), or if you make arrangements to use someone else's property to house your migrant employees, it is your responsibility to make sure that the housing meets these standards and that the N.C. Department of Labor is notified prior to the migrants moving in.

The law excludes from coverage commercial lodging, such as motels open to the general public, and owner-occupied homes. The law covers any other housing in which migrants live—even if that housing is occupied year-round by other farmworkers. The law extends to migrants working in crab processing facilities and migrants cultivating and harvesting Christmas trees.

Notice

If you intend to provide housing to migrants, you must notify the Department of Labor or your local health department at least 45 days prior to the migrants' arrival date. You may pick up notification forms at your local health department, your local Agricultural Extension Service office, or your local Employment Security Commission office, or you may write directly to the Department of Labor. You may also register your housing online at www.nclabor.com/ash/ashform.htm. You must complete a form for *each site* you are registering.

No migrants may be housed if advance notice has not been given to the Department of Labor or to the local health department. If notice has been given and the migrants arrive earlier than expected, they may be allowed to occupy the housing when they arrive provided that the Department of Labor is notified within two working days of their arrival.

If 45 days' notice is given and the Department of Labor is unable to inspect the housing prior to occupancy, migrants may be allowed to occupy the housing. The housing still must meet all standards. Penalties may be assessed if an inspector finds serious violations during a later inspection.

Preoccupancy Inspections

Once the Department of Labor or the county health department is notified of your intent to house migrants, a sanitarian from the county health department will be assigned to check the water quality and the sewage provisions of the site. The water and sewage systems must be approved before the housing can pass inspection.

After the water and sewage systems are approved by the county health department, a Department of Labor inspector will call you to arrange a time for a preoccupancy inspection of the housing. To make the process work best, please make sure that any repairs that you know are necessary are made before the inspector arrives. If the inspector finds any part of the housing that does not meet standards, the inspector will tell you what must be done in order for the housing to be occupied. The inspector may then return to check after the repairs are completed before migrants may move into the housing. If the housing meets all standards, the inspector may provide you with a certificate approving the housing. (See Appendix J.) No citations or penalties will be issued as a result of the preoccupancy inspections.

If an operator receives a preoccupancy inspection rating from the Department of Labor of 100 percent compliance for a particular migrant housing unit for two consecutive years, then the operator may conduct a self-preoccupancy inspection in the third year. Operators who conduct such self-inspections must still register the migrant housing with the Department of Labor at least 45 days prior to occupancy, and must notify the local health department so that it can ensure that water quality and water sanitation, and the collection, treatment and disposal of sewage meet the applicable requirements. In the year following the self-inspection, the Department of Labor will conduct the preoccupancy inspection.

At the time of the preoccupancy inspection, the Department of Labor inspector will also provide you with a copy of an employer guide on compliance with the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, as amended, prepared by the U.S. Department of Justice, in accordance with N.C. Gen. Stat. § 95-226(a). This guide will provide you with the steps you should follow to verify workers' eligibility and to ensure that your workers are treated fairly and equitably.

Postoccupancy Inspections

After the housing is approved and occupied, a Department of Labor inspector may return to make sure that it is being properly maintained. These postoccupancy inspections may be conducted in accordance with the provisions of N.C. Gen.

Stat. § 95-226(g). (See Appendix A.) If the inspector finds any violations of the standards during this visit, you will receive a citation listing the violations. There may be fines assessed for these violations depending on the severity of the hazard and the probability that an injury or illness may occur. The violations will have to be corrected within a specified period of time.

If you are cited for violations, you will be given an opportunity to appeal the citation or the penalty. All appeals are considered by the North Carolina Occupational Safety and Health Review Commission, an appeals body independent of the Department of Labor. Appeals ultimately can be taken to the state courts.

Gold Star Grower Program

The Gold Star Grower program recognizes growers who provide migrant housing that not only meets all of the requirements of the Migrant Housing Act, but goes over and above what is actually required. For example, among other things, a Gold Star Grower must be knowledgeable in the use of appropriate field sanitation, certify all of its personnel who handle pesticides, and have an injury and accident record below the average rate for the industry.

For more information on the Gold Star Grower program, please visit our Web site at www.nclabor.com/ash/goldstar.htm.

Information and Consultation

The Agricultural Safety and Health Bureau, a part of the Department of Labor's Occupational Safety and Health Division, will gladly assist anyone desiring information about migrant housing standards or construction of migrant housing. Through printed materials, telephone advice or a personal visit to the housing site, division staff will be available to answer questions and assist you in complying with the law.

You can also find additional information about the Migrant Housing Act and our inspection procedures on our Web site at www.nclabor.com/ash/ash.htm, including a map listing the current migrant housing sites throughout the state.

Standards

The following are a summary of some of the standards that apply to migrant housing locations in North Carolina. Please note that these are not the ONLY standards that apply. You should review the appendixes that follow for the full texts of these regulations.

A. Housing Site

1. The site must be well-drained. It must not be within 200 feet of standing water unless that water has been treated for mosquitoes. See Appendix C, 29 CFR 1910.142(a)(1).
2. The cooking and sleeping quarters must be at least 500 feet from any area where livestock is kept. Exceptions include pastures that do not present a health hazard and totally enclosed hen houses. See Appendix C, 29 CFR 1910.142(a)(2).
3. The site must be kept clean while occupied and be cleaned after workers leave. See Appendix C, 29 CFR 1910.142(a)(3).

B. Structures

1. *Protection.* The housing structure must protect the migrants against the weather. There must be no holes in the floors, walls or roofs. See Appendix C, 29 CFR 1910.142(b)(1).
2. *Ceilings.* Ceilings must be at least 7 feet high. Exceptions will be made for manufactured housing that comes with less than 7 foot ceilings. See Appendix C, 29 CFR 1910.142(b)(2).
3. *Minimum Space.* Bedrooms must contain at least 50 square feet per person. If migrants live, cook and sleep in the same room, 100 square feet per person must be provided. See Appendix C, 29 CFR 1910.142(b)(2) and (b)(9).
4. *Floors.* Floors must be built of wood, concrete or asphalt. If wood, they must be smooth, tight and elevated at least 1 foot above the ground. See Appendix C, 29 CFR 1910.142(b)(4)–(5).

5. *Windows and Doors.* The housing must have window space equal to one-tenth of the floor area. At least half of each window must be capable of being opened for ventilation purposes. Tightly fitted screens must be provided on all windows and doors. Screen doors must have springs or other self-closing devices. See Appendix C, 29 CFR 1910.142(b)(7)–(8).
6. *Lighting.* At least one ceiling light fixture and at least one wall or floor electrical outlet must be in each room. The fixture must provide at least 30 footcandles of light, except 20 footcandles in toilet and storage rooms. (With a 7-foot ceiling, a 100-watt bulb will provide 30 footcandles of light in a 10' x 10' room; a 75-watt bulb will provide 20 footcandles.) See Appendix C, 29 CFR 1910.142(g).
7. *Smoke Detectors.*
 - a. In each building used for sleeping, smoke detectors with alarms must be provided unless each sleeping room is less than 900 square feet and opens directly to the outside. See Appendix F, Fire Protection for Migrant Housing, 15A NCAC 18A .2107(j)(1).
 - b. Where bedrooms open to a common hall, smoke detectors with alarms must be located within 15 feet of the end of the hall and approximately every 30 feet along the hall. See Appendix F, Fire Protection for Migrant Housing, 15A NCAC 18A .2107(j)(2).
 - c. Rooms greater than 900 square feet and rooms that do not open to a common hall or the outside must have a smoke detector with alarm for each 900 square feet of floor space or fraction thereof. See Appendix F, Fire Protection for Migrant Housing, 15A NCAC 18A .2107(j)(3).
8. *Fire Protection.*
 - a. All multistory buildings must have a stairway and a fire escape, such as a permanently affixed exterior ladder or a second stairway. See Appendix F, Fire Protection for Migrant Housing, 15A NCAC 18A .2107(l).
 - b. At least one fire extinguisher (minimum rating 2A) must be provided in each building used for sleeping, and one (minimum rating 5BC) must be provided in each building used for cooking. Fire extinguishers must be accessible and located within approximately 100 feet of any part of the building used for sleeping. See Appendix F, Fire Protection for Migrant Housing, 15A NCAC 18A .2107(k).
9. *Furnishings.*
 - a. Each migrant must be provided with a bed that includes a mattress in good repair with a clean cover. See Appendix A, N.C. Gen. Stat. § 95-225(h).
 - b. Beds, cots or bunks must be provided, must be elevated at least 12 inches from the floor, and must be at least 36 inches apart. Double-deck bunks must be 48 inches apart with a clearance of at least 27 inches between bunks. Triple bunks are prohibited. See Appendix C, 29 CFR 1910.142(b)(3).
 - c. Suitable storage facilities such as wall lockers for clothes and personal items must be provided in every room used for sleeping purposes. See Appendix C, 29 CFR 1910.142(b)(3).

C. Kitchen

1. Food preparation facilities and eating areas must be provided and maintained in a clean and sanitary manner. See Appendix A, N.C. Gen. Stat. § 95-225(g)(1).
2. Each kitchen must have a stove with one burner per five people and a minimum of two burners, a refrigerator with at least .75 cubic feet per person, a table, and a sink with hot and cold running water. See Appendix A, N.C. Gen. Stat. § 95-225(g)(2).
3. Surfaces with which food or drink come in contact must be easily accessible for cleaning and must be nontoxic, nonabsorbent, resistant to corrosion and free of open crevices. See Appendix A, N.C. Gen. Stat. § 95-225(g)(3).
4. Food storage facilities must be provided and be kept clean and free of vermin. See Appendix A, N.C. Gen. Stat. § 95-225(g)(4).
5. All food service facilities, other than those where migrants procure and prepare food for their own or their families' consumption, must comply with the rules found in Appendix E of this publication. See Appendix A, N.C. Gen. Stat. § 95-225(g)(5).

D. Toilets

1. Toilets adequate for the capacity of the housing must be provided, with a minimum of one unit for each 15 people of the same sex. See Appendix C, 29 CFR 1910.142(d)(1) and (d)(5).
2. Urinals must be provided for men at the rate of one unit (or 2 linear feet) per 25 men. Additional toilets may be provided in lieu of urinals. See Appendix C, 29 CFR 1910.142(d)(6).
3. Toilet rooms must be within 200 feet of the entrance to each sleeping room, but privies must be at least 100 feet away from sleeping, eating and cooking areas. See Appendix C, 29 CFR 1910.142(d)(3).
4. Toilet rooms must be satisfactorily ventilated and all outside openings must be screened. Toilet rooms must not be used for any other purposes. No migrant must have to pass through another's sleeping quarters to enter a toilet room. See Appendix C, 29 CFR 1910.142(d)(2).
5. Toilet rooms must be marked "Men" and "Women" in English and in the language spoken by the migrants. See Appendix C, 29 CFR 1910.142(d)(4).
6. Toilet rooms must be lighted, provided with toilet paper, kept in a sanitary condition and cleaned daily. See Appendix C, 29 CFR 1910.142(d)(7)–(9).

E. Laundry and Bathing

1. An adequate supply of hot and cold running water must be provided for bathing and laundry purposes. In determining what constitutes adequate hot water, the N.C. Department of Labor has developed a test procedure. See Appendix I for information and calculations. See Appendix C, 29 CFR 1910.142(f)(3).
2. Shower rooms must be equipped to maintain a 70 degree temperature during cold weather. See Appendix C, 29 CFR 1910.142(f)(4).
3. Floors and walls must be smooth and impervious. Floors must contain drains and all floor junctions must be covered. See Appendix C, 29 CFR 1910.142(f)(2).
4. One shower head per 10 people, one handwash basin per six people, one laundry tub per 30 people, and one slop sink in each building used for laundry, handwashing and bathing must be provided. See Appendix C, 29 CFR 1910.142(f)(1)(i)–(iv).
5. Facilities for drying clothes—a clothes line or clothes dryer—must be provided. See Appendix C, 29 CFR 1910.142(f)(5).
6. All service buildings must be kept clean. See Appendix C, 29 CFR 1910.142(f)(6).

F. Heating

1. Adequate heating equipment must be provided if the housing is used during cold weather. Any time the outside temperature falls below 50 degrees, heaters must be provided. If the housing is to be used prior to May 15 or after Sept. 1, heaters must be in place before the housing can be approved. See Appendix A, N.C. Gen. Stat. §95-225(e).
2. Heating equipment must be capable of heating the living area to 65 degrees and the shower room to 70 degrees. See Appendix A, N.C. Gen. Stat. §95-225(e), and Appendix C, 29 CFR 1910.142(f)(4).
3. All heating, cooking and water heating equipment must be installed in accordance with the local building code. See Appendix C, 29 CFR 1910-142(b)(11).

G. Water and Sewer

1. The drinking water system and sewage disposal system must be checked and approved by the health department. The systems must conform to construction and water quality standards set by the N.C. Department of Environment and Natural Resources. See Appendix G and Appendix H for additional information.
2. OSHA standards require the water supply to be able to deliver 35 gallons of water per person per day. Water outlets must be within 100 feet of each building, and one water fountain for each 100 occupants must be provided. See Appendix H for additional information.

H. Garbage

1. The housing and surrounding grounds must be kept clean and free from debris and garbage. See Appendix C, 29 CFR 1910.142(a)(3).
2. Fly-tight, rodent-tight, impervious and cleanable garbage containers must be provided for each housing unit and must be within 100 feet of each unit on a wood, metal or concrete stand. See Appendix C, 29 CFR 1910.142(h)(1).
3. Containers must be kept clean, emptied regularly or emptied when full. See Appendix C, 29 CFR 1910.142(h)(2)–(3).

I. Pests

The housing must be free from rodents and insects. See Appendix C, 29 CFR 1910.142(j).

J. Health

1. A first aid kit must be on site, and someone trained in first aid must be available. See Appendix C, 29 CFR 1910.142(k).
2. Any individual suspected of having a communicable disease must be reported to the local health department. Any cases of food poisoning or potential health epidemics must also be reported to the local health department. See Appendix C, 29 CFR 1910.142(l).

K. General Duty

In addition to the above specific standards, there must be no conditions, such as exposed electrical wiring, that threaten someone's life or threaten to cause serious physical harm. The law requires migrant housing operators to provide housing "free from recognized hazards that are causing or are likely to cause death or serious injury or serious physical harm." See N.C. Gen. Stat. § 95-129(1).

A recognized hazard "likely to cause death or serious injury or serious physical harm" that has become more prevalent in recent years is heat stress. By the very nature of their job, migrants are often exposed to working in extreme temperatures. For that reason, certain precautions should be taken in order to help prevent migrants from being overcome by heat stress, including training workers and supervisors in the control of heat stress and acclimating workers to the hot conditions. The Department of Labor has a number of publications concerning heat stress available for free on our Web site at www.nclabor.com/ash/ash_pubs.htm.

Federal Inspections

The system of migrant housing inspections described in this publication is required by North Carolina state law and will be enforced by inspectors from the N.C. Department of Labor. Under federal law, the U.S. Department of Labor's Wage and Hour Division also has authority to inspect migrant labor housing. The federal Wage and Hour Division will honor a preoccupancy inspection conducted by state inspectors and will not require another one. State inspectors will also honor a federal preoccupancy inspection should the housing be inspected prior to occupancy by federal inspectors. During the course of a regular investigation, however, should a federal inspector notice problems with the housing or should the housing not have received a preoccupancy inspection, the provider of the housing will be cited and may be fined by the federal Wage and Hour Division.

Occupational Safety and Health Issues

The Agricultural Safety and Health Bureau, a part of the Department of Labor's Occupational Safety and Health Division, retains jurisdiction over migrant housing. Should a complaint be filed by an employee regarding housing, an investigation will be conducted. In addition, a postoccupancy inspection may be conducted in the situations described in N.C. Gen. Stat. § 95-226(g).

ESC Authority

The Employment Security Commission of North Carolina (ESC) is required to ensure that all housing to be provided to farmworkers whom they recruit meets these standards. The ESC will honor inspections of the Department of Labor. In an exceptional case, however, such as when a grower requests workers through the H-2A program and when the Department of Labor is unable to visit the housing quickly enough, the ESC may conduct a preoccupancy housing inspection.

Field Sanitation

If you have migrant housing, you may also be employing migrant workers in the field and should be aware of the OSHA requirements for field sanitation—29 CFR 1928.110. (See Appendix D.) These rules are not a part of the migrant housing rules, but if you provide migrant housing to anyone or if you employ 11 or more workers, you must comply with these requirements as well.

The following are a summary of some of the field sanitation standards that may be applicable. Please note that these are not the ONLY standards that apply. You should review Appendix D for the full text of these regulations.

1. Field workers must be provided with drinking water. Sufficient quantities of cool drinking water and single-use cups or a fountain must be readily accessible to all employees. See Appendix D, 29 CFR 1928.110(c)(1).
2. Field workers must be provided with handwashing facilities and toilets. One toilet and one handwashing facility for each 20 employees must be located within a quarter mile of where the employees are working or at the closest point of vehicular access to the field where the employees are working. See Appendix D, 29 CFR 1928.110(c)(2).
3. Soap, toilet paper, disposable towels and a waste container must also be provided. The facilities must be properly maintained, and employees must be notified of the facilities and be given reasonable opportunities to use them. See Appendix D, 29 CFR 1928.110(c)(3)–(4).
4. Employees must be informed of the importance of certain good hygiene practices to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine and agrichemical residues, including drinking water frequently and especially on hot days. See Appendix D, 29 CFR 1928.110(c)(4).

Summary of Major Requirements for Migrant Housing

Owners and operators of migrant housing should be aware of the following major provisions of the housing inspections required by the Migrant Housing Act of North Carolina (see Appendix A). Please note that these are not the ONLY requirements that apply. You should review Appendix A for the full text of these regulations.

1. If any migrants are to be housed, you must notify the Department of Labor (directly or through your local health department) 45 days in advance of their arrival. See Appendix A, N.C. Gen. Stat. § 95-226(a).
2. After notification is given to the Department of Labor, the local county health department must inspect and approve your water and sewage facilities. See Appendix A, N.C. Gen. Stat. § 95-226(a).
3. Prior to the Department of Labor inspector's arrival, make sure your housing meets all requirements of the law.
4. A Department of Labor inspector will schedule and conduct a preoccupancy inspection. See Appendix A, N.C. Gen. Stat. § 95-226(a).
5. If the housing meets all requirements, the inspector may give you a certificate at the time of the preoccupancy inspection. If not, you must correct all problems and submit written notice to the Department of Labor certifying that all of the problems have been corrected. Upon receipt of such written notice, a certificate may be issued. The inspector may return to inspect the housing again. See Appendix A, N.C. Gen. Stat. § 95-226(a) and (g).
6. Maintain the housing as required by the standards. An inspector may inspect the housing while it is occupied and will issue citations to you if the housing is not being properly maintained. See Appendix A, N.C. Gen. Stat. § 95-226(g).

Appendix A

N.C. General Statutes Migrant Housing Act of North Carolina

(With Revisions as of Jan. 1, 2008)

§ 95-222. Short title; legislative purpose.

(a) This Article may be cited as the “Migrant Housing Act of North Carolina.”

(b) It is the purpose and policy of the General Assembly to conform migrant housing standards to, as much as reasonably possible, the Occupational Safety and Health Act of North Carolina, and to ensure safe and healthy migrant housing conditions. The General Assembly finds that the general welfare of the State requires the enactment of this law under the police power of the State. (1989, c. 91, s. 2.)

§ 95-223. Definitions.

As used in this Article, unless the context requires otherwise:

- (1) “Agricultural employment” means employment in any service or activity included within the provisions of Section 3(f) of the Fair Labor Standards Act of 1938, or section 3121(g) of the Internal Revenue Code of 1986; and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state and including the harvesting of Christmas trees, and the harvesting of saltwater crabs;
- (2) “Commissioner” means the Commissioner of Labor of North Carolina;
- (3) “Day” means a calendar day;
- (3a) “Director” means the Director of the Agricultural Safety and Health Bureau, who is the agent designated by the Commissioner to assist in the administration of this Article.”
- (4) “Established federal standard” means those standards as set out in, and interpretations issued by, the Secretary of the United States Department of Labor in 29 C.F.R. 1910.142, as amended;
- (5) “Migrant” means an individual, and his dependents, who is employed in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his permanent place of residence;
- (6) “Migrant housing” means any facility, structure, real property, or other unit that is established, operated, or used as living quarters for migrants;
- (7) “Operator” means any person who owns or controls migrant housing;
- (8) “Person” means an individual, partnership, association, joint stock company, corporation, trust, or legal representative; and
- (9) “Substantive violation” means a violation of a safety and health standard, including those that provide fire prevention, and adequate and sanitary supply of water, plumbing maintenance, structurally sound construction of buildings, effective maintenance of those buildings, provision of adequate heat as weather conditions require, and reasonable protection for inhabitants from insects and rodents. A substantive violation does not include technical or procedural violations of safety and health standards. (1989, c. 91, s. 2; 1993, c. 300, s. 3; 2007-548, s. 1.)

§ 95-224. Scope; powers and duties.

(a) The provisions of this Article shall apply to all operators and migrants except:

- (1) Any person who, in the ordinary course of that person’s business, regularly provides housing on a commercial basis to the general public; and who provides housing to migrants of the same character and on the same or comparable terms and conditions as those provided to the general public; or
- (2) A housing unit owned by one or more of the occupants and occupied solely by a family unit.

(b) The Commissioner shall have the following powers and duties under this Article:

- (1) To delegate to the Director the powers, duties, and responsibilities necessary to ensure safe and healthy migrant housing conditions.
- (2) To supervise the Director.
- (3) To issue preoccupancy certificates to certify that housing for migrant workers has been found to be in compliance with this Article.
- (4) To conduct postoccupancy inspections of migrant housing in accordance with the provisions of G.S. 95-226(g). (1989, c. 91, s. 2; 2007-548, s. 2.)

§ 95-225. Adoption of standards and interpretations.

(a) Unless otherwise provided, all established federal standards are adopted and shall be enforced by the Department of Labor of North Carolina.

(b) The Commissioner shall provide for publication in the North Carolina Register any modification by the federal government of the established federal standards within 30 days of their adoption.

(c) For the protection of the public health, the Commission for Health Services shall adopt and the Department of Environment and Natural Resources shall enforce rules that establish water quality and water sanitation standards for migrant housing under this Article.

(d) The requirements for the collection, treatment, and disposal of sewage, as provided in Article 11 of Chapter 130A, and the rules adopted pursuant to that Article shall apply to migrant housing.

(e) Whenever the outside temperature falls below 50 degrees Fahrenheit and the migrant housing is occupied, heating equipment shall be provided and operable. Regardless of outside temperature, this equipment must be capable of maintaining living areas of 65 degrees Fahrenheit. If housing is to be occupied from May 15 until September 1 only, no heating equipment shall be required at the time of preoccupancy inspection.

(f) All migrant housing shall comply with the standards regarding fire safety for migrant housing as adopted by the Commission for Health Services and in effect on January 1, 1989.

(g) For purposes of this Article, the established federal standard provided in 29 C.F.R. 1910.142(i) does not apply. The following standards shall apply to migrant housing:

- (1) Food preparation facilities and eating areas shall be provided and maintained in a clean and sanitary manner;
- (2) A kitchen facility shall be provided with an operable stove with at least one burner per five people, and in no event with less than two burners; an operable refrigerator with .75 cubic feet per person minimum; a table; and a sink with running hot and cold water;
- (3) Surfaces with which food or drink come in contact shall be easily accessible for cleaning, and shall be non-toxic, resistant to corrosion, nonabsorbent, and free of open crevices;
- (4) Acceptable storage facilities shall be provided and shall be kept clean and free of vermin; and
- (5) All food service facilities, other than those where migrants procure and prepare food for their own or their family's consumption, shall comply with the standards regarding kitchen and dining room facilities for migrant housing, as adopted by the Commission for Health Services and in effect on January 1, 1989.

(h) Each migrant shall be provided with a bed that shall include a mattress in good repair with a clean cover. The Department of Labor of North Carolina inspector shall determine the condition of the mattress and cover during the pre-occupancy inspection. If the mattress or cover is damaged beyond normal wear and tear during the migrant's occupancy of the housing, the operator may charge the migrant the reasonable cost of replacing the mattress or cover. (1989, c. 91, s. 2; c. 727, s. 220; 1997-443, s. 11A.36; 2007-548, s. 3.)

§ 95-226. Application for inspection.

(a) Except as provided in subsection (f) of this section, every operator shall request a preoccupancy inspection at least 45 days prior to the anticipated date of occupancy by applying directly to the Department of Labor of North Carolina or to the local health department. Upon receipt of an application by the Department of Labor of North Carolina, the Department

of Labor of North Carolina shall immediately notify, in writing, the appropriate local health department; and the local health department shall inspect the migrant housing for compliance with G.S. 95-225(c) and (d). Upon receipt of the application by the local health department, the local health department shall immediately notify, in writing, the Department of Labor of North Carolina and shall inspect the migrant housing for compliance with G.S. 95-225(c) and (d).

The local health department shall forward the results of its inspection to the Department of Labor of North Carolina and to the operator. The Department of Labor of North Carolina shall inspect the migrant housing and certify to the operator the results of the inspection.

At the time the Department of Labor of North Carolina conducts a preoccupancy inspection, the Department of Labor of North Carolina shall provide the operator with a copy of the guide for employers on compliance with the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq., as amended, prepared by the United States Department of Justice.

(b) The Department of Labor of North Carolina shall provide local health departments and Agricultural Extension offices with blank copies of forms for applying for preoccupancy inspections.

(c) The application for inspection shall include:

- (1) The name, address, and telephone number of the operator;
- (2) The location of the migrant housing;
- (3) The anticipated number of migrants to be housed in the migrant housing; and
- (4) The anticipated dates of occupancy of the migrant housing.

(d) Except as provided in subsections (e) and (f) of this section, an operator may allow the migrant housing to be occupied only if the migrant housing has been certified by the Department of Labor of North Carolina or the United States Department of Labor to be in compliance with all of the standards under this Article, except that an operator may allow migrant housing to be occupied on a provisional basis if the operator applied for a preoccupancy inspection at least 45 days prior to occupancy and the preoccupancy inspection was not conducted by the Department of Labor of North Carolina at least four days prior to the anticipated occupancy. Upon subsequent inspection by the Department of Labor of North Carolina, the provisional occupancy shall be revoked if any deficiencies have not been corrected within the period of time specified by the Department of Labor of North Carolina, or within two days after receipt of written notice provided on-site to the operator. No penalties may be assessed for any violation of this Article which are found during the preoccupancy inspection, unless substantive violations exist during provisional occupancy.

(e) If an operator has applied for an inspection pursuant to this Article and one or more migrants arrives in advance of the arrival date stated in the application, the operator shall notify the Department of Labor of North Carolina within two working days of the occupancy of the migrant housing.

(f) If an operator receives a preoccupancy inspection rating from the Department of Labor of North Carolina of one hundred percent (100%) compliance for a particular migrant housing unit for two consecutive years, in the third year the operator shall have the right to conduct the preoccupancy inspection for that particular migrant housing unit himself or herself. Operators conducting their own preoccupancy inspections pursuant to this subsection shall, at least 45 days prior to occupancy, register the migrant housing with the Department of Labor of North Carolina and notify in writing the appropriate local health department. The local health department shall inspect the migrant housing for compliance with G.S. 95-225(c) and (d). The operator shall request a preoccupancy inspection under subsection (a) of this section in the year following a year when the operator conducted a self-inspection under this subsection.

(g) In addition to any other applicable federal or State law or regulation, the Department may only conduct a postoccupancy inspection of operators:

- (1) Who were subject to an annual preoccupancy inspection by the Department of Labor of North Carolina and found not to be in one hundred percent (100%) compliance at that inspection.
- (2) Who were assessed a civil penalty by the Department of Labor of North Carolina during the previous calendar year for violations of this Article or pursuant to G.S. 95-136(a)(3).
- (3) Who did not undergo a preoccupancy inspection, unless the operator conducted a self-inspection pursuant to subsection (f) of this section.
- (4) In response to a referral from a federal, State, county, or local government official or any person with firsthand knowledge of an alleged violation of this Article or of an alleged safety or health hazard whom the Department of Labor of North Carolina deems to have provided a credible referral. (1989, c. 91, s. 2; 2007-548, ss. 3.1, 3.2, 4.)

§ 95-227. Enforcement.

(a) For the purpose of enforcing the standards provided by this Article, the provisions of G.S. 95-129, G.S. 95-130 and G.S. 95-136 through G.S. 95-142 shall apply under this Article in a similar manner as they apply to places of employment under OSHANC; however, G.S. 95-129(4), 95-130(2), and 95-130(6) do not apply to migrant housing. For the purposes of this Article, the term:

- (1) “Employer” in G.S. 95-129, G.S. 95-130 and G.S. 95-136 through G.S. 95-142 shall be construed to mean an operator.
- (2) “Employee” shall be construed to mean a migrant.

(b) The Commissioner may establish a new division to enforce this Article.

(c) The Department of Labor of North Carolina shall maintain a list of operators and the physical address of their migrant housing units, number of beds, and the date of the annual preoccupancy inspection and certification.

(d) The Department of Labor of North Carolina shall maintain a summary of any inspections filed annually with the Division that enforce this Article, including the number and type of citations issued and the violations found, if any.

(e) The Commissioner shall report no later than May 1 of each year to the Chairpersons of the Senate Appropriations Committee on Natural and Economic Resources and the Chairpersons of the House of Representatives Appropriations Subcommittee on Natural and Economic Resources regarding the number of annual preoccupancy certifications issued, the number of operators with one hundred percent (100%) compliance at the preoccupancy inspection, the number of post-occupancy inspections conducted by the Department of Labor of North Carolina, the number and type of citations and fines issued, the total number of migrant worker beds in the State, and the identification of operators who fail to apply for or obtain permits to operate migrant housing pursuant to this Article. (1989, c. 91, s. 2; 1997-35, s. 1; 2007-548, s. 5.)

§ 95-228. Waiver of rights.

Agreements entered into by migrants to waive or to modify their rights under this Article shall be deemed void as contrary to public policy. A waiver or modification of rights by the Department of Labor of North Carolina shall be valid under this Article. (1989, c. 91, s. 2.)

§ 95-229. Construction of Article; severability.

This Article shall be liberally construed to the end that the safety and health of the migrants of this State may be effectuated and protected.

The provisions of this Article are severable, and if any provision of this Article is held invalid by a court of competent jurisdiction, the invalidity may not affect other provisions of the Article, which can be given effect without the invalid provision. (1989, c. 91, s. 2.)

§ 95-229.1. Actions upon finding uninhabitable migrant housing.

If the Department of Labor of North Carolina determines that housing provided to migrants under this Article is uninhabitable, but is not reasonably expected to cause death or serious physical harm, the migrants shall be allowed to remain in the housing for a reasonable period, not to exceed 14 days, while the operator locates alternative housing or makes necessary repairs to make the housing habitable. No additional civil penalties arising from the condition of the housing shall be levied against the operator during the 14-day period after the housing has been determined to be uninhabitable in which the migrants are allowed to remain in the housing. The alternative housing shall be provided at the same rate or less than the rate paid by the migrants for the uninhabitable housing. If the Director determines, after recommendation by an inspector, that housing provided to migrants could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated, the migrants shall not be allowed to stay in the housing, and alternative housing shall be provided by the operator at the same rate or less than the rate paid by the migrants for the uninhabitable housing. (2007-548, s. 5.1.)

§§ 95-229.2 through 95-229.4. Reserved for future codification purposes.

Appendix B

North Carolina Administrative Code CHAPTER 16—MIGRANT HOUSING

(With Revisions as of Jan. 1, 2008)

SECTION .0100—GENERAL

13 NCAC 16 .0101 PURPOSE

This Chapter sets forth the rules of procedure for implementing G.S. 95, Article 19, Migrant Housing Act of North Carolina.

*History Note: Authority G.S. 95-4(2); 95-222; 95-224; 95-227;
Eff. June 1, 1991;
Amended Eff. July 1, 1998.*

13 NCAC 16 .0102 FORMS

*History Note: Authority G.S. 95-227; 150B-11;
Eff. June 1, 1991;
Repealed Eff. July 1, 1998.*

13 NCAC 16 .0103 DEFINITIONS

The term “Department” shall mean the Department of Labor of North Carolina.

*History Note: Authority G.S. 95-4(2);
Eff. July 1, 1998.*

SECTION .0200—INSPECTIONS

13 NCAC 16 .0201 PREOCCUPANCY INSPECTIONS

(a) Following the filing of an “application for inspection” by an operator, the Department shall contact the operator, at which time, the Department shall provide information regarding the inspection of the migrant housing facility.

(b) During an inspection, the Commissioner or assigned designees may take measurements, samples, photographs, videos, conduct interviews or employ other reasonable investigative techniques.

(c) The migrant housing operator or representative shall be afforded an opportunity to provide pertinent information regarding conditions in the housing.

(d) At the conclusion of an inspection, the Commissioner or assigned designees shall provide a written statement of any identified health or safety violation(s) to the migrant housing operator or representative.

*History Note: Authority G.S. 95-4(2); 95-226; 95-227;
Eff. June 1, 1991;
Amended Eff. July 1, 1998.*

13 NCAC 16 .0202 MIGRANT HOUSING CERTIFICATE

(a) If no violations are identified during the preoccupancy inspection, the Department shall issue a migrant housing certificate to the operator.

(b) Upon notification of any violations, the operator shall correct the violation(s) and so certify on the form supplied by the Department. The operator shall provide any access or information requested by the Department to verify that the identified violations have been abated. When the violative conditions are corrected, the Department shall issue a migrant housing certificate to the operator.

(c) Except as provided in G.S. 95-226(d) and (e), no migrant housing shall be occupied prior to the receipt and posting, in a place accessible to all migrants, of a migrant housing certificate.

*History Note: Authority G.S. 95-4(2); 95-136(g); 95-226; 95-227;
Eff. June 1, 1991;
Amended Eff. July 1, 1998.*

13 NCAC 16 .0203 CERTIFICATION DENIED

13 NCAC 16 .0204 CONTESTING DENIAL

13 NCAC 16 .0205 ISSUANCE OF CERTIFICATES

13 NCAC 16 .0206 POSTING REQUIREMENTS

13 NCAC 16 .0207 REPEAT PREOCCUPANCY VISITS

13 NCAC 16 .0208 ENFORCEMENT VISITS

*History Note: Authority G.S. 95-136(g); 95-226; 95-227; 150B-23;
Eff. June 1, 1991;
Repealed Eff. July 1, 1998.*

SECTION .0300—PROVISIONAL OCCUPANCY

13 NCAC 16 .0301 PROVISIONAL OCCUPANCY

13 NCAC 16 .0302 PROVISIONAL OCCUPANCY DENIED

13 NCAC 16 .0303 INSPECTION OF PROVISIONALLY OCCUPIED HOUSING

*History Note: Authority G.S. 95-136(g); 95-225; 95-226; 95-227; 130A-337;
Eff. June 1, 1991;
Repealed Eff. July 1, 1998.*

SECTION .0400—ENFORCEMENT

13 NCAC 16 .0401 ENFORCEMENT INSPECTIONS

Enforcement inspections shall be conducted in accordance with G.S. 95-227 and applicable 13 NCAC 7 rules.

*History Note: Authority G.S. 95-4(2); 95-227;
Eff. July 1, 1998.*

13 NCAC 16 .0402 CITATIONS AND PENALTIES

Pursuant to G.S. 95-227, citations and penalties for violating the provisions of this Chapter or G.S. 95, Article 19 shall be issued in accordance with G.S. 95-137 and G.S. 138(a).

*History Note: Authority G.S. 95-4(2); 95-227;
Eff. July 1, 1998.*

SECTION .0500—APPEALS

13 NCAC 16 .0501 APPEALING NON-ISSUANCE OF A MIGRANT HOUSING CERTIFICATE

An operator who is denied a migrant housing certificate requested pursuant to G.S. 95-226 may, within 15 days of the denial, request that the Commissioner, or his designee, review the decision. The Commissioner's decision may be appealed in accordance with Article 3 of G.S. 150B.

*History Note: Authority G.S. 95-4(2); 95-227;
Eff. July 1, 1998.*

13 NCAC 16 .0502 APPEALING VIOLATIONS OF THIS CHAPTER AND/OR G.S. 95, ARTICLE 19

Citations and penalties issued pursuant to this Chapter may be contested in accordance with G.S. 95-137 as provided in G.S. 95-227.

*History Note: Authority G.S. 95-4(2); 95-227;
Eff. July 1, 1998.*

Appendix C

OSHA Standard for Temporary Labor Camps

29 CFR 1910.142—Temporary Labor Camps

(a) Site.

- (1) All sites used for camps shall be adequately drained. They shall not be subject to periodic flooding, nor located within 200 feet of swamps, pools, sink holes, or other surface collections of water unless such quiescent water surfaces can be subjected to mosquito control measures. The camp shall be located so the drainage from and through the camp will not endanger any domestic or public water supply. All sites shall be graded, ditched, and rendered free from depressions in which water may become a nuisance.
- (2) All sites shall be adequate in size to prevent overcrowding of necessary structures. The principal camp area in which food is prepared and served and where sleeping quarters are located shall be at least 500 feet from any area in which livestock is kept.
- (3) The grounds and open areas surrounding the shelters shall be maintained in a clean and sanitary condition free from rubbish, debris, waste paper, garbage, or other refuse.

(b) Shelter.

- (1) Every shelter in the camp shall be constructed in a manner which will provide protection against the elements.
- (2) Each room used for sleeping purposes shall contain at least 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided.
- (3) Beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes. Such beds or similar facilities shall be spaced not closer than 36 inches both laterally and end to end, and shall be elevated at least 12 inches from the floor. If double-deck bunks are used, they shall be spaced not less than 48 inches both laterally and end to end. The minimum clear space between the lower and upper bunk shall be not less than 27 inches. Triple-deck bunks are prohibited.
- (4) The floors of each shelter shall be constructed of wood, asphalt, or concrete. Wooden floors shall be of smooth and tight construction. The floors shall be kept in good repair.
- (5) All wooden floors shall be elevated not less than 1 foot above the ground level at all points to prevent dampness and to permit free circulation of air beneath.
- (6) Nothing in this section shall be construed to prohibit “banking” with earth or other suitable material around the outside walls in areas subject to extreme low temperatures.
- (7) All living quarters shall be provided with windows the total of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation.
- (8) All exterior openings shall be effectively screened with 16-mesh material. All screen doors shall be equipped with self-closing devices.
- (9) In a room where workers cook, live, and sleep a minimum of 100 square feet per person shall be provided. Sanitary facilities shall be provided for storing and preparing food.
- (10) In camps where cooking facilities are used in common, stoves (in ratio of one stove to 10 persons or one stove to two families) shall be provided in an enclosed and screened shelter. Sanitary facilities shall be provided for storing and preparing food.
- (11) All heating, cooking, and water heating equipment shall be installed in accordance with State and local ordinances, codes, and regulations governing such installations. If a camp is used during cold weather, adequate heating equipment shall be provided.

(c) Water supply.

- (1) An adequate and convenient water supply, approved by the appropriate health authority, shall be provided in each camp for drinking, cooking, bathing, and laundry purposes.
- (2) A water supply shall be deemed adequate if it is capable of delivering 35 gallons per person per day to the campsite at a peak rate of 2½ times the average hourly demand.
- (3) The distribution lines shall be capable of supplying water at normal operating pressures to all fixtures for simultaneous operation. Water outlets shall be distributed throughout the camp in such a manner that no shelter is more than 100 feet from a yard hydrant if water is not piped to the shelters.
- (4) Where water under pressure is available, one or more drinking fountains shall be provided for each 100 occupants or fraction thereof. Common drinking cups are prohibited.

(d) Toilet facilities.

- (1) Toilet facilities adequate for the capacity of the camp shall be provided.
- (2) Each toilet room shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or otherwise be satisfactorily ventilated. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes.
- (3) A toilet room shall be located within 200 feet of the door of each sleeping room. No privy shall be closer than 100 feet to any sleeping room, dining room, lunch area, or kitchen.
- (4) Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each sex. These rooms shall be distinctly marked “for men” and “for women” by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.
- (5) Where toilet facilities are shared, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, in the ratio of one such unit to each 15 persons, with a minimum of two units for any shared facility.
- (6) Urinals shall be provided on the basis of one unit or 2 linear feet of urinal trough for each 25 men. The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture. Where water under pressure is available, urinals shall be provided with an adequate water flush. Urinal troughs in privies shall drain freely into the pit or vault and the construction of this drain shall be such as to exclude flies and rodents from the pit.
- (7) Every water closet installed on or after August 31, 1971, shall be located in a toilet room.
- (8) Each toilet room shall be lighted naturally, or artificially by a safe type of lighting at all hours of the day and night.
- (9) An adequate supply of toilet paper shall be provided in each privy, water closet, or chemical toilet compartment.
- (10) Privies and toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.

(e) Sewage disposal facilities.

In camps where public sewers are available, all sewer lines and floor drains from buildings shall be connected thereto.

(f) Laundry, handwashing, and bathing facilities.

- (1) Laundry, handwashing, and bathing facilities shall be provided in the following ratio:
 - (i) Handwash basin per family shelter or per six persons in shared facilities.
 - (ii) Shower head for every 10 persons.
 - (iii) Laundry tray or tub for every 30 persons.
 - (iv) Slop sink in each building used for laundry, hand washing, and bathing.

- (2) Floors shall be of smooth finish but not slippery materials; they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove wastewater and facilitate cleaning. All junctions of the curbing and the floor shall be coved. The walls and partitions of shower rooms shall be smooth and impervious to the height of splash.
- (3) An adequate supply of hot and cold running water shall be provided for bathing and laundry purposes. Facilities for heating water shall be provided.
- (4) Every service building shall be provided with equipment capable of maintaining a temperature of at least 70°F. during cold weather.
- (5) Facilities for drying clothes shall be provided.
- (6) All service buildings shall be kept clean.

(g) Lighting.

Where electric service is available, each habitable room in a camp shall be provided with at least one ceiling-type light fixture and at least one separate floor- or wall-type convenience outlet. Laundry and toilet rooms and rooms where people congregate shall contain at least one ceiling- or wall-type fixture. Light levels in toilet and storage rooms shall be at least 20 foot-candles 30 inches from the floor. Other rooms, including kitchens and living quarters, shall be at least 30 foot-candles 30 inches from the floor.

(h) Refuse disposal.

- (1) Fly-tight, rodent-tight, impervious, cleanable or single service containers, approved by the appropriate health authority shall be provided for the storage of garbage. At least one such container shall be provided for each family shelter and shall be located within 100 feet of each shelter on a wooden, metal, or concrete stand.
- (2) Garbage containers shall be kept clean.
- (3) Garbage containers shall be emptied when full, but not less than twice a week.

(i) Construction and operation of kitchens, dining hall, and feeding facilities.

NOT APPLICABLE PURSUANT TO N.C. Gen. Stat. § 95-225(g).

(j) Insect and rodent control.

Effective measures shall be taken to prevent infestation by and harborage of animal or insect vectors or pests.

(k) First aid.

- (1) Adequate first aid facilities approved by a health authority shall be maintained and made available in every labor camp for the emergency treatment of injured persons.
- (2) Such facilities shall be in charge of a person trained to administer first aid and shall be readily accessible for use at all times.

(l) Reporting communicable disease.

- (1) It shall be the duty of the camp superintendent to report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease.
- (2) Whenever there shall occur in any camp a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it shall be the duty of the camp superintendent to report immediately the existence of the outbreak to the health authority by telegram or telephone.

Appendix D

OSHA Field Sanitation Standard

29 CFR 1928.110—Field Sanitation

(a) *Scope.* This section shall apply to any agricultural establishment where eleven (11) or more employees are engaged on any given day in hand-labor operations in the field.

(b) *Definitions.*

Agricultural employer means any person, corporation, association, or other legal entity that:

- (i) Owns or operates an agricultural establishment;
- (ii) Contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or
- (iii) Recruits and supervises employees or is responsible for the management and condition of an agricultural establishment.

Agricultural establishment is a business operation that uses paid employees in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

Hand-labor operations means agricultural activities or agricultural operations performed by hand or with hand tools. Except for purposes of paragraph (c)(2)(iii) of this section, hand-labor operations also include other activities or operations performed in conjunction with hand labor in the field. Some examples of hand-labor operations are the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings or other crops, including mushrooms, and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field. Hand-labor does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

Handwashing facility means a facility providing either a basin, container, or outlet with an adequate supply of potable water, soap and single-use towels.

Potable water means water that meets the standards for drinking purposes of the state or local authority having jurisdiction or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141.

Toilet facility means a fixed or portable facility designed for the purpose of adequate collection and containment of the products of both defecation and urination which is supplied with toilet paper adequate to employee needs. Toilet facility includes biological, chemical, flush and combustion toilets and sanitary privies.

(c) *Requirements.* Agricultural employers shall provide the following for employees engaged in hand-labor operations in the field, without cost to the employee:

(1) *Potable drinking water.*

- (i) Potable water shall be provided and placed in locations readily accessible to all employees.
- (ii) The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees.
- (iii) The water shall be dispensed in single-use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.

(2) *Toilet and handwashing facilities.*

- (i) One toilet facility and one handwashing facility shall be provided for each twenty (20) employees or fraction thereof, except as stated in paragraph (c)(2)(v) of this section.
- (ii) Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from the inside and shall be constructed to insure privacy.
- (iii) Toilet and handwashing facilities shall be accessibly located and in close proximity to each other. The facilities shall be located within a one-quarter-mile walk of each hand laborer's place of work in the field.
- (iv) Where due to terrain it is not feasible to locate facilities as required above, the facilities shall be located at the point of closest vehicular access.
- (v) Toilet and handwashing facilities are not required for employees who perform field work for a period of three (3) hours or less (including transportation time to and from the field) during the day.

- (3) *Maintenance.* Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, including the following:
 - (i) Drinking water containers shall be constructed of materials that maintain water quality, shall be refilled daily or more often as necessary, shall be kept covered and shall be regularly cleaned.
 - (ii) Toilet facilities shall be operational and maintained in clean and sanitary condition.
 - (iii) Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply and shall be maintained in a clean and sanitary condition; and
 - (iv) Disposal of wastes from facilities shall not cause unsanitary conditions.
 - (4) *Reasonable use.* The employer shall notify each employee of the location of the sanitation facilities and water and shall allow each employee reasonable opportunities during the workday to use them. The employer also shall inform each employee of the importance of each of the following good hygiene practices to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine and agrichemical residues:
 - (i) Use the water and facilities provided for drinking, handwashing and elimination;
 - (ii) Drink water frequently and especially on hot days;
 - (iii) Urinate as frequently as necessary;
 - (iv) Wash hands both before and after using the toilet; and
 - (v) Wash hands before eating and smoking.
- (d) *Dates.* THIS SECTION OMITTED.

Appendix E

Kitchen and Dining Room Standards for Migrant Housing

Pursuant to the N.C. Gen. Stat. § 95-225(g)(5), the N.C. Department of Labor enforces the following rules originally adopted by N.C. Department of Environment and Natural Resources, Division of Environmental Health, effective January 1, 1989:

15A NCAC 18A .2114 KITCHEN AND DINING FACILITIES

- (a) Food preparation and eating areas shall be provided and maintained in a clean and sanitary manner.
- (b) Kitchen facilities shall be provided with operable stove(s), refrigerator(s), table(s), and sink(s).
- (c) All food service facilities shall comply with the following:
 - (1) Food Service Utensils and Equipment.
 - (A) Equipment and utensils shall be so constructed as to be easily cleaned and shall be kept in good repair. Surfaces with which food or drink come in contact shall, in addition, be easily accessible for cleaning, and shall be nontoxic, corrosion-resistant, nonabsorbent, and free of open crevices. Disposable articles shall be made from nontoxic materials.
 - (B) If single-service eating and drinking utensils are used, they shall be properly stored and handled in order to prevent contamination. If multi-use eating and drinking utensils are used, they shall be washed and rinsed after each use.
 - (C) Pots, pans, and other utensils used in the preparation or serving of food or drink, and all food storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.
 - (D) No polish or other substance containing cyanide or other poisonous material shall be used for the cleaning or polishing of eating or cooking utensils.
 - (E) Cloths used in the kitchen shall be clean. Each disposable item shall be used only once.
 - (F) Containers and clean utensils shall be stored in a clean place. Containers and clean utensils shall be covered, inverted, stored in tight, clean cabinets, or otherwise stored in such a manner as to prevent contamination. After cleaning and until use, food-contact surfaces of equipment shall be protected from contamination. Utensils shall be handled in such a manner as to prevent contamination.
 - (G) Disposable utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.
 - (H) Acceptable facilities for washing pots, pans and other cooking utensils shall be provided. A two-section residential sink is acceptable.
 - (I) Acceptable storage facilities shall be provided and shall be kept clean and free of vermin.
 - (2) Food Supplies.
 - (A) Food, including milk and milk products, shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. Only Grade "A" milk may be used.
 - (B) If non-acid or low-acid home-canned foods are used, they should be boiled for 10 minutes in order to destroy any toxin that may have been produced by bacteria surviving the canning process.
 - (3) Food Protection.
 - (A) Foods shall be protected from contamination while being stored, prepared, served, and during transportation. Perishable foods shall be stored at such temperatures as will protect against spoilage. Potentially hazardous food shall be maintained at safe temperatures (45°F. or below, or 140°F. or above) except during necessary periods of preparation and serving. Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 45°F. or below; quick-thawed as part of the cooking process; or by a method approved by the Division. An indicated thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially hazardous prepared food, shall be prepared,

preferably from chilled products, with a minimum of manual contact. Portions of food once served to an individual shall not be served again.

- (B) Live pets shall not be allowed in any room or area in which food is prepared or stored. Live pets, unless caged and restricted from the immediate eating area, shall not be allowed in any room or area in which food is served.
 - (C) Refrigeration facilities, hot food storage facilities, and effective insulated facilities shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, and serving.
 - (D) Containers of food shall be stored above the floor, on clean racks, shelves, or other clean surfaces, in such a manner as to be protected from splash and other contamination.
- (4) Food Service Persons.
- (A) Persons, while preparing or serving food or washing equipment or utensils, shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices. They shall wash their hands thoroughly before starting work and as often as necessary to remove soil and contamination. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory and in no case in the kitchen sink. They shall not use tobacco in any form while preparing or serving food.
 - (B) No person, while infected with a disease in a communicable form, or while a carrier of such a disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any capacity in which there is a likelihood of that person's contaminating food or food-contact surfaces with pathogenic organisms. If either the migrant housing operator or crew leader has reason to suspect that any food-service person has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the local health department immediately.

Note: 15A NCAC 18A .2109–.2116 were adopted under the statutory authority of N.C. Gen. Stat. § 130A-239 effective January 1, 1985, and were amended effective June 1, 1989, and January 1, 1989. These rules were repealed on July 1, 1990, in accordance with N.C. Gen. Stat. § 150B-59(c). However, pursuant to N.C. Gen. Stat. § 95-225(g)(5), the kitchen and dining facilities rules (15A NCAC 18A .2114) in effect on January 1, 1989, are adopted, published, and enforced by the N.C. Department of Labor.

Appendix F

Fire Protection for Migrant Housing

Pursuant to the N.C. Gen. Stat. § 95-225(f), the N.C. Department of Labor enforces 15A NCAC 18A.2107, originally adopted by the N.C. Department of Environment and Natural Resources, Division of Environmental Health, effective January 1, 1989, in part as follows:

15A NCAC 18A.2107 BUILDINGS

...

- (j) Smoke detectors and alarm devices shall be provided in each building used for sleeping as follows:
 - (1) Rooms used for sleeping which open to the outside and which have less than 900 square feet of sleeping area shall be exempt. Rooms used for sleeping which open to the outside and are 900 square feet or larger shall have one smoke detector and alarm device per 900 square feet or fraction thereof.
 - (2) Where rooms used for sleeping open to a common corridor or hall, smoke detectors and alarm devices shall be located approximately 15 feet from the ends of the hall or corridor and at approximately every additional 30 linear feet of hall or corridor.
 - (3) Rooms used for sleeping which do not open to a common corridor or to the outside shall have one smoke detector and alarm device for each 900 square feet of floor space or fraction thereof.
 - (4) Where rooms used for sleeping open to an adjoining room which is the only means of egress, the adjoining room shall have one smoke detector and alarm device for each 900 square feet of floor space or fraction thereof.
 - (5) Smoke detectors and alarm devices may be direct wire connected to AC power, fixed plug to AC power, or battery operated.
 - (6) Smoke detectors and alarm devices shall be properly maintained.
 - (7) Smoke detectors and alarm devices shall be located on ceilings or interior walls in accordance with installation instructions.
- (k) At least one fire extinguisher shall be provided in each building used for sleeping. Extinguishers shall be located so that they are accessible and within approximately 100 feet of any part of the building used for sleeping. One fire extinguisher shall be provided in each building used for cooking. Fire extinguishers provided in a cooking area shall have a minimum rating of 5 BC. Fire extinguishers for areas other than cooking shall have a minimum rating of 2A.
 - (l) All multi-story buildings shall have a stairway and a fire escape, such as a permanently affixed exterior ladder or second stairway.

Note: 15A NCAC 18A .2101–.2107 were adopted under the statutory authority N.C. Gen. Stat. § 130A-239 effective January 1, 1985, and were amended effective June 1, 1989, January 1, 1989, February 1, 1987, and July 1, 1986. These rules were repealed on July 1, 1990, in accordance with N.C. Gen. Stat. § 150B-59(c). However, pursuant to N.C. Gen. Stat. § 95-225(f), the fire protection rules (15A NCAC 18A .2107) in effect on January 1, 1989, are adopted, published, and enforced by the N.C. Department of Labor.

Appendix G

Protection of Water Supplies for Migrant Housing

The following requirements for migrant housing drinking water systems are applicable pursuant to N.C. Gen. Stat. §95-225(c). These requirements are from the rules contained in Title 15A, Chapter 18A, Section .1700 of the N.C. Administrative Code¹ that is implemented and enforced by the N.C. Department of Environment and Natural Resources, Division of Environmental Health, Environmental Health Services Section.² Please note that these are not the ONLY requirements that apply. You should contact the Environmental Health Services Section for the full texts of these regulations.

1. Water supplies for migrant housing must either come from (a) a community water system regulated by the N.C. Department of Environment and Natural Resources or (b) a private water supply such as a private well. See 15A NCAC 18A .1720(a).

If the migrant facility is connected to a community water system, please provide proof of connection (tap-on bills or water bills during the last occupancy and recent bills showing the migrant housing is still connected are acceptable).

2. If the housing is serviced by a private water supply, such as a private well, the following applies:
 - a. The well-head must be above-ground. See 15A NCAC 18A .1721.
 - b. The well casing must be surrounded by a concrete slab 4 inches thick, sloped to drain and extending at least 3 feet out from the well casing in all direction. See 15A NCAC 18A .1722.
 - c. The area surrounding the well-head shall be free of contamination sources (e.g., septic tank drain fields, pesticide storage, animal waste lagoons, building foundations) and shall be subject to the applicable setback requirements set forth in the Section .1700 rules. See 15A NCAC 18A .1720(c).
 - d. The water must be tested and found to be free of bacterial contaminants before the migrants occupy the residence. Allow at least two weeks for sample or resample results to come in. See 15A NCAC 18A .1725.
 - e. The construction of water supply wells must comply with the requirements of Title 15A, Chapter 2C of the N.C. Administrative Code.³
 - f. Any well contractor activities (including construction, installation, repair, alteration, or abandonment of any well) must be done or directly supervised by a well contractor certified by the N.C. Department of Environment and Natural Resources, Division of Water Quality, Well Contractors Certification Commission.⁴
3. Many wells in housing facilities that have not been previously inspected by local health departments to determine if they meet the requirements of the Section .1700 rules are expected to have deficiencies. If your well has not been evaluated before by your local health department⁵ for compliance with these rules, we recommend you make an appointment to have the well evaluated at least three months prior to occupancy by the migrants.

1. The Section .1700 rules can be downloaded from the Internet at the following site: www.deh.enr.state.nc.us/ehs/images/rules/t15a-18a.17.pdf.

In addition, the rules contained in Title 15A, Chapter 18C of the N.C. Administrative Code, concerning public water systems, may also be applicable. These rules can be downloaded from the Internet at the following site: www.deh.enr.state.nc.us/pws/rules/contents.htm.

If you're not sure which rules apply, you should contact the Division of Environmental Health at the number below.

2. The Division of Environmental Health can be contacted via telephone at (919) 733-2870, via facsimile at (919) 715-3242, or on the Internet at www.deh.enr.state.nc.us/.

3. The well construction standards can be downloaded from the Internet at the following site: www.ncwelldriller.org/Regulations-3.htm.

4. For more information, you can visit the Web site for the N.C. Department of Environment and Natural Resources, Division of Water Quality, Well Contractors Certification Commission at www.ncwelldriller.org.

5. Contact information for all local health departments in North Carolina can be found at the following site: www.deh.enr.state.nc.us/ehs/images/ehsdir2000.PDF.

Appendix H

Laws and Rules for Sewage Treatment and Disposal Systems

The following requirements for migrant housing sewage disposal systems are applicable pursuant to N.C. Gen. Stat. §95-225(d). These requirements are from the rules contained in Title 15A, Chapter 18A, Section .1900 of the N.C. Administrative Code⁶ that is implemented and enforced by the N.C. Department of Environment and Natural Resources, Division of Environmental Health, On-Site Water Protection Section.⁷ Please note that these are not the ONLY requirements that apply. You should contact the On-Site Water Protection Section for the full texts of these regulations.

1. All wastewater from migrant housing must discharge directly to an approved wastewater system permitted for that specific use. See N.C. Gen. Stat. § 130A-335 and 15A NCAC 18A .1937. Approved wastewater systems include (a) a public or community sewage system, (b) an on-site septic tank system, (c) chemical portable toilets, or (d) privies approved for use. See N.C. Gen. Stat. § 130A-334(15).
2. If the migrant housing facility is connected to a public or community sewage system, please provide proof of connection (copies of tap-on bills or service bills during the last occupancy by migrants and a recent bill showing the housing is still connected are acceptable).
3. If portable toilets are utilized in lieu of flush toilets, you must have a contract with a Septage Management Firm permitted by the N.C. Department of Environment and Natural Resources, Division of Waste Management, to properly manage the toilets for the duration of the migrants' stay. See N.C. Gen. Stat. § 130A-291.1. The contract must specify where the pumped waste will be treated. Other wastes (sinks, kitchen, laundry and bathing facilities) must be discharged into a permitted wastewater system.
4. Ground absorption systems must function properly (not discharge into the water table, to the surface of the ground, or to surface waters). See 15A NCAC 18A .1961.
5. Ground absorption systems are designed for two (2) persons per bedroom. See 15A NCAC 18A .1949.

2 BR Home or Mobile Home = 4 people x 60 gallons per person per day = 240 gallons per day

3 BR Home or Mobile Home = 6 people x 60 gallons per person per day = 360 gallons per day

If you are providing portable toilets in lieu of flush toilets, then the design for the daily flow shall be 40 gallons per person per day. Otherwise it shall be 60 gallons per person per day. Do not plan on housing more migrants than your system is designed to accommodate.

6. If you have had problems with the system failing, call your local health department⁸ now. Repairing the system is dependent upon good weather. Get the local health department to evaluate the soil and issue the permit now so you can repair the system as soon as possible.

6. The Section .1900 rules can be downloaded from the Internet at the following site: www.deh.enr.state.nc.us/osww_new/new1//images/Rules/1900RulesJune2006.pdf.

7. The Division of Environmental Health can be contacted via telephone at (919) 733-2870, via facsimile at (919) 715-3242, or on the Internet at www.deh.enr.state.nc.us/.

8. Contact information for all local health departments in North Carolina can be found at the following site: www.deh.enr.state.nc.us/ehs/images/ehsdir2000.PDF.

Appendix I

N.C. Department of Labor Field Procedure for Determining the Adequacy of Hot Water in a Temporary Labor Camp as Required by 29 CFR 1910.142(f)

The test procedure on the following page is now being used during preoccupancy housing inspections to determine the adequacy of hot water systems. This procedure was developed in 1990 by the Occupational Safety and Health Division of the N.C. Department of Labor in order to provide a fair and simple means of testing hot water.

The procedural assumptions made are a reflection of the work conducted during the growing seasons of 1988 and 1989 when researchers at N.C. State University, working with the N.C. Department of Labor safety officers, tested hot water in 21 migrant camps.

The research indicated that, on the average, half of the migrants in any given camp showered immediately upon returning from the fields. During this peak time, the average shower was six minutes long, the minimum acceptable hot water temperature was 90 degrees, and the mix of water was 57 percent hot water and 43 percent cold water. Hot water systems that satisfied these needs resulted in no complaints from farmworkers; therefore these assumptions have been used in developing the test procedure for determining whether a hot water system is adequate.

The procedure is shown on the following page. Note that the formula in item number 5 has been greatly simplified, taking into account the assumptions listed above. For a detailed explanation of the formula, contact the Agricultural Safety and Health Bureau at (919) 807-2923.

Test Procedure to Determine Adequate Hot Water in Temporary Labor Camps

Grower's Name: _____

1. Be sure that hot water has not been used for showers or laundry within one hour prior to conducting this test.
2. Record storage capacity and recovery rate information for the water heater(s) that serve the shower(s). See specification plate on water heater.

Heater	Capacity	Recovery Rate
#1	_____ gallons	_____ gallons per hour at _____ °F
#2	_____ gallons	_____ gallons per hour at _____ °F
#3	_____ gallons	_____ gallons per hour at _____ °F
#4	_____ gallons	_____ gallons per hour at _____ °F

3. Number of people to be housed in camp: _____ people.
4. Number of operating shower heads: _____ shower heads.
5. Determine the time the showers must produce hot water for this test by multiplying number of people from 3 above by 1.75 and dividing the product by the number of shower heads from 4 above.

(People) x 1.75 / (Shower Heads) = _____ minutes.

Round to next higher minute: _____ Test Minutes.

6. Turn on the hot water only for one shower until the water temperature reaches 90°F. Then turn on hot water only for the remaining showers to be used in this test as determined in Step 4 above. Adjust all running showers to a steady spray and start your stop watch.
7. Run the showers for the number of minutes calculated in Step 5 above and immediately check and record below the water temperature reading.

Water Temperature is _____ °F.

8. If the system is still producing hot water at or above 90°F, it is adequate. If the temperature is below 90°F, the system is inadequate. Circle your finding below:

Adequate

Inadequate


Date: _____ Time: _____ Place: _____

Test Conducted by: _____

(Please Print)

Appendix J

Sample Housing Occupancy Certificate

	Agricultural Safety and Health Bureau North Carolina Department of Labor 1101 Mail Service Center Raleigh, NC 27699-1101 Telephone: (919) 807-2923 Fax: (919) 807-2924
Housing Occupancy Certificate	
A. Identifying Information	
1a. Name and address of owner of housing unit:	4a. Name and address of individual(s) in charge:
1b. Telephone:	4b. Telephone:
2a. Name and address of farm labor contractor, if known:	5. Registration date:
2b. Registration number:	6. Expected dates of occupancy: From: To:
3. Location of housing inspected:	7. Description of housing units and number of units:
B. Certification	
The housing identified above has been inspected by the undersigned and found to meet the substantive safety and health standards required by Article 19 of Chapter 95 of the North Carolina General Statutes.	
Date of inspection: Inspector:	Date Certificate Expires:
Special Conditions (if none, type none):	This camp is approved for ____ occupants
Regina C. Luginbuhl, Bureau Chief	Date Certificate Issued:
Important Notice	
<p>By federal law (The Migrant and Seasonal Agricultural Worker Protection Act, Public Law 97-470, Section 203(b)(1), a copy of this certificate must be posted at the site of the housing identified above. This certificate is valid for one year from the date of issuance providing the housing remains occupied. If the housing becomes vacant at any time, a new certificate must be obtained before the housing can be reoccupied. The original of this certificate must be kept as a record for three years from the date of issuance.</p> <p>This inspection certificate does not relieve any person from compliance with any applicable federal, state, county, or local ordinance. Receipt and posting of this certificate of occupancy does not relieve the person who own or control this facility or property from the responsibility of ensuring that such facility or property meets the applicable state and federal safety and health standards. Once such facility or property is occupied, such person shall supervise and continually maintain such facility or property to ensure that it remains in compliance with the applicable safety and health standards.</p>	

Appendix K

Farmworker Housing: Diagrams and Blueprints

Farmworker Housing Issues

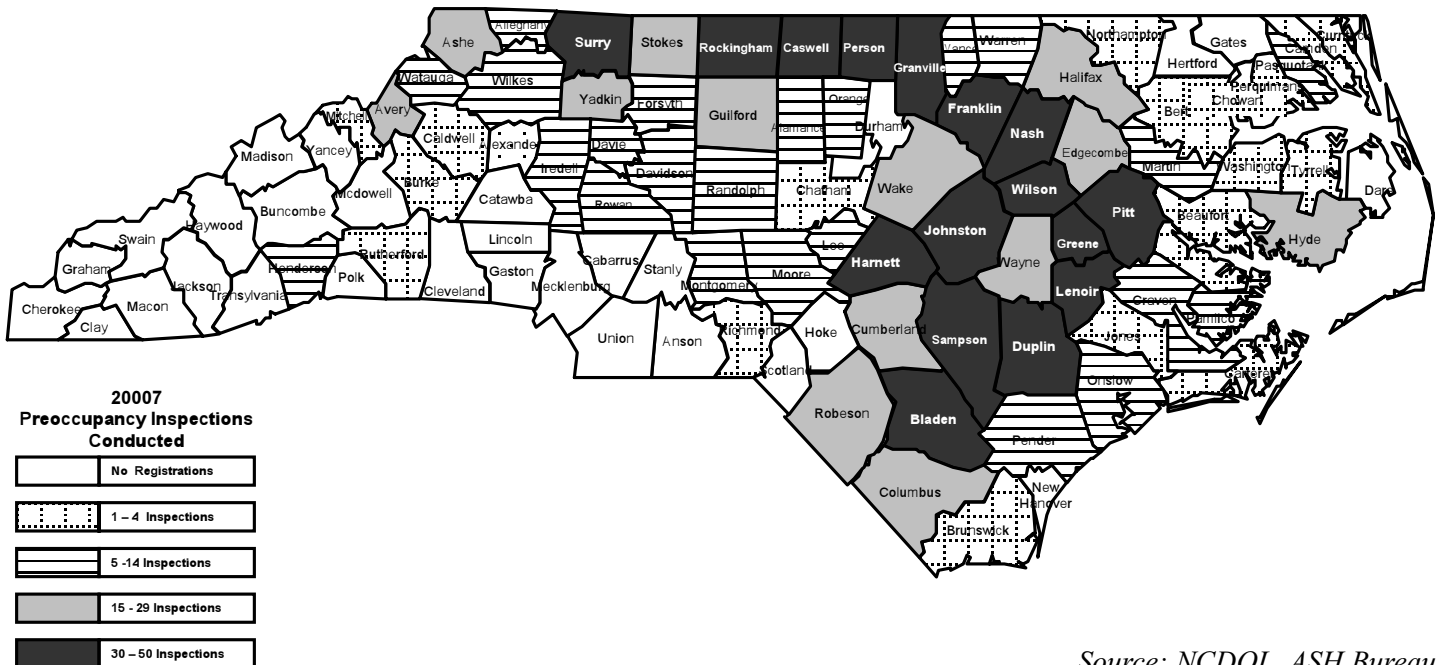
Migratory labor continues to provide a necessary part of the cultivation and harvest of a number of agricultural commodities important to North Carolina's economy. Tobacco is often planted, suckered and primed using migrant farmworker labor. Even when machinery is available, inclement weather conditions may prohibit its use. Vegetable crops such as cucumbers and sweet potatoes are planted and harvested by migrant farmworkers. Agricultural growth is taking place in specialty melons, lettuces, blueberries, strawberries, tomatoes—all crops that are hand-harvested and labor intensive. Increased fuel costs have made North Carolina competitive with California fruits and vegetables in East Coast markets.

Since its enactment in 1989, the Migrant Housing Act has attempted to accomplish the goal of improving the stock of housing used for these migrant farmworkers throughout the state. For the most part, the registered housing has met the standards established under the Migrant Housing Act. In some cases, expensive upgrades have been made. Many septic systems have been repaired or replaced, and new housing has been built that exceeds current standards.

However, despite the success with compliance, we continue to find housing each year that either does not meet the standards and poses a health and safety hazard to both the residents and the community, or has not been registered. Scouting each season for unregistered housing, issuing citations and penalties for unregistered housing for noncompliance with housing standards, and ensuring that crew leaders comply with housing regulations are three ways to continue to improve conditions for migrant workers.

The map below indicates the total number of preoccupancy inspections conducted in 2007.

**Agriculture Safety and Health Bureau
Preoccupancy Inspections Conducted
2007**



Source: NCDOL, ASH Bureau

The housing regulations pertain to anyone housing migrant farm workers, whether one or more workers, who are doing work of a temporary agricultural nature. Those migratory laborers who cultivate Christmas trees and process crab meat are covered under the Migrant Housing Act of North Carolina.

Gold Star Housing

Gold Star growers own or operate housing that generally exceeds the regulations. This group of growers has constructed model housing, some of which is illustrated on the following pages. Since farmworker housing in North Carolina is composed of a variety of dwellings—ranging from mobile homes, to single family wood-frame houses, to concrete block barracks-style camps—several building plans are included. This housing has been constructed in the years since the Migrant Housing Act of North Carolina was passed. The housing meets or exceeds the regulations noted in the act (see Appendix A) and the Occupational Safety and Health Regulations, 1910.142, Standard for Temporary Labor Camps (Appendix B).

Floor plan 1 (page 28) was constructed using concrete block and painted white inside and out. The flooring is concrete. Beds are double-bunk, custom-made, and two per room. Each bedroom has two 4 x 4 windows that can be opened for ventilation. The building has both heat and air-conditioning, but the whole-house fan is preferred by the farmworkers. The farmworkers turn on the fan and open the windows each evening. This building is used as a for-profit hunting lodge during the off season.

Floor plan 2 (page 29) is a barracks-style dwelling constructed of concrete block, painted white to reflect light. It has two 10-foot knock-out panels on one end of the building to allow conversion to other uses. It has a 12-foot ceiling with trussed roof and added beam structure, for use if converted. The flooring is composed of indoor/outdoor carpeting, on cement floor. Heat is provided by a gas, forced air unit attached to the ceiling. A ceiling fan is used to cool the building during the summer months. The hot water heater is 50 gallon gas, quick recovery. Housing maintenance is minimal.

Floor plan 3 (page 30) shows the interior of a typical older mobile unit, and the diagram and text illustrate the difficulties faced when trying to maximize the square footage of such a unit for more than 4 or 5 workers. The structural issues of mobile units are discussed as well, including the typical problems with flooring and window units.

If you wish to have additional information on Gold Star housing construction, including additional plans and contact with growers who completed construction, contact the Agricultural Safety and Health Bureau at (919) 807-2923. You can also find more information about Gold Star housing, including a video that depicts this type of housing, on our website at www.nclabor.com/ash/ash.htm.

N.C. School of Design Efforts

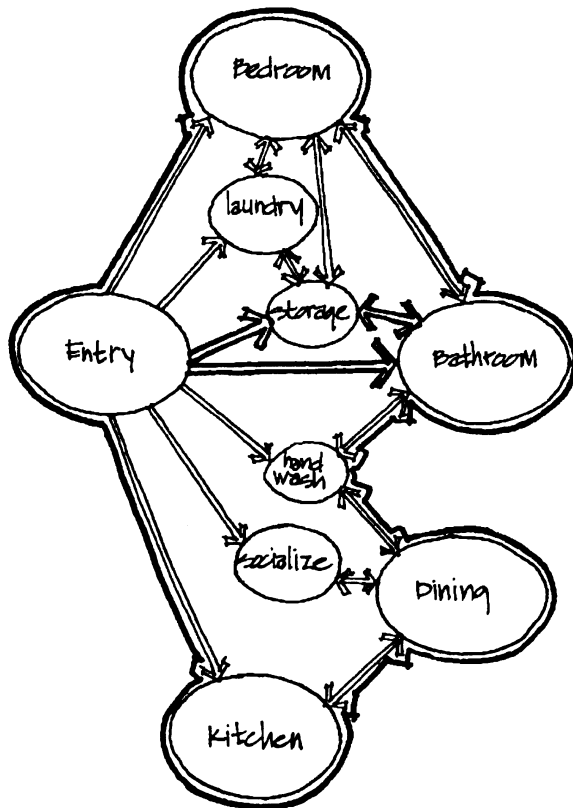
Farmworker housing is an issue that has received national attention and scrutiny. In 1994, then U.S. Secretary of Housing and Urban Development Henry Cisneros sent Cipriano Garza Jr., special assistant for special projects, to Raleigh to discuss migrant housing. Mr. Garza, himself the son of migrant farmworkers who worked and traveled with his family until he was a young man, challenged the audience, “What housing do you need in North Carolina? Form partnerships with farmers, farmworkers, bankers, students. Get the universities involved. There is so much manpower here. Every student at the university today touches a commodity every day that has been harvested by farmworkers. Get churches involved. Cities and states have a responsibility. We need to develop a sense of unity, to develop partnerships between farmers and farmworkers, and to follow our leaders. We need a blueprint of needs of N.C. farmworker housing. We need your help.”

In 1996, the N.C. State University School of Design rose to the challenge. Professor Henry Sanoff designed a special project involving farmworker housing. The 15 students selected to participate visited camps, interviewed growers and farmworkers, and constructed designs and housing models. In the spring of 1997, School of Design graduate students took on the project and worked with farmworkers to determine the most important elements in their housing. The students learned that specific housing preferences included:

- working bathrooms
- newer, working refrigerators
- roofs having no leaks
- homes meeting codes
- regulations that were enforced
- homes that were decent, and
- a wish that “The home was mine.”

After observing current housing and interviewing a number of farmworker residents, the graduate students made a number of recommendations. One recommendation addressed space and the arrangement of the structure. In the students' design, showers and secured storage are placed adjacent to an entry.

Illustration 2



Privacy in sleeping areas and bathrooms is also addressed. The students note that dormitory style rooms can turn into passageways, disrupting the lives of the occupants. In bathrooms, personal storage facilities are advantageous. A worker can enter the shower area, retrieve toiletries, and get clean before entering the living, dining or sleeping areas. Having an entrance into the bathroom directly from the outside allows workers to enter the bathroom without having to contaminate their living spaces.

The housing designs incorporate many of the students' collective ideas and illustrate a number of their recommendations, including additional refrigeration, showers, and toilets.

Additional recommendations were made regarding laundry facilities, storage, natural light and site orientation. Many of these recommendations are visually illustrated in the following housing schemes. For further information, contact Dr. Henry Sanoff, N.C. State University, School of Design, at (919) 829-9079.

Floor plan 4 (page 31) shows new construction for eight farmworkers, as designed by students at the NCSU School of Design. It features a number of innovative design elements, including a porch off the sleeping area, and an exterior as well as interior shower. The students noted that having an entrance into the bathroom directly from the outside allows workers to enter the bathroom without having to contaminate their living spaces.

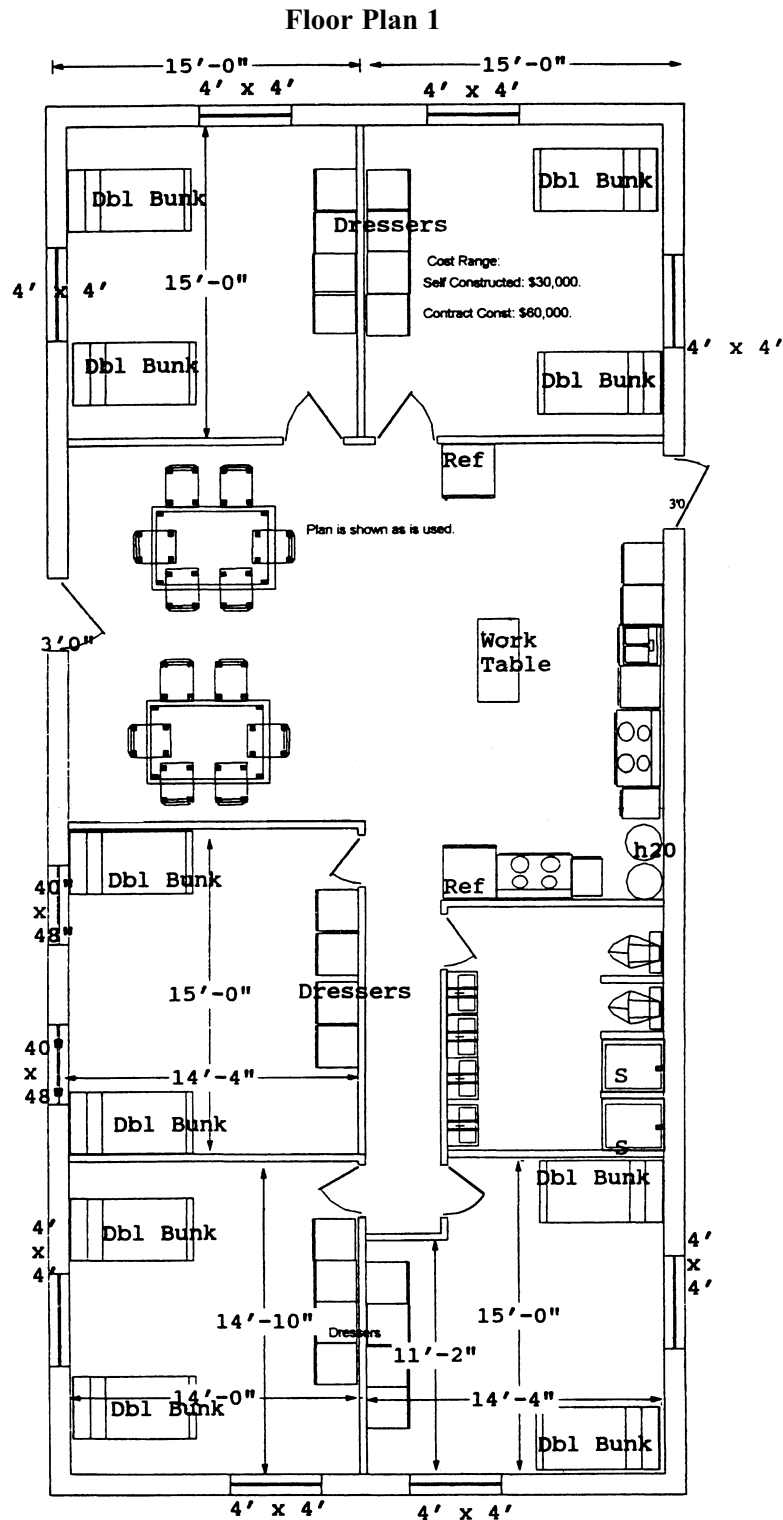
Floor plan 5 (page 32) shows the use of 4 loft-style sleeping areas utilized to maximize space, light and cross ventilation.

Floor plan 6 (page 33) shows a modular system, with a separate entry into each module; a centrally located bathroom that can be accessed from the outside, and loft-style sleeping areas that are located on one side of the building above the ground-floor sleeping areas.

Agricultural Safety and Health Council

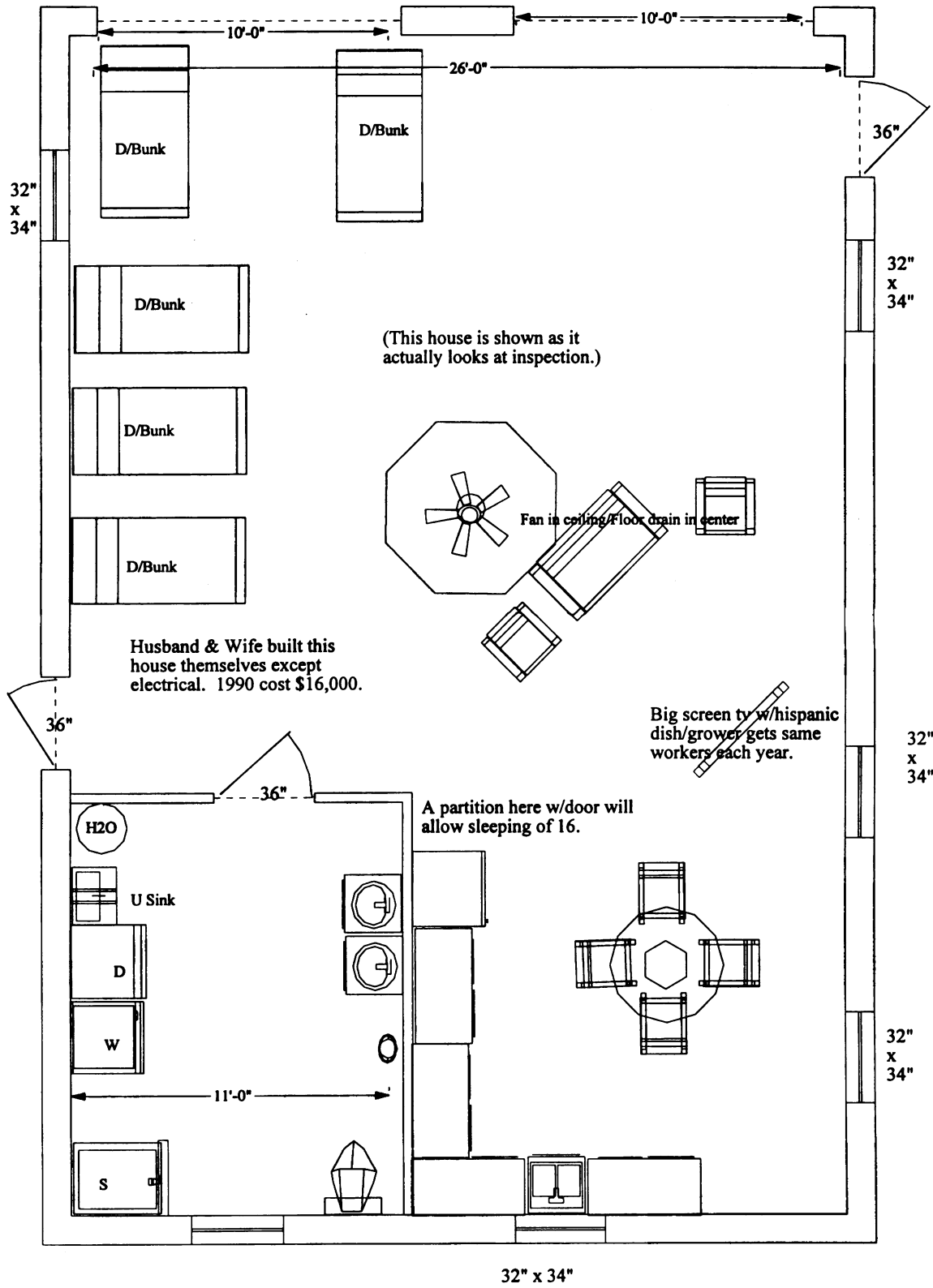
The Agricultural Safety and Health Council was established in 1993 to advise the commissioner of labor on matters of importance to agricultural employers and employees. Over the years, the council has promoted many diverse projects, among them a highway safety campaign involving the safe movement of farm tractors on rural roadways; innovative housing design such as that described above; housing that is grower designed and built; a DVD highlighting the accomplishments of Gold Star Growers; farmworker safety training DVDs; and farmworker safety training days.

Council meetings are open to the public. More information about the Agricultural Safety and Health Council is available on our Web site at www.nclabor.com/ash/ash.htm.

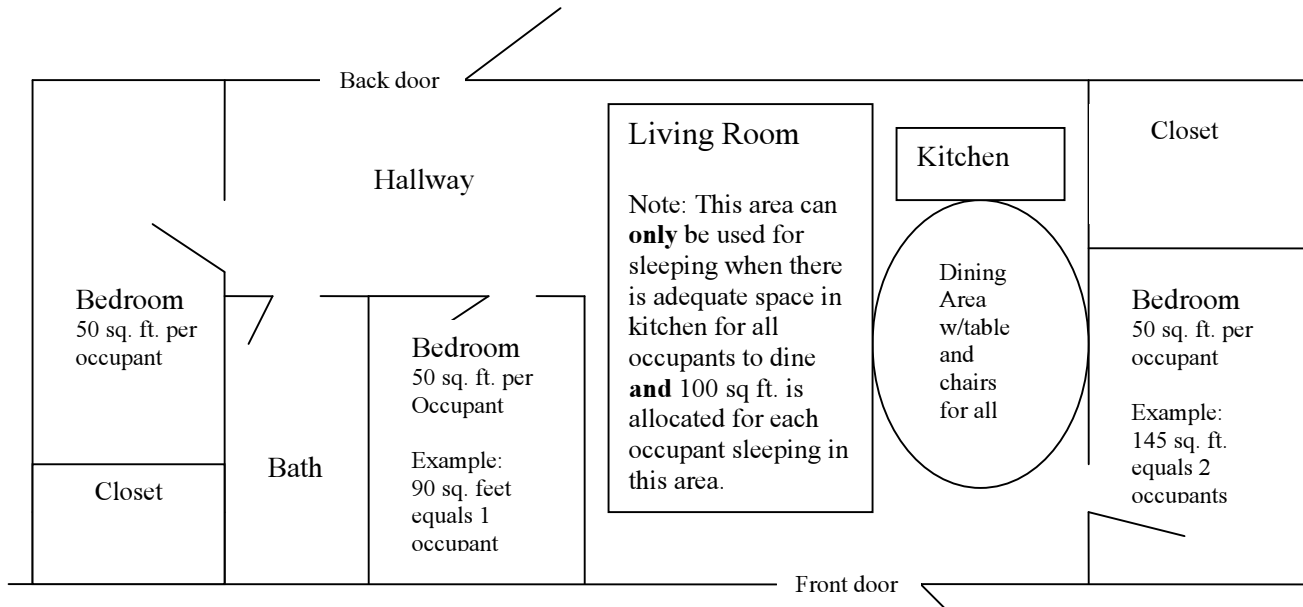


Floor Plan 2

Ceiling is 12 feet high and wood panel knockout allow for conversion to another use.



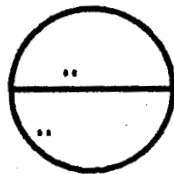
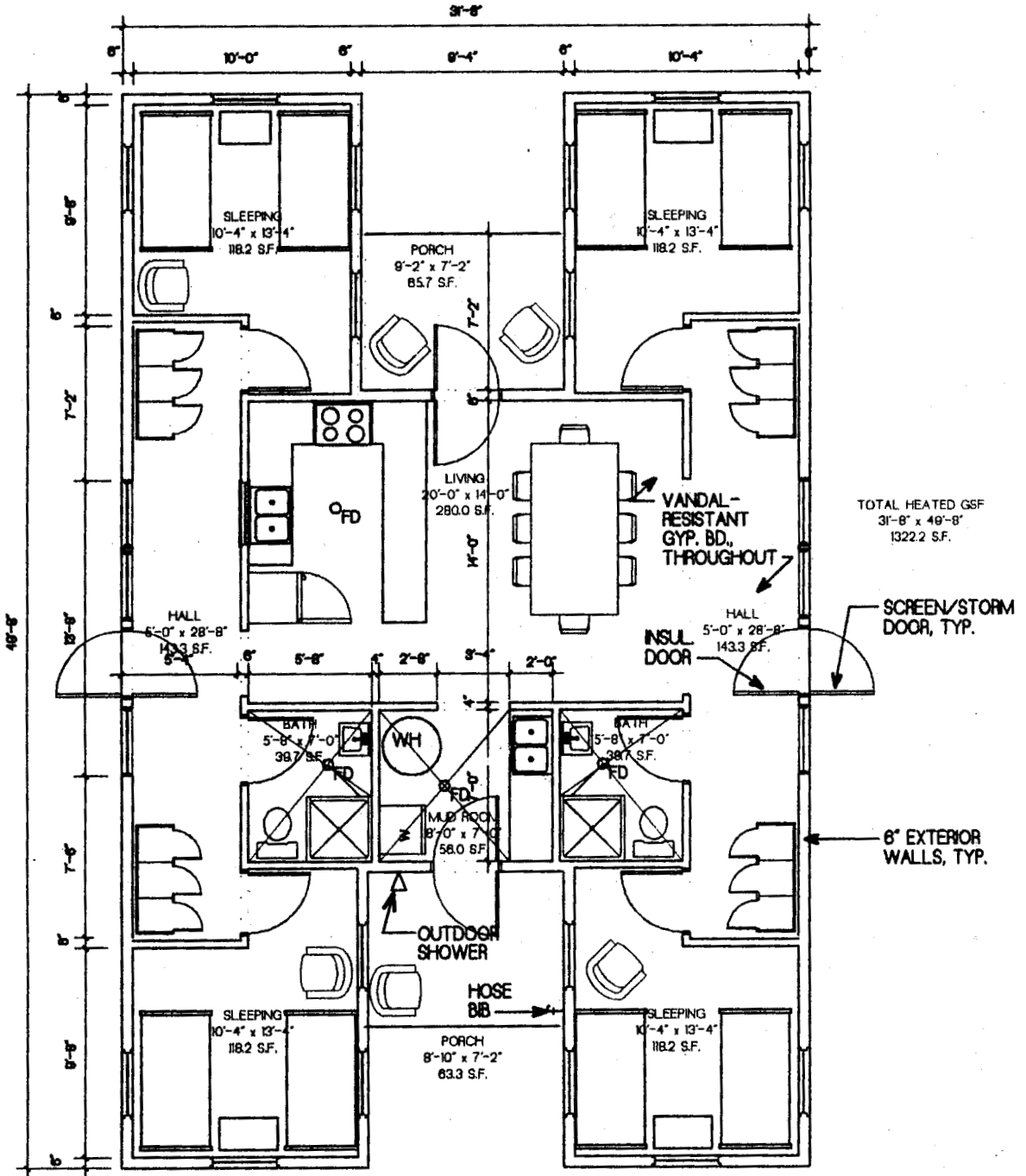
Floor Plan 3
Example of Space Allocation in a Mobile Home Unit/Trailer



Note: Total window area shall not be less than one-tenth of the total floor area.

Note: In past years, mobile home units have been widely used to house migrant labor throughout the state. In our experience, many of the older mobile home units are not designed to house the number of workers desired. Fifty square feet of space per person is required in rooms used exclusively for sleeping. One hundred square feet is required in rooms used for sleeping, and other activities of daily living (e.g., a living room area). Structurally, the construction of older mobile units may no longer be sound. The weakest structural links are the bathroom flooring, flooring in kitchen and near doorways, the window openers (cranks), screens and the roof. In addition, during heavy storms the older mobile units may not provide adequate protection from severe winds and/or rain. If you are housing workers in an older mobile home unit, you may want to consider other housing alternatives. Other diagrams listed in this booklet may be of interest. If the inspector determines that the unit is no longer serviceable, a housing certificate will not be issued.

Floor Plan 4

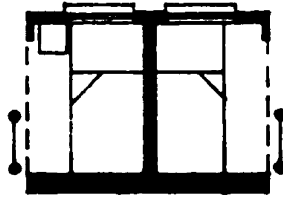


FLOOR PLAN

SCALE: 1/8" = 1'-0"

Floor Plan 5

Windows placed high on the walls provide effective cross-ventilation



Loft area

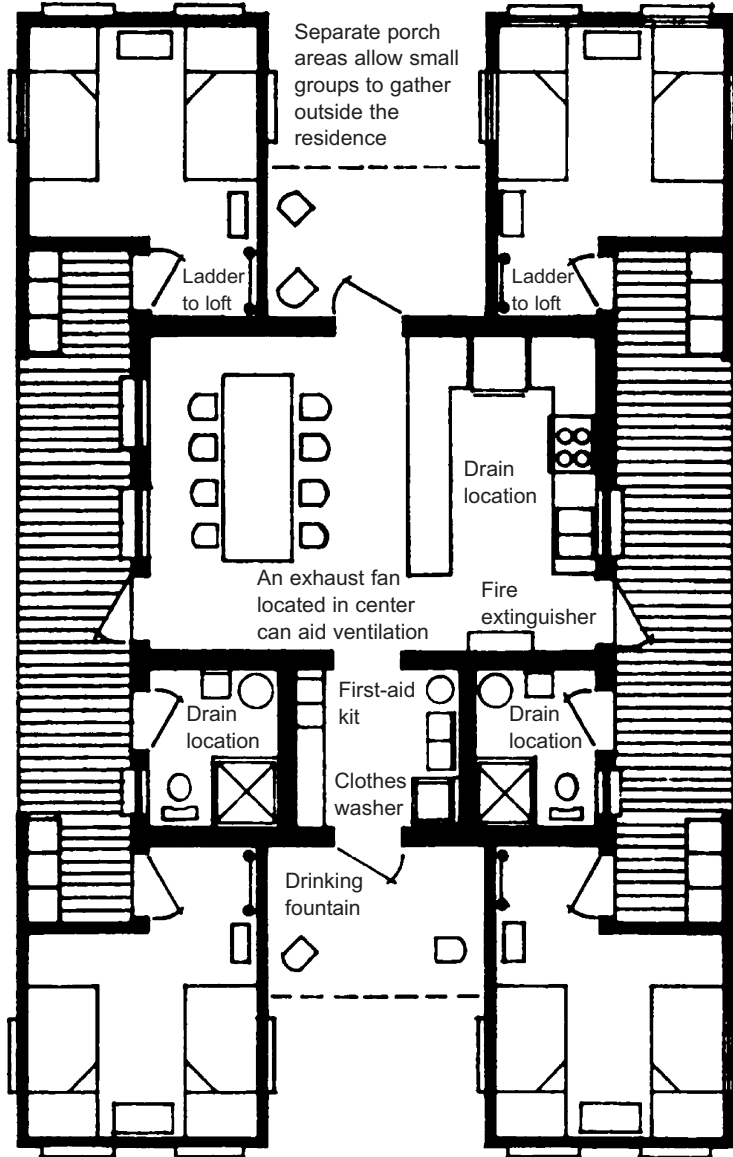
Windows placed high on opposite walls provide effective cross-ventilation

Windows placed high on opposite walls provide effective cross-ventilation

Individual entry into each room provides more control over others entering private space

Direct access to the bathroom area from outside allows workers to get clean before entering residential areas

Lockers provided next to the shower area gives a place for clothing and toiletries to be secured

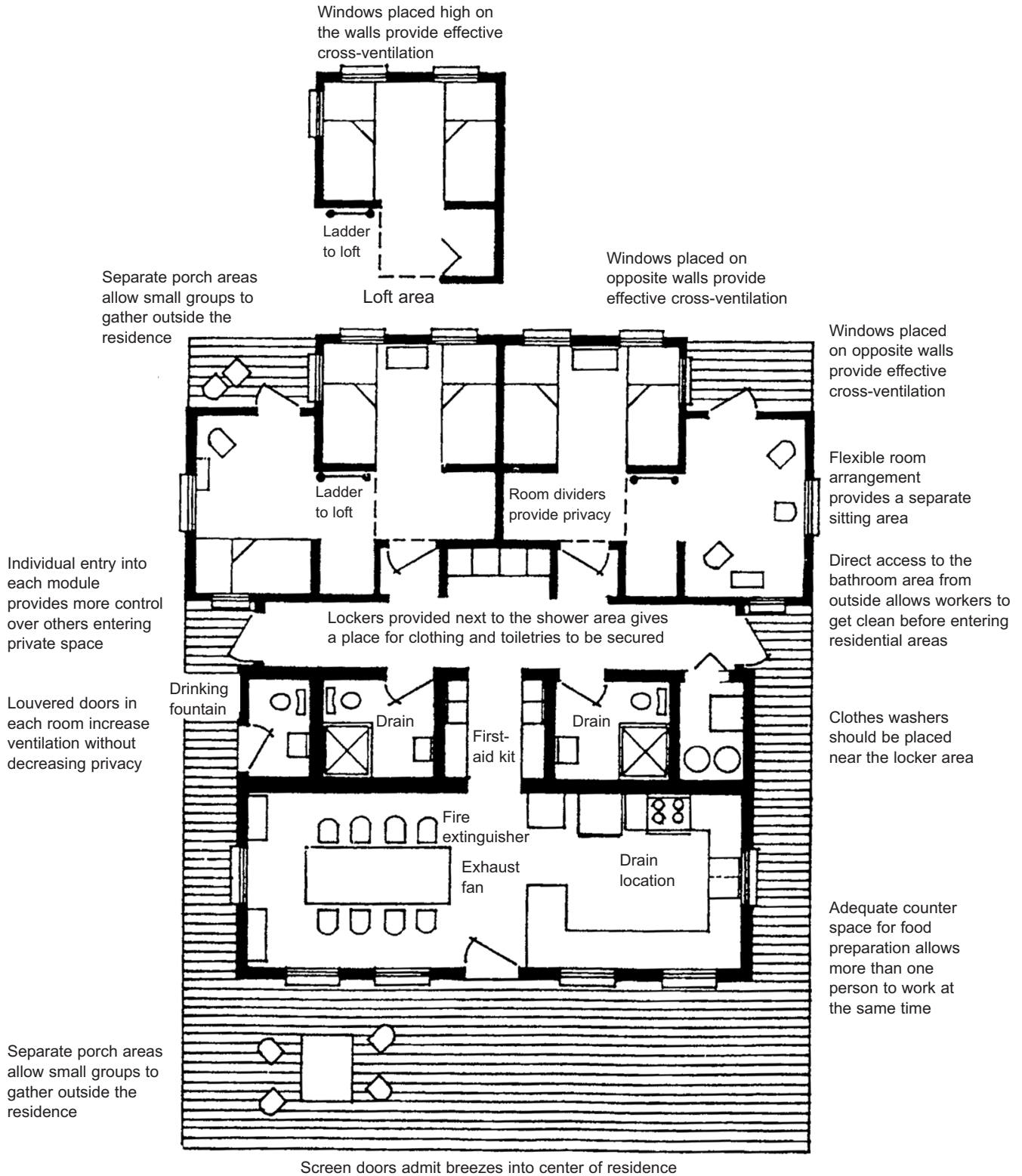


Adequate counter space for food preparation allows more than one person to work at the same time

Screen doors admit breezes into center of residence

Separate porch areas allow small groups to gather outside the residence

Floor Plan 6



Printed 3/08

3,000 copies of this public document were printed at a cost of \$1,500.00, or \$.50 per copy.

Sources of Information Regarding Farmworker Laws and Regulations

For information on migrant housing inspections, the OSHA Standard for Temporary Labor Camps, or the OSHA Field Sanitation Standard, contact:

Agricultural Safety and Health Bureau
N.C. Department of Labor
1101 Mail Service Center
Raleigh, NC 27699-1101
Telephone: (919) 807-2923
www.nclabor.com/ash/ash.htm

For information on the Fair Labor Standards Act (covering minimum wages) or the Migrant Seasonal Agricultural Worker Protection Act (covering crew leader registration and other federal farmworker rules), contact:

U.S. Department of Labor
Wage and Hour Division
4407 Bland Road, Suite 260
Raleigh, NC 27609
Telephone: (919) 790-2741 or 1-866-4-USWAGE (1-866-487-9243)
www.dol.gov/esa/whd/

For information on water and sewage rules as they apply to migrant housing, contact your local health department or:

Department of Environment and Natural Resources
Division of Environmental Health
Environmental Health Services Section
1632 Mail Service Center
Raleigh, NC 27699-1601
Telephone: (919) 733-2870
www.deh.enr.state.nc.us

For information on the recruitment of migrant workers or to explore public services offered to migrant and seasonal workers by the Employment Security Commission, contact your Agricultural Employment Services Supervisor at (919) 733-3210 or the Agricultural Employment Consultant that serves your county.



Migrant Housing Notification

I will be providing housing to migrant agricultural workers this year.

Owner/Manager: _____ Company: _____

Mailing address: _____

County of residence: _____ Phone: _____

Crops grown: _____

Number of migrants expected: _____ Crew leader: _____

Occupancy dates: arrive: _____ depart: _____ H-2A: _____

County where housing is located: _____

Number of dwellings to be inspected: _____

Directions to housing site(s): _____

Have you previously registered with the N.C. Department of Labor, Agricultural Safety and Health Bureau? _____ Federal Tax I.D. # _____

This form must be mailed to the N.C. Department of Labor 45 days prior to migrants' expected arrival date. The notification is required regardless of the number of migrants that will be housed or whether your inspection will be conducted by the N.C. or U.S. Department of Labor. **Please contact your local health department for inspections of water and sewage systems.**

Signature: _____ Date: _____





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Here

**AGRICULTURAL SAFETY AND HEALTH BUREAU
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
NC DEPARTMENT OF LABOR
1101 MAIL SERVICE CENTER
RALEIGH NC 27699-1101**

