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MEMO ASH 3

To: Agricultural Safety and Health (ASH) Bureau
From: Kevin Beauregard, Deputy Commissioner *Kevin D. Beauregard*
Date: April 16, 2020
Re: Temporary Guidance for Pre-Occupancy Inspections of Migrant Housing During the Coronavirus 2019 (COVID-19) Pandemic

In response to the COVID-19 crisis and the NCDOL's limited supplies of NIOSH-approved personal protective equipment (PPE), the ASH Bureau will temporarily cease conducting in-person preoccupancy inspections of migrant housing. ASH Bureau inspectors visit numerous jobsites daily while performing pre-occupancy migrant housing inspections. Inspectors often interact with growers, vendors, and other individuals at each site. It has been determined that social distancing is not always feasible while inspectors are performing their inspection job duties. Unfortunately, there is currently a significant shortage of available approved PPE. The OSH Division's limited PPE supplies must be reserved; however, ASH inspectors will be available for conducting essential on-site activities such as fatality, accident and complaint related inspections. Providing ASH inspectors with a safe and healthful workplace is a top priority. In-person preoccupancy inspections will resume when NCDOL deems it safe for their employees to do so.

As such, all owners/operators of migrant housing who have not already received a migrant housing inspection, including sites that have been issued a provisional notice, will be directed to conduct a self-inspection of their migrant housing facilities as follows:

- The ASH inspector will contact the owner/operator and explain the self-inspection process that is being temporarily implemented due to COVID-19, social distancing requirements and Executive Order No. #121.
- The ASH inspector will send the owner/operator a written inspection checklist via email, if possible, or the owner/operator can access the checklist on NCDOL's website. If the owner/operator does not have access to email/internet, the checklist and required documents will be sent via U.S. mail by administrative staff. Upon receipt of the inspection checklist, the owner/operator should contact the ASH inspector per the provided instructions.
- The ASH inspectors will assist the owner/operator in completing the documentation, as needed, and will request photos of the migrant housing facilities/migrant camp be submitted along with the completed inspection checklist.
 - 2019 Gold Star Growers, both single and double, will not be required to submit photos with the checklist.
- The ASH inspectors will review inspection documentation and photos provided by the owner/operator. Once the ASH inspector is satisfied the camp is in compliance based on the information submitted, they will approve the documentation and will email all paperwork to the ASH Bureau office for processing. If the ASH inspector needs additional clarification/documentation, they will contact the owner/operator for such information.

- The ASH administrative staff will process the documentation and issue housing certificates once ASH has received any additional required documentation (e.g. water/septic reports).
 - ASH will track all housing inspections/certificates related to this process.

All migrant housing certificates issued as a result of this memo may be subject to post-occupancy inspections at the discretion of the NCDOL's ASH Bureau Chief.

NOTE: ASH conducts annual migrant housing pre-occupancy inspections to ensure the housing meets minimum safety and health standards. NCDOL believes that our ASH inspectors can perform this function on a temporary basis through employer self-inspections. This temporary alteration will allow our agency to maintain compliance with Governor Cooper's stay-at-home executive order, without unnecessarily requiring ASH inspectors to be travelling to numerous locations in the state to include multiple in-person interactions, which may create an inadvertent exposure to COVID-19. Our agency is doing its part to prevent the spread of COVID-19 by limiting our employees' exposure to others and limiting citizens' exposure to our employees. Please note that Double Gold Star Growers already have the option to self-inspect and get their housing certificate in this manner; this has been a successful program. Owners/operators should address all safety/health concerns brought to their attention by migrant workers; the migrant workers may file a complaint with NCDOL regarding any occupational safety and/or health hazard.