

Interpretations for the Inspection of Temporary Labor Camps



Revised July 22, 2013

**INTERPRETATIONS FOR THE INSPECTION OF TEMPORARY LABOR CAMPS PURSUANT
TO
29 CFR 1910.142 and N.C. GEN. STAT. §§ 95-222 and 95-229**

STANDARD – 29 CFR 1910.142 . . .	INTERPRETATION – 29 CFR 1910.142 . . .
(a) Site (a)(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. (a)(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. (a)(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.	(a) Site (a)(1) Inactive, stagnant water which would not ordinarily dry out during normal seasonal weather is not permitted within the perimeter of the camp site. Standing water within 200 feet of the camp perimeter should be checked for mosquito larvae. The ASH Inspector shall check any standing water in the camp area for presence of mosquito larvae. (a)(2) Livestock feeding or quartering facilities must be at least 500 feet from food preparation and sleeping facilities. A pasture may be closer if it does not present a health hazard. Poultry is considered to be livestock.
(b) Shelter (b)(1) Every shelter in the camp shall be constructed in a manner which will provide protection against the elements. (b)(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.	(b) Shelter (b)(2) The term “each occupant” shall include any occupants over 1 year of age. In rooms used for sleeping purposes only, the 50 square feet of floor space shall include any closets in the room. A room is considered designated “for sleeping purposes only” when it has 4 floor-to-ceiling walls, at least one

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entrance/exit door opening and contains one or more bed(s). The primary purpose of such a room is to provide an area for workers to sleep and the area is not used for cooking or as a common living area.

For any multi-purpose room where workers cook, live and sleep, 100 square feet of floor space is required for each occupant in accordance with 1910.142(b)(9). In calculating the 100 square feet of floor space, all areas of the room shall be included (e.g., kitchen, living room, dining room).

Where ceilings are sloped downward from 7 feet or more, at least one-half the floor area counted toward square footage requirements shall have a minimum ceiling height of 7 feet. No floor space where the ceiling height is less than 5 feet shall be counted toward minimum requirements.

In manufactured housing which meets all other standards, such as mobile homes, a minimum ceiling height of 6 ½ feet is acceptable. Ceiling heights between 6 ½ and 7 feet are generally considered acceptable, but these conditions must be noted on the inspection report. Proposed citations for ceiling heights between 6 ½ and 7 feet must be accompanied by thorough documentation of the hazard.

All room areas need to be measured by an ASH Inspector. To ascertain if the space provided is adequate for the number of occupants, use the following calculations:

1) For each room designated for “sleeping purposes only,” calculate the total number of square feet and divide by 50 to determine the maximum occupancy for that room. If less than 50 square feet per person is provided, it is in violation of the standard.

2) For each multi-purpose room where workers cook, live and sleep, calculate the total

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(b)(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.

In addition to the requirements of 1910.142(b)(3), the Migrant Housing Act has additional requirements, including the following:

N.C. Gen. Stat. § 95-225(h):

Each migrant shall be provided with a bed that shall include a mattress in good repair with a clean cover. The Department inspector shall determine the condition of the mattress and cover during the preoccupancy inspection. If the mattress is damaged beyond normal wear and tear during the migrant's occupancy of the housing, the operator may charge the migrant the

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number of square feet for the entire area and divide by 100 to determine the maximum occupancy of that area. If less than 100 square feet per person is provided, it is in violation of the standard.

ASH inspectors can use the established computer program to calculate the square footage for each inhabitant.

(b)(3) Mattresses placed on the floor are not acceptable for compliance with this requirement. Also, due to the requirement of N.C. Gen. Stat. § 95-225(h) that a "mattress" be provided, a cot that does not include a mattress is not acceptable.

Some acceptable storage facilities are: wall lockers, chest of drawers, foot lockers, suitcases, and closets. Lockable storage is not required for compliance. Cardboard boxes, plastic bags, and paper bags are not acceptable for compliance.

If there is sufficient room to comply with the spacing requirements, and migrants have freely chosen to move bedding closer together, improper use of space should be noted in the inspection report.

N.C. Gen. Stat. § 95-225(h):

For purposes enforcement, the following definitions of "core", "mattress" and "cover," will apply:

(1) "core" means the main support system present in a mattress, such as springs, foam or air bladder.

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reasonable cost of replacing the mattress.

(b)(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.

(b)(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.

(b)(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.

(b)(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.

(b)(8) All exterior openings shall be effectively screened with 16-mesh material. All screen doors shall be equipped with self-closing

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(2) "cover" means a protective covering made of a washable material that completely covers the sleeping surface or encases the mattress in order to prevent the mattress from being soiled.

(3) "Mattress" means a ticking filled with a core material used alone or in combination with other products which provides a surface intended or promoted for sleeping.

(4) "Ticking" means the outermost layer of fabric or related material that encloses the core and upholstery material of a mattress. A mattress ticking may consist of several layers of fabric or related materials quilted together.

(b)(4) This requirement addresses any unevenness of cracks which could cause tripping hazards, allow the entrance of outside air, vermin, and/or otherwise create a safety or health hazard.

(b)(7) If operable mechanical ventilation, such as air conditioning or window fans, are provided by the owner/operator for use throughout the migrant housing, window area less than 1/10 of the floor area could be deemed acceptable. Acceptance in this type of situation would be dependent on verification that adequate ventilation and make-up air for total living space was being provided, as intended by the standard. For window space of less than 1/10 of the floor area to be appropriately evaluated, the ASH inspector must verify and document that all such mechanical ventilation equipment is inspected and found to be in good working condition at the time of the pre-occupancy inspection. If a question about adequate ventilation in such circumstance arises, the ASH inspector may consult with the OSH Division. If such equipment is either not available and/or not operational at the time of pre-occupancy inspection, it shall not be considered in the determination of compliance with this standard.

(b)(8) In mobile homes and some other types of manufactured housing, outside doors are often installed so that they can swing outward. It is

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devices. (b)(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. (b)(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. In addition to the requirements of 1910.142(b)(11), the Migrant Housing Act provides more specific regulations for heating equipment, as forth below: <u>N.C. Gen. Stat. § 95-225(g)(2):</u> 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. (b)(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. In addition to the requirements of 1910.142(b)(11), the Migrant Housing Act provides more specific regulations for heating equipment, as forth below:	often impractical to install screen doors in such housing. Where installation of screen doors is impractical, automatic closing doors are acceptable, if the doors remain closed at all times, except when persons must pass through. (b)(9) Square footage should be measured in same manner as in paragraph (b)(2). (b)(10) The Migrant Housing Act provides more stringent standards. <i>See</i> N.C. Gen. Stat. § 95-225(g)(2), below. <u>N.C. Gen. Stat. § 95-225(g)(2):</u> (b)(11) The Migrant Housing Act provides more specific regulations for heating equipment, as forth below.

STANDARD – 29 CFR 1910.142 . . .**N.C. Gen. Stat. § 95-225(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 the preoccupancy inspection.

In addition to all the requirements for shelter provided in 1910.142(b), the Migrant Housing Act (N.C. Gen. Stat. § 95-225(f)) also requires that all migrant housing comply with the following fire safety standards that were adopted by the Commission for Health Services and in effect on January 1, 1989:

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

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Must have provisions for heating inside of units any time outside temperature falls below 50°F.

Regardless of what the outside temperature is, the heating equipment must be capable of maintaining the living areas at a temperature of 65°F.

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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. 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.	
(c) Water Supply (c)(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.	(c) Water Supply (c)(1) The camp must have a permit from the county health department. This permit approves the water supply for the entire camp. The ASH Inspector should call or visit the local health department to confirm permit issuance, if proof is not otherwise available. In addition to these regulations, the Migrant Housing Act (N.C. Gen. Stat. § 95-225(c)) requires that all migrant housing conform to the water quality and water sanitation standards established by the N.C. Department of Environment and Natural Resources. These rules are located in Title 15A, Chapter 18A, Section .1700 of the N.C. Administrative Code, a summary of which can be found in Appendix G to <i>Introduction to Migrant Housing Inspections in North Carolina</i> (the ASH Blue Book).

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(c)(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 2 ½ times the average hourly demand. (c)(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. (c)(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.	(c)(2) Should the inspection indicate through interviews or other means that the water supply is inadequate, tests should be conducted and documented to support citation. (c)(4) Water fountains must have protective lip, proper drainage and/or rock pit. The height of the fountain shall be convenient to all persons using it. Where the camp consists entirely of single family shelters, water fountains may not be necessary if each shelter used as a living area has an acceptable indoor supply of drinking water, and sanitary drinking cups/glasses are provided. Common drinking cups may not be used. Where water fountains are not used, thorough documentation regarding the adequacy of the alternative water source shall be provided.
(d) Toilet Facilities (d)(1) Toilet facilities adequate for the capacity of the camp shall be provided. (d)(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.	(d) Toilet Facilities (d)(1) One toilet unit is required per 15 persons or fraction thereof; 1 urinal unit, or 2 linear feet of trough, is required per 25 men, or fraction thereof. (d)(2) To enter the toilet, a migrant must not pass through any sleeping quarters other than his/her own. A shelter housing a single family is exempt from this requirement. Privy buildings must be of fly-tight construction. All openings must be screened with 16 mesh screen of durable material. Operable mechanical ventilation is acceptable

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(d)(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.

(d)(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.

(d)(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.

(d)(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.

(d)(7) Every water closet installed on or after August 31, 1971, shall be located in a toilet room.

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in lieu of the 6 square feet of window area.

(d)(4) In shelters housing a single family, separate toilet facilities are not required.

(d)(5) One toilet unit is required per 15 persons, or fraction thereof.

(d)(6) One urinal unit, or 2 linear feet of trough, is required per 25 men, or fraction thereof. Excess toilet units may be counted as urinals.

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(d)(8) Each toilet room shall be lighted naturally, or artificially by a safe type of lighting at all hours of the day and night. (d)(9) An adequate supply of toilet paper shall be provided in each privy, water closet, or chemical toilet compartment. (d)(10) Privies and toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.	(d)(8) The term “toilet room” includes privies, water closets, and chemical toilet compartments. (d)(10) The term “toilet room” includes privies, water closets, and chemical toilet compartments. After occupancy, it is the responsibility of the operator to ensure that privies and toilet rooms are kept in a sanitary condition, but it is the job of the occupants to actually clean such facilities.
(e) Sewage Disposal Facilities (e) In camps where public sewers are available, all sewer lines and floor drains from buildings shall be connected thereto.	(e) Sewage Disposal Facilities (e) Septic systems must be approved by local health departments prior to occupancy and certification. In addition to these regulations, the Migrant Housing Act (N.C. Gen. Stat. § 95-225(d)) requires that all migrant housing conform to the requirements for the collection, treatment, and disposal of sewage as provided in Article 11 of Chapter 130A of the N.C. General Statutes, and the rules established by the N.C. Department of Environment and Natural Resources. These rules are located in Title 15A, Chapter 18A, Section .1900 of the N.C. Administrative Code, a summary of which can be found in Appendix H to <i>Introduction to Migrant Housing Inspections in North Carolina</i> (the ASH Blue Book).
(f) Laundry, Handwashing, and Bathing Facilities (f)(1) Laundry, handwashing, and bathing facilities shall be provided in the following ratio: (f)(1)(i) Handwash basin per family, shelter or per six persons in shared facilities. (f)(1)(ii) Shower head for every 10 persons.	(f) Laundry, Handwashing, and Bathing Facilities (f)(1)(i) A minimum of 1 basin per living shelter is required. (f)(1)(ii) Each shower room may have more than one shower head, if they are separated

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(f)(1)(iii) Laundry tray or tub for every 30 persons. (f)(1)(iv) Slop sink in each building used for laundry, hand washing, and bathing. (f)(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. (f)(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. (f)(4) Every service building shall be provided with equipment capable of maintaining a temperature of at least 70 °F. during cold weather. (f)(5) Facilities for drying clothes shall be provided. (f)(6) All service buildings shall be kept	by at least 3 linear feet. (f)(1)(iii) A minimum of 1 tray/tub per camp is required. Hot and cold running water must be provided at each tub pursuant to 1910.142(f)(3). Physically transporting hot water in a container is not acceptable. Note: If the workers choose to use a commercial laundry facility in the area, that does not relieve the operator from providing a laundry tray or tub with hot and cold running water. In addition, if the workers choose to use a commercial laundry facility, the operator is not required to provide transportation. (f)(1)(iv) A “slop sink” is a deep sink that is used filling and emptying scrub pails, washing out mops, etc. Washtubs may be used as slop sinks as long as they are provided for use exclusively as a slop sink. (f)(4) A temperature higher than that specified under 1910.142(b)(11) is required because this includes bathing facilities. (f)(5) Clothes lines or dryers are required.

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clean.	
(g) Lighting (g) 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.	(g) Lighting (g) “Available” means that an electric power service drop to the camp is provided. In determining illumination requirements, the following may be used as a guide: With a 7 foot ceiling, a 75 watt bulb without a reflector produces approximately 20 foot candles of illumination over a 10 foot by 10 foot area, measured 30 inches above the floor. Under similar conditions, a 100 watt bulb will produce approximately 30 foot candles of illumination. In addition, GFCI receptacles or blank plates must be provided to outlets that are outside, in bathrooms, serving countertops in kitchens, and all outlets that are within six feet of a water source.
(h) Refuse Disposal (h)(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. (h)(2) Garbage containers shall be kept clean. (h)(3) Garbage containers shall be emptied when full, but not less than twice a week.	(h) Refuse Disposal (h)(1) Garbage cans, with covers, are the preferred method of compliance with this standard. Dumpsters are acceptable in lieu of garbage cans only when camp occupants are provided with, and use, sealable plastic bags (or equivalent single service containers) which are deposited in the dumpster.
(i) Construction and Operation of Kitchens, Dining Hall, and Feeding Facilities (i) NOT APPLICABLE PURSUANT TO N.C. Gen. Stat. § 95-225(g). Instead, use the requirements set forth in N.C.	(i) Construction and Operation of Kitchens, Dining Hall, and Feeding Facilities (i) DOES NOT APPLY. See N.C. Gen. Stat. § 95-225(g), below.

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Gen. Stat. § 95-225(g). <u>N.C. Gen. Stat. §95-225(g):</u> (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 nontoxic, 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.	<u>N.C. Gen. Stat. §95-225(g):</u> (1) After occupancy, it is the responsibility of the operator to ensure that food preparation facilities and eating areas are kept in a clean and sanitary manner, but it is the job of the occupants to actually clean such facilities. (5) These standards can be found in Appendix E to <i>Introduction to Migrant Housing Inspections in North Carolina</i> (the ASH Blue Book).
(j) Insect and Rodent Control (j) Effective measures shall be taken to prevent infestation by and harborage of animal or insect vectors or pests.	(j) Insect and Rodent Control
(k) First Aid (k)(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.	(k) First Aid (k)(1) and (k)(2) The term “adequate first aid facilities” refers to the provision of emergency medical care to injured workers. The emergency medical care can be provided either on-site or by taking the

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(k)(2) Such facilities shall be in [the] charge of a person trained to administer first aid and shall be readily accessible for use at all times.	employee to an off-site facility in cases where that can be done safely. This can be accomplished by either: (1) having a first aid kit on-site along with a person that is trained to administer first aid, or (2) by ensuring that an infirmary, clinic, hospital or other emergency medical provider (such as a fire department paramedic or EMS provider) is readily accessible in terms of time and distance from the camp. “Readily accessible” generally means that emergency medical care is available within no more than 15 minutes from the camp. (k)(2) See interpretation for (k)(1), above.
(l) Reporting Communicable Disease (l)(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. (l)(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, telephone, electronic mail or any method that is equally fast.	(l) Reporting Communicable Disease (l)(1) For the purpose of this regulation, “camp superintendent” shall mean the camp operator. (l)(2) Same as (l)(1).