

Oregon OSHA requirements for Agricultural Labor Housing (ALH)

1. Registration

- a. Background and purpose of Oregon OSHA (promote safety and health in the workplace); housing is a unique area for us; rules OAR 437-004-1120 vs. 1910.142
- b. [437-004-1120](#) (1)(a) – (f): Our rule applies to any housing provided to workers by an agricultural employer in connection with employment (housing can be given to, rented, or leased to)
- c. Registration process:
 - i. Step 1: a no cost housing consultation from your [local field office](#) (and if there has been a lapse in registration)
 - ii. Yearly [registration](#) (contact OR OSHA at least 45 days before occupancy) + post the certificate
 - iii. Contact [Kate Ryan](#) – ALH Coordinator; or for other H2A questions contact [Dora Herrera](#) (Foreign Labor Certification Program Coordinator)

2. Why or when does Oregon OSHA conduct an enforcement inspection of housing? Complaints (from worker or advocate group or other), or on the scheduled list (approximately every 3 years)

3. Commonly cited violations: reminder that multiple agencies have jurisdiction (in this case, building codes)

a. Reports and Statistics (<https://osha.oregon.gov>, then [Reports and Statistics](#), then [Top 25 Violations](#)) (the following is not an exhaustive list of requirements – see rule)

i. [\(6\) Site Requirements: \(a\) – \(g\)](#)

1. **Grounds must be substantially free from wastewater, garbage, noxious plants, etc.**
2. **Cut back grass, weeds, and brush 30' from housing during occupancy**
3. **Prevent/control the breeding of mosquitos, flies, and rodents in and within 200' of housing**
4. **Provide electricity to all housing units ([4/S Electricity](#) applies to ALH)**

ii. [\(11\) Laundry Facilities: \(a\) – \(d\)](#)

1. **Provide washing tray(s), tub(s), or machine(s) plumbed with hot and cold water in a 1:30 ratio**
2. **Provide clothes lines or drying facilities that meet the needs of the workers (ex. clothesline outdoors on west side doesn't suffice in the winter)**

3. Drains for waste water
4. Common use laundry rooms must have a slop sink

iii. (12) Toilet Facilities: (a) – (k)

1. Locate within 200' of housing
2. Maintain usable/unobstructed path to toilets
3. Ratio of 1:15 for each gender, "assure" privacy
4. Clean common use toilet facilities daily
5. Ventilate toilet rooms per building code
 - a. Portable toilets are designed to be vented through the holding tank – keep the lid down!

iv. (13) Portable Toilets, chemical toilets and privies (a) – (d)

1. Location and construction of privies according to OR DEQ
2. Locate privies (outhouses) at least 100' away from living areas, and places food is prepped/served
3. Portable toilets and privies must have "adequate" lighting
4. Service portable and chemical toilets at least weekly; clean portable toilets, chemical toilets, and privies at least daily

v. (15) Garbage and Refuse Disposal Outside of Buildings

1. Provide at least 1 30 gallon or larger container for every 15 occupants
2. Keep garbage covered; lids must fully close
3. Empty bins/dumpsters at least weekly

vi. (16) Living Areas: (a) – (q)

1. Safe and in good repair; protect workers from the elements, from the ground and surface water, and from rodents and insects
2. Walls and roof tight and solid; walls rigid and durable with cleanable finish
3. Screens on doors/windows; self-closing screen door
4. Bed and suitable storage for each occupant
5. Sleeping surface at least 12" above floor
6. Mattress/pads clean, good repair, free from insects/parasites
7. Uncovered mattress/pads must be fumigated before each occupancy; or use cover (clean before each occupancy)
8. All cook/live/sleep units must have at least 100 sq. ft per occupant
9. Single beds: 50 sq. ft per occupant; bunks 40 sq. ft per occupant

vii. **(17) Fire Protection: (a) – (g)**

1. Each year at occupancy a working smoke detector
2. Readily accessible fire extinguishing equipment

4. The \$\$\$ cost of violations

Table 1 - Penalty table

Probability	Severity	Probability	Severity	
Other Than Serious		Serious		
			Serious Physical Harm	Death
Low	0	Low	\$300	\$3,750
High	\$300	Medium	\$750	\$6,500
		High	\$2,150	\$13,500

- a. Failure to register 437-004-1120(5)(b): minimum \$250
- b. Willful violation = cost x 25

5. New! (27) Heat in Labor Housing

- a. If heat rule triggered then must provide a cooling area (indoor or outdoor, mechanical or natural with element for cooling)
- b. Minimize heat in housing: bedrooms must be 78 or less during heat, if not, protect windows and provide fans
- c. Temperature awareness: provide a thermometer
- d. Employee and occupant: training, [poster](#), emergency numbers
- e. Access to emergency services: working phone at all times
- f. If you have questions about your cooling area – call Technical section at 503-378-3272.

6. Resources:

- a. [OAR 437-004-1120](#)
- b. [ALH Registration Application](#)
- c. A-Z Topic Page: [Agricultural Labor Housing](#)
- d. [ALH Checklist](#)
- e. [Q and A](#)
- f. Fact Sheet: [Heat in ALH](#)
- g. Fact Sheet: [wildfire smoke](#)