

**WAC 246-358-010 Definitions.** The following definitions apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes, but is not limited to, the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Bathing facility" means an enclosed area provided by the operator for occupants to bathe or shower, and may be located within a family shelter or a common facility.

(4) "Building" means any structure used or intended by the operator to be used by occupants for cooking, eating, sleeping, sanitation, or other facilities.

(5) "Cherry harvest camp" means a place where housing and related facilities are provided to agricultural employees by agricultural employers or TWH operators for their use while employed for the harvest of cherries in the state of Washington.

(6) "Common" means a shared facility provided by the operator for all occupants of the TWH.

(7) "Communicable disease" means an illness caused by an infectious agent that can be transmitted from a person, animal, or object to a person by direct or indirect means including, but not limited to, transmission via an intermediate host or vector, food, water, or air.

(8) "Community-based outreach worker" means a legal aid representative, a union representative, or a representative from other community-based advocacy organizations.

(9) "Community health worker" means a frontline public health worker who is a trusted member of or has a close understanding of the community served.

(10) "Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

~~((8))~~ (11) "Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

~~((9))~~ (12) "Dwelling unit" means a shelter, tent, building, or portion of a building, which may include cooking and eating facilities, that is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common areas. As used in this subsection, "physically separated" means a physical wall separating rooms.

~~((10))~~ (13) "Family shelter" means a dwelling unit with sleeping facilities for up to ~~((fifteen))~~ 15 occupants that may include toilet or cooking facilities. If services such as bathing, food-hand-

ding, or toilet facilities are provided in the family shelter, they are for the sole use of the occupants of the family shelter.

~~((11))~~ (14) "First-aid trained" means the person holds a current certificate of first-aid training.

~~((12))~~ (15) "Floor space" means the area within a dwelling unit with a minimum ceiling height of seven feet.

~~((13))~~ (16) "Food-handling facility" means an enclosed area provided by the operator for occupants to prepare their own food, and may be within a family shelter or common facility.

~~((14))~~ (17) "Group A public water system" means a public water system as defined under WAC 246-290-020.

~~((15))~~ (18) "Group B public water system" means a public water system that is not a Group A public water system, and is defined under WAC 246-291-005.

~~((16))~~ (19) "Habitable room" means a room or space in a structure used for living, sleeping, eating, or cooking. Bathing facilities, toilet facilities, closets, halls, storage or utility space, and similar areas are not considered habitable rooms.

~~((17))~~ (20) "Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

~~((18))~~ (21) "Local health jurisdiction" or "LHJ" means a county health department under chapter 70.05 RCW, city-county health department under chapter 70.08 RCW, or health district under chapter 70.46 RCW.

(22) "Mechanical ventilation system" means a mechanism that actively processes supplying air to or removing air from an indoor space by powered equipment such as motor-driven fans and blowers but not by devices such as kitchen or bathroom exhaust fans, wind-driven turbine ventilators, and mechanically operated windows.

(23) "Occupant" means a temporary worker or a person who resides with a temporary worker at the TWH.

~~((19))~~ (24) "Operating license" or "license" means a document issued annually by the department of health.

~~((20))~~ (25) "Operator" means a person holding legal title to the land on which the TWH is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the TWH.

~~((21))~~ (26) "Outbreak" means the occurrence of a condition in an area over a given period of time in excess of the expected number of occurrences including, but not limited to, foodborne disease, waterborne disease, and health care-associated infection.

(27) "Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

(a) Built on a single chassis, mounted on wheels;

(b) Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode;

(c) Certified by the manufacturer as complying with American National Standards Institute standards A119.5; and

(d) Compliant with chapter 296-150P WAC.

~~((22))~~ (28) "Recreational vehicle" means a vehicular type unit that is compliant with chapter 296-150R WAC and primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and

truck campers, but does not include pickup trucks with camper shells, canopies, or other similar coverings.

~~((23))~~ (29) "Refuse" means solid wastes, rubbish, or garbage.

~~((24))~~ (30) "Suspected case" means a person that is suspected by a medical provider or public health provider of having a notifiable condition, but the diagnosis has not yet been confirmed by the medical provider.

(31) "Temporary worker" or "worker" means an agricultural employee employed intermittently and not residing year-round at the same TWH site.

~~((25))~~ (32) "Temporary worker housing (TWH)" or "housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy. TWH includes cherry harvest camps.

(33) "Tent" means an enclosure or shelter used at a cherry harvest camp that is constructed of fabric or pliable material composed of rigid framework to support a tensioned membrane that provides a weather barrier.

~~((26))~~ "~~Temporary worker housing (TWH)~~" or "~~housing~~" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees for temporary, seasonal occupancy. TWH includes cherry harvest camps.

~~(27))~~ (34) "Worker-supplied housing" means housing provided by the worker and made available to the same worker on the operator's TWH site. Worker-supplied housing includes recreational park trailers, recreational vehicles, tents, or other structures that meet the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 15-13-091, filed 6/15/15, effective 1/1/16)

**WAC 246-358-050 TWH management plan.** (1) An operator shall develop and implement a written TWH management plan that must include:

(a) A safety plan that includes ~~((the following))~~:

(i) Emergency information, including site name and address, emergency contact phone numbers, location of local emergency services, and the department of health ~~((bilingual))~~ multilingual TWH complaint line;

(ii) A plan for contacting a first-aid trained person or emergency services within a reasonable amount of time; and

(iii) Those designated actions operators and occupants ~~((must))~~ shall take to ensure occupant safety from fire and other emergencies, including the following:

(A) Emergency escape procedures and emergency escape route assignments;

(B) Procedures to account for all occupants after emergency evacuation has been completed;

(C) The preferred means of reporting fires and other emergencies; and

(D) Names or regular job titles of those who can be contacted for further information or explanation of duties under the plan.

(iv) A requirement to designate and train a sufficient number of people to assist in the safe and orderly emergency evacuation of occupants; and

(v) A requirement to regularly and properly maintain, according to established procedures, equipment and systems installed on heat producing equipment to prevent accidental ignition of combustible materials.

(b) Residency rules that describe to the occupants expectations for maintaining a safe and orderly TWH.

(2) The operator shall make available:

(a) A written copy of the TWH management plan, in English and the ~~((native language(s) of))~~ language commonly understood by the occupants, to the department of health or the department of labor and industries upon request; and

(b) A written copy of the residency rules to occupants, in ~~((the occupant's native language(s)))~~ English and the language commonly understood by the occupants by:

(i) Posting it in a central location visible to the occupants; and

(ii) Providing individual copies to each occupant, if requested.

(3) When changes are made to the TWH management plan, the operator shall submit the revised TWH management plan to the department of health within 10 calendar days of the effective date and comply with the requirements in subsection (2) (b) of this section.

#### NEW SECTION

**WAC 246-358-076 Ventilation.** (1) If the TWH facility or building has a mechanical ventilation system, the operator shall maintain it according to the manufacturer's specifications and operate the system to provide fresh and filtered air. The operator shall have building maintenance staff or mechanical ventilation system contractors set the system to increase ventilation or the percentage of outside air that circulates in the facility or building and verify the following:

(a) The mechanical ventilation system is fully functional.

(b) The mechanical ventilation system filters have a minimum efficiency reporting value (MERV) rating of at least 13 or equivalent. If the mechanical ventilation system does not support MERV 13 filters, use the highest MERV rating filter supported by the mechanical ventilation system.

(c) The mechanical ventilation system's outdoor air intake is maximized. Reductions in outside air intake may be made when external conditions pose health and safety risks to the occupants.

(d) Maintenance checks occur at the beginning of each growing season when preparing buildings to be reopened. Additional maintenance checks must occur based on manufacturer recommendations, usually quarterly or annually.

(e) Ensure written maintenance records are maintained. The written record must include documentation of filter selection, including a selection reason if less than MERV 13 filtration is used, and filter conditions. Written records must be available for review upon request by the state agency representatives.

(f) Filters in any mechanical ventilation system used in a TWH facility or building must be in good repair and replaced in accordance with manufacturer's instructions.

(2) The operator shall instruct occupants in housing with mechanical ventilation systems to:

(a) Turn on mechanical ventilation systems whenever the TWH facility or building is occupied; and

(b) Temporarily shut down the mechanical ventilation system when external conditions pose health and safety risks to occupants.

(3) In buildings without mechanical ventilation systems, the operator shall instruct occupants to close windows and other outside openings when external conditions pose health and safety risks to occupants.

AMENDATORY SECTION (Amending WSR 15-13-091, filed 6/15/15, effective 1/1/16)

**WAC 246-358-077 Tent requirements and maintenances.** (1) Only cherry harvest camps may use tents as TWH.

(2) Each tent must be constructed to sleep no more than (~~fifteen~~) 15 occupants.

(3) Tents must provide protection from the elements, insects, and animals.

(4) Structural stability and floors.

(a) Tents and their supporting framework must be adequately braced and anchored to prevent weather related collapse. The operator shall provide documentation of the structural stability to the department of health, if requested.

(b)(i) Floors must be smooth, sloped from a raised center towards the lower outer edges.

(ii) Floors must be without breaks or holes to provide a hard, stable walking surface.

(iii) Nonridged flooring supported by grass, dirt, soil, gravel or other uneven surface is not acceptable.

(iv) Floors that are constructed of wood or concrete must comply with the building code, chapter 19.27 RCW, and this chapter.

(c) Floor systems must be designed to prevent the entrance of snakes, rodents, and other nuisances.

(5) Flame-retardant treatments.

(a) The sidewalls, drops, and tops of tents (~~shall~~) must be composed of flame-resistant material or treated with a flame retardant in an approved manner.

(b) Floor coverings, which are integral to the tent, and the bunting (~~shall~~) must be composed of flame-resistant material or treated with a flame retardant in an approved manner and in accordance with Uniform Building Code, Standard 31.1.

(c) All tents must have a permanently affixed label bearing the following information:

(i) Identification of tent size and fabric or material type;

(ii) For flame-resistant materials, the necessary information to determine compliance with this section and National Fire Protection Association Standard 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films;

(iii) For flame retardant materials, the date that the tent was last treated with an approved flame retardant;

(iv) The trade name and type of flame retardant used in the flame-retardant treatment; and

(v) The name of the person and firm that applied the flame retardant.

(6) Means of egress.

(a) Tents must have a primary entrance door. At least one door must lead to the outside of the tent. The door must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(b) If food-handling facilities are provided in tents, or the tent occupancy capacity is for ~~((ten))~~ 10 or more occupants, a window allowing egress must be located opposite the door and must have a means to open the window or provide an easily openable space, for example, a zipper which opens downward to the floor, must be provided.

(7) Floor area. The operator must:

(a) If food-handling facilities are provided in the tent, provide an additional ~~((twenty))~~ 20 square feet of floor space;

(b) Provide at least ~~((fifty))~~ 50 square feet of floor space for each occupant in rooms used for sleeping purposes.

(8) Ceiling height.

(a) A ceiling height of at least seven feet is required in ~~((fifty))~~ 50 percent of the total floor area.

(b) No portion of the tent measuring less than six feet from the flooring to the ceiling will be included in any computation of the floor area.

(9) Windows and ventilation.

(a) The operator shall provide a window area equal to one-tenth of the total floor area in each habitable room which opens at least halfway or more directly to the outside for cross-ventilation and has a minimum of ~~((sixteen-mesh))~~ 16-mesh screens on all exterior openings.

(b) The windows must have weather-resistant flaps, which will cover the window area and a means of fastening the flaps to provide protection from the elements and allow privacy for the occupants.

(c) The operator shall instruct occupants to close windows and other outside openings when external conditions pose a health and safety risk to occupants.

(10) Electrical and lighting. The operator shall ensure that:

(a) Electricity is supplied to all tents used as habitable room.

(b) All electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the department of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

(c) Each tent used as habitable room has at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet.

(d) If cooking is provided in the tent, appropriate wiring and electrical equipment is provided.

**WAC 246-358-175 Disease prevention and control.** The operator shall:

~~((1) Report immediately to the local health officer the name and address of any occupant known to have or suspected of having a communicable disease.~~

~~(2) Report immediately to the local health officer:~~

~~(a) Suspected food poisoning;~~

~~(b) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice;~~

~~(c) Productive cough; or~~

~~(d) When weight loss is a prominent symptom among occupants.~~

~~(3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls.)~~ (1) Cooperate with the local health jurisdiction and department of health in the investigation and control of cases, suspected cases, outbreaks, and suspected outbreaks of communicable diseases or notifiable conditions.

(2) Report immediately to the local health jurisdiction the name and address of any occupant or occupants known to have or suspected of having:

(a) Any communicable diseases made notifiable by emergency rule or emergency declaration;

(b) An outbreak of foodborne or waterborne illness; or

(c) Any occurrence of the following symptoms in two or more occupants:

(i) Fever, diarrhea, sore throat, vomiting, or jaundice; or

(ii) Coughing up blood or a cough lasting three weeks or longer.

(3) Implement infection control measures as directed by the local health jurisdiction for care of occupants who have been exposed to other occupants with a suspected or positive case of a communicable disease.

(4) Conspicuously post information regarding the operator's health and safety policies, how to identify symptoms of communicable diseases, to whom to report to if not feeling well, and where and how to secure medical treatment. All information shall be posted in a language commonly understood by the occupants.

(5) Allow entry of community health workers and community-based outreach workers to provide additional education to occupants about public health, safety, and worker's rights provided that the community health worker or community outreach worker:

(a) Contacts the operator before visiting the TWH site to arrange a designated time and place;

(b) Checks in with designated TWH staff at the agreed upon time and location; and

(c) Wears appropriate personal protective equipment and completes a health screening as directed by the local health jurisdiction.

(6) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls or cooking facilities for individuals who do not have a communicable disease.

(7) Develop and follow a communicable disease prevention and response plan that includes:

(a) A process to screen occupants for symptoms of communicable diseases when needed, using symptom lists specified by the local health jurisdiction or department of health;

(b) Providing "no touch" or "no contact" thermometers for occupants to use as specified by the local health jurisdiction or department of health. Any worker with a temperature of 100.4°F or higher is considered to have a fever;

(c) Contacting the local health jurisdiction immediately as required under subsection (2) of this section and facilitating transportation for any medical evaluation or treatment at no cost to the occupant. If the transportation is not provided by an ambulance service or other transportation service, the operator shall provide personal protective equipment to individuals providing transportation;

(d) When directed by the local health jurisdiction or department of health to quarantine or isolate an occupant to prevent the spread of a communicable disease, the plan must include attestation of the following:

(i) Provide access for occupants to telephone service to summon emergency care if the occupant does not already possess a personal phone service;

(ii) Provide occupants with information about paid leave and workers compensation;

(iii) Permit access to medical professionals who offer health care services as directed by the local health jurisdiction; and

(iv) Provide, at no cost to the occupant, food and water for occupants in isolation or quarantine; and

(8) Provide:

(a) Training for persons responsible to execute the communicable disease prevention and response plan when the plan is updated, or at least annually, if the plan is not updated every year. Information and training must be provided in a manner and language readily understood by the person responsible to execute the plan; and

(b) Documentation of training records must include the name of the person trained and the date that the training occurred. Documentation must be available for review upon request by the state agency representatives.