

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

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**PROGRAM DIRECTIVE**

Program Directive   A-222    
Issued   June 22, 1998    
Revised   September 21, 2009  

**SUBJECT:** Guidelines for Scheduling and Conducting Inspections of Agriculture Labor Housing.

**AFFECTED CODES/**

**DIRECTIVES:** OAR 437-004-1120, “Agricultural Labor Housing and Related Facilities”  
PD A-219, Complaint Policies and Procedures  
ORS 658.705 to 658.805, Farmworker Camps  
ORS 654.005(8), “Place of Employment”

**PURPOSE:** To establish and implement procedures and guidelines for inspecting agricultural labor housing by Oregon OSHA personnel.

**BACKGROUND:** This directive was developed to address increased concerns regarding agricultural labor housing conditions in the state and to modify current scheduling and inspection criteria to more effectively identify and eliminate below-standard housing.

**ACTION:** This directive applies to agricultural labor housing as defined in ORS 654.005, ORS 658.705, and OAR 437-004-1120.

Oregon OSHA will ensure that all Compliance Officers (CO) conducting agricultural labor housing inspections are provided with this directive and instructed in all agricultural labor housing rules and any other applicable rules, letters of interpretation, and other appropriate directives relating to agriculture labor housing prior to conducting housing inspections.

**Labor housing and related facilities:** Any place or area of land where there are living areas, manufactured or prefabricated structures, or other housing provided by a farmer, farm labor contractor, agricultural employer, or other person in connection with the recruitment of workers on an agricultural establishment. (See OAR 437-004-1120 for applicable registration requirements and exemptions).

A. Training:

Information on agricultural labor housing will be given to COs during basic training, ongoing training, and additional training as required, to ensure an adequate understanding of the rules and encourage consistent enforcement.

B. Scheduling:

The procedures outlined in Division 1 and the Oregon OSHA Field Inspection Reference Manual (FIRM) for scheduling inspections in general industry, agriculture and construction establishments will not be used in scheduling inspections of agricultural labor housing. Housing operations tend to be seasonal and of short duration, affected by type and location of crops and duration of the season.

In order to effectively schedule agricultural labor housing for inspection the following guidelines will be used:

1. When Oregon OSHA receives a complaint alleging violations at agricultural labor housing locations, the procedures outlined in Program Directive A-219 (Complaint Policies and Procedures) and the FIRM will be followed.
2. When a referral is received the procedures outlined in the FIRM will be followed.
3. When Oregon OSHA receives a complaint or referral of agricultural workers being housed at a location that is not registered housing, an inspection will be initiated. If, upon entering the site, the CO finds that the housing is registered, or is exempt, they will contact an enforcement manager, or their designee, for direction prior to continuing with the inspection.
4. Due to the short duration of these operations, every effort will be made to process complaints and referrals concerning alleged violations and notices of unregistered agricultural labor housing as quickly as possible.

5. Oregon OSHA annually produces a scheduling list for agricultural labor housing. The following criteria will be used to produce the list:
  - a. The location is currently registered with Oregon OSHA as agricultural labor housing, and has not received a comprehensive inspection in the previous 24 months, or;
  - b. The location is currently registered with Oregon OSHA as agricultural labor housing, and on the most recent comprehensive inspection received a citation with violations that had a point value that totaled five or more. Violations will be assigned the following point values:
 

Willful	5
Failure-to-Abate	5
Repeat	2.5
Serious	2.5
Other-than-Serious	0.5
  - c. The list will be used by the enforcement managers, or their designees, to assign agricultural labor housing for programmed inspections. The enforcement managers, or their designees, will consider the occupancy dates as listed on the camp registration application when determining the priority for ranking inspections.
6. If during an inspection of an agricultural operation, the CO observes serious safety violations related to agricultural labor housing at the location or housing that is not registered, an inspection will be conducted of the housing. If the CO does not have the knowledge or training to conduct the housing inspection, a referral will be made to the appropriate Field Office.
7. All inspections that resulted in a citation of willful, repeat, or serious violations will be considered for follow-up inspections.

C. Inspections:

All inspections (scheduled, complaint, or referral) will include, but are not limited, to the following actions:

1. Pre-Inspection:

- a. Evaluate the best time for conducting the inspection, taking into consideration the crop or activity season, type of operation, occupancy period if available, and the time of day to ensure the presence of an adequate number of occupants.
- b. Evaluate the need for and availability of an interpreter to be used during interviews with occupants and communication with the owner or camp operator.

**DO NOT RELY ON EMPLOYER, EMPLOYER REPRESENTATIVE, OR EMPLOYEE AS AN INTERPRETER.** (Use [Oregon OSHA approved interpreters](#))

- c. Evaluate the need for inspection assistance based on size of facility, past history, time of visit, or any other considerations.

**NOTE:** COs will work with the enforcement managers, or their designees, to coordinate these considerations. The best use of resources will be considered.

2. During Inspection:

- a. Conduct inspections in accordance with all applicable rules and directives.
- b. Document the housing and working relationship among property owner, camp operator and occupants.

- c. Because of the transitory nature of agricultural work, the CO may arrive on site and find the housing no longer occupied. In these circumstances, if the CO can substantiate exposure and employer knowledge by asking the same questions asked on any other type of inspection, the CO should continue with the inspection. If the CO is not able to substantiate these items, and still has concerns about hazards identified, the CO should continue to document the hazards and work with their manager or designee to write either a hazard letter or an order-to-correct.

**NOTE:** COs will work with their manager, or their designee, to determine actions in the above situations.

- d. Collect pertinent information necessary to make adequate referrals to other agencies and sections (e.g., identification of public water systems for referral to the Oregon Health Division, or spray records for possible Oregon OSHA pesticide referral).
- e. Conduct interviews with occupants, using an interpreter if necessary.
- f. In housing sites with a large number of separate sleeping places, inspect a representative number of each type of sleeping place to assess the condition of the camp.
- g. Use the inspection checklist and provide a copy to the employer. (Publication 440-1876 available from the Oregon OSHA Resource Center)

3. Post-Inspection:

- a. Complete paperwork in accordance with all applicable rules and directives.
- b. Complete the OSHA-1, according to instructions found in the Integrated Management Information System Manual (IMIS), with the following additional instructions:
  - i. Inspections conducted based on discovery during an inspection of an agriculture operation will be recorded as either Programmed Related or Unprogrammed Related as appropriate.
  - ii. All agricultural labor housing inspections will be identified on the OSHA-1 by:
    - 1. “X” in block 25a - Manufacturing
    - 2. “X” in block 25e - Migrant Farmworker
    - 3. “S-06 Fixed” in block 42
    - 4. “S-12 Employer Rep Name” in block 42

D. Housing Closure:

ORS 658.790(1) states that when agricultural labor housing is ordered vacated by any government agency authorized to enforce building, health, or safety standards, because the housing is not habitable, the housing operator will provide lodging without charge that meets Oregon OSHA standards for seven days or until the housing is made habitable, whichever is less. See OAR 437-004-1120 (24).

When a CO believes that housing should be closed because it is not habitable they must consult with an enforcement manager, or their designee, to receive approval to close the housing.

When a CO closes housing because it is not habitable they will post a “Housing Closure Notice” (attachment 1) at the site and issue an “Order to Provide Lodging” (attachment 2) to the housing operator. Posting of “Housing Closure Notice” will be reported to the Central office using the same procedures as for reporting a “Red Warning Notice.”

**EVALUATION:** The Agricultural Labor Housing Program Directive will be evaluated annually to determine if the elements of effective, efficient, and consistent enforcement inspections are being met, and if not, that those elements are identified and measures taken to correct deficiencies.

**EFFECTIVE DATE:** This directive is effective immediately and will remain in effect until canceled or superseded.

# CAMP CLOSURE NOTICE

## CAMP NOT HABITABLE

### FURTHER OCCUPANCY PROHIBITED

Camp location: _____
_____
Is not habitable because: _____
_____
_____
_____
_____

## CAMPAMENTO INHABITABLE

### OCUPACION DE ESTE EDIFICIO ES

Camp operator: _____
Date posted: _____ Time: _____
Posted by: _____ Effective date: _____
For authorization to have this notice removed, you must call: _____

State of Oregon Department of Consumer and Business Services  
Oregon Occupational Safety and Health Division  
350 Winter St. NE, Rm 430, Salem, OR 97301-3882

Pursuant to ORS 658.790 the camp operator must provide lodging without charge that meets the health and safety standards of the Department of Consumer and Business Services, for seven (7) days or until the camp is made habitable, whichever is less.

Conforme al estatuto ORS 658.790... el operador del campamento debe proveer hospedaje sin costo, que cumple con los requerimientos de salud y seguridad del Departamento de Servicios para Consumidores y Negocios, por siete (7) dias o hasta que el campamento se haga habitable, cual sea menor.



**State of Oregon  
Department of Consumer and Business Services  
Oregon Occupational Safety and Health Division**

350 Winter St. NE, Rm 430  
Salem, OR 97301-3882

# Order to provide lodging

To:

On \_\_\_\_\_ an inspection of your Agriculture and Reforestation Labor Housing located at \_\_\_\_\_ resulted in the housing being ordered vacated because it is not habitable.

In accordance with ORS 658.790(1), you are ordered to provide lodging, without charge, that meets the health and safety standards of the Department of Consumer and Business Services, for seven (7) days or until the camp is made habitable, whichever is less.

Conforme al estatuto ORS 658.790(1), se le ordena proveer hospedaje sin costo, que cumple con los requerimientos de salud y seguridad del Departamento de Servicios para Consumidores y Negocios, por siete (7) dias o hasta que el campamento se haga habitable, cual sea menor.

This order is effective \_\_\_\_\_ hours after it is served.

It is so ordered.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Compliance officer

\_\_\_\_\_  
Received by

\_\_\_\_\_  
Date issued

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title