

FINAL BILL REPORT

ESSB 5599

C 374 L 99

Synopsis as Enacted

Brief Description: Regulating temporary worker housing.

Sponsors: Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Deccio, Rasmussen, Jacobsen, Hale and Winsley; by request of Governor Locke).

Senate Committee on Commerce, Trade, Housing & Financial Institutions

Senate Committee on Ways & Means

House Committee on State Government

House Committee on Appropriations

Background: In 1995 the Legislature enacted several initiatives to deal with the chronic shortage of decent housing for farm workers. These included regulatory streamlining, and the development of a Farm Worker Housing Code according to certain guidelines.

In 1996 the Legislature exempted goods and services used to construct, repair or improve housing for temporary farm workers from sales and use tax.

In 1998 the Legislature authorized the adoption, by administrative rule, of a Farm Worker Housing Code that had been developed by a special task force created by the 1995 act mentioned above. This code was designed to stimulate the production of housing for temporary workers through certain economies of design without compromising health and safety standards.

In 1995 an agreement was negotiated between several state agencies and the Occupational Safety and Health Administration to allow the use of worker-supplied shelter, primarily tents and campers, for the cherry harvest, if the grower provided showers, toilets, potable water, and food storage, refrigeration and preparation facilities. The cherry harvest is very labor intensive and very short in duration.

The Occupational Safety and Health Act allows the states to administer worker protection standards so long as state standards are as effective as those established under the federal act. Generally, a single state agency is required to adopt and administer these standards.

The Legislature has designated the Department of Health as the single state agency responsible for encouraging the development of additional farm worker housing and coordinating state and local agencies to assure a regulatory system free of duplication.

The Board of Health and the Department of Labor and Industries have rule-making authority for temporary labor camps, including those which house farm workers.

Summary: The Departments of Health and Labor and Industries are directed to adopt joint rules for the licensing, operation and inspection of farm worker housing, and to adopt a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The Departments of Health and Labor and Industries are directed to adopt joint rules to establish worker protection standards for temporary labor camps for the cherry harvest, which are defined as a place where housing is provided for agricultural employees by agricultural employers for a period of no more than 21 days in any calendar year. Occupancy of temporary labor camps may be extended for an additional seven days under certain conditions, with the joint approval of the Department of Health and the local health officer.

Definitions of agricultural employee– and agricultural employer– are provided. The current definition of temporary worker housing– is amended to limit it to agricultural worker housing.

The Department of Health must report to the Legislature on utilization of the Farm Worker Housing Building Code authorized by the Legislature in 1998. The report must be completed by December 15, 2000.

The authority of the Board of Health to adopt rules related to temporary labor camps is repealed. A direction to four agencies to develop an interagency agreement regarding inspection of farm worker housing is repealed.

Votes on Final Passage:

Senate	49	0	
House	95	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 25, 1999