

# Farmworker Housing Guide

## For Migrant and Seasonal Farmworkers and H-2A Workers



Iowa Workforce  
Development

A proud partner of the **AmericanJobCenter** network

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## Farmworker Housing Guide

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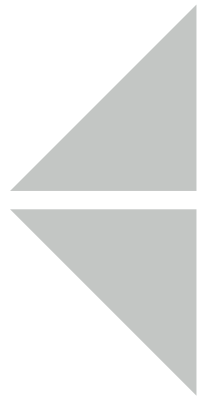
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This Resource Guide is presented by the Iowa Workforce Development to assist Iowa agricultural employers in complying with federal and state laws and regulations related to the use of migrant and seasonal agricultural workers, and in identifying certain "best practices" for employers. This Resource Guide contains information about various legal requirements for migrant and seasonal worker housing and employment, but it does not constitute legal advice as to how a person should apply that information to the person's particular situation. While every effort has been made to provide up-to-date and accurate information in this Resource Guide, various policies, practices, and requirements of the United States Department of Labor may change from time to time. Only the U.S. Department of Labor can provide official interpretations of the legal requirements of the federal laws and regulations discussed in this Resource Guide.

# Regulations and Regulatory Process

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Laws, Exemptions and Standards  
Wage & Hour Inspections Penalties  
Request a Hearing









# Regulations and Regulatory Process

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## LAWS, EXEMPTIONS, AND STANDARDS

The Wage and Hour Division of the U.S. Department of Labor is responsible for inspecting housing under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA). Regulations are enforced by Employment and Training Administration (ETA) or Occupational Safety and Health Administration (OSHA). ETA regulations apply to housing built before April 3, 1980 and OSHA regulations apply to housing built after April 3, 1980.

Pre-occupancy inspections are conducted by Iowa Workforce Development through one-stop centers on behalf of the U.S. Department of Labor. Housing which passes inspection receives a Certificate of Occupancy for the purposes of MSPA. The Iowa Department of Public Health inspects migrant and seasonal farmworker camps/housing only when a complaint has been received.

The Occupational Safety and Health Administration (OSHA) has authority to conduct housing inspections whenever an employer has eleven or more employees. In these circumstances, immediate family members do not count as employees.

## APPLICABILITY

Before beginning a MSPA inspection, the inspector must determine that the law applies to the particular agricultural employer, farm labor contractor, agricultural association, or housing provider. The law applies if these individuals are performing any of the following six activities for migrant or seasonal agricultural workers:

- Recruiting
- Soliciting for employment
- Hiring
- Employing
- Furnishing housing
- Transporting

## EXEMPTIONS

The following persons are exempt from all provisions of the MSPA, including Housing Standards:

### 1) Family Business Exemption

Anyone engaging in the six activities listed above, processing establishment, packing shed, or other agricultural establishment which is operated exclusively by the owner or a member of his/her immediate family.

The family business exemption does not apply when hiring a farm labor contractor, an agricultural association, or anyone other than a member of the immediate family, to perform any of the six activities.

### 2) Small Business Exemption

Anyone, other than a farm labor contractor, who did not use more than 500-man days of agricultural labor during any calendar quarter of the previous calendar year.

A man-day is defined as "any day during which an employee performs agricultural labor for not less than 1 hour." Five-hundred man-days is approximately the equivalent of seven employees working full time in a calendar quarter. Time worked by immediate family members is not counted toward meeting the 500 man-day test.

**NOTE:** This exemption does not apply to individuals who provide housing to workers employed by other agricultural employers or to those applying for H-2A visas.

### 3) **Local Short-Term Contracting Activity**

Anyone who performs any of the contracting activities noted above only within a 25-mile intra-state radius of his/her permanent residence and for not more than 13 weeks per year.

An "Innkeeper" is Exempt from MSPA Housing Standards

The requirement that housing provided to migrant workers must meet Federal and State safety and health standards does not apply to persons who are in the business of providing housing commercially to the general public and who provide the same or similar housing to migrant workers under the same conditions and terms as they do to the general public.

**NOTE:** This exemption does not apply to employers applying for H-2A visas.

The exemptions discussed on these two pages, are those which most generally apply to growers, housing providers, and contractors. There are several other exemptions in the law which normally do not relate to the housing situation and therefore are not discussed in this guide.

## APPLYING THE LAW

A migrant agricultural worker means anyone employed in agriculture on a temporary basis that is required by his or her work to be absent overnight from his or her permanent place of residence. A seasonal agricultural worker means anyone employed in agriculture that is not required by his or her work to be absent overnight from his or her permanent place of residence. The difference between migrant and seasonal is important because the MSPA housing requirements do NOT apply to seasonal workers.

If you are not exempt and the law applies to your operations, there is no legal requirement that you provide housing to migrant workers. However if you participate in the Agricultural Recruitment System you are required to provide no-cost housing to migrant workers. If you do provide housing to migrant workers, you must comply with the following conditions:

- 1) **Certificate of Occupancy:** You must not permit any migrant worker to occupy your housing unless you have a Certificate of Occupancy posted at the site.

The Certificate of Occupancy is obtained by passing a pre-occupancy inspection conducted by the Iowa State Monitor Advocate, Iowa Workforce Development MSFW Outreach Specialist or One-Stop Center staff. All migrant-worker housing requests for pre-occupancy housing inspections must be submitted to the Iowa Workforce Development's (IWD) Foreign Labor Certification Coordinator.

If you request a pre-occupancy inspection through IWD's Foreign Labor Certification Coordinator at least 45 days before you intend to have the housing occupied, and the inspection is not conducted, the housing may be occupied without the Certificate of Occupancy.

Whether or not you have a Certificate of Occupancy, you are still responsible for ensuring your housing meets the Federal and State safety and health standards before it is occupied.

- 2) **Terms and Conditions of Occupancy:** You must provide or post a copy of the terms and conditions of occupancy to the housing occupants. For example, if you charge a fee for the housing, or have a requirement that occupancy is limited to your employees, or that they must help with cleaning the grounds as a condition of living there, these conditions must be posted and/or given to the workers.

## FEDERAL AND STATE SAFETY AND HEALTH STANDARDS

Regulations for housing health and safety requirements are on page 18. There are two separate sets of regulations (very similar) depending on whether the standards used are from the Employment and Training Administration (ETA) or the Occupational Safety and Health Administration (OSHA).

If your housing was built before April 3, 1980, you may choose the ETA or the OSHA Standards for your housing inspection. If the housing was built after April 3, 1980, OSHA standards are used for the inspection.

# Regulatory Process

## WAGE & HOUR INSPECTION

All Wage and Hour investigators are operating under the authority of the United States Secretary of Labor. It is normal for two inspectors to conduct MSPA inspections. Wage and Hour investigations include the following:

- 1) **Opening Conference**  
Investigations generally begin with a meeting with the employer. This meeting is not always possible. If the investigator talks with field workers before meeting with the employer, the investigator will meet with the employer after.
- 2) **Interviews with Workers**  
Many Wage and Hour investigators are fluent in foreign languages and able to conduct interviews with the employees in their native language. Employee interviews are always conducted privately. Employers are not allowed to participate or witness these interviews. This is a long-standing Wage and Hour policy which has been upheld by the courts.
- 3) **Records Check**  
Investigators will review employer records and check for compliance of the Fair Labor Standards Act (FLSA), the federal minimum wage and over-time law, which also includes Child Labor regulations. Violations of the Child Labor Laws may result in penalties.
- 4) **Housing Inspection**  
You are not required to accompany the investigator(s) during the inspection. Be aware that inspectors may record the status of your housing with a camera. You will be informed of any violations.
- 5) **Final Conference**  
The investigator(s) will review finding with the employer. The employer will be advised of any violations. If Civil Money Penalties are to be assessed, they will be assessed at a later time.

## VIOLATION OF MSPA

Violations of any provisions of Migrant and Seasonal Agricultural Worker Protection Act (MSPA) can result in the assessment of up to 1,000 in Civil Money Penalties (CMP's) per violation. Violations of the Housing Safety and Health Standards are noted in three separate categories.

### Aggravated

Violations that present immediate danger and would have an extremely serious impact on the safety and/or health of the persons affected.

#### EXAMPLES:

Raw sewage in open pits or trenches close to housing  
Live frayed extension cords stretched between buildings running along the ground and/or through water

### Serious

Violations with the potential for danger and for seriously affecting the safety and/or health of the persons affected.

#### EXAMPLES:

Infestation of insects, rodents, and/or pests  
Beds not provided and camp residents forced to sleep on the ground or floor

### Marginal

Violations of technical or procedural nature which have little or no measurable impact on the persons affected.

#### EXAMPLES:

Space per person is slightly less than allowed  
Toilet rooms for non-family members unlabeled as to gender

**If the investigation of your Housing was the first under MSPA and violations are found, you may be given a suitable time to correct the violations.**



# Penalties

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## CIVIL MONEY PENALTY

Before determining the penalty amount, Wage and Hour will categorize the violation (Aggravated, Serious, or Marginal) and other factors such as the following:

- 1) A history of knowledge and/or violations of the Migrant and Seasonal Agricultural Worker Protection Act
- 2) Number of workers affected by the violations
- 3) Gravity of the violations
- 4) Commitment to future compliance
- 5) Extent to which the violator achieved a financial gain

## REQUEST A HEARING

All Civil Money Penalty assessments are addressed by the District Director of the Wage and Hour Division. If you believe that the violations cited did not occur, you may request a Hearing before an Administrative Law Judge.

Your request should be in writing to the District Director who assessed the penalty. It must be postmarked no later than thirty (30) days from the date of the District Director's assessment letter, and summarize the reasoning.

## ADDITIONAL INFORMATION

For additional information on the Migrant and Seasonal Agricultural Worker Protection Act or any of the other laws enforced by the Wage and Hour Division of the U.S. Department of Labor, contact:

### U.S DEPARTMENT OF LABOR

Wage and Hour Division  
Des Moines District Office  
210 Walnut St., Room 643  
Des Moines, IA 50309

Phone: English 515-284-4625 or 866-4-USWAGE (866-487-9243)

# Management of Migrant and Seasonal Farmworker Housing

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Pre-Occupancy Inspection

Regular Monitoring and Maintenance

Reasonable House Rules Example









## How to do it?

**You repair, clean up, and shape up in the spring... Everything looks good. BUT,** in the middle of harvest, when you are the busiest, Wage and Hour appears at your door and says your housing does not meet requirements for health and safety. Your housing is in violation.

How can you avoid this painful scenario?

- **Request a Pre-Occupancy Inspection**

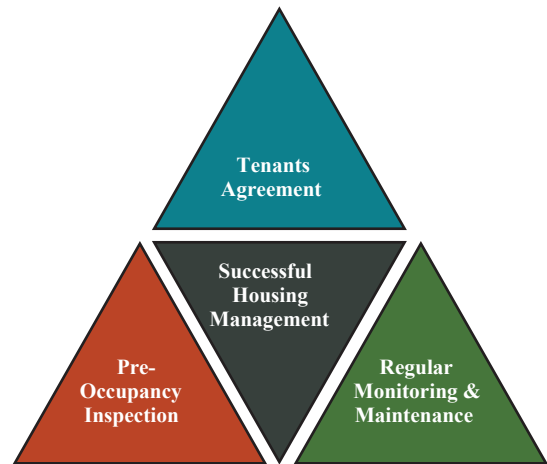
Start the season with housing certified to be A-OK. The law says a Pre-Occupancy Inspection is necessary before occupancy. Get your request in early to Iowa's Foreign Labor Certification Coordinator or State Monitor Advocate. Inspectors have 45 days to fill your request. If it is not inspected in that time, you may admit residents, but have your housing up to code, otherwise you are subject to fines if Wage and Hour Inspectors. (IWD does not have enforcement powers.) Before IWD inspector comes, make sure your housing meets the applicable regulations. The actual law is located on page 12 of this booklet. We do suggest you read the regulation.

- **Set up a Plan for Routine Monitoring and Regular Maintenance**

Continued care of your housing is essential during the season.

- Designate a person on your staff. Train them.
- Set a regular time to make the inspection.
- A monitoring worksheet will demonstrate diligence in the maintenance of your housing.
- Encourage residents to keep the housing in good condition.
- Remind residents that housing will be checked every week.
- Post the monitoring worksheet.
- It is a common-use facility; help residents make a schedule for cleaning responsibilities.
- Thank residents for their help! Some growers add a bonus to the damage deposit if the housing is vacated in good condition.

### Use a Three-Pronged Strategy



- **PROVIDE A TENANT'S AGREEMENT**

The terms and conditions of occupancy must be clear and should be in writing. The agreement must be written in a language the workers understand. Typical terms and conditions include:

- the amount of rent (if any);
- the due date of rent payments, if applicable;
- the amount of deposit (if any) required; (NOTE: Residential security deposits are subject to Iowa laws. See Chapter 562A Uniform Residential Landlord and Tenant Law.)
- an occupancy limit;
- the amount of notice required before termination of the tenancy;
- whether tenancy is dependent on continuing employment; and
- the tenant's duties and responsibilities, including reasonable "house rules."
- an example of reasonable house rules (in both Spanish and English) [example provided on next page.]

The Iowa Uniform Residential Landlord and Tenant Law does not necessarily apply to housing furnished by an employer to agricultural workers, but it may provide some guidance as to types of provisions that are generally allowable and generally prohibited. Because a written rental agreement has legal consequences, you may want to consult an attorney for assistance in preparing an appropriate agreement.

# Reasonable House Rules Example

## **A todos los ocupantes de esta casa /To all occupants of this house**

Esta casa y su mobiliario son propiedad de \_\_\_\_\_. Se proporcionan para su uso mientras está empleado por \_\_\_\_\_.

This house and its furnishing are property of \_\_\_\_\_. They are provided for use while employed by \_\_\_\_\_.

## **Se deben seguir las siguientes reglas/The following rules must be followed**

- Cuide la propiedad como si fuera suya  
Take care of the property as your own
- No fume dentro de la casa  
Do not smoke inside the house
- La casa y el entorno deben mantenerse limpios en todo momento  
The house and surroundings must be kept clean at all times
- Todos los platos deben lavarse después de cada comida  
All dishes must be washed after each meal
- La basura y las latas deben ser desechadas en la basura. No tire basura afuera en el suelo  
Garbage and tin cans must be disposed of in the garbage. Do not throw garbage on the ground outside.
- Saque la basura todos los días antes de irse a trabajar y póngala en el contenedor de basura  
Take out the garbage every day before going to work and put it in the garbage container
- Las telas de mosquitero en las ventanas NO deben rasgarse ni cortarse, son para evitar que entren las moscas y para protegerle a usted y a los agricultores contra enfermedades  
Screens on the windows must NOT be torn or cut. This is to keep flies out to protect you and the farmers against disease
- Las horas de silencio son de 10:00 de la noche. a 6:00 de la mañana.  
Quiet hours are from 10:00 pm to 6:00 am
- Informe de cualquier problema con la casa a \_\_\_\_\_ (nombre del empleador)  
Report any problems with the house to \_\_\_\_\_ (employer's name)
- Limpie a fondo la casa antes de dejarla, al terminar el empleo  
The house must be thoroughly cleaned before you leave, upon the completion of employment

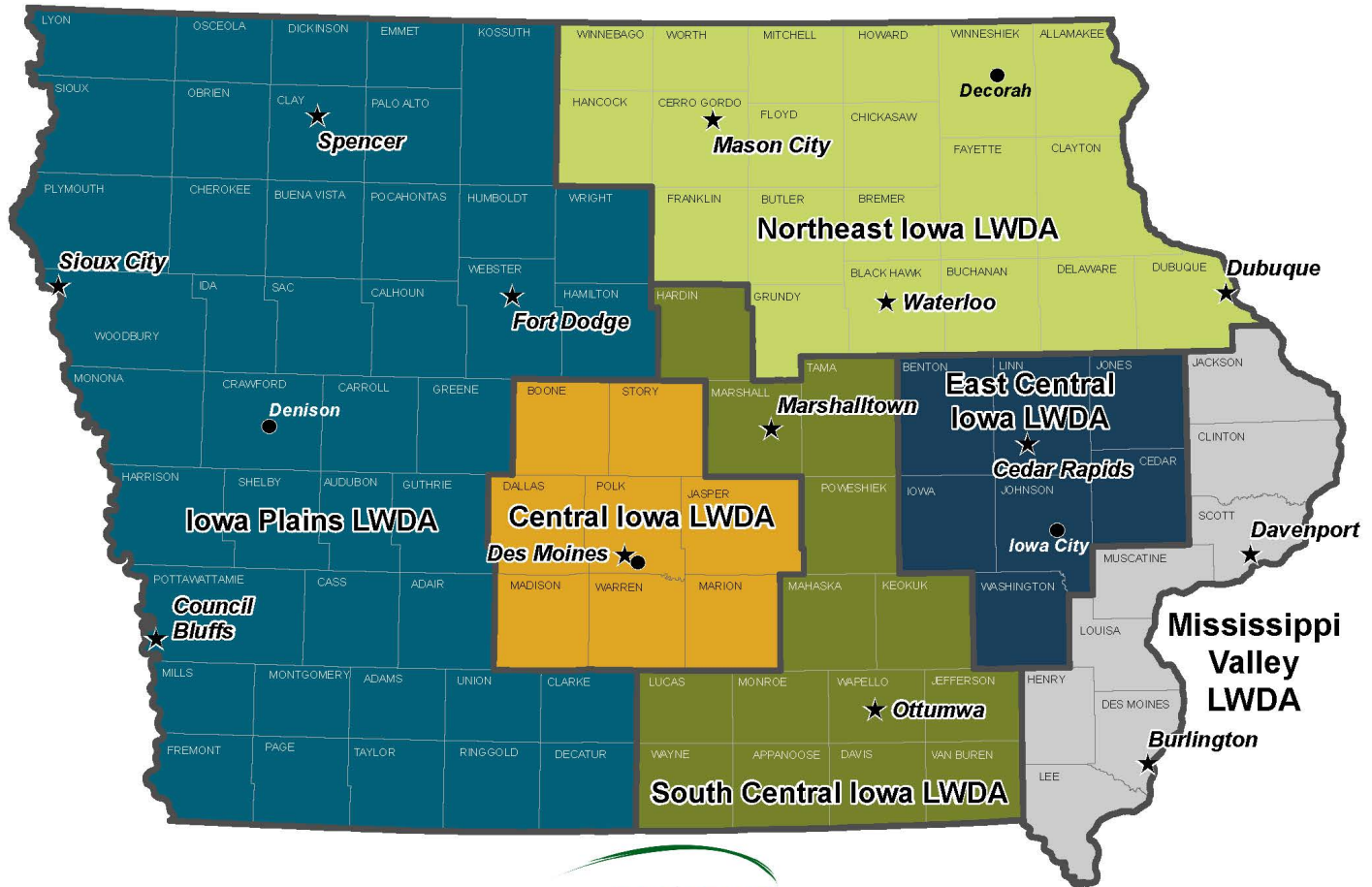
# IowaWORKS

## Center Locations

### Local Workforce Development Area Map

★ IowaWORKS Center

● IowaWORKS Satellite Office





# Iowa*WORKS* Center Locations

## **Burlington**

550 S. Gear Avenue, Suite 35  
West Burlington, IA 52655

## **Cedar Rapids**

1025 Kirkwood Pkwy SW  
Cedar Rapids, IA 52404

## **Council Bluffs**

300 West Broadway, Suite 13  
Council Bluffs, IA 51503

## **Davenport**

1801 E Kimberly Rd. Suite A  
Davenport, IA 52807

## **Decorah**

312 Winnebago Street, Suite A  
Decorah, IA 52101

## **Denison**

504 Highway 39 North Denison,  
IA 51442

## **Des Moines**

525 SW Fifth St  
Des Moines, IA 50309

## **Des Moines**

200 Army Post Road  
Des Moines, IA 50315

## **Dubuque**

680 Main Street, 2nd Floor  
Dubuque, IA 52001

## **Fort Dodge**

330 1st Ave N  
Suite G  
Fort Dodge, IA 50501

## **Iowa City**

Eastdale Plaza 1700 S 1st Avenue  
Suite 11B  
Iowa City, IA 52240

## **Marshalltown**

101 Iowa Avenue West, Suite 200  
Marshalltown, IA 50158

## **Mason City**

600 South Pierce Avenue  
Mason City, IA 50401

## **Ottumwa**

15260 Truman Street  
IHCC North Campus  
Ottumwa, IA 52501

## **Sioux City**

2508 4th Street  
Sioux City, IA 51101

## **Spencer**

217 West 5th Street  
Spencer, IA 51301

## **Waterloo**

3420 University Avenue  
Waterloo, IA 50701

For office contact information and available services, visit [workforce.iowa.gov/iowaworks](https://workforce.iowa.gov/iowaworks)

## State and Federal References

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Migrant and Seasonal Protection Act (MSPA)

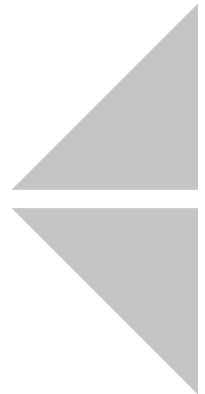
Agricultural Housing - ETA

Temporary Labor Camps - OSHA

Field Sanitation - OSHA

First Aid Requirements

Smoke Detectors







# Migrant and Seasonal Farmworker Protection Act (MSPA)

## U.S. Department of Labor

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The Migrant & Seasonal Agricultural Worker Protection Act, as amended 1

(29 U.S.C. 1801, et seq.)

- 1986 Amendments (Bold)
- 1995 Amendments ((Italics))

### **TITLE II – MIGRANT AGRICULTURAL WORKER PROTECTION**

#### **Information & Recordkeeping Requirements**

##### **Sec. 201.**

- c. Each farm labor contractor, agricultural employer, and agricultural association which provides housing for any migrant agricultural worker shall post in a conspicuous place or present to such worker a statement of the terms and conditions, if any, of occupancy of such housing.

#### **Safety & Health of Housing**

##### **Sec. 203.**

- a. Except as provided in subsection (c), each person who owns or controls a facility or real property which is used as housing for migrant agricultural workers shall be responsible for ensuring that the facility or real property complies with substantive Federal and State safety and health standards applicable to that housing.
  1. Except as provided in subsection (c) and paragraph 2) of this subsection, no facility or real property may be occupied by any migrant agricultural worker unless either a State or local health authority or other appropriate agency has certified that the facility or property meets applicable safety and health standards. No person who owns or controls any such facility or property shall permit it to be occupied by any migrant agricultural worker unless a copy of the certification of occupancy is posted at the site. The receipt and posting of a certificate of occupancy does not relieve any person of responsibilities under subsection (a). Each such person shall retain the original certification for three years and shall make it available for inspection and review in accordance with section 512.
  2. Notwithstanding paragraph 1) of this subsection, if a request for the inspection of a facility or real property is made to the appropriate State or local agency at least forty-five days prior to the date on which it is occupied by migrant agricultural workers and such agency has not conducted an inspection by such date, the facility or property may be so occupied.
- b. This section does not apply to any person who, in the ordinary course of that person's business, regularly provides housing on a commercial basis to the general public and who provides housing to migrant agricultural workers of the same character and on the same or comparable terms and conditions as is provided to the general public.

# Agricultural Housing

## Employment and Training Administration (ETA)

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### 20 cfr 654.400 - 417

#### 654.400 PURPOSE AND APPLICABILITY

- a. This subpart sets forth the Employment and Training Administration standards for agricultural housing. Local Job Service offices, as part of the State employment service agencies and in cooperation with the United States Employment Service, assist employers in recruiting agricultural workers from places outside the area of intended employment. The experiences of the employment service indicate that employees so referred have on many occasions been provided with inadequate, unsafe, and unsanitary housing conditions. To discourage this practice, it is the policy of the Federal-State employment service system, as set forth in Sec. 653.108 of this chapter, to deny its intrastate and interstate recruitment services to employers until the State employment service agency has ascertained that the employer's housing meets certain standards.
- b. To implement this policy, Sec. 653.108 of this chapter provides that recruitment services shall be denied unless the employer has signed an assurance, a preoccupancy inspection has been conducted and the ES staff has ascertained that, with respect to intrastate clearance, if the workers are to be housed, the employer's housing meets or, with respect to interstate clearance, that the employer will provide housing for the workers which meets either the full set of standards set forth at 29 CFR 1910.142 or the full set of standards set forth in this subpart. Whichever is applicable under the criteria set forth in Sec. 654.401; except that for mobile range housing for sheepherders, the housing shall meet existing Departmental guidelines. [45 FR 14182, Mar. 4, 1980; 45 FR 22901, Apr. 4, 1980]

#### 20 CFR 654.401 - APPLICABILITY; TRANSITIONAL PROVISIONS

- a. Employers whose housing was constructed in accordance with the ETA housing standards may continue to follow the full set of ETA standards set forth in this subpart only where prior to April 3, 1980 the housing was completed or under construction, or where prior to March 4, 1980 a contract for the construction of the specific housing was signed.
- b. To effectuate these transitional provisions, agricultural housing to which this subpart applies and which complies with the full set of standards set forth in this subpart shall be considered to be in compliance with the Occupational Safety and Health Administration temporary labor camp standards at 29 CFR 1910.142.

#### 20 CFR 654.402 – VARIANCES

- a. An employer may apply for a permanent, structural variance from a specific standard(s) in this subpart by filing a written application for such a variance with the local Job Service office serving the area in which the housing is located. This application must be filed by June 2, 1980 and must:
  - 1) Clearly specify the standard(s) from which the variance is desired;
  - 2) Provide adequate justification that the variance is necessary to obtain a beneficial use of an existing facility, and to prevent a practical difficulty or unnecessary hardship;;and

3. Clearly set forth the specific alternative measures which the employer has taken to protect the health and safety of workers and adequately show that such alternative measures have achieved the same result as the standard(s) from which the employer desires the variance.

- a. Upon receipt of a written request for a variance under paragraph (a) of this section, the local Job Service office shall send the request to the State office which, in turn, shall forward it to the Regional Administrator, Employment and Training Administration (RA). The RA shall review the matter and, after consultation with OSHA, shall either grant or deny the request for a variance.
- b. The variance granted by the RA shall be in writing, shall state the particular standard(s) involved, and shall state as conditions of the variance the specific alternative measures which have been taken to protect the health and safety of the workers. The RA shall send the approved variance to the employer and shall send copies to the Regional Administrator of the Occupational Safety and Health Administration, the Regional Administrator of the Employment Standards Administration, and the appropriate State agency and the local Job Service office. The employer shall submit and the local Job Service office shall attach copies of the approved variance to each of the employer's job orders which is placed into intrastate or interstate clearance.
- c. If the RA denies the request for a variance, the RA shall provide written notice stating the reasons for the denial to the employer, the appropriate State agency and the local Job Service office. The notice shall also offer the employer an opportunity to request a hearing before a DOL Hearing Officer, provided the employer requests such a hearing from the RA within 30 calendar days of the date of the notice. The request for a hearing shall be handled in accordance with the employment service complaint procedures set forth at Secs. 658.421 (i) and (j), 658.422 and 658.423 of this chapter.
- d. The procedures of paragraphs (a) through (d) of this section shall only apply to an employer who has chosen, as evidenced by its written request for a variance, to comply with the ETA housing standards at Secs. 654.404--654.417 of this subpart.

## **20 CFR 654.403 – [Reserved]**

### **HOUSING STANDARDS**

#### **20 CFR 654.404 HOUSING SITEE**

- a. Housing sites shall be well drained and free from depressions in which water may stagnate. They shall be located where the disposal of sewage is provided in a manner which neither creates nor is likely to create a nuisance, or a hazard to health.
- b. Housing shall not be subject to, or in proximity to conditions that create or are likely to create offensive odors, flies, noise, traffic, or any similar hazards.
- c. Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.
- d. The housing site shall provide a space for recreation reasonably related to the size of the facility and the type of occupancy.

#### **20 CFR 654.405 - WATER SUPPLY**

- a. An adequate and convenient supply of water that meets the standards of the State health authority shall be provided.
- b. A cold water tap shall be available within 100 feet of each individual living unit when water is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage.
- c. Common drinking cups shall not be permitted.

#### **20 CFR 654.406 - EXCRETA AND LIQUID WASTE DISPOSAL**

- a. Facilities shall be provided and maintained for effective disposal of excreta and liquid waste. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.
- b. Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.
- c. Where public sewers are not available, a subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets shall be provided. Any requirements of the State health authority shall be complied with.

#### **20 CFR 654.407 – HOUSING**

- a. Housing shall be structurally sound, in good repair, in a sanitary condition and shall provide protection to the occupants against the elements.



- b. Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground and surface water.

The following space requirements shall be provided:

- 1) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;
  - 2) For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;
  - 3) For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.
- c. Housing used for families with one or more children over 6 years of age shall have a room or partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.
  - d. Separate sleeping accommodations shall be provided for each sex or each family.
  - e. Adequate and separate arrangements for hanging clothing and storing personal effects for each person or family shall be provided.
  - f. At least one-half of the floor area in each living unit shall have a minimum ceiling height of 7 feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than 5 feet.
  - g. Each habitable room (not including partitioned areas) shall have at least one window or skylight opening directly to the out-of-doors. The minimum total window or skylight area, including windows in doors, shall equal at least 10 percent of the usable floor area. The total open area shall equal at least 45 percent of the minimum window or skylight area required, except where comparably adequate ventilation is supplied by mechanical or some other method.

## 20 CFR 654.408 – SCREENING

- a. All outside openings shall be protected with screening of not less than 16 mesh.
- b. All screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

## 20 CFR 654.409 – HEATING

- a. All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 68 deg. F. if during the period of normal occupancy the temperature in such quarters falls below 68 deg F.
- b. Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be provided. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at east 18 inches beyond the perimeter of the base of the stove.
- c. Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.
- d. When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded. [45 FR 14182, Mar. 4, 1980; 45 FR 22901, Apr. 4, 1980]

## 20 CFR 654.410 - ELECTRICITY AND LIGHTING

- a. All housing sites shall be provided with electric service.
- b. Each habitable room and all common use rooms, and areas such as: Laundry rooms, toilets, privies, hallways, stairways, etc., shall contain adequate ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room.
- c. Adequate lighting shall be provided for the yard area, and pathways to common use facilities.
- d. All wiring and lighting fixtures shall be installed and maintained in a safe condition.

## 20 CFR 654.411 – TOILETS

- a. Toilets shall be constructed, located and maintained so as to prevent any nuisance or public health hazard.
- b. Water closets or privy seats for each sex shall be in the ratio of not less than one such unit for each 15 occupants, with a minimum of one unit for each sex in common use facilities.
- c. Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats on the basis of one urinal or 24 inches of trough-type urinal for one toilet seat up to a maximum of one-third of the required toilet seats.
- d. Except in individual family units, separate toilet accommodations for men and women shall be provided. If toilet facilities for men and women are in the same building, they shall be separated by a solid wall from floor to roof or ceiling. Toilets shall be distinctly marked "men" and "women" in English and in the native language of the persons expected to occupy the housing.
- e. Where common use toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders, shall be furnished.
- f. Common use toilets and privies shall be well lighted and ventilated and shall be clean and sanitary.
- g. Toilet facilities shall be located within 200 feet of each living unit.
- h. Privies shall not be located closer than 50 feet from any living unit or any facility where food is prepared or served.
- i. Privy structures and pits shall be fly tight. Privy pits shall have adequate capacity for the required seats.

## 20 CFR 654.412 - BATHING, LAUNDRY, AND HAND WASHING

- a. Bathing and hand washing facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. These facilities shall be clean and sanitary and located within 200 feet of each living unit.
- b. There shall be a minimum of 1 showerhead per 15 persons. Showerheads shall be spaced at least 3 feet apart, with a minimum of 9 square feet of floor space per unit. Adequate, dry dressing space shall be provided in common use facilities. Shower

floors shall be constructed of nonabsorbent nonskid materials and sloped to properly constructed floor drains. Except in individual family units, separate shower facilities shall be provided each sex. When common use shower facilities for both sexes are in the same building they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the persons expected to occupy the housing.

- c. Lavatories or equivalent units shall be provided in a ratio of 1 per 15 persons.
- d. Laundry facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. Laundry trays or tubs shall be provided in the ratio of 1 per 25 persons. Mechanical washers may be provided in the ratio of 1 per 50 persons in lieu of laundry trays, although a minimum of 1 laundry tray per 100 persons shall be provided in addition to the mechanical washers.

## 20 CFR 654.413 - COOKING AND EATING FACILITIES

- a. When workers or their families are permitted or required to cook in their individual unit, a space shall be provided and equipped for cooking and eating. Such space shall be provided with:
  - 1) A cook stove or hot plate with a minimum of two burners; and 2) adequate food storage shelves and a counter for food preparation; and 3) provisions for mechanical refrigeration of food at a temperature of not more than 45 deg. F.; and 4) a table and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the unit; and 5) adequate lighting and ventilation.
- b. When workers or their families are permitted or required to cook and eat in a common facility, a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with:
  - 1) Stoves or hot plates, with a minimum equivalent of two burners, in a ratio of 1 stove or hot plate to 10 persons, or 1 stove or hot plate to 2 families; and 2) adequate food storage shelves and a counter for food preparation; and 3) mechanical refrigeration for food at a temperature of not more than 45 deg. F.; and 4) tables and chairs or equivalent seating

adequate for the intended use of the facility; and 5) adequate sinks with hot and cold water under pressure; and 6) adequate lighting and ventilation; and 7) floors shall be of nonabsorbent, easily cleaned materials.

- c. When central mess facilities are provided, the kitchen and mess hall shall be in proper proportion to the capacity of the housing and shall be separate from the sleeping quarters. The physical facilities, equipment and operation shall be in accordance with provisions of applicable State codes.
- d. Wall surface adjacent to all food preparation and cooking areas shall be of nonabsorbent, easily cleaned material. In addition, the wall surface adjacent to cooking areas shall be of fire-resistant material.

## **20 CFR 654.414 – GARBAGE AND OTHER REFUSE**

- a. Durable, fly-tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of 1 per 15 persons.
- b. Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with State and local law.

## **20 CFR 654.415 - INSECT AND RODENT CONTROL**

Housing and facilities shall be free of insects, rodents, and other vermin.

## **20 CFR 654.416 - SLEEPING FACILITIES**

- 1) Sleeping facilities shall be provided for each person. Such facilities shall consist of comfortable beds, cots, or bunks, provided with clean mattresses.
- 2) Any bedding provided by the housing operator shall be clean and sanitary.
- 3) Triple deck bunks shall not be provided.
- 4) The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of 27 inches. The distance from the top of the upper mattress to the ceiling shall be a minimum of 36 inches.
- 5) Beds used for double occupancy may be provided only in family accommodations.

## **20 CFR 654.417-FIRE, SAFETY, AND FIRST AID**

- a. All buildings in which people sleep or eat shall be constructed and maintained in accordance with applicable State or local fire and safety laws.
- b. In family housing and housing units for less than 10 persons, of one story construction, two means of escape shall be provided. One of the two required means of escape may be a readily accessible window with an openable space of not less than 24 x 24 inches.
- c. All sleeping quarters intended for use by 10 or more persons, central dining facilities, and common assembly rooms shall have at least two doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.
- d. Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or a second stairway.
- e. Sleeping and common assembly rooms located above the second story shall comply with the State and local fire and building codes relative to multiple story dwellings.
- f. Fire extinguishing equipment shall be provided in a readily accessible place located not more than 100 feet from each housing unit. Such equipment shall provide protection equal to a 2 1/2 gallon stored pressure or 5-gallon pump-type water extinguisher.
- g. First aid facilities shall be provided and readily accessible for use at all time. Such facilities shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.
- h. No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.  
  
Agricultural pesticides and toxic chemicals shall not be stored in the housing area.



# Temporary Labor Camps

## Occupational Safety and Health Administration (OSHA)

Applies to housing built after April 30, 1980

### 29 CFR 1910.142 – TEMPORARY LABOR CAMPS

Title 29: Labor

### PART 1910 – OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart J -- General Environmental Controls

#### §1910.142 Temporary labor camps.

- (a) *Site.* 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.
- 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.
- 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.
- (b) *Shelter.* 1) Every shelter in the camp shall be constructed in a manner which will provide protection against the elements.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 8) All exterior openings shall be effectively screened with 16-mesh material. All screen doors shall be equipped with self-closing devices.

- 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.
  - 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.
  - 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.
- (c) *Water supply.* (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.
- 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 1/2 times the average hourly demand.
  - 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.
  - 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.
- (d) *Toilet facilities.* 1) Toilet facilities adequate for the capacity of the camp shall be provided.
- 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.
  - 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.
  - 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.
- 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.
  - 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.
  - 7) Every water closet installed on or after August 31, 1971, shall be located in a toilet room.
  - 8) Each toilet room shall be lighted naturally, or artificially by a safe type of lighting at all hours of the day and night.
  - 9) An adequate supply of toilet paper shall be provided in each privy, water closet, or chemical toilet compartment.
  - 10) Privies and toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.
- (e) *Sewage disposal facilities.* In camps where public sewers are available, all sewer lines and floor drains from buildings shall be connected thereto.
- (f) *Laundry, handwashing, and bathing facilities.* 1) Laundry, handwashing, and bathing facilities shall be provided in the following ratio:
- i. Handwash basin per family shelter or per six persons in shared facilities.
  - ii. Shower head for every 10 persons.
  - iii. Laundry tray or tub for every 30 persons.
  - iv. Slop sink in each building used for laundry, hand washing, and bathing.
- 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 waste water 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.

- 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.
- 4) Every service building shall be provided with equipment capable of maintaining a temperature of at least 70 °F. during cold weather.
- 5) Facilities for drying clothes shall be provided.
- 6) All service buildings shall be kept clean.
- (g) *Lighting.* 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.
- (h) Refuse disposal. (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.
- 2) Garbage containers shall be kept clean.
- 3) Garbage containers shall be emptied when full, but not less than twice a week.
  - (i) *Construction and operation of kitchens, dining hall, and feeding facilities.* (1) In all camps where central dining family feeding operations are permitted or provided, the food handling facilities shall comply with the requirements of the "Food Service Sanitation Ordinance and Code," Part V of the "Food Service Sanitation Manual," U.S. Public Health Service Publication 934 (1965), which is incorporated by reference as specified in §1910.6.
- 2) A properly constructed kitchen and dining hall adequate in size, separate from the sleeping quarters of any of the workers or their families, shall be provided in connection with all food handling facilities. There shall be no direct opening from living or sleeping quarters into a kitchen or dining hall.
- 3) No person with any communicable disease shall be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or materials used therein, in any kitchen or dining room operated in connection with a camp or regularly used by persons living in a camp.
- (j) Insect and rodent control. Effective measures shall be taken to prevent infestation by and harborage of animal or insect vectors or pests.
- (k) First aid. (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.
  - 2) Such facilities shall be in charge of a person trained to administer first aid and shall be readily accessible for use at all times.
- (l) *Reporting communicable disease.* (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.
  - 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 other method that is equally fast.



# Field Sanitation Standards

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## CODE OF FEDERAL REGULATIONS (29 CFR 1928.110)

### Fact Sheet #51: Field Sanitation Standards under the Occupational Safety and Health Act

The Occupational Safety and Health Act of 1970 was enacted to assure safe and healthful working conditions for working men and women. In 1987, the Occupational Safety and Health Administration issued regulations establishing minimum standards for field sanitation in covered agricultural settings. Authority for enforcing these field sanitation standards in most states has been delegated to the Wage and Hour Division of the U.S. Department of Labor.

#### Summary

The OSHA field sanitation standards require covered employers to provide: toilets, potable drinking water, and hand-washing facilities to hand-laborers in the field; to provide each employee reasonable use of the above; and to inform each employee of the importance of good hygiene practices. Covered employers who fail to comply with the statute or regulations may be subjected to a range of sanctions, including the administrative assessment of civil money penalties and civil or criminal legal action.

#### Scope of Coverage

In general, the field sanitation standards apply to any agricultural establishment employing 11 or more workers on any one day during the previous 12 months, to perform “hand labor” field work. “Hand labor” includes hand-cultivation, hand-weeding, hand-planting, and hand-harvesting of vegetables, nuts, fruits, seedlings, or other crops, including mushrooms, and the hand-packing of produce in the field into containers, whether performed on the ground, on moving machinery, or in a shed. “Hand labor” does not include the care and feeding of livestock, or hand labor operations in permanent structures (e.g. canning facilities or packing houses.) Except for hand labor reforestation work, the term “hand labor” also does not include forestry operations, such as logging.

#### Drinking Water

Covered agricultural employers must provide potable drinking water, suitably cool and in sufficient amounts, dispensed in single-use cups or by fountains, located so as to be readily accessible to all employees.

#### Toilets and Handwashing Facilities

Covered agricultural employers must provide one toilet and hand washing facility for every 20 employees, located within a quarter-mile walk, or if not feasible, at the closest point of vehicular access. Pre-moistened towelettes, once allowed by some state regulators, cannot be substituted for hand washing facilities. Toilets and hand washing facilities are not required for employees who do field work for three hours or less each day, including travel to and from work. Employers must maintain such facilities in accordance with public health sanitation practices, including upkeep of water quality through daily change (or more often if necessary) toilets clean, kept sanitary, and operational; hand washing facilities refilled with potable water as necessary and kept clean, sanitary, and safe; and proper disposal of wastes from the facilities.

#### Employee Notification and Other Requirements

Covered agricultural employers must provide notification to each employee of the location of the water and sanitation facilities, and must allow employees reasonable opportunities during the workday to use them. The FS 51 employer also must inform the employee of the relevant health hazards in the field and the practices necessary to minimize them. Employees cannot be made to bear the costs incurred by the employer for providing required facilities.

**Wage and Hour Division Authority**

On February 3, 1997, the Wage and Hour Division assumed authority to enforce these field sanitation standards nationwide, except for Puerto Rico and the following OSHA State-Plan states: Arizona, California, Hawaii, Maryland, Michigan, New Mexico, Nevada, North Carolina, Oregon, Tennessee, Virginia, Vermont, and Washington.

**Where to Obtain Additional Information**

For more information on standards in any of these states (or Puerto Rico), contact the state labor department or the nearest office of the Occupational Safety and Health Administration. For information on the federal field sanitation standards for a state not listed, visit the Wage and Hour Division Website: <http://www.dol.gov/whd/> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243). Certain states have adopted standards more stringent than the federal requirements. Where both federal and state requirements apply to an agricultural establishment, the employer is obligated to comply with the stricter requirement. Contact the state labor agency or department of health to find out whether your state has such requirements

# Field Sanitation

## Occupational Safety and Health Administration (OSHA)

### Title 29: Labor

### PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

### Subpart I—General Environmental Controls

#### §1928.110 Field sanitation.

(a) *Scope.* This section shall apply to any agricultural establishment where eleven (11) or more employees are engaged on any given day in hand-labor operations in the field.

(b) *Definitions.* Agricultural employer means any person, corporation, association, or other legal entity that:

- (i) Owns or operates an agricultural establishment;
- (ii) Contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or
- (iii) Recruits and supervises employees or is responsible for the management and condition of an agricultural establishment.

*Agricultural establishment* is a business operation that uses paid employees in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

*Hand-labor operations* means agricultural activities or agricultural operations performed by hand or with hand tools. Except for purposes of paragraph (c)(2)(iii) of this section, hand-labor operations also include other activities or operations performed in conjunction with hand labor in the field. Some examples of hand-labor operations are the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings or other crops, including mushrooms, and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field. Hand-labor does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

*Handwashing facility* means a facility providing either a basin, container, or outlet with an adequate supply of potable water, soap and single-use towels.

*Potable water* means water that meets the standards for drinking purposes of the State or local authority having jurisdiction, or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency's National Primary Drinking Water Regulations (40 CFR part 141).

*Toilet facility* means a fixed or portable facility designed for the purpose of adequate collection and containment of the products of both defecation and urination which is supplied with toilet paper adequate to employee needs. Toilet facility includes biological, chemical, flush and combustion toilets and sanitary privies.



(c) *Requirements.* Agricultural employers shall provide the following for employees engaged in hand-labor operations in the field, without cost to the employee:

(1) *Potable drinking water.* (i) Potable water shall be provided and placed in locations readily accessible to all employees.

(ii) The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees.

(iii) The water shall be dispensed in single-use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.

(2) *Toilet and hand washing facilities.* (i) One toilet facility and one hand washing facility shall be provided for each twenty (20) employees or fraction thereof, except as stated in paragraph ((c)(2)(v) of this section.

(ii) Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from the inside and shall be constructed to insure privacy.

(iii) Toilet and hand washing facilities shall be accessibly located and in close proximity to each other. The facilities shall be located within a one-quarter-mile walk of each hand laborer's place of work in the field.

(iv) Where due to terrain it is not feasible to locate facilities as required above, the facilities shall be located at the point of closest vehicular access.

(v) Toilet and hand washing facilities are not required for employees who perform field work for a period of three (3) hours or less (including transportation time to and from the field) during the day.

(3) *Maintenance.* Potable drinking water and toilet and hand washing facilities shall be maintained in accordance with appropriate public health sanitation practices, including the following:

(i) Drinking water containers shall be constructed of materials that maintain water quality, shall be refilled daily or more often as necessary, shall be kept covered and shall be regularly cleaned.

(ii) Toilet facilities shall be operational and maintained in clean and sanitary condition.

(iii) Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply and shall be maintained in a clean and sanitary condition; and

(iv) Disposal of wastes from facilities shall not cause unsanitary conditions.

(4) *Reasonable use.* The employer shall notify each employee of the location of the sanitation facilities and water and shall allow each employee reasonable opportunities during the workday to use them. The employer also shall inform each employee of the importance of each of the following good hygiene practices to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine and agrichemical residues:

(i) Use the water and facilities provided for drinking, handwashing and elimination;

(ii) Drink water frequently and especially on hot days;

(iii) Urinate as frequently as necessary;

(iv) Wash hands both before and after using the toilet; and

(v) Wash hands before eating and smoking.

(d) *Dates—1) Effective date.* This standard shall take effect on May 30, 1987.(2)

*Startup dates.* Employers must comply with the requirements of paragraphs:

(i) Paragraph (c)(1), to provide potable drinking water, by May 30, 1987;

(ii) Paragraph (c)(2), to provide handwashing and toilet facilities, by July 30, 1987;

(iii) Paragraph (c)(3), to provide maintenance for toilet and handwashing facilities, by July 30, 1987; and

(iv) Paragraph (c)(4), to assure reasonable use, by July 30, 1987.

[52 FR 16095, May 1, 1987, as amended at 76 FR 33612, June 8, 2011]

# First Aid

## Requirements

### Housing Inspection Program

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#### **CFR TITLE 20 CHAPTER PART 654.417(G):**

First aid facilities shall be provided and readily accessible for use at all times. Such facilities shall be equivalent to the 16-unit first aid kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.

#### **ETA TEGL numbers 32-10, 15-06 CHG 1, 17-06 CHG 1 ATTACHMENT B, PART II:**

Adequate fire extinguishers in good working condition and first aid kits shall be provided in the housing.

#### **THE AMERICAN RED CROSS RECOMMENDS THAT ALL FIRST AID KITS INCLUDE THE FOLLOWING:**

- 2 absorbent compress dressings (5 x 9 inches)
- 25 adhesive bandages (assorted sizes)
- 1 adhesive cloth tape (10 yards x 1 inch)
- 5 antibiotic ointment packets (approximately 1 gram)
- 5 antiseptic wipe packets
- 2 packets of aspirin (81 mg each)
- 1 blanket (space blanket)
- 1 breathing barrier (with one-way valve)
- 1 instant cold compress
- 2 pair of non-latex gloves (size: large)
- 2 hydrocortisone ointment packets (approximately 1 gram each)
- Scissors
- 1 roller bandage (3 inches wide)
- 1 roller bandage (4 inches wide)
- 5 sterile gauze pads (3 x 3 inches)
- 5 sterile gauze pads (4 x 4 inches)
- Oral thermometer (non-mercury/non-glass)
- 2 triangular bandages
- Tweezers
- First aid instruction booklet

# Smoke Detectors

## Iowa Code 100.18

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### 210.3(11) Smoke detectors shall be located as follows:

- a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
- b. In each room used for sleeping purposes.
- c. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[ARC 7735B, IAB 5/6/09, effective 4/7/09; ARC 8151B, IAB 9/23/09, effective 9/1/09; ARC 8550B, IAB 2/24/10, effective 4/1/10]

### 661—210.4(100) Smoke detectors—notice and certification of installation.

**210.4(1)** Notice of installation. An owner of a rental residential building containing two or more units, who is required by law to install smoke detectors, shall notify the local fire department upon installation of required smoke detectors.

**210.4(2)** Certification—single-family dwelling units. A person who files for a homestead tax credit pursuant to Iowa Code chapter 425 shall certify that the single-family dwelling unit for which the credit is filed has a smoke detector(s) installed in accordance with subrule 210.3(6) and paragraph 210.3(11)“a,” or that such smoke detector(s) will be installed within 30 days of the date of filing for credit.

**210.4(3)** Reports to fire marshal. Each county or city assessor charged with the responsibility of accepting homestead tax credit applications shall obtain certification of smoke detection on a form acceptable to the state fire marshal, signed by the person making application for credit, and shall file a quarterly report with the fire marshal listing the name and address and stating whether applicant attested to a detector(s) being present at the time of application or that a detector(s) would be installed as required within 30 days.

[ARC 8550B, IAB 2/24/10, effective 4/1/10]

### 661—210.5(100) Smoke detectors—new and existing construction.

**210.5(1)** New construction. All multiple-unit residential buildings and single-family dwellings which are constructed after July 1, 1991, shall include the installation of smoke detectors meeting the requirements of rule 661—210.3(100).

**210.5(2)** Existing construction. All existing single-family units and multiple-unit residential buildings shall be equipped with smoke detectors as required in paragraph 210.3(11)“a.”

[ARC 8550B, IAB 2/24/10, effective 4/1/10]



# Housing Inspection Checklists





## H-2A Pre-Occupancy Housing Inspections

### Housing Inspection Checklist

Date:	Job Order #:
Employer:	Inspector:

Address:
Lot/Apt #:
City:
County:

Anticipated Number of Occupants: \_\_\_\_\_

Number & Capacity of Inspected Sleeping Units: Number \_\_\_\_\_ Capacity \_\_\_\_\_

**NOTE:**

Housing built **prior** to April 3, 1980 should be inspected in accordance with **ETA** regulations.  
Housing built **after** April 3, 1980 should be inspected in accordance with **OSHA** regulations.

**Checklist Entry Key**

Enter **Y** if housing meets prescribed standards.

Enter **N** if housing does not meet prescribed standards.

Enter **N/A** if not applicable at time of inspection.

**NOTE:**

On all items to which the Secretary's regulations or other state or local regulations apply,  
the more stringent provision is to prevail.

Employer Representative (Print):
Employer Representative (Signature):
Inspected by: _____ Date: _____

# Housing Inspection Checklist

## 654.404 Housing Site

- \_\_\_\_\_ **a.** Located where sewage disposal neither creates nor is likely to create a nuisance or a hazard to health
- \_\_\_\_\_ Well drained and free from depressions
- \_\_\_\_\_ **b.** Housing must not be subject to, or in proximity to, conditions that create or are likely to create offensive odors, flies, noise, traffic, or any similar hazards
- \_\_\_\_\_ **c.** Free from debris, noxious plants, weeds, etc.
- \_\_\_\_\_ **d.** Space for recreation

## 654.405 Water Supply

- \_\_\_\_\_ **a.** An adequate and convenient supply of water that meets the standards of the State health authority must be provided
- \_\_\_\_\_ **b.** Cold water tap 100 feet from each individual living unit.
- \_\_\_\_\_ Adequate drainage facilities must be provided for overflow and spillage
- \_\_\_\_\_ **c.** No common drinking cup

## 654.406 Excreta and Liquid Waste Disposal

- \_\_\_\_\_ **a.** Effective disposal facilities provided
- \_\_\_\_\_ Liquid waste not discharged or allowed to accumulate on ground surface
- \_\_\_\_\_ **b.** Facilities connected to public sewers when available
- \_\_\_\_\_ **c.** No public sewers – other approved systems provided (septic, etc.)

#### 654.407 **Housing**

- \_\_\_\_\_ a. Housing must be structurally sound, in good repair, in a sanitary condition and must provide protection to the occupants against the elements.
- \_\_\_\_\_ b. Floors of rigid materials, smooth finished, readily cleanable and located as to prevent entrance of ground and surface water.  
(**OSHA REGULATION:** one-foot above ground level)
- \_\_\_\_\_ c. Sufficient floor and air space for current or anticipated occupants (**See below**)

#### **MINIMUM STANDARDS**

1. Sleeping only, single person beds (family, dormitory) - **50 sq. ft. per occupant**
2. Sleeping only, double bunks (dormitory) - **40 sq. ft. per occupant**
3. Cooking, eating, sleeping (efficiency) - **60 sq. ft. per occupant**

**NOTE:** No floor space shall be counted where ceiling height is less than 5 feet.

- \_\_\_\_\_ d. Room or rigid partitioned sleep area for husband and wife with children over 6 years of age to provide reasonable privacy.
- \_\_\_\_\_ e. Separate sleep accommodations for each sex or each family
- \_\_\_\_\_ f. Adequate and separate arrangements for hanging clothes and storing personal effects for each person or family.
- \_\_\_\_\_ g. At least one-half of the floor area in each living unit must have a minimum ceiling height of 7 feet.
- \_\_\_\_\_ h. One window or skylight (not including partitioned areas), each habitable room and opening directly to out of doors.  
  
\_\_\_\_\_ Minimum total window or skylight area, including windows in doors, equal to 10% of usable floor area  
  
\_\_\_\_\_ 45% minimum window area openable or adequate skylight provided except where mechanical or other ventilating devices are provided which are comparably adequate

#### 654.408 **Screening**

- \_\_\_\_\_ a. All outside openings must be protected with screening of not less than 16 mesh.
- \_\_\_\_\_ b. All screen doors must be tight fitting, in good repair, and equipped with self-closing devices.



#### 654.409 **Heating**

All living quarters and service rooms must be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 68 °F if during the period of normal occupancy, the temperature in such quarters falls below 68 °F.

(OSHA REGULATION: 70 deg. F. during cold weather)

\_\_\_\_\_ a. Any stoves or other sources of heat utilizing combustible fuel must be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases.

\_\_\_\_\_ No portable heaters other than those operated by electricity may be provided.

\_\_\_\_\_ If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring there must be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at least 18 inches beyond the perimeter of the base of the stove.

\_\_\_\_\_ b. Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe must be of fireproof material. A vented metal collar must be installed around a stovepipe, or vent passing through a wall, ceiling, floor, or roof.

\_\_\_\_\_ c. When a heating system has automatic controls, the controls must be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

#### 654.410 **Electricity and Lighting**

\_\_\_\_\_ a. Electric service available

\_\_\_\_\_ b. Adequate light fixtures in each habitable room and areas such as:

\_\_\_\_\_ laundry rooms

\_\_\_\_\_ shower

\_\_\_\_\_ bathrooms

\_\_\_\_\_ hallway

\_\_\_\_\_ stairway

\_\_\_\_\_ Wall outlet in each individual living room

\_\_\_\_\_ c. Adequate yard area lighting

\_\_\_\_\_ d. Wiring and lighting fixtures in safe conditions

654.411 **Toilets**

- \_\_\_\_\_ a. Constructed, located and maintained to prevent nuisance or health hazard
- \_\_\_\_\_ b. One water closet or privy (outhouse) seat for each 15 occupants
- \_\_\_\_\_ c. Urinals, if any, constructed of nonabsorbent materials
- \_\_\_\_\_ d. Separate toilet accommodations for men and women except in family units
  - \_\_\_\_\_ Solid wall from floor to roof/ceiling between men and women's toilets in the same building.
  - \_\_\_\_\_ Properly marked ("Men" and "Women" English and native language)
- \_\_\_\_\_ e. Toilet tissue and holder furnished
- \_\_\_\_\_ f. Toilets and privies well lighted, ventilated, clean and sanitary
- \_\_\_\_\_ g. Within 200 feet of each living unit
- \_\_\_\_\_ h. Privies (outhouse) not closer than 50 feet from any living unit or food facilities.
- \_\_\_\_\_ i. Privy structures and pits fly tight

654.412 **Bathing, Laundry, and Hand Washing**

- \_\_\_\_\_ a. Supplied with hot and cold water under pressure
  - \_\_\_\_\_ Facilities clean and sanitary
  - \_\_\_\_\_ Facilities with 200' of each living unit
- \_\_\_\_\_ b. One shower head per 15 persons (**OSHA REGULATIONS: 10 persons**)
  - \_\_\_\_\_ Adequate dry dressing space in common use facilities
  - \_\_\_\_\_ Shower heads spaced 3' apart with minimum of 9 square feet floor space
  - \_\_\_\_\_ Shower floor and drains properly constructed
  - \_\_\_\_\_ Separate shower facilities for each sex (except in family units)
  - \_\_\_\_\_ Solid non-absorbent wall from floor to ceiling/roof between shower facilities for both sexes in the same building
  - \_\_\_\_\_ Showers properly marked ("Men" and "Women" English and native language)

- \_\_\_\_\_ c. Lavatories or equivalent units in ratio of 1 to 15 persons
- \_\_\_\_\_ d. Sufficient laundry facilities provided (exception made if map to laundromat is provided)
- \_\_\_\_\_ Laundry facilities supplied with hot and cold water under pressure

**NOTE:** One tub or tray per 25 persons or mechanical washers one per 50 persons (with a minimum of one tub per 100 persons) (**OSHA REGULATIONS:** One tub or tray per 30 persons)

#### 654.413 **Cooking and Eating Facilities**

##### **STUDIO APARTMENTS**

- \_\_\_\_\_ a. Space provided and equipped for cooking and eating in individual units
- \_\_\_\_\_ Cooking stove or hotplate with minimum of two burners provided
- \_\_\_\_\_ Adequate food storage shelves
- \_\_\_\_\_ Counter for food preparation
- \_\_\_\_\_ Mechanical refrigerator (maximum temperature 45°)
- \_\_\_\_\_ Table and chairs equal to the capacity of the unit
- \_\_\_\_\_ Adequate light and ventilation

##### **HOUSE, APARTMENT, MOBILE HOME, ETC**

- \_\_\_\_\_ b. When workers or their families are permitted or required to cook and eat in a common facility
- \_\_\_\_\_ Separate from sleeping facilities
- \_\_\_\_\_ Provided with one stove or 2-burner hotplate for each 10 persons or two families
- \_\_\_\_\_ Adequate food storage shelves
- \_\_\_\_\_ Counter for food preparation
- \_\_\_\_\_ Mechanical refrigerator (maximum temperature 45°)
- \_\_\_\_\_ Table and chairs equal to the capacity of the unit
- \_\_\_\_\_ Adequate sinks with hot and cold water under pressure
- \_\_\_\_\_ Adequate light and ventilation
- \_\_\_\_\_ Floors of non-absorbent and easily cleaned materials

## **DORM STYLE**

- \_\_\_\_\_ c. Central mess facilities in proper proportion to capacity of housing
  - \_\_\_\_\_ Separate from sleeping quarters
  - \_\_\_\_\_ Facilities equipped and operated in accordance with State codes
- \_\_\_\_\_ d. Wall surface adjacent to food preparation and cooking areas must be of non-absorbent, easily cleaned, fire resistant material

### 654.414 **Garbage and Other Refuse**

- \_\_\_\_\_ a. Fly-tight 20-gallon containers provided adjacent to each to each housing unit
  - \_\_\_\_\_ Containers provided in minimum ratio of 1 to 15 persons.
- \_\_\_\_\_ b. Garbage collection at least twice a week or more often if necessary
  - \_\_\_\_\_ Disposal of refuse in accordance with State code

### 654.415 **Insect and rodent control**

- \_\_\_\_\_ a. Housing and facilities shall be free of insects, rodents and other vermin

### 654.416 **Sleeping Facilities**

- \_\_\_\_\_ a. Comfortable beds, cots or bunks with clean mattresses must be provided for each person.
- \_\_\_\_\_ b. Bedding provided by the housing operator must be clean and sanitary (Bedding equals fitted sheet, pillow, pillowcase & blanket or sheet)
- \_\_\_\_\_ c. No triple deck bunks
- \_\_\_\_\_ d. Proper clearance above and below sleeping facilities (See below)

#### **NOTE:**

- The clear space above the top of the lower mattress of a double deck bunk and the bottom of upper bunk – minimum 27”.
  - Distance from the top of the upper mattress to ceiling - minimum 36”.
  - Bunks, cots, beds to be placed no closer together than 30” side to side or end to end
  - Beds must be a minimum of twelve (12) inches off the floor.
- \_\_\_\_\_ e. Double beds occupied by 2 people in family combinations only



654.417 **Fire, Safety and First Aid**

- \_\_\_\_\_ a. Habitable buildings constructed and maintained in conformity to State of local safety laws
- \_\_\_\_\_ b. In family housing and housing units for less than 10 persons of one-story construction, two means of escape must be provided. One of the two required means of escape may be a readily accessible window with an openable space of not less than 24×24 inches.
- \_\_\_\_\_ c. All sleeping quarters intended for use by 10 or more persons, central dining facilities, and common assembly rooms must have at least two doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall
- \_\_\_\_\_ d. Sleeping quarters and common assembly rooms on the second story must have a stairway, and a permanent, affixed exterior ladder or a second stairway. (Iowa allows the use of an escape ladder)
- \_\_\_\_\_ e. Sleeping and common assembly rooms located above second story comply with State and local fire and building code
- \_\_\_\_\_ f. Fire extinguishing provided in readily accessible place
  - \_\_\_\_\_ Fire extinguishing equipment provides protection equal to 2 ½ gallon stored pressure or 5-gallon pump – type water extinguisher
  - \_\_\_\_\_ Fire extinguishing equipment provided within 100 feet from each housing unit
- \_\_\_\_\_ g. First aid facilities must be provided and readily accessible for use at all times. Such facilities must be equivalent to the 16-unit first aid kit recommended by the American Red Cross and provided in a ratio of 1 per 50 persons.
- \_\_\_\_\_ h. No flammable or volatile liquids or materials must be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.
  - \_\_\_\_\_ Agricultural pesticides and toxic chemicals not stored in housing area.

**Smoke Detectors**

- \_\_\_\_\_ Adequate number of smoke detectors in housing
- \_\_\_\_\_ Proper location of smoke detectors
- \_\_\_\_\_ All smoke detectors functioning

**NOTE:** Smoke detectors shall be located as follows:

On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms. In each room used for sleeping purposes. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

For more information please visit: <https://www.legis.iowa.gov/docs/iac/chapter/661.210.pdf>

## Housing Inspection Checklist (20 CFR 654)

[illegible]





Iowa Workforce Development

## H-2A Pre-Occupancy Housing Inspections Photo Checklist

**Employer:**

**Housing address:**

**Outside Housing/Site:**

- \_\_\_\_\_ House number
- \_\_\_\_\_ All sides of house/apartment complex/etc. (external)
  - \_\_\_\_\_ Must show proof of structural soundness, sanitary conditions, good repair, and protection against elements
- \_\_\_\_\_ Pictures of all windows that shows screening
- \_\_\_\_\_ Adequate yard lighting
- \_\_\_\_\_ Picture of all exits
- \_\_\_\_\_ Tight-fitting screen door(s) with self-closing device whenever doors open inwardly to a livable area
- \_\_\_\_\_ Picture of area to allow for recreation

**Kitchen:**

- \_\_\_\_\_ Picture of full kitchen in clean and sanitary conditions
  - \_\_\_\_\_ Flooring must be constructed of rigid, nonabsorbent, and easily cleanable material (NO CARPET)
- \_\_\_\_\_ Picture of place for food storage/shelves
- \_\_\_\_\_ Picture of counter space for food prep
- \_\_\_\_\_ Picture of refrigerator(s) with doors opened
- \_\_\_\_\_ Picture of stove(s) with burners on
- \_\_\_\_\_ Proof of lighting (with lights turned on)
- \_\_\_\_\_ Table and chairs (1 chair per worker)
- \_\_\_\_\_ Individual drinking cups (1 per worker)
- \_\_\_\_\_ Kitchen sink running water
  - \_\_\_\_\_ Adequate hot & cold-water supply
- \_\_\_\_\_ Under kitchen sink
- \_\_\_\_\_ Trash can(s) with lid

**Living Room:**

- \_\_\_\_\_ Picture of full living room
- \_\_\_\_\_ Proof of lighting (with lights turned on)
- \_\_\_\_\_ Picture of wall outlet
- \_\_\_\_\_ Picture of functioning smoke detector
- \_\_\_\_\_ Source of heat (thermostat showing no less than 68 degrees)
- \_\_\_\_\_ DOL required Labor Laws Posters, MSPA, Complaint Poster, & H-2A Employee Rights (**both English & Spanish**)



**Hallway(s):** If applicable

1	2	3	4	
				Picture of hallway
				Proof of lighting (with lights turned on)
				Picture of functioning smoke detector

**Stairway(s):** If applicable

1	2	3	4	
				Handrail (anytime there are 4 plus stairs)
				Proof of lighting (with lights turned on)
				Picture of functioning smoke detector

**Bathroom(s):**

1	2	3	4	5	6	
						Picture of full bathroom in clean and sanitary conditions
						Flooring constructed of rigid, nonabsorbent, and easily cleanable material (NO CARPET)
						Picture of door/curtain to allow for privacy
						Proof of lighting (with lights turned on)
						Sink running water (with adequate hot & cold-water supply)
						Under the bathroom sink
						Toilet flushing
						Toilet paper holder
						Furnished toilet paper
						Shower running with adequate hot & cold-water supply under pressure showing clean and sanitary conditions in shower/bathtub

**Bedroom(s):**

1	2	3	4	5	6	
						Picture of full bedroom (separate from eating and common areas)
						Picture of door/curtain to allow for privacy
						All bedroom windows that show screening
						Proof of lighting (with lights turned on)
						Picture of functioning smoke detector
						Proof of bed with appropriate bedding (pillow, pillowcase, fitted sheet, & blanket or sheet)
						Storage/closet/dresser for workers to store clothing and personal effects
						Wall outlet

**Safety:**

- \_\_\_\_\_ Fire extinguisher
  - \_\_\_\_\_ Located in housing unit in a location that is easily accessible
- \_\_\_\_\_ First aid kit (1 to 50 individuals)
  - \_\_\_\_\_ Located in housing unit in a location that is easily accessible
- \_\_\_\_\_ Emergency escape ladder (if applicable)

**Laundry:**

- \_\_\_\_\_ Picture of washer and dryer
  - \_\_\_\_\_ Showing sufficient facility with hot and cold water under pressure
- \_\_\_\_\_ Fixed lighting in laundry room (with lights turned on)
- \_\_\_\_\_ Picture of closest laundromat directions (if laundry is not available on site)

**Basement:** ALL housing units with basements must be inspected for safety purposes

- \_\_\_\_\_ Picture of full basement in safe condition
  - \_\_\_\_\_ Proof of lighting (with lights turned on)
- \_\_\_\_\_ Picture of functioning smoke detector

**\*All photos must be in a JPG format\***

---

**Employer signature**

---

**Inspector signature**

**Housing Occupancy Certificate — Migrant  
and Seasonal Agricultural Worker  
Protection Act**

**U.S. Department of Labor**  
Wage and Hour Division



OMB Number: 1235-0006  
Expiration Date: 10-31-2026

**A. IDENTIFYING INFORMATION**

1. Location of Housing Inspected:

Description of Housing Units and Number of Units:

2a. Name and Address of Owner of Housing Units:	3a. Name and Address of Individual(s) in Charge:
b. Phone:	b. Phone:
4a. Name and Address of Farm Labor Contractor, if Any:	5. Date Inspection was Requested:
b. Registration No.:	6. Expected Dates of Occupancy From: To:

**B. CERTIFICATION: For Completion By Agency Personnel Conducting Housing Inspection**

The housing identified above has been inspected by the undersigned and found to meet the substantive safety and health standards prescribed in one of the following Department of Labor regulations.

- ☐ 29 C.F.R. § 1910.142 Occupational Safety and Health Administration Regulations  
☐ 20 C.F.R. Part 654 Employment and Training Administration Regulations

The definition of substantive safety and health standards is given in 29 C.F.R. § 500.133.

Date of Inspection:

Date Certificate Expires:

Maximum Occupancy: \_\_\_\_\_

Special Conditions (If none, write "None"):

District Office Address:

\_\_\_\_\_  
(Signature and Title of Person Issuing Certificate)

\_\_\_\_\_  
(Date Issued)

**Important Notice:** A copy of this certificate must be posted at the site of the housing identified above. This certificate is valid for one year from the date of issuance. If after one year from the date of this certificate the property identified above is to be utilized to house migrant workers, a new certificate must be requested.

The original of this certificate must be kept as a record for three years from the date of issuance.

This inspection certificate does not relieve any person from compliance with any applicable State, county or local ordinance. Receipt and posting of this certificate of occupancy does not relieve the persons who own or control this facility or property from the responsibility of ensuring that such facility or property meets the applicable State and Federal safety and health standards. Once such facility or property is occupied, such person shall supervise and continually maintain such facility or property to ensure that it remains in compliance with the applicable safety and health standards.

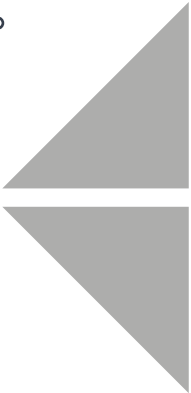
**Public Burden Statement**

According to the Paperwork Reduction Act of 1995, no person is required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 4 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information, and maintaining the records. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Administrator, Wage and Hour Division, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Pursuant to 29 C.F.R. § 500.135, prior to occupancy it is mandatory for any person or organization which owns or controls a facility or real property to be used for housing a migrant agricultural worker to obtain certification from a State or local health authority or other appropriate agency, including a federal agency, that the facility or real property meets applicable safety and health standards. A copy of the certification must be posted at the housing site prior to occupancy.

**DO NOT SEND THE COMPLETED FORM TO THIS OFFICE.**

# Frequently Asked Questions

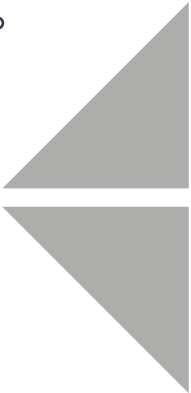




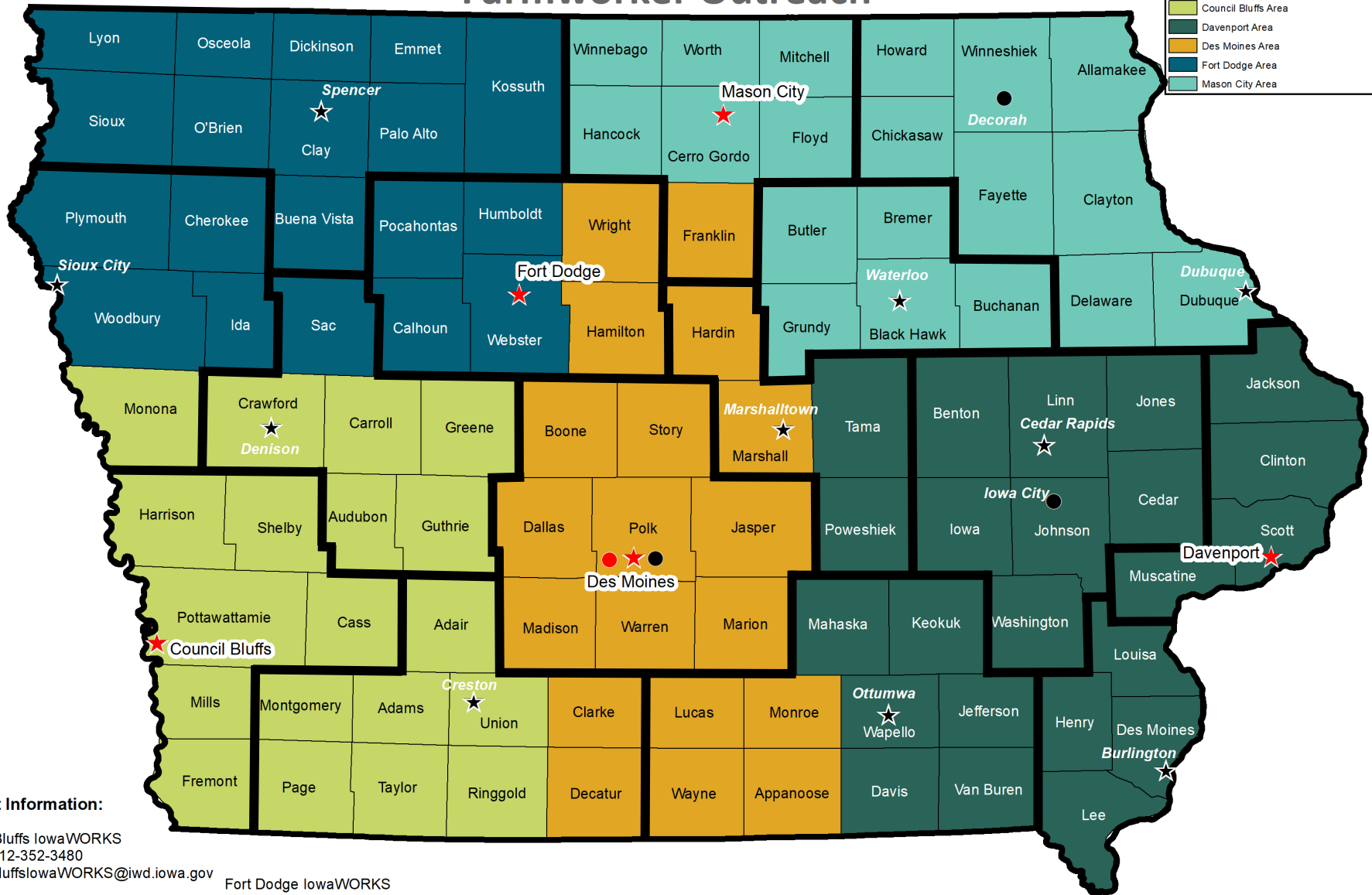
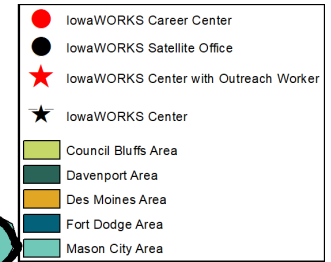
## Frequently Asked Questions: Housing Inspections

1. **Can housing units be pre-inspected by the Iowa SWA?**
  - a. No, housing units are only inspected when there is a pending petition in FLAG and it's determined that the unit needs to be inspected.
2. **What conditions should the housing unit be in at the time of the housing inspection?**
  - a. All units should be move in ready as if the workers were present ready to move into the unit.
3. **Is carpeting or plywood flooring allowed in kitchens and bathrooms?**
  - a. No, carpeting is not allowed in these areas. Flooring shall be constructed of rigid materials, smooth finish, and readily cleanable material.
4. **Can employers house workers in a common space such as a living room?**
  - a. No, workers cannot be housed in a common space.
5. **If my house has a basement, does it have to be inspected even if the workers do not have access to it?**
  - a. Yes, all areas of the home must be inspected for safety.
6. **If my home has an attic, does it have to be inspected even if the workers do not have access to it?**
  - a. Yes, all areas of the home must be inspected for safety.
7. **Can employers house workers in their own personal home?**
  - a. Yes, as long as it meets all federal and state requirements.
8. **Does my housing unit require window screens?**
  - a. Yes, all openings to the outdoors must have screening.
9. **Are windows required in bedrooms?**
  - a. Yes, all bedrooms need to have one window that opens directly to the outdoors.
10. **What is appropriate bedding?**
  - a. The State of Iowa requires all employers to provide a fitted sheet, blanket, pillow, and pillowcase for each worker.
11. **Can workers share a bed?**
  - a. Beds used for double occupancy can only be used for family accommodation.
12. **Can fire extinguishers and first aid kits be located outside the housing unit?**
  - a. No, these safety items are required to be located inside the housing unit in an accessible area.
13. **Are trash cans without lids allowed?**
  - a. No, all trash cans are required to have an airtight lid.
14. **Can we provide bedroom storage for workers outside of their bedroom?**
  - a. No, storage for workers needs to be provided inside of their room.
15. **Can we utilize a basement bedroom to house workers?**
  - a. Yes, if there is an E-Grass window and meets bedroom requirements.
16. **Can a dining room be placed in a bedroom?**
  - a. No, the dining table and chairs cannot be in the same space.
17. **What is the square footage required for a single bed and a bunk bed set?**
  - a. One single bed requires 50 square feet, and one bunk bed requires 80 square feet.
18. **If bedrooms are on the 2<sup>nd</sup> story, must we provide an escape ladder?**
  - a. Yes, emergency escape ladders are required.

# Outreach Specialist Contact Information



# Iowa's Migrant & Seasonal Farmworker Outreach



## Contact Information:

Council Bluffs IowaWORKS  
Phone: 712-352-3480  
CouncilBluffsIowaWORKS@iwd.iowa.gov

Davenport IowaWORKS  
563-445-3200  
DavenportIowaWORKS@iwd.iowa.gov

Des Moines IowaWORKS  
515-281-9619  
DesMoinesIowaWORKS@iwd.iowa.gov

Fort Dodge IowaWORKS  
Phone: 515-576-3131  
FortDodgeIowaWORKS@iwd.iowa.gov

Mason City IowaWORKS  
641-422-1524  
MasonCityIowaWORKS@iwd.iowa.gov

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Development**

Updated: January 3, 2025

