



# Extension FactSheet

Agricultural Business Enhancement Center, 440 East Poe Road, Bowling Green Ohio 43402

## Operating an Agricultural Migrant Labor Camp in Ohio

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### Who Operates an Agricultural Migrant Labor Camp?

Typically, farm employers, food processors, or farm labor contractors who employ seasonal *migrant* workers will operate licensed agricultural labor camps. Because these workers are migrants, farm employers have recognized the need to construct, license, and operate a labor camp to ensure an adequate and timely labor supply.

### What Is an Agricultural Migrant Labor Camp?

**State of Ohio Standard** — An agricultural labor camp is defined as one or more buildings, trailers, tents, or vehicles (and attached real estate) that is operated or used as temporary living quarters for **two or more families or five or more persons** intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease, or mutual agreement. An agricultural labor camp does not include a hotel, a motel, or a trailer park.

**Federal Standard** — Housing **one or more** migrant workers requires compliance with either the Department of Labor's (DOL) Employment and Training Administration's (ETA) standards or DOL's Occupational Safety and Health Administration's (OSHA) standards.

### Who Is a Migrant Worker?

A migrant agricultural worker means an individual who is employed in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his/her permanent place of residence.

### What Is the Basis for Regulation of Ohio Agricultural Migrant Labor Camps?

**State Regulations** — Agricultural labor camps are regulated by the Ohio Department of Health under the authority of Section 3733 of the Ohio Revised Code (ORC). The rules the ODH follows for enforcement are in Chapter 3701-33 of the Ohio Administrative Code (OAC).

**Federal Regulations** — The DOL's ETA standards are established under the Code of Federal Regulations (CFR) - 20 CFR 654.404 et seq. The DOL's OSHA housing standards basis: Standards - 29 CFR, Temporary Labor Camps - 1910.142.

### Who Regulates Agricultural Migrant Labor Camps?

#### State Regulations (OAC Chapter 3701-33)

The Ohio Department of Health (ODH) is the state of Ohio agency responsible for:

- Planning the review and approval of new or extensively altered agricultural labor camps.
- Licensing agricultural labor camps.
- Inspecting agricultural labor camps to ensure compliance with regulatory requirements.
- Investigating reported unlicensed agricultural labor camps.
- Investigating reported rule violations in licensed agricultural labor camps.
- Establishing criteria for voluntary standards for agricultural labor camps (in cooperation with the agricultural labor camp advisory committee). Voluntary standards are used as partial

criteria for the award of grant monies through the Ohio Department of Development to camp operators for construction of new camps or rehabilitation of existing camps.

#### **State Regulations (OAC Chapters 3745 and 6111)**

The Ohio Environmental Protection Agency (OEPA) rules cover both the migrant labor camp drinking-water system and the sewage-disposal system. After plan review of new facilities, OEPA issues a Permit to Install and issues licenses for camp water supplies.

#### **Federal Regulations (20 CFR 654.404 or 29 CFR, Temporary Labor Camps-1910.142)**

The U.S. DOL's Wage and Hour Division<sup>1</sup> is responsible for inspecting and enforcing the ETA or OSHA standards for migrant labor camps. ETA standards will be followed for housing built prior to April 3, 1980. OSHA standards will be utilized for housing built after that date.

### **Procedures for New Construction or Extensive Renovation of Existing Facilities**

Prior to any new construction or extensive remodeling, operators must submit a site diagram and floor plans with sufficient details to document compliance with the rules. A checklist and the rules are available. ODH rules and plan review cover safety and sanitary design elements such as housing site; house design; screening; heating; electricity and lighting; toilet facilities; bathing, laundry, and handwashing facilities; cooking and eating facilities; refuse disposal; insect and rodent control; sleeping facilities; fire, safety, and first aid.

Ohio EPA plan approval is required by ODH licensing rules for both the drinking-water and the sewage-disposal systems.

### **Procedures for Annual Renewal of Two Agency Licenses**

The ODH license for all licensed camps expires on Dec. 31. All migrant labor camps must be re-licensed annually prior to occupancy.

Each labor camp operator must:

- Submit an application for license to the ODH. This should be submitted by April 14 to obtain a standard license fee of \$20 plus \$3 per housing unit. The Ohio Revised Code doubles the fee if the application is received after April 14.
- Request a pre-licensure inspection appointment at least 30 days prior to the planned occupancy.
- Have the water supply tested at least 30 days prior to the camp inspection to allow time to resolve any questions before the final inspection. Have a copy of the safe [negative total coliform] water lab report for the sanitarian. The labor camp operator should utilize approved procedures for well disinfection prior to submission of the water sample.

<sup>1</sup> This federal agency is part of the U.S. Department of Labor, Employment Standards Administration (ESA).

At the final inspection, the camp must comply with all the rules provisions in OAC Chapter 3701-33 before a license can be issued.

If a copy of the safe water sample is not available, a recommendation of licensure will be issued pending receipt of a safe water sample report.

Once all documentation is in order, ODH will then issue the Agricultural Migrant Labor Camp License.

Prior to occupancy, each labor camp operator must renew the labor camp's Ohio EPA "License to Operate or Maintain a Public Water System." This license expires annually on Jan. 30. This renewal is usually done in December or early January.

**Special note on federal standards:** The ETA or OSHA does not issue a license to operate a migrant labor camp. DOL's Wage and Hour Division will conduct inspections of labor camps upon request of workers or during routine enforcement procedures. Noted violations must be corrected within a specified time period.

### **Procedures While the Labor Camp Is Occupied**

The labor camp operator has various responsibilities while the labor camp is actively occupied:

- **Drinking water samples**

A safe (negative) total coliform sample result must be submitted to the Ohio EPA within each *calendar* quarter the labor camp is occupied. As an example, if the labor camp is occupied from May through October, a total of three safe water samples must be submitted (April through June; July through September; October through December).

The OEPA requires submission of safe drinking water samples for both nitrates and nitrites. Nitrates must be tested annually, while nitrites are tested every three years. This schedule is determined by the OEPA.

- **ODH Inspections**

ODH sanitarians will conduct unscheduled daytime and evening bi-lingual inspections during the season to monitor compliance with regulations. Noted violations must be corrected within re-inspection time limits.

### **Financial Assistance for New or Renovated Migrant Labor Camps in Ohio**

The Migrant Housing Labor Camp Improvement Program competitively awards grants of up to \$50,000 matching funds to owners and operators of existing and proposed agricultural labor camps. Program funds can be used for housing and infrastructure improvements. Camps must be licensed by ODH.

To apply, owners/operators must provide evidence of site control and plan to remain in business for three years.

For more information on the Migrant Housing Labor Camp Improvements Program, contact the Office of Housing and Community Partnerships at 614-466-2285.

## Contact Information

### Ohio Department of Health

246 North High Street  
Columbus, OH 43266-0118  
614-466-1390

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Website: <http://www.odh.state.oh.us/>

### Ohio EPA – Division of Drinking and Ground Waters

Website: <http://www.epa.ohio.gov/ddagw/ddagwmain.html>

Central Office	614-644-2752
Central District office	614-728-3778
Northeast District office	330-963-1200
Northwest District office	419-352-8461
Southeast District office	740-385-8501
Southwest District office	937-285-6357

### Ohio Department of Development (ODOD)

Administers the Migrant Housing Labor Camp Improvement Program

77 S. High Street

P.O. Box 1001

Columbus, OH 43216-1001

800-848-1300, 614-466-2480

Fax 614-644-5167

Website: <http://www.odod.state.oh.us/cdd/hf/prog2.htm>

### WSOS Community Action Commission, Inc.

Assistance in writing the ODOD grant

Benjamin T. Kenny, Director

Community and Economic Development

219 South Front Street

P.O. Box 590

Fremont, Ohio 43420

419-334-8911 or 800-775-9767

Fax: 419-334-5125

E-mail: [ced@nwohio.com](mailto:ced@nwohio.com)

Web site: [www.wsos.org](http://www.wsos.org)

### OSHA and ETA Information and Enforcement

U.S. Department of Labor

Employment Standards Administration

Wage and Hour Division

200 North High Street, Rm. 646

Columbus, Ohio 43215

614-469-5415

<http://www.dol.gov/dol/esa/welcome.html>

### General Housing Information

Ohio Department of Commerce

Ohio Department of Job and Family Services (ODJFS)

**Benito Lucio, Monitor Advocate, Ombudsman**

**Toll free: 1-800-282-3525**

145 S. Front Street, P.O. Box 1618

Columbus, Ohio 43216

614-752-8598, Fax 614-752-9236

<http://www.state.oh.us/ODJFS/agriculture/>

The purpose of this publication is to provide accurate information on the subject matter. In providing this information, the author and The Ohio State University do not intend to offer legal or other professional services. The reader should seek to engage the appropriate government personnel to proceed with proper procedures.

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