



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Health

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) See Attachment 1 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: Ch. 246-358 WAC--Temporary Worker Housing (TWH), ch. 246-359 WAC--TWH Construction Standard, and ch. 246-361 WAC--Cherry Harvest Camps. Clarifying terms, standards, conditions and inspection frequencies, implementing program efficiencies, improving health and safety standards, ensuring consistency with federal standards, and making housekeeping changes. Repealing ch. 246-361 WAC and incorporating its content into ch. 246-358 WAC and ch. 246-359 WAC.

Citation of existing rules affected by this order:

Repealed: See Attachment 2

Amended: See Attachment 2

Suspended: none

Statutory authority for adoption: Chapter 70.114A RCW

Other authority : RCW 43.70.334 through 43.70.340

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-24-107 on 12/02/2014 (date).

Describe any changes other than editing from proposed to adopted version: See Attachment A

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Date adopted:

06/15/2015

NAME (TYPE OR PRINT)

Dennis Worsham for John Wiesman, DrPH, MPH

SIGNATURE

TITLE

Deputy Secretary for Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 15, 2015

TIME: 3:17 PM

WSR 15-13-091

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>46</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>8</u>	Amended	<u>13</u>	Repealed	<u>23</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>8</u>	Amended	<u>59</u>	Repealed	<u>23</u>

CR-103P - Attachment 1
Rules proposed as WSR 14-24-107 –
Temporary Worker Housing Chapters 246-358, 246-359, 246-361 WAC

Effective date(s) of rule by WAC Section:

Sections effective 31 days after filing	New, Amended or Repealed
246-358-001	Amended
246-358-010	Amended
246-358-015	New
246-358-025	Amended
246-358-027	Amended
246-358-028	New
246-358-0280	New
246-358-040	Amended
246-358-045	Amended
246-358-055	Amended
246-358-065	Amended
246-358-090	Amended
246-358-145	Amended
246-358-165	Amended
246-358-175	Amended
246-358-990	Amended

Sections effective January 1, 2016	New, Amended or Repealed
246-358-029	Amended
246-358-050	New
246-358-070	Amended
246-358-075	Amended
246-358-077	New
246-358-080	New
246-358-093	New
246-358-095	Amended
246-358-100	Repealed
246-358-125	Amended
246-358-135	Amended
246-358-155	Amended
246-359-001	Amended
246-359-005	Amended
246-359-010	Amended
246-359-020	Amended
246-359-030	Amended
246-359-040	Amended
246-359-050	Amended
246-359-060	Amended
246-359-070	Amended
246-359-080	Amended

246-359-090	Amended
246-359-100	Amended
246-359-110	Amended
246-359-120	Amended
246-359-130	Amended
246-359-140	Amended
246-359-150	Amended
246-359-160	Amended
246-359-180	Amended
246-359-250	Amended
246-359-300	Amended
246-359-350	Amended
246-359-510	Amended
246-359-530	Amended
246-359-540	Amended
246-359-550	Amended
246-359-560	Amended
246-359-565	Amended
246-359-570	Amended
246-359-575	Amended
246-359-580	Amended
246-359-590	Amended
246-359-600	Amended
246-359-650	New
246-359-710	Amended
246-359-720	Amended
246-359-740	Amended
246-359-760	Amended
246-359-800	Amended
246-359-990	Amended

246-361-001	Repealed
246-361-010	Repealed
246-361-020	Repealed
246-361-025	Repealed
246-361-030	Repealed
246-361-035	Repealed
246-361-045	Repealed
246-361-055	Repealed
246-361-065	Repealed
246-361-070	Repealed

246-361-075 Repealed

246-361-080 Repealed

246-361-090 Repealed

246-361-095 Repealed

246-361-100 Repealed

246-361-125 Repealed

246-361-135 Repealed

246-361-145 Repealed

246-361-155 Repealed

246-361-165 Repealed

246-361-175 Repealed

246-361-990 Repealed

CR-103P - Attachment 2
Rules proposed as WSR 14-24-107 –
Temporary Worker Housing Chapters 246-358, 246-359, 246-361 WAC

Citations of existing rules affected by this order (repealed and amended sections only):

Sections Repealed
246-358-100
246-361-001
246-361-010
246-361-020
246-361-025
246-361-030
246-361-035
246-361-045
246-361-055
246-361-065
246-361-070
246-361-075
246-361-080
246-361-090
246-361-095
246-361-100
246-361-125
246-361-135
246-361-145
246-361-155
246-361-165
246-361-175
246-361-990

Sections Amended		
246-358-001	246-359-020	246-359-560
246-358-010	246-359-030	246-359-565
246-358-025	246-359-040	246-359-570
246-358-027	246-359-050	246-359-575
246-358-029	246-359-060	246-359-580
246-358-070	246-359-070	246-359-590
246-358-075	246-359-080	246-359-600
246-358-040	246-359-090	246-359-710
246-358-045	246-359-100	246-359-720
246-358-055	246-359-110	246-359-740
246-358-065	246-359-120	246-359-760
246-358-090	246-359-130	246-359-800
246-358-095	246-359-140	246-359-990
246-358-125	246-359-150	
246-358-135	246-359-160	
246-358-145	246-359-180	
246-358-155	246-359-250	
246-358-165	246-359-300	
246-358-175	246-359-350	
246-358-990	246-359-510	
246-359-001	246-359-530	
246-359-005	246-359-540	
246-359-010	246-359-550	

**Attachment A to CR-103
For Rules Proposed as WSR 14-24-107
Chapters 246-358, 246-359, 246-361**

Changes other than editing from the proposed to adopted rule version:

WAC 246-358-029 Table 1 Toilet ratios

Proposed language: WAC 246-358-029 Table 1:

Facility Type	Toilets		Handwash Sinks	
	Male	Female	Male	Female
Common Facilities	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants
Each Family Shelter	1, if provided		1	

Adopted language: WAC 246-358-029 Table 1:

Floor Space Requirements	<u>Sleeping room only</u>		<u>Sleeping room with kitchen</u>			
	50 square feet per occupant		100 square feet per temporary worker			
Facility requirements	Toilets		Handwash Sinks		Bathtubs or Showers	
	Male	Female	Male	Female	Male	Female
Common Facility, Single Sex	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Common Facility: Male/Female	1 minimum, 1 per 15 occupants	1 minimum, 1 per 15 occupants	1 per 6 occupants	1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Each Family Shelter	1, if provided		1		1, if provided	

The department received comments about providing a minimum of two toilets per common men's and women's toilet facilities. The department changed its interpretation of the Federal rule to a two-toilet minimum includes both genders' facilities. Proposed rule language that required a two-toilet minimum per gender was removed.

WAC 246-359-560 Table 1 Toilet ratios

Proposed language: WAC 246-359-560 Table 1:

Common Facility	Water Closets		Handwash Sinks		Bathtubs or Showers	
	Male	Female	Male	Female	Male	Female
	2 minimum 1 per 15 occupants	2 minimum 1 per 15 occupants	2 minimum 1 per 15 occupants	2 minimum 1 per 15 occupants	1 per 10 occupants	1 per 10 occupants
Each Family Shelter	1 per 8 occupants, if provided		1 per 8 occupants, if toilet provided		1 per 10 occupants, if provided	

Adopted language: WAC 246-359-560 Table 1:

Facility Type	Water Closets		Handwash Sinks		Bathtubs or Showers	
	Male	Female	Male	Female	Male	Female
Common Facilities, Single Sex	2 minimum 1 per 15 occupants	2 minimum 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Common Facilities: Male/Female	1 minimum, 1 per 15 occupants	1 minimum, 1 per 15 occupants	1 minimum, 1 per 6 occupants	1 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Each Family Shelter	1, if provided		1		1, if provided	

The department received comments about providing a minimum of two toilets per common men’s and women’s toilet facilities. The department changed its interpretation of the Federal rule to a two-toilet minimum includes both genders’ facilities. The rule language that required a two-toilet minimum per gender was changed..

WAC 246-358-050(1) and 246-358-145(5) Emergency services access

Proposed language: 050 [No language proposed.]

145(5) Provide a means of communication on the TWH site so occupants can contact the first-aid trained person or emergency services within a reasonable amount of time.

Adopted language: 050(1)(a)(ii) A plan for contacting a first-aid trained person or emergency services within a reasonable amount of time; and

145(5) [Proposed language is removed.]

The department received feedback about requiring a means of reaching emergency services. The department believes that it is important for occupants to have this ability, but the requirement is better placed in the TWH management plan section. Therefore, the proposed rule language was removed from WAC 246-358-145, and rule language was added to WAC 246-358-050 requiring a plan to provide a means for occupants to contact emergency services.

WAC 246-358-055(5) Handwash water temperature

Proposed language: (5) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, handwashing, and laundry facilities.

(6) Provide an automatically controlled hot water supply of 100 to 120 degrees Fahrenheit in bathing, food-handling, handwashing, and laundry facilities.

Adopted language: (5) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, and laundry facilities.

(6) Provide an automatically controlled hot water supply of 100 to 120 degrees Fahrenheit in bathing, food-handling, and laundry facilities.

The department received comments about adding a requirement for hot water for handwashing. The evidence indicates that use of soap, cool water, and friction (rubbing hands together) can be as effective

as hot water for successful handwashing. Therefore the term “handwashing” is removed from the proposed rule.

WAC 246-358-075(1) Shelter

Proposed language: [No language proposed.]

Adopted language: (a) Protect against the elements;

The department received comments about requiring that bathing facilities must be protected from the elements. This is already in current WAC 246-358-075, but needs clarification. Therefore, the department added language to WAC 246-358-075 to clarify that TWH dwelling units and common facilities must be protected against the elements.

WAC 246-358-075 Door locks

Proposed language: (4) Provide locking mechanisms on:

- (a) Exterior doors;
- (b) Bedroom doors;
- (c) Bathroom doors;
- (d) Toilet and shower stall doors.

(5) [No proposed language.]

(6) [No language proposed.]

Adopted language: (4) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(5) Provide a locking mechanism on all bedroom doors, excluding doors to bedrooms housing more than fifteen occupants. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

- (6) Provide a locking mechanism on:
- (a) Each toilet stall door, if provided; and
 - (b) Each shower stall door, if provided.

WAC 246-359-510 Door Locks

Proposed language: (3) Provide locking mechanisms on:

- (a) Exterior doors;
- (b) Bedroom doors;
- (c) Bathroom doors;
- (d) Toilet and shower stall doors.

(4) [No proposed language.]

(5) [No language proposed.]

Adopted language: (3) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress, and must be easily opened from the inside without use of a key or special knowledge.

(4) Provide a locking mechanism on all bedroom doors, excluding doors to common sleeping areas. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(5) Provide a locking mechanism on:

- (a) Each toilet stall door, if provided; and
- (b) Each shower stall door, if provided.

Stakeholder commented about adding a requirement for door locks on bedroom doors and toilet and shower stall doors. Therefore the proposed language about door locks was changed to clarify and address exterior doors on family shelters, and toilet and shower stall doors in both chapter 246-358 WAC and chapter 246-359 WAC.

WAC 246-358-075(7) Lead-based paint

Proposed language: (7) Prohibit the use of lead-based paint on any part of the TWH.

Adopted language: (9) Comply with all applicable state and federal laws and rules for lead-based paint.

WAC 346-359-530(6) Lead-based paint

Proposed language: (6) Do not use lead-based paint on any part of a TWH building or within the TWH site.

Adopted language: (6) Comply with all applicable state and federal laws and rules for lead-based paint.

The department received comments addressing the issue of lead-based paint in the TWH rules. The department believes it important to address lead-based paint in TWH. Therefore the proposed rule language was changed in both chapter 246-358 WAC and chapter 246-359 WAC to clarify the requirement.

WAC 246-358-075(13) 100 square feet

Proposed language: (a) Has at least one hundred square feet of floor space per temporary worker;

Adopted language: (b)(i) Has at least one hundred square feet of floor space per temporary worker.
(ii) For a family shelter constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, one hundred square feet of floor space per temporary worker is required by January 1, 2019. Upon the operator's request, the department of health may grant an extension(s) for up to three additional years.
Requests must:
(A) Include a schedule and work plan for achieving compliance;
(B) Be on a form provided by the department of health; and
(C) Be submitted to the department of health prior to January 1, 2019.

The department received comments about the 100 square foot per temporary worker in rooms with cooking and sleeping that it would be a hardship to comply with the rule for existing housing and that time is needed to comply. Therefore the department changed the proposed rule language in WAC 246-358-075 to implement delayed implementation for compliance.

WAC 246-358-075 Heating

Proposed language: (16) Provide every dwelling unit and common facility with equipment capable of maintaining a temperature of at least seventy degrees Fahrenheit during cold weather.

Adopted language: (18) Provide habitable rooms with equipment capable of maintaining a temperature of at least seventy degrees Fahrenheit during cold weather.

WAC 246-359-580(1) and (2) Heating

Proposed language: (1) When the dwelling unit temperature will fall below seventy degrees Fahrenheit during occupancy, the TWH dwelling unit must provide adequate heating systems to maintain a temperature at or above seventy degrees Fahrenheit during occupancy. Heating systems must be permanent, installed, and comply with DOSH and chapter 246-358 WAC.

(2) Provide adequate heating in sleeping facilities, including bathrooms, if used during cold weather.

Adopted language: (1) When the temperature in habitable rooms will fall below seventy degrees Fahrenheit, the TWH common facility must provide adequate heating systems to maintain a temperature of seventy degrees Fahrenheit. Heating systems must be permanent, installed, and comply with DOSH and chapter 246-358 WAC.

(2) [Proposed language is removed. Remaining subsections renumbered].

The department received comments about providing the ability to maintain 70 degrees in dwelling units. The department changed the proposed language regarding 70 degrees in habitable room in WAC 246-358-075 and WAC 246-359-580 to clarify the heating requirement.

WAC 246-358-080(3) Fire Extinguishers

Proposed language: An operator shall provide properly working fire extinguishers that are:

Adopted language: An operator shall provide properly working fire extinguishers in dwelling units where occupants sleep if the dwelling unit does not have a second means of emergency egress. Fire extinguishers must be:

The department received comments about requiring fire extinguishers in every dwelling unit. The department changed the proposed rule language in WAC 246-358-080 to only require fire extinguishers in dwelling units that have sleeping areas and do not have a second emergency exit.

WAC 246-358-093(5)(e) and (f) Toilet partitions

Proposed language: (e) Separate toilets by partitions or walls. Partitions and walls must ensure privacy;
(f) Provide toilet room walls and partitions with smooth, cleanable, and nonabsorbent surfaces;

Adopted language: (e) Separate toilets by partitions or walls. For the purposes of this section, partitions do not include curtains.
(i) Partitions and walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces.
(ii) For a common toilet facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

The department received comments about a requirement to provide partitions between toilets in common facilities for privacy. Based on these comments, the department changed the proposed rule language regarding toilet partitions for clarification, and added language making the requirement effective 1/1/17.

WAC 246-359-560 Toilet partitions

Proposed language: [No language proposed.]

Adopted language: (3)(a)(iii) ...Toilets must be separated by partitions or walls. For the purposes of subsection (3)(a)(iii) of this section, partitions do not include curtains. Partitions or walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces.

The department received comments about a requirement to provide partitions between toilets in common facilities for privacy. The department added rule language regarding toilet partitions in the new construction rules.

WAC 246-358-095(2)(d) Bathing partitions

Proposed language: Shower room walls and partitions must be smooth and nonabsorbent;

Adopted language: (d) Separate showers with partitions or walls.
(i) Partitions and walls must ensure privacy and be smooth, cleanable and nonabsorbent.
(ii) For a bathing facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

WAC 246-359-560 Bathing partitions

Proposed language: [No language proposed.]

Adopted language: (3)(c) ...Showers must be separated by partitions or walls. Partitions or walls must ensure privacy and must have smooth, cleanable and nonabsorbent surfaces;

The department received comments about a requirement to provide partitions between showers in common facilities. The department changed the proposed rule language to require shower partitions in WAC 246-358-095 and provide a delayed implementation date. The department also added rule language to require shower partitions in new construction under WAC 246-359-560.

WAC 246-358-125(2) Cooking and eating areas

Proposed language: (a) Enclosed or screened cooking and food-handling facilities...
(b) Enclosed or screened eating facilities with tables and seating for a minimum of seventy percent of the occupants;

Adopted language: (a) Covered and enclosed or screened cooking and food-handling facilities for all occupants.
(b) Covered and enclosed or screened eating facilities with adequate tables and seating for the occupants;

WAC 246-359-565 Cooking and eating areas

Proposed language: [No language proposed.]

Adopted language: (2) Common food handling facilities must:
(a) Be covered and enclosed or screened;

(3) Common eating facilities must be covered and enclosed or screened with adequate tables and seating for the occupants.

The department received comments asking for clarification that enclosed and screened structures are roofed. The department changed the rule language in WAC 246-358-125 for clarification.

The department received feedback about requiring seating and tables for eating for 70% percent of the occupants. The department believes that the current language addresses the need. Therefore, the department removed the proposed language from WAC 246-358-125. The department also added rule language to WAC 246-359-565 for clarification.

WAC 246-358-125(3)(c) Burners

Proposed language: An operable cook stove or electric hot plate with four cooking surfaces for every ten occupants through any combination of cooking surfaces, burners, or one foot in length of burner surface.

Adopted language: An operable cook stove or electric hot plate with four cooking surfaces for every ten occupants through any combination of cooking surfaces including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

The department received comments to consider other cooking devices to be counted in the required burner ratio. Microwaves and some other ovens are viable cooking surface options. Therefore the department added language in WAC 246-358-125 that lists additional cooking appliances that will count in the burner ratio.

WAC 246-358-135(1) and (8)(c) Beds, cots, mattresses, and rails

Proposed language: (1) Provide beds, cots, or bunks furnished with...for operator-supplied housing, except that cots may only be used in tents for cherry harvest camps.

(8)(c) Provide safety railing on each exposed side of top bunks designed to prevent the occupant from falling out;

Adopted language: (1) Provide beds, cots, or bunks furnished with...for operator-supplied housing.

(8)(c) [The proposed language is removed.]

The department received comments from stakeholders about the use of cots for tents only. The Federal standards mention a broad use of cots. The department removed the proposed rule language that limited cots to tents.

The department also received comments about a requirement to provide bunk beds with rails on the top bunks. Comments indicated installation of rails on existing bunk beds may not be feasible. Therefore the department removed the proposed rule language requiring top bunk rails.

WAC 246-358-135(9) Personal storage

Proposed language: (9) Provide all occupants suitable storage space, including personal storage space... located in the occupant's room used for sleeping. All or a portion of the storage space provided each temporary worker must be enclosed and lockable, such as a wall locker or floor locker.

Adopted language: (9) Provide all occupants suitable storage space including personal storage space... located in the occupant's room used for sleeping.

- (10) Effective January 1, 2017, for each temporary worker housed in a common sleeping facility, provide suitable storage space that must:
- (a) Ensure all or a portion of the storage space is enclosed and lockable;
 - (b) Be anchored in a manner which adequately prevents the storage space from being removed from the building; and
 - (c) Be accessible to the temporary worker.

The department received concerns about the feasibility and costs of lockable storage. Exterior door locks are required on family shelters and bedroom locks are required on sleeping rooms with fifteen or fewer occupants, which secures the occupant's personal storage. To help secure personal storage for workers in other facilities, the department added rule language requiring lockable storage for workers housed in facilities of more than fifteen occupants.

WAC 246-359-560 Flush toilets

Proposed language: [No language proposed.]

Adopted language: (3)(a)(i) Provide flush toilets unless chemical toilets are approved by the department of health according to chapter 246-272A WAC.

The department received feedback requesting clarification in chapter 246-359 WAC of the requirement for flush toilets. The department agrees that the flush toilet requirement should be made more clear in chapter 246-359 WAC. Therefore the department added rule language in WAC 246-359-560 to clarify the requirement for flush toilets.

Chapter 246-361 WAC Cherry harvest camps.

No changes; all sections of this chapter are repealed as proposed.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-361-001 Cherry harvest camps—Purpose and applicability.
- WAC 246-361-010 Definitions.
- WAC 246-361-020 Technical assistance.
- WAC 246-361-025 Operating license.
- WAC 246-361-030 Maximum camp occupancy.
- WAC 246-361-035 Variance and procedure.
- WAC 246-361-045 Cherry harvest camp sites.
- WAC 246-361-055 Water supply.
- WAC 246-361-065 Sewage disposal.
- WAC 246-361-070 Electricity and lighting.
- WAC 246-361-075 Tents.
- WAC 246-361-080 Recreation vehicles.
- WAC 246-361-090 Laundry facilities.
- WAC 246-361-095 Handwashing and bathing facilities.
- WAC 246-361-100 Toilet facilities.
- WAC 246-361-125 Cooking and food-handling facilities.
- WAC 246-361-135 Cots, beds, bedding, and personal storage.
- WAC 246-361-145 First aid and safety.
- WAC 246-361-155 Refuse disposal.
- WAC 246-361-165 Insect and rodent control.
- WAC 246-361-175 Disease prevention and control.
- WAC 246-361-990 Fees for cherry harvest camps.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-001 Purpose and applicability. (1) Purpose. This chapter is adopted by the Washington state department of health to implement the provisions of chapter 70.114A RCW and RCW 43.70.334 through 43.70.340, and establish minimum health and safety requirements for temporary worker housing and cherry harvest camps.

(2) Applicability.

(a) This chapter applies only to operators of temporary worker housing (~~(. Operators using tents within the cherry harvest season must refer to WAC 296-307-16300, Part L-1, or chapter 246-361 WAC.)~~), including cherry harvest camps, provided by agricultural employers or operators in the state of Washington; and

(b) Operators (~~(with ten or more occupants are required to be licensed under this chapter. Operators with nine or less employees are not required to be licensed, but must comply with these standards)~~) of temporary worker housing shall be licensed under this chapter if the housing meets the criteria identified in WAC 246-358-025.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-010 Definitions. (~~(For the purposes of this chapter,)~~) The following ((words and phrases will have the following meanings)) definitions apply throughout this chapter unless the context clearly indicates otherwise:

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

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

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

(4) "Building" means any structure used or intended by the operator to be used by occupants for ((supporting or sheltering any use or occupancy that may include)) cooking, eating, sleeping, ((and)) sanitation, or other facilities.

~~((4) "Common food handling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.~~

~~(5) "Current certificate (first aid)" means a first aid training certificate that has not expired.~~

~~(6) "Department" means the Washington state department of health and/or the department of labor and industries.)~~ (5) "Cherry harvest camp" means a place where housing and related facilities are provided to agricultural employees by agricultural employers or TWH operators

for their use while employed for the harvest of cherries in the state of Washington.

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

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

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

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

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

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

(10) "Family shelter" means a dwelling unit with sleeping facilities for up to fifteen occupants that may include toilet or cooking facilities. If services such as bathing, food-handling, or toilet facilities are provided in the family shelter, they are for the sole use of the occupants of the family shelter.

(11) "First-aid ~~((qualified))~~ trained" means ~~((that))~~ the person holds a current certificate of first-aid training ~~((from the American Red Cross or another course with equivalent content or hours)).~~

~~((11))~~ (12) "Floor space" means the area within a dwelling unit with a minimum ceiling height of seven feet.

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

~~((12))~~ (14) "Group A public water system" means a public water system ~~((and includes community and noncommunity water systems.~~

~~((a))~~ A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty five year round (i.e., more than one hundred eighty days per year) residents.

~~((b))~~ A noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

(ii) Transient (TNC) water system that serves:

(A) Twenty five or more different people each day for sixty or more days within a calendar year;

(B) Twenty five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or

(C) One thousand or more people for two or more consecutive days within a calendar year.

~~((13))~~ as defined under WAC 246-290-020.

~~(15) "Group B public water system" means a public water system constructed to serve less than fifteen residential services regardless of the number of people; or constructed to serve an average nonresidential population of less than twenty five per day for sixty or more days within a calendar year; or any number of people for less than sixty days within a calendar year.~~

~~(14)) that is not a Group A public water system, and is defined under WAC 246-291-005.~~

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

~~((15) "Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city county health department under chapter 70.08 RCW.~~

~~(16)) (17) "Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.~~

~~((17) "Livestock operation" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.~~

~~(18) "MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).~~

~~(19)) (18) "Occupant" means a temporary worker or a person who resides with a temporary worker at the (housing site) TWH.~~

~~((20)) (19) "Operating license" or "license" means a document issued annually by the department (or) of health (officer authorizing the use of temporary worker housing).~~

~~((21)) (20) "Operator" means a person holding legal title to the land on which (temporary worker housing) the TWH is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the (temporary worker housing) TWH.~~

~~((22)) (21) "Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:~~

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

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

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

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

~~((23)) (22) "Recreational vehicle" means a vehicular type unit that is compliant with chapter 296-150R WAC and primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies, or other similar coverings.~~

~~((24))~~ (23) "Refuse" means solid wastes, rubbish, or garbage.

~~((25))~~ (24) "Temporary worker" or "worker" means an agricultural employee employed intermittently and not residing year-round at the same TWH site.

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

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

(27) (~~"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.~~) "Worker-supplied housing" means housing provided by the worker and made available to the same worker on the operator's TWH site. Worker-supplied housing includes recreational park trailers, recreational vehicles, tents, or other structures that meet the requirements of this chapter.

NEW SECTION

WAC 246-358-015 Technical assistance—Notice of violation. (1)

The department of health or the department of labor and industries may provide technical assistance to assist in compliance with this chapter if requested by an operator.

(2) The department of health may charge a fee for construction review technical assistance in accordance with WAC 246-359-990.

(3) During a technical assistance visit or within a reasonable time thereafter, the department of health shall inform the operator of the TWH on any violations of law or agency rules as follows:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department of health requires compliance to be achieved; and

(d) Notice of the means to contact any technical assistance services provided by the department of health or other sources of technical assistance.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-025 (~~Operating license.~~) Licensure. (~~The operator~~)

(1) (~~Must request a~~) Any operator providing TWH shall apply for a TWH operating license from the department of health (~~or health officer~~) when:

(a) ~~((Housing))~~ The TWH consists of:
(i) Five or more dwelling units; or
(ii) Any combination of dwelling units, or spaces that house ten or more occupants;

(b) Compliance with ((MSPA)) the Migrant and Seasonal Agricultural Worker Protection Act (96 Sta. 2583; 29 U.S.C. Sec. 1801 et. seq.) requires a license; or

(c) ~~((Construction of camp buildings requires a license under))~~ The operator provides housing consisting of four or fewer dwelling units or any combination of dwelling units or spaces that house nine or fewer occupants and elects to comply with chapter 246-359 WAC((Temporary worker housing construction standard)).

(2) ~~((Must apply for an operating license))~~ The operator shall submit to the department of health a completed application that:

(a) Is on a form provided by the department of health;

(b) Identifies the maximum number of occupants during the period of licensure. This number must not exceed the maximum capacity as determined by WAC 246-358-029;

(c) Proves the TWH is permitted for occupancy by the department of health or the local government building department with jurisdiction;

(d) Proves that the water system(s) serving the TWH is in compliance with chapter 246-290 or 246-291 WAC, or local board of health rules. Operators using a Group B public water system must also provide water quality test results from a certified laboratory accredited under chapter 173-50 WAC with an official scope of accreditation for drinking water analytical parameters. Water quality test results must document compliance with the following water quality standards and frequency on a form produced by the laboratory conducting the test:

(i) Satisfactory coliform within the previous twelve months; and

(ii) Ten milligrams per liter or less nitrate within the previous three years; and

(e) Includes a fee as specified in WAC 246-358-990.

(3) The operator will receive a TWH license for the maximum number of occupants identified in the application. This number must not exceed the maximum capacity as determined by WAC 246-358-029.

(4) The operator will receive a TWH license when:

(a) The application requirements from subsections (2) and (5) of this section are met;

(b) The TWH is in compliance with this chapter as demonstrated by:

(i) A prelicensure inspection completed by the department of health; or

(ii) Except as provided for in subsection (10) of this section, a self-survey completed by the operator and approved by the department of health; and

(c) The operator complies with any corrective action plan established by the department of health.

(5) The operator shall submit the documentation in subsection (2) of this section:

(a) For a new TWH site, by at least forty-five days prior to ((either the use of housing or the expiration of an existing operating license by submitting to the department of health or health officer:

(a) A completed application on a form provided by the department or health officer;

(b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and

~~(c) A fee as specified in WAC 246-358-990.~~

~~(3) Will receive an operating license for the maximum number of occupants as determined by WAC 246-358-029 when:~~

~~(a) The application requirements from subsection (2) of this section are met;~~

~~(b) The housing is in compliance with this chapter as demonstrated by:~~

~~(i) A licensing survey completed by the department of health; or~~

~~(ii) A self-survey completed by the operator and approved by the department of health; and~~

~~(c) The operator complies with the corrective action plan established by the department.~~

~~(4)) the new TWH site operation date; or~~

(b) For a previously licensed TWH site, by February 28th of the year the operator intends to operate the TWH.

(6) Except as provided for in subsection (10) of this section, the department of health may allow the use of ((housing)) TWH without a renewed license when all of the following conditions exist:

(a) The operator timely applied for renewal of an operating license in accordance with ((subsection (2) of)) this section ((at least forty five days before occupancy,)) as evidenced by the post mark;

(b) The department of health ((or health officer)) has not inspected the ((housing)) TWH or issued an operating license;

(c) Other local, state, or federal laws, rules, or codes do not prohibit use of the ((housing)) TWH; and

(d) The operator provides and maintains ((housing)) the TWH in compliance with this chapter.

~~((5) Must post the operating license in a place readily accessible to occupants of the housing.~~

~~(6) Must notify the department of health or health officer of a transfer of ownership.~~

~~(7) Must cooperate with the department or health officer during on-site inspections.) (7) An operating license is not transferable.~~

(8) The operator shall post the operating license or a copy of the operating license in a place readily accessible to occupants of the TWH.

(9) The operator will receive an annual occupancy inspection completed and approved by the department of health.

(10) For licensure and operation of cherry harvest camps:

(a) Subsections (4)(b)(ii) and (6) of this section do not apply;

(b) A TWH license to operate a cherry harvest camp is limited to one week before the start through one week following the conclusion of the cherry harvest.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-027 Requirements for self-survey program. ~~((If a licensed))~~ Except for an operator of a cherry harvest camp, an operator ((meets)) meeting the requirements provided in this section ~~((then the operator))~~ may participate in the self-survey program. ~~((This means an operator is allowed to conduct a self-survey for two years. On the third year the department of health will conduct an on-site verification survey to assure compliance with this chapter and deter-~~

~~mine if the temporary worker housing still meets the requirements of the self-survey program.)~~

~~(1) The cycle of the self-survey program is as follows:~~

~~(a) The operator may qualify to conduct self-surveys for up to two consecutive years.~~

~~(b) During the third year, the department of health will conduct an on-site inspection(s) to ensure compliance with this chapter.~~

~~(c) If the department of health determines the TWH site still meets the requirements of the self-survey program after the on-site inspection, the operator shall be eligible for a new self-survey program cycle as described in this subsection.~~

~~(2) To be in the self-survey program the operator ((must)) shall:~~

~~(a) Meet the requirements of WAC 246-358-025;~~

~~(b) ((Not have had any valid complaints;~~

~~(c) Have had)) Be licensed for two consecutive years without any deficiencies ((or have had very minor deficiencies (for example one or two screens torn, missing a few small trash cans, etc.); and~~

~~(d) Be recommended by the health surveyor.~~

~~(2) For a licensed operator)).~~

~~(3) To remain in the self-survey program the ((licensed)) operator ((must)) shall:~~

~~(a) Continue to comply with subsections (1) and (2) of this section;~~

~~(b) ((Continue to not have any deficiencies or very minor deficiencies)) Complete the department of health self-survey form and return the completed form to the department of health prior to temporary worker occupancy;~~

~~(c) Remain free from all deficiencies;~~

~~(d) Ensure modifications to any building or structure on the TWH made during the self-survey period meets the conditions of this chapter; and~~

~~((c)) (e) Not have a change in ownership.~~

~~((3)) (4) When a licensed ((temporary worker housing)) TWH changes ownership, the new ((licensed)) operator ((must)) shall comply with the requirements of subsection ((1)) (2) of this section before being eligible to be on the self-survey program.~~

~~(5) A TWH licensee who qualifies for the self-survey program shall pay a reduced fee as specified in WAC 246-358-990.~~

~~(6) The department of health or department of labor and industries are authorized to conduct inspections based on complaints or to verify compliance with this chapter.~~

NEW SECTION

WAC 246-358-028 Enforcement. Any violation of this section will be cause for the department of health to proceed with legal action, to assess a civil fine, or modify, suspend, or revoke the license.

(1) An operator shall comply with all applicable laws and regulations.

(2) When the department of health finds an operator out of compliance with any applicable law or regulation, the department of health will send the operator a notice of correction according to RCW 43.05.100 with an attestation of correction form. For purposes of this section, a "notice of correction" will include:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable law or rule;

(b) A brief statement of what is required to achieve compliance;

(c) The date by which the department of health requires compliance be achieved;

(d) Notice of the means to contact any technical assistance services provided by the department of health or other sources of technical assistance; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department of health.

(3) For purposes of this section, an "attestation of correction form" means a form developed by the department of health and completed, signed, and dated by the operator stating that the operator:

(a) Has or will correct each cited deficiency; and

(b) Will maintain correction of each cited deficiency.

(4) On each attestation of correction form, the operator shall give a date, approved by the department of health, showing when and how the cited deficiency has been or will be corrected.

(5) The operator shall sign and return the completed attestation of correction form to the department of health on or before the date required by the department of health.

(6) Upon request of the department of health the operator shall show proof that for each deficiency cited the operator has corrected or is correcting each deficiency.

(7) If the operator fails to correct the deficiencies by the required date, the department of health may proceed with legal action to assess a civil fine and to modify, suspend, or revoke the license.

(8) An operator may contest a department of health decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(9) The operator shall fully cooperate with the department of health in, and shall in no way impede, its administration and enforcement of all applicable laws and regulations.

NEW SECTION

WAC 246-358-0280 Operating without a license—Investigation of complaints—Penalties. (1) The department of health shall investigate complaints concerning unlicensed operation of TWH when a valid operating license is required under RCW 43.70.335(1) and this chapter.

(2) The department of health may assess a civil fine for failure or refusal to obtain a license prior to occupancy of TWH. Proceedings to assess a civil fine shall be governed by the provisions of RCW 43.70.095, chapter 34.05 RCW, and chapter 246-10 WAC. Civil fines under this section shall not exceed twice the cost of the license plus the cost of the initial on-site inspection for the first violation of this section, and shall not exceed ten times the cost of the license plus the cost of the initial on-site inspection for second and subsequent violations within any five-year period.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-029 Maximum ((housing occupancy)) TWH capacity. (1) ((The maximum occupancy for)) Operator-supplied ((housing)) dwelling unit capacity will be based on:

(a) The square footage of the ((housing facility)) floor space in habitable rooms provided for sleeping purposes as described in WAC 246-358-075 (12) and (13) and Table 1 of this section; and

(b) The number of bathing, food-handling, handwashing, laundry, and toilet facilities as described in WAC 246-358-090 through 246-358-125.

(2) ((The maximum occupancy for)) Worker-supplied housing capacity will be based on ((+))

~~((a))~~ the number of spaces designated by the operator for worker-supplied housing ((by the operator; and

~~((b))~~ The number of bathing, food handling, handwashing, laundry, and toilet facilities in excess of those facilities required for operator-supplied housing)).

(Note: Worker-supplied housing includes recreational park trailers, recreational vehicles, OSHA-compliant tents or other structures that meet the requirements of this chapter.)

(3) Operators may take into consideration the services provided by the worker-supplied housing to ensure all ratios for services required by this chapter are met for all occupants.

Table 1
TWH Maximum Capacity

Floor space requirements	Sleeping room only		Sleeping room with kitchen			
	50 square feet per occupant		100 square feet per temporary worker			
Facility requirements	Toilets		Handwash sinks		Bathtubs or showers	
	Male	Female	Male	Female	Male	Female
<u>Common facility, single sex</u>	<u>2 minimum, 1 per 15 occupants</u>	<u>2 minimum, 1 per 15 occupants</u>	<u>2 minimum, 1 per 6 occupants</u>	<u>2 minimum, 1 per 6 occupants</u>	<u>1 per 10 occupants</u>	<u>1 per 10 occupants</u>
<u>Common facility: Male/female</u>	<u>1 minimum, 1 per 15 occupants</u>	<u>1 minimum, 1 per 15 occupants</u>	<u>1 per 6 occupants</u>	<u>1 per 6 occupants</u>	<u>1 per 10 occupants</u>	<u>1 per 10 occupants</u>
<u>Each family shelter</u>	1, if provided		1		1, if provided	

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-040 Variance and procedure. (1) Conditions may exist in operations that a state standard will not have practical use. The operator may request a variance. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided.

The substitute means must provide equal protection in accordance with the requirements of chapters 49.17 RCW and ((chapter 296-350)) 296-900 WAC, ((variances)) administrative rules.

(2) A temporary variance may be requested under chapter 296-900 WAC, administrative rules, when an operator cannot comply with new requirements by the effective date(s) in this chapter because:

(a) The construction or alteration to a building cannot be completed in time;

(b) Materials or equipment are not available; or

(c) Professional or technical assistance is not available.

(3) Applications for variances will be reviewed and may be investigated by the department of labor and industries and the department of health. Variances granted will be limited to the specific case or cases covered in the application and may be revoked for cause. The variance ((shall)) must remain prominently posted on the premises while in effect.

(4) Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625.

(5) Variance application forms may be obtained upon request from the department of labor and industries((, P.O. Box 44625, Olympia, Washington 98504-4625)) or the department of health((, P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625. (Reference RCW 49.17.080 and 49.17.090.)).

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-045 Temporary worker housing sites. The operator ((must)) shall:

(1) To prevent a health or safety hazard, locate and operate a TWH site ((to prevent a health or safety hazard)) that is:

(a) Adequately drained and any drainage from and through the ((housing)) TWH must not endanger any domestic or public water supply;

(b) Free from periodic flooding and depressions in which water may become a nuisance;

(c) At least two hundred feet from a swamp, pool, sink hole, or other surface collection of water unless there is a mosquito prevention program for those areas; and

(d) Large enough to prevent overcrowding of necessary structures.

(2) Ensure the principal ((housing)) TWH area for sleeping and for food preparation and eating ((must be)) are at least five hundred feet from where livestock are kept((; and

(e) The)) or congregate.

(3) Ensure the TWH grounds and open areas surrounding the ((shelters must be)) buildings are kept in a clean and sanitary condition free from refuse.

((2) Must develop and implement a temporary worker housing management plan and rules for operators with ten or more occupants, to assure that the housing is operated in a safe and secure manner and is kept within the approved capacity. Additionally, the licensed operator must:

~~(a) Inform occupants of the rules, in a language the occupant understands by providing individual copies of the rules to each occupant or posting the rules in the housing area;~~

~~(b))~~ (4) Ensure all worker-supplied housing is maintained in good working condition.

(5) Restrict the number of occupants in the ((temporary worker housing)) TWH to the capacity as determined by the department of health.

~~((3))~~ (6) When closing housing permanently or for the season((7 complete the following)):

~~(a) Dispose of all refuse to prevent nuisance((7~~

~~(b) Fill all abandoned toilet pits with earth)); and~~

~~((e))~~ (b) Leave the grounds and buildings in a clean and sanitary condition.

NEW SECTION

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

(a) A safety plan that includes the following:

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

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

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

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

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

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

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

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

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

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

(2) The operator shall make available:

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

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

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

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

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-055 Water supply. The operator ~~((must))~~ shall:

(1) Provide a safe and reliable supply of drinking water from an approved Group A or Group B public water system ~~((that is:~~

~~(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies fifteen or more connections or twenty five or more people at least sixty days per year or provide proof the camp receives water from an approved Group A public water system or provide proof the temporary worker housing receives water from an approved Group A public water system; or~~

~~(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty five or more people at least sixty days per year.~~

Note: A "same farm exemption" applies to a public water system with four or fewer connections all of which serve residences on the same farm. "Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A water system.

	Avg. daily population of less than 25 people	Avg. daily population of 25 or more people
At least 60 days or more	Group B	Group A TNC
59 days or less	Group B	Group B

Note: If a system has fifteen or more connections, regardless of the population, it is a Group A water system.

~~(2) Provide an adequate and convenient hot and cold water supply for drinking, cooking, bathing, and laundry purposes.~~

Note: An "adequate water supply" means the storage capacity of the potable water system must meet the requirements of ASHRAE 1999 Applications Handbook, chapter 48, Water Systems.

~~(3))~~ meeting the requirements of:

(a) WAC 246-358-025 (2)(d) and chapter 246-290 WAC, or chapter 246-291 WAC; or

(b) Local board of health rules.

(2) Ensure that the distribution lines are able to maintain the working pressure of the water piping system at not less than ~~((fifteen))~~ twenty pounds per square inch after allowing for friction and other pressure losses.

~~((4))~~ (3) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within one hundred feet of each dwelling unit.

~~((5))~~ (4) When water sources are not available in each ~~((individual))~~ dwelling unit~~((7))~~:

(a) Provide one or more drinking fountains for each one hundred occupants or fraction thereof~~((7))~~; and

(b) Prohibit the use of common drinking cups or containers from which water is dipped or poured.

~~((6))~~ (5) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, and laundry facilities.

(6) Provide an automatically controlled hot water supply of 100 to 120 degrees Fahrenheit in bathing, food-handling, and laundry facilities.

(7) When water located within 100 feet of a dwelling unit is unsafe for drinking purposes and accessible to occupants, post a sign by ~~((the))~~ each nonpotable water source ~~((reading))~~ that:

(a) Reads "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD.";

(b) Is printed in English and in the native language(s) of the ~~((persons occupying the housing or))~~ occupants; and

(c) Is marked with ~~((easily understood))~~ easily understood pictures or symbols.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-065 Sewage disposal. The operator ~~((must))~~ shall:

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapters ~~((246-272))~~ 246-272A and 173-240 WAC, and local ordinances.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-070 Electricity and lighting. The operator ~~((must))~~ shall ensure that:

(1) Electricity is supplied to all dwelling units ~~((, kitchen facilities, shower/bathroom facilities, common areas, and laundry facilities))~~ and common facilities, except chemical toilets.

(2) All electrical wiring, fixtures, and electrical equipment must:

(a) Comply with the electrical standards of the department of labor and industries regulations, chapter 19.28 RCW, chapter 296-46B WAC, and local ordinances ~~((,))~~;

(b) Be maintained in a safe condition.

(3) Each habitable room must have at least:

(a) One ceiling-type light fixture; and

(b) At least one separate floor-type or wall-type convenience outlet.

(4) Laundry, ~~((shower/bathroom facilities,))~~ toilet ~~((rooms and rooms where people congregate))~~ facilities, and bathing facilities have at least one ceiling-type or wall-type light fixture.

(5) General lighting and task lighting within all facilities is adequate to carry on normal daily activities.

(6) Adequate lighting is provided for safe passage for occupants to handwashing sinks and toilets. Lighting requirements may be met by natural or artificial means.

(7) Lighting provided for tents is compliant with WAC 246-358-077.

((Note: Lighting requirements may be met by natural or artificial means.))

WAC 246-358-075 Building requirements and maintenance. An operator ~~((must))~~ shall:

~~(1) ((Construct buildings to provide protection against the elements and comply with:~~

~~(a))~~ Provide TWH dwelling units, including common facilities, that meet the following requirements:

(a) Protect against the elements;

(b) The State Building Code, chapter 19.27 RCW or the ((Temporary worker housing)) TWH construction standard, chapter 246-359 WAC; and

~~((b))~~ (c) State and local ordinances, codes, and regulations when applicable((; and

~~(c) This chapter. Any shelter meeting these requirements is acceptable)).~~

(2) Prevent condensation in dwelling units and common facilities to the degree that it does not contribute to a health risk or safety issue to occupants.

(3) Prevent mold in dwelling units and common facilities.

(4) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(5) Provide a locking mechanism on all bedroom doors, excluding doors to bedrooms housing more than fifteen occupants. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(6) Provide a locking mechanism on:

(a) Each toilet stall door, if provided; and

(b) Each shower stall door, if provided.

(7) Identify each dwelling unit and space used for shelter by posting a number at each site.

~~((3))~~ (8) Maintain buildings in good repair and sanitary condition.

~~((4))~~ (9) Comply with all applicable state and federal laws and rules for lead-based paint.

(10) Provide exits that are unobstructed and remain free of any material or matter where its presence would obstruct or render the exit hazardous.

~~((5))~~ (11) Provide ((a ceiling height of at least seven feet for each habitable room. If a building has a sloped ceiling, no portion of the room measuring less than seven feet from the finished floor to the finished ceiling will be included in any computation of the minimum floor space.

~~(6) Provide at least seventy square feet of floor space for the first occupant and at least fifty square feet of floor space for each additional occupant in each dwelling unit.~~

~~(7) Provide))~~ habitable rooms with:

(a) Windows that equal at least one-tenth of the total floor space; and

(b) At least one-half of each window which can be opened to the outside for ventilation; or

(c) Mechanical ventilation in accordance with applicable standards from the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE).

(12) Ensure each room used for sleeping purposes ((with)) has:

(a) At least fifty square feet of floor space for each occupant (-

8) Provide floors in accordance with the State Building Code, chapter 19.27 RCW, or the Temporary worker housing construction standard, chapter 246-359 WAC, that are tightly constructed and in good repair.

(9)) not including any floor space in any portion of a room less than seven feet from the finished floor to the finished ceiling; and

(b) Windows that equal at least one-tenth of the floor space within the surrounding walls of the sleeping room.

(13) Ensure each room in a family shelter used for sleeping and cooking purposes:

(a) Meets the requirements of subsection (12)(b) of this section; and

(b)(i) Has at least one hundred square feet of floor space per temporary worker.

(ii) For a family shelter constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, one hundred square feet of floor space per temporary worker is required by January 1, 2019. Upon the operator's request, the department of health may grant an extension(s) for up to three additional years. Requests must:

(A) Include a schedule and work plan for achieving compliance;

(B) Be on a form provided by the department of health; and

(C) Be submitted to the department of health prior to January 1, 2019.

(14) Ensure wooden floors are at least one foot above ground-level, or meet the requirements in the State Building Code, chapter 19.27 RCW or temporary worker housing construction standard, chapter 246-359 WAC.

((10) Provide habitable rooms that have:

(a) Windows covering a total area equal to at least one tenth of the total floor area and at least one half of each window can be opened to the outside for ventilation; or

(b) Mechanical ventilation in accordance with applicable ASHRAE standards.

(11)) (15) Provide sixteen-mesh screening on all exterior openings ((and)).

(16) Provide and maintain screen doors ((with)) on all exterior entrances that:

(a) Have self-closing devices; and

(b) Close without gaps that would allow entry of pests.

((12)) (17) Install all heating, cooking, and water heating equipment according to state and local ordinances, codes, and regulations and maintain in a safe condition.

((13)) (18) Provide ((adequate heating equipment if habitable rooms, including bathrooms, are used during cold weather.

(14)) habitable rooms with equipment capable of maintaining a temperature of at least seventy degrees Fahrenheit during cold weather.

(19) Ensure that all recreational vehicles and park trailers meet the requirements ((of)) as defined in this chapter ((296-150P or 296-150R WAC)).

NEW SECTION

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

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

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

(4) Structural stability and floors.

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

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

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

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

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

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

(5) Flame-retardant treatments.

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

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

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

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

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

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

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

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

(6) Means of egress.

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

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

(7) Floor area. The operator must:

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

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

(8) Ceiling height.

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

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

(9) Windows and ventilation.

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

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

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

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

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

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

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

NEW SECTION

WAC 246-358-080 Carbon monoxide alarms, smoke detectors, and fire extinguishers. (1) An operator shall provide and maintain working carbon monoxide alarms that are:

(a) Located in each dwelling unit with a sleeping area; and

(b) Installed in accordance with the manufacturer's recommendations and in compliance with the building code, WAC 51-51-0315.

(2) An operator shall provide and maintain working smoke detectors that:

(a) Are located in each sleeping area;

(b) Are located on each level of dwelling units with a sleeping area;

(c) Are located in each cooking facility area;

(d) Emits a signal when the batteries are low;

(e) Are placed on the ceiling or wall, but not on the wall above any door; and

(f) Are in compliance with the manufacturer's recommendations and the building code, WAC 51-51-0314.

(3) An operator shall provide properly working fire extinguishers in dwelling units where occupants sleep if the dwelling unit does not have a second means of emergency egress. Fire extinguishers must be:

(a) A minimum 2A:10BC;

(b) Installed and maintained according to the manufacturer's instructions;

(c) Installed in accordance with local ordinances, codes, and regulations when applicable.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-090 Laundry facilities. An operator (~~must~~) shall:

(1) Provide laundry facilities that include:

(a) One laundry tray or tub or one mechanical washing machine for every thirty (~~persons.~~

~~(2) Provide~~) occupants;

(b) Adequate facilities for drying clothes (~~(-~~

~~(3) Provide~~); and

(c) Sloped, coved floors of nonslip impervious materials with screened floor drains.

~~((4))~~ (2) Maintain laundry facilities in a clean and sanitary condition.

NEW SECTION

WAC 246-358-093 Toilet facilities. The operator shall:

(1) Provide toilet facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 246-358-029.

(2) Not provide or allow the use of pit privies.

(3) Fill all abandoned pit privies with earth.

(4) Meet the following general requirements for all toilet facilities:

(a) Provide flush toilets unless chemical toilets are specifically approved by the department of health according to requirements in chapter 246-272A WAC;

(b) Flush toilets, chemical toilets, and urinals must not be located in any sleeping room, dining room, cooking or food-handling facility, or any tent;

(c) Toilet rooms must be provided with:

(i) Handwashing sinks located in or immediately adjacent to the toilet room;

(ii) Either a window of at least six square feet opening directly to the outside or adequate ventilation;

(iii) Sixteen-mesh screens on all outside openings;

(iv) Fixtures maintained in good working order, including toilet(s) and sink(s); and

(v) Drains maintained in good working order, including floor drains with screens.

(d) When chemical toilets are approved, they must be:

(i) Located at least fifty feet from any dwelling unit or food-handling facility;

(ii) Maintained by a licensed waste disposal company;

(iii) Compliant with local ordinances; and

(iv) Located immediately adjacent to a handwash sink(s).

(e) When urinals are provided:

(i) There must be one urinal or two linear feet of urinal trough for each twenty-five men;

(ii) The floors and walls surrounding a urinal and extending out at least fifteen inches on all sides, must be constructed of materials which will not be adversely affected by moisture; and

(iii) The urinal must have an adequate water flush.

(5) Meet the following requirements for common toilet facilities:

(a) Provide the number of toilets for each sex based on the maximum number of occupants of that sex which the TWH is designed to house at any one time in the ratio of one toilet for every fifteen occupants, with a minimum of two toilets according to Table 1 of WAC 246-358-029;

(b) Locate toilet rooms so that:

(i) Toilets are within two hundred feet of the door of each sleeping room; and

(ii) No person has to pass through a sleeping room to reach a toilet room;

(c) Maintain toilets in a clean and sanitary condition, cleaned at least daily;

(d) Provide each toilet compartment with an adequate supply of toilet paper at all times;

(e) Separate toilets by partitions or walls. For the purposes of this section, partitions do not include curtains.

(i) Partitions and walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces.

(ii) For a common toilet facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.

(f) Ensure the area surrounding common toilet facilities are adequately lighted; and

(g) When common facilities will be used for both men and women:

(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratio as defined in (a) of this subsection;

(ii) Identify each room for "men" and "women" with signs printed in English and in the native language(s) of the persons occupying the TWH, or identified with easily understood pictures or symbols; and

(iii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.

(6) Meet the following requirements for family shelters if common toilet facilities are not provided:

(a) One toilet for each individual family shelter;

(b) Ensure toilet facilities are cleaned prior to occupancy; and

(c) Request occupants to maintain the facilities in a clean and sanitary condition.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-095 Handwashing and bathing facilities. An operator ((must)) shall:

~~(1) Provide ((one handwash sink for each family dwelling unit or for every six persons in centralized facilities. Handwash sinks must be adjacent to toilets))~~ handwashing and bathing facilities adequate for the maximum capacity of the TWH according to Table 1 of WAC 246-358-029.

~~(2) ((Provide))~~ Meet the following general requirements for all handwashing and bathing facilities:

~~(a) Provide cleanable, nonabsorbent waste containers;~~

~~(b) Provide all showers, baths, or shower rooms with screened floor drains, to remove wastewater;~~

~~(c) Maintain fixtures and drains in good working order;~~

~~(d) Separate showers with partitions or walls.~~

~~(i) Partitions and walls must ensure privacy and be smooth, cleanable, and nonabsorbent.~~

~~(ii) For a bathing facility constructed or approved for construction under chapter 246-359 WAC before January 1, 2016, partitions or walls are required by January 1, 2017.~~

~~(e) All showers separated by partitions must ensure privacy.~~

~~(3) Meet the following requirements for common facilities:~~

~~(a) One handwash sink for every six occupants. Of these handwash sinks, locate one handwash sink adjacent to each toilet;~~

~~(b) Provide one showerhead ((for each family dwelling unit or)) for every ten ((persons in centralized facilities.~~

~~(3) Provide))~~ occupants;

~~(c) Provide one "service sink" in each building used for ((centralized)) common laundry, hand washing, or bathing((-~~

~~(4) Provide));~~

~~(d) Provide sloped, coved floors of nonslip impervious materials with floor drains((-~~

~~(5) Ensure shower room walls are smooth and nonabsorbent to the height of four feet. If used, partitions must be smooth and nonabsorbent to the height of four feet.~~

~~(6) Provide all showers, baths, or shower rooms with floor drains to remove wastewater.~~

~~(7) Provide cleanable, nonabsorbent waste containers.~~

~~(8));~~

~~(e) Shower and bathing facilities must provide privacy from the opposite sex and the public;~~

~~(f) Maintain ((centralized)) common bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily((-~~

~~(9)); and~~

~~(g) Bathing and shower facilities be available at all times during operation of the TWH.~~

~~(4) Meet the following requirements for family shelters:~~

~~(a) At least one handwash sink per family shelter. If an operator provides a family shelter with a toilet, the handwash sink must be located in the toilet room or immediately adjacent to the toilet room; and~~

~~(b) Request occupants of family ((dwelling units)) shelters to maintain bathing and handwashing facilities in a clean and sanitary condition.~~

~~((10) Ensure shower facilities provide privacy from the opposite sex and the public.~~

~~(11) Make showers and bathing facilities available when needed.))~~

WAC 246-358-125 Cooking and food-handling facilities. The operator ~~((must))~~ shall:

(1) Provide sanitary facilities for storing and preparing food.

(2) Provide all food-handling facilities with:

(a) Covered and enclosed or screened cooking and food-handling facilities for all occupants~~((The operator must provide adequate tables and seating for occupants.~~

~~(1) If cooking facilities are located in dwelling units, the operator must provide:~~

~~(a) An operable cook stove or hot plate with at least one cooking surface for every two occupants))~~;

(b) Covered and enclosed or screened eating facilities with adequate tables and seating for the occupants;

(c) If provided, hotplates that are compliant with WAC 296-307-16140(2);

(d) A sink with hot and cold running potable water under pressure;

~~((e))~~ (e) At least two ((+2)) cubic feet of dry food storage space per occupant;

~~((d))~~ (f) Nonabsorbent((,)) and easily cleanable food preparation ((counters)) surfaces situated off the floor;

~~((e))~~ (g) Mechanical refrigeration conveniently located and able to maintain a temperature of ((forty-five)) forty degrees Fahrenheit or below, with at least two ((+2)) cubic feet of storage space per occupant;

~~((f))~~ (h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

~~((g))~~ (i) Nonabsorbent, easily cleanable floors; ((and

~~(h))~~ (j) Adequate ventilation for cooking facilities; and

(k) Cooking facilities, including fixtures and drains, maintained in good working order.

~~((2))~~ (3) In common food-handling facilities, ((the operator must)) provide:

(a) A room ((or)), building, or space within a building, adequate in size, separate from any sleeping quarters, for occupants to prepare and cook their own food;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

(c) An operable cook stove or electric hot plate with ((at least one cooking surface for every four occupants, or four cooking surfaces for every two families;

~~(d) Sinks with hot and cold running potable water under pressure;~~

~~(e) At least two (2) cubic feet of dry food storage space per occupant;~~

~~(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;~~

~~(g) Mechanical refrigeration conveniently located and able to maintain a temperature of forty five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;~~

~~(h) Fire resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;~~

~~(i) Nonabsorbent, easily cleanable floors; and~~

~~(j) Adequate ventilation for cooking facilities.~~

~~(3) The operator must~~) four cooking surfaces for every ten occupants through any combination of cooking surfaces including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

(4) In family shelter food-handling facilities, provide an operable cook stove or electric hotplate with four cooking surfaces through any combination of cooking surfaces including burners, one foot in length of burner surface, microwave ovens, stove ovens, or convection ovens.

(5) Ensure that ((centralized)) common dining hall facilities comply with chapter 246-215 WAC, Food service.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-135 Cots, beds, bedding, and personal storage. The operator ~~((must))~~ shall:

(1) Provide beds, cots, or bunks furnished with clean mattresses in good condition for the maximum occupancy approved by the department of health ~~((or health officer))~~ for operator-supplied housing.

(2) Ensure cots are sturdy and stable and without:

(a) Mold;

(b) Rips or tears;

(c) Insect infestation;

(d) Stains from bodily fluids; or

(e) Rodents or rodent droppings.

(3) In TWH other than cherry harvest camps, provide beds and bunks with clean mattresses in good repair and without:

(a) Mold;

(b) Rips or tears;

(c) Insect infestation;

(d) Stains from bodily fluids; or

(e) Rodents or rodent droppings.

(4) Maintain bedding, if provided by the operator, in a clean and sanitary condition.

(5) Locate all beds and bedding at least thirty-six inches from cooking surfaces.

~~((3))~~ (6) Provide ((sufficient)) a minimum of twelve inches of clearance between each bed ((or)), bunk, or cot and the floor ((or provide a commercially available cot, bed or bunk)).

~~((4))~~ (7) Allow space to separate beds or cots laterally and end to end by at least thirty-six inches when single beds or cots are used.

~~((5))~~ (8) Meet the following requirements when bunk beds are used:

(a) Allow space to separate beds laterally and end to end by at least forty-eight inches;

(b) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

(c) Prohibit triple bunks.

~~((6))~~ (9) Provide all occupants suitable storage space including personal storage ((facilities)) space for clothing and personal articles ((in each room used for sleeping)). Storage space must be located in the occupant's room used for sleeping.

(10) Effective January 1, 2017, for each temporary worker housed in a common sleeping facility, provide suitable storage space that must:

(a) Ensure all or a portion of the storage space is enclosed and lockable;

(b) Be anchored in a manner which adequately prevents the storage space from being removed from the building; and

(c) Be accessible to the temporary worker.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-145 First aid and safety. The operator ~~((must))~~ shall:

(1) Comply with chapters 15.58 and 17.21 RCW, chapter 16-228 WAC, chapter 296-307 WAC, Parts I and J, and pesticide label instructions when using pesticides in and around the ~~((housing))~~ TWH.

(2) Prohibit, in the ~~((housing))~~ TWH area, the use, storage, ~~((and))~~ or mixing of flammable, volatile, or toxic substances other than those intended for household use.

(3) Provide readily accessible first-aid equipment.

(4) Ensure that a first aid ~~((qualified))~~ trained person is readily accessible to administer first aid at all times.

(5) Store or remove unused refrigerator units or other appliances to prevent access by children.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-155 Refuse disposal. The operator ~~((must))~~ shall:

(1) Comply with local sanitation codes for removing and disposing of refuse from ~~((housing))~~ TWH areas.

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse.

(3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable containers, or in single-use containers.

(4) Keep refuse containers clean.

(5) Provide ~~((a))~~ at least one container ~~((on a wooden, metal, or concrete stand))~~ for each dwelling unit that is:

(a) Located within one hundred feet of each dwelling unit;

(b) Placed on a solid, flat and level stand made of wood, metal, or concrete; and

(c) Secured to prevent falling over or spilling.

(6) Empty refuse containers at least twice each week, and when full.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-165 Insect and rodent control. The operator ~~((must))~~ shall take effective measures to prevent and control insect and rodent infestation.

AMENDATORY SECTION (Amending WSR 00-06-082, filed 3/1/00, effective 3/1/00)

WAC 246-358-175 Disease prevention and control. The operator ~~((must))~~ shall:

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

(2) Report immediately to the local health officer:

(a) Suspected food poisoning;

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

(c) Productive cough ~~((or))~~; or

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

(3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls.

AMENDATORY SECTION (Amending WSR 14-12-049, filed 5/30/14, effective 7/1/14)

WAC 246-358-990 Fees. (1) **Licensing fee.** An operator shall submit to the department of health a licensing fee according to Table 1 of this section prior to the department of health issuing a ~~((temporary worker housing -))~~ TWH ~~((+))~~ operating license. Except as provided in subsections (2) and (3) of this section, the licensing fee consists of two portions:

(a) An administrative portion according to Table 1 of this section; and

(b) A facility portion, based on the maximum occupancy of the TWH, according to Table 1 of this section. For purposes of this section, maximum occupancy is the greatest number of occupants that reside in the TWH during the calendar year.

(2) Self-survey program. If an operator is a participant of the self-survey program described in WAC 246-358-027, the operator may pay the administrative portion only of the licensing fee according to Table 1 of this section. The operator may pay this fee only during the years the operator is approved to conduct the self-survey.

(3) **Minimum licensing fee.** The minimum licensing fee is ninety dollars.

~~((+))~~ (4) **Late fees.** The department of health may charge a late fee according to Table 1 of this section in addition to the licensing fee when:

(a) For a new license, the application and licensing fee are not received by the department of health at least forty-five days prior to the new TWH opening operation date;

(b) For a previously licensed TWH, the application and licensing fee are not received by the department of health by February twenty-eighth of the year the operator intends to operate the TWH.

~~((4))~~ **(5) Occupancy increase adjustment.**

(a) If, at any time, the operator or the department of health determines there are more occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025, the operator shall submit additional funds to the department of health in the amount of four dollars for each additional occupant.

(b) Funds must be submitted to the department of health within thirty calendar days of the operator being made aware of the discrepancy.

(c) Additional occupants accounted for in this subsection may not contribute to exceeding the maximum capacity of the TWH according to WAC 246-358-029.

(6) Refunds.

~~(a) ((The department of health will refund fees paid by the operator if:~~

~~(i)) The operator shall submit((s)) a written request to the department of health for ((a)) any refund; and~~

~~((ii)) (b) If the operator provides documentation to the department of health that the TWH was not occupied during the license period((-~~

~~(b)), the department of health shall refund fees paid by the operator according to the following conditions:~~

~~(i) The department of health will refund ((two-thirds-of)) the licensing fees paid, less a fifty dollar processing fee, if an application has been received but no ((preoccupancy)) prelicensure inspection has been performed by the department of health((-~~

~~(e)); or~~

~~(ii) The department of health will refund ((one-third)) two-thirds of the licensing fees paid, less a fifty dollar processing fee, if an application has been received and a ((preoccupancy)) prelicensure inspection has been performed by the department of health.~~

~~((d)) (c) The department of health will not refund applicant licensing fees under ((the following conditions)) subsection (1)(b) of this section if:~~

~~(i) The department of health has performed more than one on-site inspection for any purpose; or~~

~~(ii) One year has elapsed since a license application was received by the department of health, but no license was issued because the applicant failed to complete requirements for licensure.~~

~~((5) **Technical assistance fee.** The department of health may charge an operator for each technical assistance visit conducted by the department of health when requested or approved by the operator or their designee. This fee will be charged according to WAC 246-359-990, Table 1.~~

~~(6)) (d) If the operator provides documentation to the department of health of fewer occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025, the department of health shall refund fees paid by the operator according to following conditions:~~

(i) The department of health will refund the amount of four dollars for every occupant fewer than the maximum number of occupants identified on the application, if an application has been received and no prelicensure inspection has been conducted;

(ii) The department of health will refund the amount of two dollars for every occupant fewer than the maximum number of occupants identified on the application, if an application has been received and a prelicensure inspection has been conducted; or

(iii) The department of health will not refund any amount under subsection (1)(b) of this section if the department of health has performed more than one on-site inspection for any purpose.

(7) **TWH civil fine.** The department of health may assess an operator a civil fine according to RCW 43.70.335.

**Table 1
Fees, ((Regular)) Temporary Worker Housing**

Fee Type	Administrative Portion	Facility Portion
Licensing	\$50	\$4 per occupant, at maximum <u>annual</u> occupancy
	(\$90 minimum total fee)	
<u>License, Self-Survey Program</u>	<u>\$50</u>	<u>\$0</u>
Late	\$100 (Late fees are in addition to licensing fees)	

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-358-100 Toilet facilities.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-001 Purpose and scope. (1) **Purpose.** The purpose of this chapter is to provide minimum requirements to safeguard the health and general welfare of occupants of temporary worker housing (TWH) by regulating and controlling the design, construction, materials, location and maintenance of all buildings and structures within the authority of chapter 246-358 WAC (the ~~((temporary worker housing))~~ TWH rules) and this chapter.

(2) **Scope.** This chapter implements the requirements established by RCW 70.114A.081 and 43.70.337 to provide minimum construction requirements for new, relocated, existing or altered buildings and structures or portions thereof intended for use as ~~((temporary worker housing))~~ TWH. Such buildings and structures must be licensed by the Washington state department of health under chapter 246-358 WAC and designated as "temporary worker housing ~~((occupancies))~~." Buildings and structures which are not licensed, inspected and approved by the department of health must meet the provisions of the state building code under the local authority having jurisdiction and local ordinances.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-005 Applicability. (1) This chapter applies only to temporary worker housing as ~~((~~

~~(a))~~ defined in RCW 43.70.334 through 43.70.340 and chapter 70.114A RCW ~~((and~~

~~(b) Licensed under chapter 246-358 WAC (temporary worker housing rules) according to RCW 43.70.340 (Farmworker housing inspection fund fee on labor camp operating license))~~.

(2) TWH meeting the requirements of subsection (1) of this section must:

(a) Be located on a rural worksite; and

(b) Comply with:

(i) Chapter 246-358 WAC (TWH rules); and

(ii) The electrical code, chapter 296-46B WAC.

(3) Existing structures built as nonresidential buildings, according to the state building code, may be licensed as ~~((temporary worker housing))~~ TWH by complying with the specific requirements of WAC 246-359-600, alternate construction, and approved under the authority of this chapter.

~~((3))~~ (4) Alterations to residential housing constructed according to the state building code and approved by the authority having jurisdiction must ~~((apply to))~~ comply with:

(a) The authority having jurisdiction for issuing building permits; ~~((or))~~ and

(b) ~~((The department in compliance with))~~ This chapter.

~~((4) Temporary worker housing meeting the requirements of subsection (1) of this section must:~~

~~(a) Be located on a rural worksite; and~~

~~(b) Comply with:~~

~~(i) WISHA labor camp provisions;~~

~~(ii) Chapter 246-358 WAC (temporary worker housing rules); and~~

~~(iii) The electrical code, chapter 296-46 WAC.)~~

(5) ~~((temporary worker housing))~~ TWH built in compliance with this chapter is exempt from state building code accessibility laws, RCW 19.27.031(5).

(6) Temporary worker housing built in compliance with this chapter which is subsequently converted to another use becomes subject to all local requirements for such use as enforced by the authority having jurisdiction.

(7) This chapter does not apply to:

(a) Housing built for use by the general public which is governed by chapter 59.18 RCW (Residential Landlord-Tenant Act) or chapter 59.20 RCW (Mobile Home Landlord-Tenant Act);

(b) Factory assembled structures as defined in this chapter, except for the requirements in subsection (8) of this section; and

(c) The construction of structures governed by the state building code and enforced by the authority having jurisdiction.

(8) This chapter is limited to issuing a construction permit for factory assembled structures to meet the following requirements:

(a) On-site installation; and

(b) Inspection of the site, foundation, and hook-ups, including, but not limited to: Potable water, sewage disposal systems, or gas connections.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-010 Definitions. ~~((For the purposes of this chapter,))~~ The following ~~((words and phrases will have the following meanings))~~ definitions apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Alter" or "alteration" means any change, major repair, addition or modification in construction.

(2) "Architect" means an individual licensed by chapter 18.08 RCW to practice in the state of Washington.

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

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

(5) "Construction permit" means a permit issued by the department of health which allows the applicant to construct structures according to this chapter.

~~((4))~~ (6) "Construction standard" means temporary worker housing construction code as defined in RCW 70.114A.081.

~~((5))~~ "Department" means the Washington state department of health.

~~(6)~~ "Dormitory" means a building or portion of a building, designed to provide group sleeping accommodations for temporary workers.)

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

(8) "DOSH" means division of occupational safety and health, chapter 49.17 RCW administered by the department of labor and industries.

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

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

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

~~((8))~~ (10) "Engineer" means an individual licensed by chapter 18.43 RCW to practice in the state of Washington.

~~((9))~~ (11) "Factory assembled structures" or "FAS" means those structures under the authority of chapter 43.22 RCW and chapters 296-150F through 296-150T WAC including:

(a) Mobile and manufactured homes;

~~((b))~~ ~~((Commercial coaches;~~

~~((c))~~ Recreational vehicles;

~~((d))~~ (c) Recreational park trailers; and

~~((e))~~ (d) Factory-built housing which is any structure designed for human occupancy other than a manufactured or mobile home, where the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

~~((10))~~ "Family" means two or more persons related by blood or marriage or a group of persons living together in a dwelling unit.

~~((11))~~ (12) "Family shelter" means a dwelling unit with sleeping facilities for up to fifteen occupants that may include toilet or cooking facilities. If services such as bathing, food-handling, or toilet facilities are provided in the family shelter, they are for the sole use of the occupants of the family shelter.

(13) "Floor area" or "floor space" is the area included within the surrounding exterior walls of a building or portion thereof with a minimum of seven foot ceilings.

~~((12))~~ (14) "Food-handling facility" means an enclosed area provided by the operator for occupants to prepare their own food, and may be within a family shelter or common facility.

(15) "Habitable room" or "habitable space" is a room or space in a structure ~~((with a minimum seven foot ceiling))~~ used for living, sleeping, eating, or cooking. ~~((Bathrooms, toilet compartments))~~ Bathing facilities, toilet facilities, closets, halls, storage or utility space, and similar areas, are not considered habitable ~~((space))~~ rooms.

~~((13))~~ (16) "Jurisdiction having authority" means, a local county or city building or health or zoning or public works department or state department of health or ecology or labor and industries, etc.

~~((14))~~ "Labor camp" means the temporary labor camp requirements of WAC 296-307-160 of the Washington Industrial Safety and Health Act of 1993, chapter 49.17 RCW as amended September 10, 1994.

~~((15))~~ (17) "Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

(18) "Occupant" means a temporary worker or a person who resides with a temporary worker at ~~((a housing site))~~ the TWH.

~~((16) "State building code" means the building code, plumbing code, mechanical code, and fire code as referenced under RCW 19.27.031.~~

~~(17) "Special inspector" means a person paid at the applicant's expense to conduct special inspections when the department determines the required inspections are not sufficient.~~

~~(18)) (19) "Operator" means a person holding legal title to the land on which the TWH is located. If the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the TWH.~~

~~(20) "Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:~~

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

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

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

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

~~(21) "Recreational vehicle" means a vehicular type unit that is compliant with chapter 296-150R WAC and primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but do not include pickup trucks with camper shells, canopies, or other similar coverings.~~

~~(22) "Special inspector" means a person paid at the applicant's expense to conduct special inspections when the department determines the required inspections are not sufficient.~~

~~(23) "State building code" means the building code, plumbing code, mechanical code, and residential and fire code as referenced under RCW 19.27.031.~~

~~(24) "Temporary worker" means a person employed intermittently and not residing year-round at the same site.~~

~~((19)) (25) "Temporary worker housing (TWH)" or "(TWH) housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy(, and includes "labor camps" under RCW 70.54.110.~~

~~(20) "Temporary worker housing (TWH) occupancies" means buildings, structures or portions thereof used for occupancy by temporary workers.~~

~~(21) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the state of Washington department of labor and industries. Temporary labor camp requirements of WAC 296-307-16001 are in force for temporary labor camps)). THW includes cherry harvest camps.~~

~~(26) "Tent" means an enclosure or shelter used at a cherry harvest camp and constructed of fabric or pliable material composed of rigid framework to support a tensioned membrane that provides a weather barrier.~~

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-020 Powers and duties of the department of health. The department of health:

(1) Is authorized and directed to enforce all the provisions of this chapter, according to the laws as enacted by the Washington state legislature.

(2) Has the power to issue written interpretations of this chapter as long as the interpretations are in conformance with the intent and purpose of this chapter and the regulated community is informed of these interpretations.

(3) May adopt and enforce rules and supplemental regulations to clarify the application of the provisions of this chapter consistent with the intent and purpose of this chapter.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-030 Cooperation with the department of health—Right of entry. (1) **Department of health authority.** The department has authority to enter any building or area used for (~~temporary worker housing~~) TWH, at reasonable times to:

(a) Inspect the site for compliance with this chapter and related standards; and

(b) Determine, based on reasonable cause, if a building or condition on the premises is unsafe, dangerous or hazardous.

(2) **Refusal of entry.** When the (~~owner or person having lawful control or supervision authority~~) operator refuses entry or has required a warrant, the department of health will seek remedies provided by law to secure entry to the (~~temporary worker housing~~) TWH site.

(3) **Occupied (~~temporary worker housing~~) TWH.** The department of health must present credentials to the occupant and request the right to enter a (~~dormitory or~~) dwelling unit when (~~temporary workers~~) occupants are in residence.

(4) **Unoccupied (~~temporary worker housing~~) TWH.** When a (~~dormitory or~~) dwelling unit does not have (~~temporary workers~~) occupants in residence, the department of health must make a reasonable effort to locate the (~~owner or person having lawful control or supervision~~) operator of the (~~temporary worker housing~~) TWH to request entry.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-040 Appeals. (1) The department of health may deny, suspend, modify, or revoke a permit in any case in which it finds that there has been a failure or refusal to comply with the requirements of chapter 70.114A RCW or this chapter.

(2) The ~~((department's))~~ department of health's notice of a denial, suspension, modification, or revocation of a license will be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest a decision.

(3) An applicant ~~((who contests a))~~ may request a hearing to contest the department of health permit decision ~~((must, within twenty-eight days of receipt of the decision:~~

~~(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Administrative Hearings Unit, Department of Health, PO Box 47879, Olympia, WA 98504-7879; and~~

~~(b) Include in or with the application:~~

~~(i) A specific statement of the issue or issues and law involved;~~

~~(ii) The grounds for contesting the department decision; and~~

~~(iii) A copy of the contested department decision)). The request must meet the following requirements:~~

~~(a) Be in writing;~~

~~(b) State the basis for contesting the permit decision;~~

~~(c) Include a copy of the department of health's notice of denial;~~

~~(d) Be served on and received by the department within twenty-eight days of the applicant or operator receiving the denial; and~~

~~(e) Be served in a manner which shows proof of receipt at the following address:~~

~~Adjudicative Clerk Office~~

~~310 Israel Rd. S.E.~~

~~Olympia, WA 98504-7879.~~

(4) The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW, this chapter, and chapters 246-08 and 246-10 WAC. If a provision in this chapter conflicts with chapter 246-08 or 246-10 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-050 Minor variances to the ~~((temporary worker housing))~~ TWH construction standard. An applicant may apply for a minor variance from the requirements of this chapter by filing a written request with the department of health. As used in this section, a minor variance means an alternative method of construction or design that must achieve the same result as the requirements of this chapter and protects the health and safety of the occupants.

(1) **Responsibilities of applicant.** If requesting a minor variance, an applicant must:

(a) Submit the following information in writing:

(i) The specific requirement or requirements from which the variance is requested;

(ii) Adequate justification that the variance is needed to obtain a beneficial use of the housing or to prevent a practical difficulty; and

(iii) How the variance will achieve the same result as the requirement and any specific alternative measures to be taken to protect the health and safety of the occupants~~((+)).~~

(b) Pay a fee set by the department of health according to WAC 246-359-990, Table I; and

(c) Follow the process stated in WAC 246-359-060, alternate construction, when applicable.

(2) **Department of health response.** The department of health will provide a written response to the applicant within forty-five days of receipt of the minor variance request. The written response will state the acceptance or denial of the variance, including the reasons for the (~~department's~~) department of health's decision. At a minimum the department of health will make its decision based on:

(a) The applicant's request as described in subsection (1) of this section;

(b) Research into the variance request; and

(c) Expert advice.

(3) **Applicant's response to denials.** According to chapter 34.05 RCW the applicant has twenty-one days after receiving the (~~department's~~) department of health's written denial, of the variance request, to contest the decision.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-060 Architect or engineer of record and plan submittal responsibilities. (1) The department of health will require construction documents to be prepared by an architect or engineer for any construction described under:

(a) WAC 246-359-600, alternate construction;

(b) WAC 246-359-710, installation requirements for factory assembled structures;

(c) WAC 246-359-720, installation requirements for manufactured homes.

(2) The applicant must provide the name of the architect or engineer of record on the construction permit application.

(3) The applicant is responsible to notify the department of health, in writing, when the architect or engineer of record changes or is no longer able to review and coordinate all the necessary submittal documents for compatibility with the design of the building.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-070 Application and construction documents required for plan review. (1) To have construction documents reviewed the applicant must submit to the department of health:

(a) A completed and signed application, on a form provided by the department of health, for each structure (individual building);

(b) The required plan review fee, according to WAC 246-359-990;

(c) Two sets of construction documents, on substantial paper, including:

(i) Plans and diagrams drawn to scale;

(ii) Specifications;

(iii) Computations; and

(iv) Other documents needed to determine if the provisions of this chapter and related state rules are being met, for example solid waste disposal management plan or soil testing;

(d) When applicable, manufacturer's installation instructions as required for factory assembled structures, WAC 246-359-710, and manufactured homes, WAC 246-359-720;

(e) Proof of an adequate approved potable water supply to meet the intended use of the (~~temporary worker housing~~) TWH and which meets the requirements of chapters 246-290 and 246-291 WAC (water rules) and (~~WISHA~~) WAC 296-307-16130;

(f) Copy of the on-site sewage system permit from the jurisdiction having authority;

(g) Proof of a water right permit from the department of ecology, when required;

(h) Proof of current approval from the department of labor and industries, when required, for factory assembled structures; and

(i) Proof the project meets zoning requirements as established for height, setback and road access under the authority having jurisdiction.

(2) The plans and specifications must clearly identify in detail the location, nature and extent of the work proposed.

(3) The department of health will only begin plan review when:

(a) All the documents required in this section are submitted; and

(b) The plan review fee is received.

(4) The department of health can refund up to eighty percent of the plan review fee if the applicant submits a written request to stop the project before the plan review process is complete. Refunds are based on the plan review fee paid as required by Table I in WAC 246-359-990 and the amount of plan review completed as determined by the department.

(5) The department of health will charge an additional plan review fee according to Table I in WAC 246-359-990, when:

(a) Site inspections determine the project has not been built according to the approved construction documents and an additional plan review is required; or

(b) Revised construction documents are submitted after approval of the initial construction documents.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-080 Plan review approval and expiration of plan approval. (1) The department of health will notify the applicant in writing:

(a) With a "plan review approval letter" when the construction documents meet the requirements of this chapter; or

(b) With a "not approved letter" when the construction documents do not meet the requirements of this chapter and a resubmission of plans or documents is required by the department of health for approval.

(2) The applicant has a period of one year from the date of the plan review approval letter to submit the construction permit fee or the plan review approval will expire.

(3) The department of health will destroy all construction documents related to the project when the plan review approval expires.

(4) To renew action on an expired plan review the applicant must resubmit the construction documents and pay a new plan review fee to the department of health as required in WAC 246-359-990.

(5) Construction documents modified after the department of health issues approval must be resubmitted for approval with an additional fee as specified in WAC 246-359-070.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-090 Issuing and maintaining a construction permit.

(1) The department of health will issue a construction permit when:

(a) Construction documents are approved according to WAC 246-359-080; and

(b) Permit and inspection fees are paid according to WAC 246-359-990.

(2) Construction can begin after the applicant is issued a construction permit by the department of health;

(3) The following conditions, at a minimum, must be met during construction:

(a) The "inspection record card" must be posted in a visible location at the worksite and be readily accessible to the inspector at the worksite; and

(b) The approved plans must be readily available to the inspector during all scheduled inspections.

(4) The department of health will void the permit and the applicant's right to continue construction when:

(a) The plans are changed, modified or altered without prior approval by the department of health as specified in WAC 246-359-080;

(b) Any deviation in construction or design is made from the approved plans; and

(c) The inspection record card and the approved plans are not readily and easily available to the inspector.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-100 Expiration and extension of construction permits.

(1) **Permit expiration.** The permit will be considered null and void one year from the date the permit was issued if the applicant:

(a) Has not initiated the work authorized by the permit;

(b) Suspends or abandons the authorized work at any time after the work has begun by not calling for the next required inspection within one year after a required inspection;

(c) Has not applied for a time extension according to the requirements in subsection (2) of this section.

(2) **Permit extension.** The applicant can apply for a one time only extension when the request is made in writing to the department of health:

- (a) Before the permit expires;
 - (b) Stating reasons satisfactory to the department of health;
 - (c) The original plans and specifications will be used and no changes have been made or are planned to be made; and
 - (d) The applicable standards have not changed.
- (3) Any applicant who does not apply for an extension according to the requirements in this section cannot resume work unless the applicant:
- (a) Resubmits plans according to WAC 246-359-070; and
 - (b) Pays full plan review and permit fee according to WAC 246-359-990.
- (4) The department of health can refund up to eighty percent of the construction permit fee if the applicant submits a written request before construction starts. The refund will be determined by the department of health based on the permit fee paid as required by Table I in WAC 246-359-990.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-110 Construction without a permit. (1) Construction of (~~temporary worker housing~~) TWH allowed by this chapter can only begin after a construction permit has been issued by the department of health as described in WAC 246-359-090.

(2) A person who begins any work without a construction permit will be subject to an investigation and an investigation fee as described in WAC 246-359-990 whether or not a permit is then or subsequently issued. An investigation and investigation fee will be in addition to any other "additional" inspections or fees described in WAC 246-359-990.

(3) The department of health will determine if the person initiating building or work without a required construction permit is:

(a) Under the authority of this chapter and must follow the construction permit process defined in this chapter; or

(b) Found to be outside the authority of this chapter and must be reported to the jurisdiction having authority and the prosecuting attorney of that jurisdiction.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-120 Required inspections. The department of health or its designee, when notified by the applicant in writing has authority to conduct all of the inspections described in this section.

(1) **Site/foundation inspection.** To be made after excavations for footings are complete, and after any required forms and reinforcing steel are in place, **but** before any concrete has been placed.

(2) **Concrete slab or under-floor inspection.** To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, **but** before

any concrete is placed or floor sheathing installed, including the subfloor.

(3) **Framing/rough-in inspection.** To be made after the roof, all framing, wall, and roof members are in place including fire blocking and bracing, heating, and rough electrical and plumbing has been installed.

(4) **Final inspection.** To be made after finish grading and the building is completed and ready for occupancy.

(5) **Additional inspections.** To be made after the applicant has received notification that an additional inspection or inspections are necessary. The department of health will conduct the following additional inspections to:

(a) Assure the requirements of this chapter are being met, specifically to verify:

(i) Stop work orders, WAC 246-359-130, are adhered to;

(ii) Approved plans, according to WAC 246-359-080, have not been altered without prior department of health approval; and

(iii) A construction permit has been issued according to WAC 246-359-090;

(b) Determine compliance with other required laws or ordinances necessary to enforce this chapter; and

(c) Determine if an approved variance is being followed, when verification cannot be determined through the inspections described in subsections (1) through (4) of this section.

(6) **Special inspections.** To be made by a special inspector when the applicant is building to the alternate construction standards and the inspections required in subsections (1) through (5) of this section are not sufficient to determine compliance with the alternate construction methods.

(7) **Reinspections.** Reinspections will be conducted and a reinspection fee charged for each reinspection conducted for the following reasons:

(a) Work for which an inspection is requested and is not complete;

(b) Required corrections called for have not been made;

(c) The inspection record card is not posted or readily available at the worksite;

(d) The approved plans are not readily available to the inspector; and

(e) The inspector's request for equipment or information was not provided at the site preventing the inspector from conducting the scheduled inspection.

(8) **FAS inspections.**

(a) Inspections of FAS site foundations will be conducted at the following events, where applicable:

(i) After excavation for footings or after foundation stem walls are completed;

(ii) After required forms and reinforcing steel are in place for footings and foundation stem walls;

(iii) Before concrete has been poured; and

(iv) At the following stages during concrete slab or under-floor inspection:

(A) After all slab, runner, or under-floor building service material, such as conduit, piping, accessories and other ancillary equipment items are in place; and

(B) Before any concrete has been cured or floor sheathing installed, including the subfloor.

(b) Inspections of unit settings, anchoring and hook-ups include, but are not limited to, potable water, sewage disposal systems, or gas connections. Inspections will be conducted:

(i) After the FAS unit(s) has been delivered; and

(ii) Include bracing, anchoring, any below floor ducting installation, and rough electrical and plumbing.

(c) Final inspections will be conducted after finish grading and the building is completed and ready for occupancy. Final inspections will determine if required ventilation, water, septic, electrical, and, if installed, gas systems are installed, connected, and operable.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-130 Stop work orders. (1) The department of health, upon notifying the applicant in writing, will order work to be stopped when the work being done is found to be contrary to:

(a) The approved plans;

(b) The requirements of this chapter; or

(c) Other laws or ordinances required and necessary to enforce this chapter at a minimum as stated in WAC 246-359-005(4), applicability.

(2) If the department of health finds work being done contrary to subsection (1) of this section the department of health, in addition to notifying the applicant in writing, will post a "stop work order" on the construction site.

(3) The applicant is prohibited from continuing any work or causing any work to be performed until solutions to rectify the conditions causing the stop work order have been approved by the department of health.

(4) The department of health will document removal of the stop work order by:

(a) Providing the applicant written authorization to proceed with the work; and

(b) Removing or causing the "stop work order" to be removed.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-140 Certificate of completion. (1) The department of health will issue a "certificate of completion" when:

(a) The inspector determines the project is completed in compliance with the approved construction documents;

(b) The department of health determines the project is in compliance with this chapter and related rules including:

(i) Proof the potable water supply is approved and adequate to meet the requirements of chapters 246-290 and 246-291 WAC (water rules) and ((~~WISHA~~)) DOSH;

(ii) Proof the sewage disposal system has been approved by the jurisdiction having authority, for example, city or county health or

public works department, state department of health or state department of ecology; and

(iii) Proof the electrical system has been approved by the jurisdiction having authority, for example, Washington state department of labor and industries or the city building or planning departments.

(2) ~~((Approved to apply))~~ **Applying for a license.** The applicant ~~((can))~~ may apply for a ~~((temporary worker housing))~~ TWH license according to chapter 246-358 WAC at any time after receiving a certificate of completion from the department of health. The applicant must receive a TWH operating license prior to operating the TWH site.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-150 Site requirements. (1) The site used for ~~((temporary worker housing))~~ TWH must be:

- (a) Adequately drained and not subject to periodic flooding;
- (b) Located a distance of at least two hundred feet from all surface water;
- (c) Located so the drainage from and through the ~~((temporary worker housing))~~ TWH will not endanger any domestic or public water supply;
- (d) Graded, ditched, and made free from depressions which allow water to become a nuisance;
- (e) Adequate in size to prevent overcrowding of necessary structures; and
- (f) Located on a slope which is not more than one unit (inches, feet, etc.) vertical per twenty units horizontal.

(2) Any structure used for sleeping or preparing and serving food must be located at least five hundred feet from any area in which livestock is kept.

(3) All ~~((temporary worker housing))~~ TWH structures must be located a minimum of ten feet from any other structure or building.

(4) The TWH must have adequate lighting to provide safe passage for occupants to travel between TWH facilities.

(5) Common toilet facilities must meet the following:

(a) When a toilet is in a separate building from the sleeping room, the toilet room must be not more than two hundred feet from the door of each dwelling unit;

(b) No person has to pass through a sleeping room to reach common toilet facilities;

(c) Comply with the toilet ratios identified in WAC 246-359-560;

(d) If the TWH will provide for occupancy by both sexes, there must be separate toilet rooms for each sex that meet the required ratio as defined in Table 1 of WAC 246-358-093 and separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building; and

(e) Common toilet facilities used for both men and women must:

(i) Have separate and distinct entrances on separate walls;

(ii) Must be separated by at least twenty feet; and

(iii) Locate the women's entrance to be visible from and oriented toward the majority of the TWH dwelling units.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-160 (~~(Temporary worker housing)~~) **TWH minimum floor area and ceiling height.** (1) Rooms used for sleeping purposes (~~(only)~~) must have a minimum of fifty square feet of floor space for each occupant.

(2) Rooms used for cooking, living, and sleeping must have a minimum of (~~(seventy)~~) one hundred square feet (~~(for the first occupant and fifty square feet for each additional occupant)~~) per temporary worker. Sanitary facilities shall be provided for storing and preparing food.

(3) All habitable rooms and spaces including halls(~~(, bathrooms)~~) and toilet (~~(compartments)~~) rooms must have at least a seven foot clear height from the floor to the ceiling or exposed ceiling framing.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-180 **Concrete footings and foundations for wood framed construction.** (1) Concrete used for footings and foundations must have a minimum compressive strength of two thousand pounds per square inch (psi). Concrete must be mixed and delivered in accordance with the requirements of ASTM C94 (Ready-Mix Concrete), or may be field mixed. Field mixed concrete will be subject to independent compressive strength testing and special inspection.

(2) Concrete footings must be placed on firm, undisturbed soil.

(3) Concrete footings must be continuous, be a minimum of twelve inches wide by six inches thick, be reinforced with a minimum of two No. 4 continuous rebar, and be at least eighteen inches below finished grade measured from the bottom of the footing.

(4) Concrete foundations must be a minimum of six inches thick, be reinforced with a minimum of (~~(two)~~) one continuous horizontal No. 4 (~~(at)~~) rebar within twelve inches from the top, and one continuous horizontal No. 4 rebar near mid-height, be reinforced vertically with No. 4 at (~~(twenty-four)~~) forty-eight inches on center, extend at least six inches above the finished grade, and have a total height of not greater than forty-eight inches.

(5) Concrete foundation(~~(s)~~) stem walls that are formed by a thickened concrete slab edge as part of a slab on grade floor must be reinforced with (~~(two)~~) one piece(~~(s)~~) of No. 4 rebar in the upper part and (~~(two)~~) one piece(~~(s)~~) of No. 4 rebar in the lower part of the foundation. The concrete floor will be reinforced according to WAC 246-359-430. The thickened concrete slab edge must extend at least eighteen inches below finished grade, be at least twelve inches in width, and provide a slab height of at least six inches above finished grade.

(6) Where the walls are of wood construction, the treated foundation plates or sills must be bolted to the foundation or foundation wall with not less than one-half inch nominal diameter steel bolts embedded at least seven inches into the concrete and spaced not more than seventy-two inches apart. There must be a minimum of two bolts per piece with one bolt located within twelve inches of each end of

each piece. A properly sized nut and washer must be tightened on each bolt to secure the place.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-250 Roof framing for wood framed construction and concrete masonry units (CMU). (1) Roof framing must have a minimum slope of three units vertical to twelve units horizontal, and must be framed with one of the following methods:

(a) Factory built trusses. Installed per manufacturer's directions and spaced not more than twenty-four inches on center. Roof trusses must be supported laterally at points of bearing by solid blocking to prevent rotation and lateral displacement;

(b) Rafter spans. Allowable rafter spans for Hem-Fir #2 or better must be in accordance with the spans and load conditions listed in Tables 250-A, 250-B or 250-C;

(c) Rafters. Rafters must be framed directly opposite each other at the ridge. There must be a ridge board at least one inch nominal thickness at all ridges and not less in depth than the cut end of the rafter;

(d) Notching at the ends of rafters cannot exceed one fourth the depth. Notches in the top or bottom must not exceed one sixth the depth and must not be located in the middle one third of the span;

(e) Holes bored in rafters must not be within two inches of the top or bottom and their diameter must not exceed one third the depth of the rafter; and

(f) Rafters must be supported laterally at points of bearing by solid blocking of the same material to prevent rotation and lateral displacement.

Table 250-A Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 30# Snow Load and 10# Dead Load		
Rafter Size	Spacing—inches on center	Span—feet- inches
2 x 6	12	12-7
2 x 6	16	11-5
2 x 6	24	9-7
2 x 8	12	16-7
2 x 8	16	14-11
2 x 8	24	12-2
2 x 10	12	21-0
2 x 10	16	18-2
2 x 10	24	14-10
2 x 12	12	24-4
2 x 12	16	21-1
2 x 12	24	17-3

Table 250-B Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 40# Snow Load and 10# Dead Load		
Rafter Size	Spacing—inches on center	Span—feet- inches
2 x 6	12	11-5
2 x 6	16	10-5
2 x 6	24	8-7
2 x 8	12	15-1
2 x 8	16	13-4
2 x 8	24	10-10
2 x 10	12	18-9
2 x 10	16	16-3
2 x 10	24	13-3
2 x 12	12	21-9
2 x 12	16	18-10
2 x 12	24	15-5

Table 250-C Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 60# Snow Load and 10# Dead Load		
Ceiling Joist Size	Spacing—inches on center	Span—feet- inches
2 x 8	12	13-0
2 x 8	16	11-3
2 x 8	24	9-2
2 x 10	12	15-10
2 x 10	16	13-9
2 x 10	24	11-3
2 x 12	12	18-5
2 x 12	16	15-11
2 x 12	24	13-0
2 x 14	12	20-7
2 x 14	16	17-10
2 x 14	24	14-6

(2) The department of health will allow site built trusses accompanied by structural calculations prepared by a structural engineer or architect.

(3) Trimmer and header rafters must be doubled when the span of the header exceeds four feet. The ends of the header rafters more than six feet long must be supported by framing anchors or rafter hangers unless bearing on a beam, partition, or wall.

(4) Rafters must be nailed to adjacent ceiling joists to form a continuous tie between exterior walls when such joists are parallel to the rafters. Where not parallel, rafters must be nailed to minimum one-by-four cross ties.

(5) Rafter cross ties must be spaced not more than four feet on center, located immediately above the ceiling joists.

(6) Rafter and truss ties must be installed per ((manufacturer's)) manufacturer's instructions.

(7) Roof assembly must have rafter and truss ties to the wall below and spaced not more than four feet on center.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-300 Ceiling framing for wood framed construction and concrete masonry units (CMU). (1) Notching at the ends of ceiling joists must not exceed one fourth the depth. Notches in the top or bottom must not exceed one sixth the depth and must not be located in the middle one third of the span.

(2) Holes bored in ceiling joists must not be within two inches of the top or bottom and their diameter must not exceed one third the depth of the rafter.

(3) Ceiling joists must be supported laterally at points of bearing by solid blocking to prevent rotation and lateral displacement.

(4) Allowable ceiling joist spans for Hem-Fir #2 or better must be in accordance with the spans and load conditions listed in Table 300-A.

(5) The department of health will allow spans using other wood species or grade or other load conditions when accompanied by structural calculations prepared by a structural engineer or architect.

Table 300-A Western Wood Products Table for Hem-Fir #2 Ceiling Joists 10# Dead Load		
Ceiling Joist Size	Spacing—inches on center	Span—feet-inches
2 x 6	12	14-5
2 x 6	16	12-8
2 x 6	24	10-4
2 x 8	12	18-6
2 x 8	16	16-0
2 x 8	24	13-1
2 x 10	12	22-7
2 x 10	16	19-7
2 x 10	24	16-0
2 x 12	12	26-3
2 x 12	16	22-8
2 x 12	24	18-6

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-350 Roof connections for concrete masonry units (CMU). (1) Framing members must bear on a two-inch nominal thickness pressure treated plate anchored to the CMU wall with one-half inch diameter bolts. The anchor bolts must be spaced at maximum of six feet on center and a minimum of twelve inches from end of each plate mem-

ber, and must be embedded into the top of the wall bond beam a minimum of four inches.

(2) Each roof framing member must be secured to the treated plate by installation of a metal tie as approved by the department of health.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-510 Door requirements. ((Temporary worker housing))
TWH habitable structures:

(1) Must have a primary entrance, which is at a minimum, three foot-by-six foot eight-inch exit door made of solid core wood or other material designed for use as an exterior door.

(2) Must have at least two exit doors when accommodating ten or more occupants. When two exit doors are required, the doors must be placed a distance apart equal to at least one-half of the length of the maximum overall diagonal dimension of the building area used.

(3) Provide a locking mechanism on the exterior door(s) of each family shelter. The mechanism must not prevent egress, and must be easily opened from the inside without use of a key or special knowledge.

(4) Provide a locking mechanism on all bedroom doors, excluding doors to common sleeping areas. The mechanism must not prevent egress and must be easily opened from the inside without use of a key or special knowledge.

(5) Provide a locking mechanism on all bedroom doors, excluding doors to bedrooms housing more than fifteen occupants.

(6) Provide a locking mechanism on:

(a) Each toilet stall door, if provided; and

(b) Each shower stall door, if provided.

(7) Must have all exterior door openings screened with sixteen-mesh material self-closing screen doors, including toilet facilities.

((+4)) (8) With a calculated occupant load of fifty occupants or more must have a screen door which swings in the direction of exiting.

((+5)) (9) With latched screen doors must have a roller type latch.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-530 Interior finishes. (1) Floors must be finished to provide an easily cleanable surface. Acceptable finishes are paint, sheet vinyl, tile, or other materials designed for use as a finished floor surface. All materials must be installed per manufacturer's instructions.

(2) Walls and ceilings must be finished to prevent any injury to an occupant, for example, no protruding nails or other fasteners or any wires.

(3) In toileting and kitchen areas, walls must be finished to provide an easily cleanable surface impervious to moisture.

(4) If material to provide a finished surface for the walls is to be installed, then material such as one-half inch minimum thickness gypsum board (GB) must be secured to the wall structural members by fasteners approved for such attachment such as glue, nails, or screws. If GB is installed, then the joints must be fire taped and the wall surface sealed with paint or covered with another wall finish material.

(5) If materials are installed to provide a finished surface for the ceiling, then material such as five-eighths inch minimum thickness GB must be secured to the ceiling structural members by fasteners approved for such attachment such as nails or screws. If GB is installed, then the joints must be fire taped and the ceiling surface sealed with paint.

(6) Comply with all applicable state and federal laws and rules for lead-based paint.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-540 Lighting and electrical. (1) The installation of electrical systems and wiring must comply with the state electrical code, chapter 246-46 WAC, as administered by the department of labor and industries and according to the number of outlets or light fixtures required in subsection (2) of this section.

(2) Outlets and light fixtures provided in (~~temporary worker housing~~) TWH must comply with the requirements of subsection (1) of this section and WISHA requirements, including:

(a) Each habitable room must have:

(i) One ceiling light fixture. Additional ceiling light fixtures will be required to comply with the foot candle requirements of chapter 246-358 WAC; and

(ii) One separate floor or wall outlet. Additional outlets will be required as determined by the department of health to prevent safety hazards when the housing is occupied;

(b) Laundry and toilet rooms, and rooms where people congregate must have at least one ceiling or wall light fixture. Additional ceiling or wall light fixtures will be required:

(i) (~~To comply~~) With (the) at least twenty foot candles (requirements of chapter 246-358 WAC) thirty inches from the floor; and

(ii) As determined by the department of health to prevent safety hazards when the housing is occupied.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-550 Smoke detectors and carbon monoxide detectors.

(1) (~~Temporary worker housing~~) TWH must be provided with approved smoke detectors installed according to the manufacturer's instructions.

(2) Smoke detectors must:

(a) Be installed in each sleeping room;

- (b) Be installed at a central point in a corridor or area which gives access to each separate sleeping room; and
- (c) Emit a signal when the batteries are low.
- (3) In new construction, required smoke detectors must:
 - (a) Receive their primary power from the building wiring, when the wiring is served from a commercial source; and
 - (b) Be equipped with a battery backup.
- (4) Smoke detector wiring must be permanent and without a disconnecting switch except as required for overcurrent protection.
- (5) Battery operated smoke detectors will be accepted:
 - (a) In existing buildings;
 - (b) In buildings without commercial power; or
 - (c) During when alteration, repairs or additions are being conducted to a building.
- (6) An approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units or one on each level of the dwelling. The approved carbon monoxide alarms must be installed in accordance with the manufacturer's recommendations in compliance with the building code, WAC 51-51-0315 and 246-358-080.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-560 Plumbing. (1) The installation of plumbing systems, fixtures, and fittings must comply with the (~~Uniform~~) Plumbing Code (~~and Uniform Plumbing Code Standards~~) as adopted by the state building code council, chapters 51-46 and 51-47 WAC, except for the following parts of the plumbing code which do not apply:

- (a) The provisions for "water conservation performance standards";
- (b) The minimum plumbing facilities and requirements for minimum numbers of fixtures (~~, instead the following ratios will apply:~~

Minimum Number of Required Plumbing Fixtures					
	Water Closets		Lavatory Sinks		Bathtubs or Showers
Dwelling Units	†		†		†
	Male	Female	Male	Female	
Shared Facilities, not in individual dwelling units:	1 per 15 or fraction thereof; with a minimum of 2. (See Note)	1 per 15 or fraction thereof; with a minimum of 2.	1 per 6 or fraction thereof.	1 per 6 or fraction thereof.	1 showerhead for every 10 persons or fraction thereof, for both male and female showers.

Note: Where urinals are provided in addition to water closets, the urinals must be provided in a 1:25 ratio.

- (2) ~~The applicant must comply with the following WISHA requirements:~~
 - (a) ~~When a toilet is in a separate building from the sleeping room, the toilet room must be at least one hundred feet but not more than two hundred feet from the door of each dormitory unit;~~
 - (b) ~~Laundry sinks must be provided on a ratio of one to thirty;~~
 - (c) ~~When handwashing sinks and bathing facilities are not provided in individual dwelling units the following ratios apply:~~

~~(i) Handwashing sinks must be provided on a ratio of one to every six; and~~

~~(ii) Bathing facilities must be provided on a ratio of one to every ten).~~

(2) Provide an adequate supply of hot and cold running water under pressure in bathing, food-handling, and laundry facilities.

(3) The following minimum number of plumbing fixtures must be installed in the TWH:

(a) Toilet facilities. Provide toilet facilities adequate for the maximum capacity of the TWH, according to the following requirements:

(i) Provide flush toilets unless chemical toilets are approved by the department of health according to chapter 246-272A WAC;

(ii) Provide toilet facilities adequate for the maximum capacity of the TWH, according to Table 1 of this section;

(iii) Where common toilet facilities are provided, the number of toilets for each sex shall be based on the maximum number of people of that sex which the camp is designed to house at any one time, in the ratio of one such toilet to each fifteen people, with a minimum of two toilets according to Table 1 of this section. Toilets must be separated by partitions or walls. For the purposes of subsection (3)(a)(iii) of this section, partitions or walls do not include curtains. Partitions or walls must ensure privacy and must have smooth, cleanable, and nonabsorbent surfaces;

(iv) Where common toilet facilities and family shelter toilets are provided, the family shelter toilets do not count towards the total number of toilets for the TWH camp; and

(v) When urinals are provided there must be one urinal or two linear feet of urinal trough for each twenty-five men.

(b) Handwashing sinks. Provide handwashing sinks adequate for the maximum capacity of the TWH, according to the following requirements:

(i) Handwash sinks must operate with a single faucet;

(ii) One handwash sink for every six occupants within the TWH site;

(iii) Of these handwash sinks, locate at least one handwash sink for every toilet in common toilet facilities adjacent to toilet(s); and

(iv) If a toilet is installed in a family shelter, locate at least one handwashing sink for every eight people in the family shelter adjacent to the toilet.

(c) Bathing facilities. Provide bathing facilities adequate for the maximum capacity of the TWH, with one showerhead for every ten occupants. Showers must be separated by partitions or walls. Partitions or walls must ensure privacy and must have smooth, cleanable, and non-absorbent surfaces.

(d) One "service sink" in each common building used for laundry or bathing.

(e) Laundry facilities. Laundry facilities must be plumbed for one laundry tray or tubs or mechanical washing machine for every twenty-five occupants.

(f) Provide single faucets for all handwashing and food-handling sinks.

(g) All common food-handling facilities must provide one sink per eight burners.

~~((+3))~~ (4) Water and septic systems must be approved by the jurisdiction having authority, including installation or modification.

(5) All TWH potable water systems must be sufficient to meet the requirements of WAC 246-358-055. Ensure that the distribution lines

are able to maintain the working pressure of the water piping system at not less than thirty pounds per square inch after allowing for friction and other pressure losses.

Table 1
Minimum Required Plumbing Fixtures

Facility type	Water closets		Handwash sinks		Bathtubs or showers	
	Male	Female	Male	Female	Male	Female
Common facility, single sex	2 minimum, 1 per 15 occupants	2 minimum, 1 per 15 occupants	2 minimum, 1 per 6 occupants	2 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Common facility: Male/female	1 minimum, 1 per 15 occupants	1 minimum, 1 per 15 occupants	1 minimum, 1 per 6 occupants	1 minimum, 1 per 6 occupants	1 per 10 occupants	1 per 10 occupants
Each family shelter	1, if provided		1		1, if provided	

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-565 ((Cooking)) Food-handling and eating facilities.

(1) ~~((Individual dwelling units. Cooking)) All food-handling and eating facilities ((in individual dwelling units)) must ((be sufficient to)) meet the requirements of WAC 246-358-125((, temporary worker housing cooking and foodhandling facilities;)).~~

(2) ~~Common ((use cooking)) food-handling facilities. ((Cooking facilities separate from sleeping units and used by multiple individuals or families must:~~

~~(a) Meet the requirements of WAC 246-358-125, temporary worker housing cooking and foodhandling facilities;~~

~~(b) Comply with WAC 296-307-160, WISHA;~~

~~(c) Be located within one hundred feet of the dormitory structure; and~~

~~(d) Have)) Common food-handling facilities must:~~

~~(a) Be covered and enclosed or screened;~~

~~(b) Provide mechanical ventilation in all enclosed food-handling facilities installed with a one hundred cubic feet per minute (CFM) intermittent fan or a twenty-five CFM continual fan, vented to the outside for each cooking unit. Fan intakes must be located directly above or behind each cooking unit; and~~

~~(c) Provide one sink per eight burners.~~

~~(3) Common eating facilities must be covered and enclosed or screened with adequate tables and seating for the occupants.~~

~~(4) Dining halls ((with cooking facilities)). ((Cooking)) Food-handling facilities which are to be provided by the licensed operator for temporary workers residing in the ((temporary worker housing)) TWH must comply with:~~

~~(a) WAC 246-358-125((+3)), dining hall rules for ((temporary worker housing)) TWH; and~~

~~(b) ((WAC 296-307-160; and~~

~~(e)) Chapter 246-215 WAC, food service sanitation rules.~~

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-570 Mechanical installations. The installation of heating, ventilating, cooling, refrigeration systems, and other miscellaneous heat producing equipment must meet the requirements of the ~~((uniform))~~ mechanical code as adopted by the state building code council, chapter ~~((51-42))~~ 51-52 WAC, except as exempted in WAC 246-359-575.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-575 Energy and ventilation and indoor air quality requirement exemptions. ~~((Temporary worker housing))~~ TWH as defined in this chapter are exempt from all versions of the Washington state energy code and the ventilation and indoor air quality code.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-580 Heating ~~((and)), insulation, and air conditioning.~~ ~~((1) When the temporary worker housing is occupied from October 1st through May 1st:~~

- ~~(a) Department approved heat producing equipment must:~~
 - ~~(i) Be available or installed; and~~
 - ~~(ii) Comply with WISHA and chapter 246-358 WAC.~~
- ~~(b) A minimum of R-11 insulating material must be used to insulate ceilings and exterior walls.~~
- ~~(2) When insulation is used it must be covered with material which is safe and sturdy and sufficient to protect the building occupants from the insulating material.)~~ (1) When the temperature in habitable rooms will fall below seventy degrees Fahrenheit, the TWH must provide heating systems to maintain a temperature of seventy degrees Fahrenheit. Heating systems must be permanent, installed, and comply with DOSH and chapter 246-358 WAC.

(2) Insulation must be installed with a minimum of R-15 insulating material to insulate ceilings and exterior walls. When insulation is used, it must be covered with material which is safe and sturdy and sufficient to protect the building occupants from the insulating material. When insulation is installed in the ceiling, provide a minimum of one inch air space between insulation and roof sheathing and baffle.

(3) When the TWH dwelling unit temperature can rise above ninety degrees Fahrenheit during occupancy, the TWH dwelling unit must provide a coolant system to maintain a temperature at or below ninety degrees Fahrenheit.

(4) TWH buildings containing dwelling units must be provided with a one hundred cubic feet per minute (CFM) building ventilation fan capable of operating intermittently. Where an intermittent fan is in-

stalled in dwelling units with food-handling facilities, an additional building ventilation fan is not required.

(5) This section does not apply to cherry harvest camps.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-590 Liquid petroleum gas (LP-gas) storage tanks. Installed LP-gas, such as propane, propylene, butane, normal butane or isobutane, and butylenes, must comply with ((uniform)) the state fire code ((article 82 and uniform fire code standard 82-1)) and fuel gas code, as adopted by the state building code council.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-600 Alternate construction. (1) The department of health will allow alternate construction to the requirements stated in WAC ((246-359-200)) 246-359-180 through 246-359-440 of this chapter when the plans are designed and stamped by an engineer or architect licensed to practice in the state of Washington, and meet applicable sections of the state building code as adopted by the state building code council or other code as approved by the department of health.

(2) Any changes in the structural design must be stamped by an engineer including:

(a) Fixed construction, which cannot be dismantled and stored. Such fixed construction must comply with the structural requirements of the state building code, for example, wind forces, seismic forces, snow load, live load, and dead load.

(b) Nonfixed construction which can be dismantled and stored for use when ice or snow exceed the snow loads stated in this chapter. Such nonfixed construction must comply with the structural requirements of the state building code, for example, wind forces, seismic forces, live load, and dead load with the exception of snow loads.

(3) To determine compliance with this section the department may require a special inspector to conduct special inspections.

NEW SECTION

WAC 246-359-650 Tents. (1) Each tent must be constructed to sleep no more than fifteen occupants.

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

(3) Structural stability and floors.

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

(b) Floors must be smooth, sloped from a raised center towards the lower outer edges. Floors must be without breaks or holes to provide a hard, stable walking surface. Nonridged flooring supported by grass, dirt, soil, gravel or other uneven surface is not acceptable. Floors that are constructed of wood or concrete must comply with the building code, chapter 19.27 RCW and this chapter.

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

(4) Flame-retardant treatments.

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

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

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

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

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

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

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

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

(5) Means of egress.

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

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

(6) Floor area. The operator must:

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

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

(7) Ceiling height.

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

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

(8) Windows and ventilation.

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

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

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

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

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

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

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

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-710 Installation of factory assembled structures (FAS)—Except for manufactured homes. The department of health will approve the installation of all FAS except for manufactured homes (see WAC 246-359-720) when the following requirements are met:

(1) New and relocated FAS must be installed according to the manufacturer's written instructions;

(2) If the manufacturer's written instructions are unavailable or insufficient to address safe installation the department of health will require installation instructions for FAS to be submitted by an engineer or architect;

(3) The department of health will inspect FAS installation to determine if the site is properly prepared and the FAS is anchored according to the:

(a) Manufacturer's installation instructions; or

(b) Design of either an engineer or an architect.

(4) The requirements stated in WAC 246-359-720 (5) through (8) apply to FAS installation.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-720 Installation requirements for manufactured homes. The department of health will use the following criteria for approving the installation of manufactured homes:

(1) New and relocated manufactured homes must be installed according to the manufacturer's written installation instructions;

(2) If the manufacturer's installation instructions are unavailable for manufactured homes, the department of health will accept the following:

(a) American National Standards Institute (ANSI) A225.1, 1994 edition, section 3; or

(b) The installation instructions of an engineer or architect licensed in Washington.

(3) The department of health will inspect the installation to determine if the manufactured home is placed on a properly prepared site and anchored according to the:

(a) Manufacturer's installation instructions;

(b) ANSI A225.1, 1994 edition, section 3; or

(c) Design of an engineer or architect licensed in Washington.

(4) The department of health will require, at a minimum, specific instructions be obtained from a licensed engineer or architect when a manufactured home is to be installed on a site where the specific soil bearing capacity is not addressed in the manufacturer's instructions.

(5) The department of health may review, at a minimum, the following installation requirements:

(a) Heat duct crossovers, except that heat duct crossovers supported above the ground by strapping or blocking to avoid standing water and to prevent compression and sharp bends to minimize stress at the connections are also accepted;

(b) Dryer vents exhausted to the exterior side of the wall or skirting, when installed; and

(c) Hot water tank pressure relief lines. These lines must be exhausted to the exterior side of the exterior wall or skirting and downward.

(6) Water lines, waste lines, gas lines and electrical systems must be installed according to the requirements of this chapter.

(7) When skirting is used the skirting must:

(a) Be made of a material suitable for ground contact including all metal fasteners which must be made of galvanized, stainless steel or other corrosion resistant material;

(b) Be recessed behind the siding or trim and attached in such a manner to prevent water from being trapped between the skirting and siding or trim; and

(c) Have vent openings located close to corners which:

(i) Provide cross-ventilation on at least two opposite sides;

(ii) Are designed to prevent the entrance of rodents by covering the vent openings with corrosion-resistant wire mesh with mesh opening of one-fourth inch in dimension; and

(iii) Have a net area of not less than one square foot for each one hundred fifty square feet of under floor area.

(8) Provide access to the under floor area of the manufactured home so that all areas under the home are available for inspection. The opening must not be less than eighteen inches by twenty-four inches. The cover must be of metal, pressure treated wood or vinyl.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-740 Drain connector to factory assembled structures (FAS). (1) A FAS containing plumbing fixtures must be connected to the drain inlet by a drain connector:

(a) Approved by the department of health;

(b) Consisting of pipe not less than Schedule 40 with appropriate fittings and connectors; and

(c) Not less in size than the FAS outlet.

(2) The fitting connected to the drain inlet must be a directional fitting to discharge the flow into the drain inlet.

(3) A drain connector must be:

(a) Installed and maintained with a grade not less than one-fourth inch per foot;

(b) Gas-tight and no longer than necessary to make the direct connection between the mobile home outlet and drain inlet at the site.

(4) Each drain inlet must be maintained gas-tight when not in use.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-760 Gas connections to factory assembled structures (FAS). (1) A FAS, when using gas for heating or cooking purposes, must be connected to the gas outlet by an approved mobile or manufactured home connector. Gas connectors must be of adequate size to supply the total demand of the connected FAS and have a maximum length of six feet.

(2) A shutoff valve controlling the flow of gas to the entire gas piping system must be:

(a) Installed for each FAS;

(b) Readily accessible;

(c) Identified as the "shutoff valve"; and

(d) Installed near the point of connection to the service piping or supply connection of the liquified petroleum gas (LP-gas) tank.

(3) The installation and size of each section of LP-gas piping is determined by the ~~((uniform))~~ mechanical code as adopted by the state building code council.

AMENDATORY SECTION (Amending WSR 99-03-065, filed 1/18/99, effective 2/18/99)

WAC 246-359-800 ((WISHA)) DOSH requirements affecting building ((temporary worker housing)) TWH. (1) A separate sleeping area must be provided for the husband and wife in all family units in which one or more children over six years of age are housed.

(2) If a camp is used during cold weather, adequate heating equipment must be provided.

((Note: All heating, cooking, and water heating equipment must be installed according to state and local ordinances and codes regulating installations.))

(3) All heating, cooking and water heating equipment must be installed according to state and local ordinances and codes regulating installations.

WAC 246-359-990 Fees. (1) General fee information.

(a) The plan review fee and permit or inspection fees for:

(i) Wood framed construction and concrete masonry units will be charged based on square footage and the time required to complete the work, according to Table I, Parts A through C;

(ii) The installation of factory assembled structures will be based on Table I, Part D(~~(+and)~~).

(b) Each fee must be received before the department of health will:

(i) Conduct plan review of construction or installation documents;

(ii) Issue a construction permit; or

(iii) Conduct any on-site inspection.

(2) Plan review fee for construction and installation documents.

The plan review fee is:

(a) A separate and additional fee from the construction permit fees or inspection fees(~~(+)~~).

(b) Based on the initial plan review and assumes all documents required by WAC 246-359-070, application process and WAC 246-359-080, required documents for plan review, have been submitted.

(c) An additional plan review fee will be charged as stated in Table I, Part E when:

(i) The documents submitted are incomplete;

(ii) Plans previously reviewed and approved have been changed;

(iii) The department of health has determined, by inspection, that the approved plans were not followed during construction.

(3) Variance requests. Written variance requests must be accompanied by a fee as stated in Table I, Part E.

(4) Construction permit fee, includes required inspections. The construction permit fee:

(a) Is a separate and additional fee from the plan review fee;

(b) Includes the required inspections as stated in WAC 246-359-120 (1) through (4);

(c) Is based on the time required to conduct an inspection and assumes all of the requirements for application and plan review as required by subsection (2) of this section have been met and the plans are approved.

(5) Additional inspections. When the department of health determines additional inspections are necessary to determine compliance with this chapter the additional inspection fee will be charged according to Table I, Part F.

(6) Investigation inspections. If the department of health finds a person has initiated building or work without a permit, a fee will be charged according to Table I, Part F for the time taken to investigate.

(7) Special inspections. When an applicant is building to alternate construction standards and the required inspections in this chapter are not deemed sufficient by the department of health to determine compliance with this chapter, special inspections may be required including the cost of the health inspector. The applicant must pay the full cost of the special inspections. The department of health will notify the applicant what is required and the reasons for requiring a special inspection.

(8) The department of health will provide on-site technical assistance at the applicant's request. A fee will be charged according to Table I, Part G.

Table I, Fee Table

Square footage of project review		Construction plan review fee	Construction permit or inspection fee
Part A.	Up to 1000 square feet	\$330	\$550
Part B.	For each additional 100 square feet or fraction thereof	\$ 15	\$ 30
Part C.	Preapproved plans For each additional 100 square feet or fraction thereof	\$ 66	\$550
		\$ 3	\$ 30
Part D.	Factory Assembled Structures, for example, manufactured homes, park trailers, modular buildings	\$ 66	\$550
		\$ 3	\$ 30
Part E.	Additional plan reviews, conducted after initial approval; and Variance requests	\$47 per hour (two hour minimum)	
Part F.	Additional and investigation inspections	\$47 per hour (two hour minimum)	
Part G.	On-site technical assistance visits	\$47 per hour (two hour minimum)	