

**R392. Health and Human Services, Population Health, Environmental Health.**

**R392-501. Temporary Labor Community Sanitation.**

**R392-501-1. Authority and Purpose.**

- (1) This rule is authorized under Sections 26B-1-202 and 26B-7-402.
- (2) This rule establishes minimum standards for the sanitation, operation, and maintenance of a temporary labor community, as defined by this rule, and provides for the prevention and control of health hazards associated with a temporary labor community that are likely to affect individuals dwelling temporarily therein including risk factors contributing to injury, sickness, death, and disability.

**R392-501-2. Applicability.**

- (1) This rule applies to any person who owns or operates a temporary labor community, unless specifically exempted.
- (2) This rule applies to the repair, maintenance, use, operation, and occupancy of a temporary labor community designed, intended for use, or otherwise used for temporary human habitation.
- (3) This rule does not apply to any recreational camping, recreational vehicle park, or manufactured home community.

**R392-501-3. Definitions.**

For the purposes of this rule:

- (1) "Building Code" means International Building Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.
- (2)(a) "Housing unit" means any living quarter, including a housing accommodation, rooming house, dormitory, and manufactured home maintained, directly or indirectly, in connection with any work of or place where work is being performed by a seasonal or temporary worker, whether or not rent is paid or reserved for use or occupancy.
  - (b) The term includes any facility necessary to, or associated with, the buildings; and any area or site set aside and provided for camping of seasonal or temporary workers.
  - (c) "Housing unit" does not include a building reserved exclusively for the personal use of the landowner or employer, including the primary residence, which may serve as housing for family members and friends of the family.
- (3) "Local health department" has the same meaning as provided in Subsection 26A-1-102(5).
- (4) "Local health officer" means the health officer of the local health department having jurisdiction, or designated representative.
- (5) "Manufactured home" means a factory assembled structure equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit without a permanent foundation. A modular home transported on wheels to its foundation is not a manufactured home.
- (6) "Nuisance" means a condition or hazard, or the source thereof, which may be deleterious or detrimental to the health, safety, or welfare of the public.
- (7) "Operator" means a person with ownership or overall responsibility for managing or operating a labor community.
- (8) "Pest" means a noxious, destructive, or troublesome organism whether plant or animal, when found in and around places of human occupancy, habitation, or use that threatens the health or well-being of the public.
- (9) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.
- (10) "Plumbing fixture" means a receptacle or device that is connected to the water supply system of the premises; or discharges wastewater, liquid-borne waste materials, or sewage to the drainage system of the premises.
- (11) "Premises" means any lot, parcel, or plot of land, including any buildings or structure.
- (12) "Sanitary" means the condition of being free from infective, physically hurtful, diseased, poisonous, unwholesome, or otherwise unhealthful substances and being completely free from vermin, vectors, and pests and from the traces of either, and free of harborage for vermin, vectors, or pests.
- (13) "Service building" means a structure located within a labor community that contains a toilet, hand sink, bathing, laundry, or recreational facilities.
- (14) "Temporary labor community" or "Labor community" means one or more buildings, structures, tents or related facilities together with surrounding grounds designed, constructed, or used or intended for use as living quarters or housing facilities to temporarily accommodate groups such as seasonal migrant laborers or construction, exploration, mining, or demolition workers.
- (15) "Toilet fixture", means:
  - (a) a water flush toilet that discharges to a public sanitary sewer system or an approved onsite wastewater disposal system;
  - (b) a privy seat in a vault privy; or
  - (c) a chemical toilet in a portable restroom.
- (16) "Vault privy" - means a toilet facility wherein the waste is deposited without flushing into a permanently-installed, watertight vault or receptacle. Vault wastes is periodically removed and disposed of in accordance with Rule R317-560.
- (17) "Vector" means any organism such as an insect or rodent that transmits a pathogen that can adversely affect public health.

(18) "Vermin" means rats, mice, cockroaches, bedbugs, flies, or any other pest or vector as determined by the local health officer to be harmful to the life, health, or welfare of the public.

(19) "Wastewater" means discharges from any plumbing facility including rest room, kitchen, and laundry fixtures, either separately or in combination.

#### **R392-501-4. General.**

(1) Except as in Subsection (2) this rule does not require a construction change in any portion of a labor community if the community was in compliance with the law in effect when the community was constructed.

(2) The local health officer may require construction changes if it is determined the labor community or portion thereof is dangerous, unsafe, unsanitary, a nuisance or menace to life, health, or property.

(3) The operator shall ensure any temporary labor community meets the requirements of this rule.

(4) The operator shall comply with applicable building, zoning, electrical, health, fire codes and local ordinances.

(5)(a) An operator shall select or construct a location for the labor community that will provide adequate surface drainage.

(b) Each site used for a labor community shall be adequately drained.

(c) The location may not be subject to periodic flooding, nor located within 200 feet of any swamp, pool, sink hole, or other surface collection of water unless such stagnant water surface is subjected to continued mosquito control measures.

(d) The labor community shall be located so the drainage from and through the community will not endanger any domestic or public water supply.

(e) Each site shall be graded, ditched, and rendered free from depressions in which water may become a nuisance.

(6) The operator shall make a reasonable effort to locate the labor community away from any known existing public health nuisance.

(7) For a labor community employing and housing ten or more individuals, the operator shall be on duty within the community premises or on call at any time the labor community is occupied or shall designate a manager or attendant to do so.

(8) A labor community may not operate for longer than one year without approval of the local health officer.

(9) In a labor community where any dormitory type housing facility is provided or where any occupied housing unit is not equipped with operable plumbing fixtures, the operator shall construct and maintain a service building according to the requirements of Section R392-501-11.

#### **R392-501-5. Housing Requirements.**

(1) Housing for workers and their families shall be limited to one of the following:

(a) a building used exclusively for human habitation;

(b) a fully-partitioned room in a building used for purposes other than human habitation, provided that persons may not be housed in buildings used for the shelter of livestock;

(c) a manufactured home approved by the local health officer; or

(d) a dormitory or sleeping room shared by workers, which shall be separate for each gender.

(2) Each housing foundation, exterior and interior wall, floor, ceiling, roof, gutter, leader and downspout, stairway, door and appurtenances shall be:

(a) constructed in accordance with Building Code; and

(b) maintained in sound condition and in good repair.

(3) Each floor of a habitable room, hallway, corridor, toilet room, laundry, pantry and storage area shall meet the following requirements:

(a) Wooden floors shall be elevated a minimum of 12 inches above ground level at all points.

(b) Each toilet room, shower room, laundry room, and kitchen wall and ceiling surface shall be constructed and maintained impervious to water.

(c) Each floor to wall juncture shall be coved and sealed in any toilet room, shower room, laundry room, and kitchen.

(d) Each floor surface within two feet of a toilet or urinal shall be smooth, non-absorbent, and easily cleanable.

(e) A floor drain shall be provided in each shower, bath, shower room, and laundry room.

(f) Minimum ceiling height, usable space, and habitable room size shall be constructed in compliance with Building Code.

(4)(a) The operator shall ensure that each habitable room is provided with windows that are:

(i) weathertight;

(ii) operable;

(iii) in good repair; and

(iv) except where the operator has supplied an operable mechanical ventilation device, openable.

(b) A properly fitted screen of at least 16 mesh shall be provided for each openable window.

(5)(a) Each exterior door shall be weathertight and in sound operating condition.

(b) If a doorway is used for ventilation, a tight-fitting screen door with a self-closing device shall be provided.

(6) Except in an interior space only inhabited during the summer months, each interior space intended for human occupancy shall have a space heating system capable of maintaining an indoor temperature of not less than 68 degrees F at a point three feet above the floor.

- (7)(a) The operator shall provide water heating equipment capable of heating water to a minimum temperature of 110 degrees F, and shall maintain the water heating equipment in proper operating condition.
- (b) The operator shall supply hot water to each kitchen, hand sink, shower, tub, and laundry fixture.
- (8) The operator may not use a heater employing a flame that is unvented or unventable.

**R392-501-6. Sleeping Room Contents.**

- (1)(a) The operator shall provide each occupant of the labor community with:
  - (i) a bed and mattress with an impermeable mattress cover; or
  - (ii) a cot.
- (b) Each bed or cot shall be maintained in a sanitary condition and in good repair.
- (c) The operator shall ensure that each mattress, mattress cover, quilt, blanket, pillow, pillowcase, sheet, bedcover, and other bedding is kept clean and in good repair.
- (d) Beds or cots shall be elevated at least 12 inches from the floor.
- (2)(a) Except in Subsections (2)(b) and (2)(c), an open bay type sleeping area containing four or more beds, the operator shall separate beds by a horizontal distance of at least five feet, reducible to three feet if beds are alternated head to foot.
- (b) If a double stacked bunk is used, the minimum horizontal separation shall be a minimum of six feet.
- (c) If a partition is utilized to preclude face-to-face exposure between beds, spacing requirements may be modified to a minimum separation distance of three feet between adjacent beds upon approval of the local health officer.
- (d) Triple deck bunks may not be used.
- (3) The operator shall provide each labor community occupant with a:
  - (a) locker or closet;
  - (b) three feet of rod and shelving;
  - (c) a dresser; or
  - (d) equivalent storage space.

**R392-501-7. Water Supply.**

- (1)(a) The operator shall ensure that the labor community and each service building that has a plumbing fixture is supplied with potable water adequate and convenient for the use of each plumbing fixture.
- (b) A water supply shall be capable of delivering a minimum of 35 gallons per person per day.
- (c) If water is not piped directly to a housing unit, each housing unit shall have available a water faucet no more than 100 feet away.
- (2) Potable water supply systems for use by labor community occupants shall be designed, installed, and operated according to the requirements set forth by:
  - (a) Plumbing Code;
  - (b) The Utah Department of Environmental Quality, Division of Drinking Water under Title R309, Drinking Water;and
  - (c) local health department regulations.
- (3) If a labor community experiences or will experience a disruption of potable water or sewer service for more than four hours, for any reason the operator shall:
  - (a) Notify the local health officer within one hour of becoming aware of the service disruption, and;
  - (b) have a backup water supply plan that:
    - (i) provides for two liters of water per day per person for drinking; and
    - (ii) includes a strategy for either relocating laborers or providing the following services, as approved by the local health officer:
      - (A) An alternative source of potable water; and
      - (B) an alternative process for the disposal of human waste.
- (4) Each outlet for non-potable water, including each outlet for industrial or firefighting purposes, shall be posted or otherwise marked in a manner that will clearly show that the water is unsafe and is not to be used for any purpose detailed in Subsection R392-501-5(1)(a).
- (5) Except as in Subsection (6), a labor community as described in Subsection R392-501-4(9) shall be provided with at least one drinking fountain for each 100 occupants or fraction thereof that is:
  - (a) equipped with a pressure regulating valve; and
  - (b) maintained in a sanitary manner.
- (6)(a) If a local health officer determines that the inclusion of a drinking fountain is impractical, the operator shall provide:
  - (i) commercially bottled water; or
  - (ii) a supply of single service drinking cups to be used in conjunction with a drinking water dispenser.
- (b) A suitable waste container shall be provided for discarded single service drinking cups.
- (c) Each drinking water dispenser shall be:
  - (i) filled only with potable drinking water;
  - (ii) designed, constructed, and serviced so that sanitary conditions are maintained;
  - (iii) capable of being closed;

- (iv) equipped with a tap; and
- (v) clearly marked as to the nature of its contents and not used for any other purpose.
- (d) An alternative method of providing drinking water as described in Section R392-501-6 may not use any common drinking cup or open container including any barrel, pail, or tank from which the water must be dipped or poured.
- (7) The local health officer may require an operator to sample a water system operated on a seasonal basis for bacteriologic analysis.

**R392-501-8. Wastewater Disposal Requirements.**

- (1)(a) The operator shall make sewer service available to a labor community.
- (b) A sewer system for use by community occupants shall be designed, installed, and operated according to the requirements set forth by:
  - (i) Plumbing Code;
  - (ii) The Utah Department of Environmental Quality, Division of Water Quality under Title R317, Water Quality;
  - (iii) local health department regulations; and
  - (iv) the local sewer district having jurisdiction.
- (2) Wastewater shall be discharged to a public sanitary sewer system when practicable.
- (3) Where connection to a public sanitary sewer is not practicable, wastewater shall be discharged to:
  - (a) an approved onsite wastewater disposal system;
  - (b) a permitted holding tank; or
  - (c) a vault privy which shall be located, constructed, and maintained according to the requirements of Rule R317-560, Rules for the Design, Construction, and Maintenance of Vault Privies and Earthen Pit Privies, and local health department regulation in such a manner that:
    - (i) users do not contact waste matter deposited;
    - (ii) access to the privy interior or vault is minimized for flies, insects, rats, and other animals;
    - (iii) surface or ground water cannot enter the vault, either as runoff or as flood water;
    - (iv) the waste material in the vault privy cannot contaminate a water supply, stream, or body of water; and
    - (v) odors are minimized both inside and outside the privy structure.
- (4) The operator shall submit plans for the construction or alteration of a wastewater disposal system in accordance with Title R317, Water Quality, before commencing construction or alteration.

**R392-501-9. Laundry Facility Requirements.**

- (1) The operator shall provide:
  - (a) one mechanical washing machine or one double laundry tray or two tubs for each 30 workers, or fraction thereof;
  - (b) transportation at least weekly to nearby laundromat; or
  - (c) a contract with a commercial linen service.
- (2) The operator shall provide:
  - (a) one service sink in the same area as each laundry facility; and
  - (b) a facility for drying clothes.
- (3) The operator shall ensure that each building containing laundry facilities is maintained in a clean and sanitary condition.

**R392-501-10. Toilet and Bath Requirements.**

- (1)(a) The operator shall ensure that each of the following plumbing fixtures is available to each labor community occupant:
  - (i) a toilet fixture;
  - (ii) a shower or bath fixture; and
  - (iii) a hand sink installed at a ratio of one per six workers in a convenient location, as approved by the local health officer.
- (b) The number of toilet fixtures or privy seats provided for each gender shall be based on the maximum number of workers of that gender which the labor community is designed to house at any one time, and shall be calculated from Table 1.
- (c) The number of shower or bathing facilities provided for each gender shall be based on the maximum number of workers of that gender which the labor community is designed to house at any one time, and shall be calculated from Table 2.
- (2) If a toilet or bath fixture is located within a housing unit, the toilet or bath area shall be provided with:
  - (a) a window not less than six square feet in area opening directly to the outside area; or
  - (b) mechanical ventilation.
- (3) The operator shall ensure that each toilet facility, toilet room, and bathroom is easily cleanable and maintained in a clean and sanitary condition.

**R392-501-11. Service Building Requirements.**

- (1) The operator shall ensure that each labor community having housing units as described in R392-501-4(9) is provided with at least one service building for the use of labor community occupants that meets the following requirements:

- (a) Interior walls shall be constructed of smooth, moisture-resistant material to facilitate frequent washing and cleaning.
  - (b) Each outer opening shall be effectively screened.
  - (c) A minimum of 10 foot candles of exterior lighting shall be provided to show the location of the building and entrance doorway.
  - (d) Each toilet or privy room and laundry facility shall be provided with a minimum of 10 foot candles of interior lighting.
  - (e) Any approach to a service building shall be free from obstruction.
  - (f) Any common-use potable water faucet inside or connected to a service building may not have a threaded spigot.
- (2) Except for Subsection (3), the number of toilets or privy seats provided in a service building for each gender shall be based on the maximum number of workers of that gender which the labor community is designed to house at any one time, and shall be calculated from Table 1.

TABLE 1 Required Minimum Toilet Fixtures in a Labor Community	
Number of Workers of Same Gender	Required Toilet Fixtures
1 - 5	1 toilet or privy seat
6 - 30	2 toilets or privy seats
31 - 45	3 toilets or privy seats
46 - 60	4 toilets or privy seats

- (3) Labor communities employing fewer than six workers, irrespective of gender, only require one toilet or privy if located in a single occupancy toilet room that can be locked from the inside.
- (4)(a) A urinal may be provided on the basis of one unit for each 18 men or fraction thereof, provided the urinal is installed in addition to a toilet at the same location.
- (b) The required number of toilet fixtures for men may be reduced by up to 1/3 by installing urinals in this ratio.
  - (c) The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture.
  - (5) Each toilet facility and toilet room shall be easily cleanable.
- (6)(a) Except as provided in Subsection (6)(c), a separate toilet room within the service building shall be provided for each gender.
- (b) Each toilet room shall be distinctly marked "for men" or "for women" by a sign printed in english and in the native languages of the persons occupying the temporary labor community, or marked with easily understood pictures or symbols.
  - (c) Where a toilet room will be occupied by no more than one person at a time, can be locked from the inside, and contains at least one toilet, separate toilet rooms for each gender need not be provided.
- (7)(a) A service building toilet room shall:
- (i) have a window not less than six square feet in area opening directly to the outside area; or
  - (ii) be ventilated in a manner approved by the local health officer.
- (b) Outside openings shall be screened with 16 mesh material.
  - (c) Each vault privy room shall be ventilated with a properly screened opening or openings of at least two square feet.
- (8) A toilet fixture or urinal may not be located in a room used for other than toilet purposes.
- (9)(a) A service building as required in Subsection R392-501-4(9) shall be located within 200 feet of the door of any housing unit.
- (b) A vault privy may not be located closer than 100 feet to a sleeping room, dining room, designated lunch area, or kitchen.
- (10) A sink shall be located in the same room as a toilet fixture or immediately adjacent to the toilet room or service building.
- (11) The operator shall provide soap and toilet tissue in dispensers in each service building.
- (12) The operator shall provide at least one solid, easily cleanable, covered waste receptacle for the collection of solid waste for each toilet room within a service building.
- (13) Except where an alternate hand drying method is approved by the local health officer, the operator shall provide clean individual disposable towels at each sink.
- (14) The number of shower or bathing facilities provided in a service building for each gender shall be based on the maximum number of workers of that gender which the labor community is designed to house at any one time, and shall be calculated from Table 2.

TABLE 2 Required Minimum Shower or Bathing Facilities
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Number of Workers of Same Gender	Required Shower or Bathing Facilities
1 - 5	1 toilet or privy seat
6 - 30	2 toilets or privy seats
31 - 45	3 toilets or privy seats
46 - 60	4 toilets or privy seats

(15) Labor communities employing fewer than six workers, irrespective of gender, only require one shower or bath if located in a single occupancy room that can be locked from the inside.

(16)(a) Except as in Subsection (16)(c), separate bathing or shower area shall be provided for each gender.

(b) Each bathing or shower area shall be distinctly marked "MEN" or "WOMEN" by signs printed in English and in the native languages of the persons occupying the temporary labor community, or marked with easily understood pictures or symbols.

(c) A separate shower or bathing area for each gender need not be provided if:

- (i) each shower or bathing room is designed to be occupied by no more than one person at a time; and
- (ii) each shower or bathing room can be locked from the inside.

**R392-501-12. Toilet and Handwashing Accessibility Requirements for Offsite Labor Locations.**

(1)(a) Except in Subsection (1)(d), at any offsite labor location where a worker is employed or permitted to work for a period of three hours or more, the operator shall provide within a convenient distance of the work area sufficient, suitable and separate toilet and handwashing facilities.

(b) For one to 20 workers, male or female, one toilet facility and one handwashing facility shall be provided within a one-quarter-mile walk of the work area.

(c) For 21 or more workers, one toilet facility per every 20 males or fraction thereof and one toilet facility for every 20 females or fraction thereof shall be provided within a one-quarter-mile walk of the work area.

(d) If approved by the local health officer and through a written agreement with the workers, in the native language of the workers, informing them of such, the operator may provide readily available transportation with prompt access, within 10 minutes, to a toilet facility once during any continuous four hours of work.

(2) Each toilet and associated handwashing facility shall be located in close proximity to each other.

(3) The operator shall notify each employee of the location of each available toilet, handwashing facility, and drinking water, and shall allow each employee reasonable opportunities during the workday to use them.

(4) Each portable toilet facility shall be operational and maintained in a clean and sanitary condition.

(5) Each portable handwashing facility shall be:

- (a) refilled with potable water as necessary to ensure an adequate supply; and
- (b) shall be maintained in a clean and sanitary condition.

(6) The disposal of any waste from a toilet or handwashing facility may not cause an unsanitary condition.

(7) The operator shall provide an adequate supply of disposable toilet tissue and single use towels for worker use.

**R392-501-13. Operation and Maintenance.**

(1) Each building and associated grounds, rooms, equipment, and furnishings shall be maintained in a clean and operable condition.

(2) Reasonable means shall be employed to eliminate or control infestations of vermin within each part of any community including approved screening or other approved control of outside openings in structures intended for occupancy or food service facilities.

(3) Each labor community shall be equipped with at least a 24-unit ANSI compliant first aid kit. The operator shall ensure that each first aid kit is:

- (a) properly stocked;
- (b) readily accessible; and
- (c) conveniently located.

(4) The operator of a community with onsite staff shall employ at least one individual who is adequately trained to provide first aid and possesses at least a certificate of completion of the Basic First Aid Course as presented by the American National Red Cross or its equivalent.

**R392-501-14. Food Service.**

When food service is provided for labor community members, any food service, storage, and preparation shall comply with the FDA Model Food Code as incorporated and amended in Rule R392-100, Food Service Sanitation, and local health department regulations.

**R392-501-15. Solid Wastes.**

(1)(a) The operator shall provide adequate containers to prevent the accumulation of solid waste in the labor community.

(b) Solid waste generated at a labor community shall be stored in a container that is:

- (i) leak-proof;
  - (ii) non-absorbent; and
  - (iii) kept covered with a tight-fitting lid.
- (2) Solid waste shall be disposed with sufficient frequency and in such a manner as to prevent insect breeding, rodent harborage, or a public health nuisance.

**R392-501-16. Swimming Pool.**

The operator shall comply with Rule R392-302, Design, Construction, and Operation of Public Pools and local health department regulations for any pool or spa made available to labor community members or staff.

**R392-501-17. Inspections and Investigations.**

(1) Except as in Section R392-501-2, and upon presenting proper identification, the operator shall permit the local health officer to enter the premises of a labor community to perform inspections, investigations, reviews, and other actions as necessary to ensure compliance with this rule.

(2) The local health officer may not enter an occupied tent or other structure designed or intended for temporary human habitation without the express permission of the occupant except when a warrant is issued to an authorized public safety officer which authorizes the local health officer to enter, or when the operator and the local health officer determine that there exists an imminent risk to the life, health, or safety of the occupant.

**R392-501-18. Closing or Restricting of Temporary Labor Communities or Housing Units.**

(1) If the local health officer deems a temporary labor community, housing unit, or portion thereof, to be an imminent risk to the life, health, or safety of the public, the temporary labor community, or or portion thereof, may be closed or its use restricted, as determined by the local health officer.

(2) The operator shall restrict public access to the impacted area of any temporary labor community or housing unit closed or restricted to use by a local health officer within a reasonable time as ordered by the local health officer.

(3) The operator may not allow the public to utilize any temporary labor community, housing unit, or portion thereof that has been deemed unfit for use until written approval of the local health officer is given.

**R392-501-19. Severability.**

If any provision of this rule or its application to any person or circumstance is declared invalid, the application of such provision to other person or circumstances, and the remainder of this code, shall not be affected thereby.

**KEY: public health, oil-gas-and mining camp, labor camp, migrant camp**

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