

# CHAPTER 82. SEASONAL FARM LABOR CAMPS

## GENERAL PROVISIONS

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### Authority

The provisions of this Chapter 82 issued under sections 1917-A, 1919-A and 1920-A of The Administrative Code of 1929 (71 P. S. § § 510-17, 510-19 and 510-20); and the Seasonal Farm Labor Act (43 P. S. § § 25-1—25-15), unless otherwise noted.

### Source

The provisions of this Chapter 82 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; renumbered from 25 Pa. Code Chapter 177, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707, unless otherwise noted. Immediately preceding text appears at serial pages (186099) to (186130).

### Notes of Decisions

The act and regulations include coverage of workers in the mushroom industry as “seasonal farm workers” notwithstanding the fact that they do not work on a seasonal or temporary basis if they reside in living quarters owned, leased or operated by an employer or a farm labor contractor and the living quarters are occupied by four or more unrelated persons. *El Concilio de los Trabajadores de la Industria de los Hongos v. Commonwealth*, 484 A.2d 817 (Pa. Cmwlth. 1984).

## GENERAL PROVISIONS

### § 82.1. Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Seasonal Farm Labor Act (43 P. S. § § 1301.101—1301.606).

*Central kitchen*—The area in which a person designated by the employer or farm labor contractor is to be responsible for the preparation, cooking and storage of food for more than their immediate family.

*Communal kitchen*—The area intended for the use of more than one family or person for preparation, cooking and storage of food.

*Communicable disease*—An illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from a reservoir to a susceptible host, either directly as from an infected person or animal or indirectly through an intermediate plant or animal host or vector or the inanimate environment.

*Department*—The Department of Environmental Resources of the Commonwealth, or its designated agent.

*Domicile*—A place of residence at which a person intends to remain for an unlimited time and which the person considers to be the person's permanent home.

*Employer*—An individual, firm, partnership, association, trust, corporation, receiver or other officer of a court of the Commonwealth and a person or group of persons acting directly or indirectly in the interest of an employer in relation to an employe employing or permitting to work a seasonal farm worker in this Commonwealth. The term includes a farmer, grower, nurseryman or landowner who employs or on whose premises or in whose interest is employed, a seasonal farm worker.

*Farm labor contractor*—A person who, for payment, wages, salary, fees or other consideration, either for himself or on behalf of another person recruits, solicits, hires, furnishes or transports five or more seasonal farm workers (excluding members of his immediate family) in a calendar year for employment in agriculture or in agriculture-related industry. In any case in which a firm, partnership, association, corporation or organization engages in these activities for the purpose of supplying seasonal farm workers solely for its own operation, the term means that officer, official, supervisor or employe most directly responsible for the activity. The term does not include one or more of the following:

(i) A person, firm, partnership, association or corporation which is the holder of a valid and current license under the Employment Agency Law (43 P. S. § § 535—581).

(ii) A nonprofit charitable organization, public or nonprofit private educational institution or similar organization.

(iii) An individual farmer, grower, nurseryman or landowner who engages in the activity for the purpose of supplying seasonal farm workers solely for his own operation, except that an employe of an individual farmer who engages in the activity on the farmer's behalf shall be considered a "farm labor contractor" for the purposes of the act.

(iv) A person who engages in the activity for the purpose of obtaining seasonal farm workers of a foreign nation for employment in the United States if the employment is subject to one of the following:

(A) An agreement between the United States and the foreign nation.

(B) An arrangement with the government of a foreign nation under which written contracts for the employment of the workers are provided for through the United States by an instrumentality of the foreign nation.

*Fire and Panic Act*—The act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235).

*Four or more unrelated persons*—Four or more unrelated individuals who occupy living quarters owned, leased or operated by an employer or a farm labor contractor. Related persons refers only to farm workers and their immediate family members. All other persons shall be considered unrelated. As used in this definition, "immediate family" means a husband, wife, parent, stepparent, child, stepchild, brother, stepbrother, sister or stepsister of the farm worker. The term "four or more unrelated persons" does not include the following: a farmer, grower, nurseryman or landowner, including the owner of a farm corporation or partnership, who owns or controls the land occupied by farm workers and family members of the farmer, grower, nurseryman or landowner.

*Garbage*—Putrescible wastes, except sewage and body waste, including animal and vegetable offal.

*Habitable room*—A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, privies, laundries, pantries, foyers, communication corridors, closets and storage spaces.

*Hot water*—Water heated to a temperature of at least 120°F.

*Laundry tray*—A permanently fixed receptacle to a drain and water supply usually containing double tubs.

*Laundry tub*—A portable container, large enough to use for washing clothes.

*Living quarters*—The aggregate of all dwelling units and domestic housing accommodations on the premises. The term includes sleeping rooms, kitchens, dining and general assembly rooms, and rooms used by seasonal farm workers. The term does not include buildings reserved exclusively for the personal use of the landowner.

*Mobile home*—A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of later being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without permanent foundation. This term, however, may not include transport trucks or vans equipped with sleeping space for a driver or drivers.

*Nonpublic water system*—A system providing water for human consumption that is not subject to the requirements of the Pennsylvania Safe Drinking Water Act and the regulations under that act. The term includes collection, treatment, storage and distribution facilities under the control of the operator of the system and used in connection with the system.

*Normal operating pressure*—A minimum, fairly constant, water service pressure, at the point of outlet discharge not less than 8 pounds per square inch for fixtures except for direct flush valves, which may be not less than 15 pounds per square inch, and except where special equipment is used requiring higher pressure.

*Other temporary basis*—

(i) In the context of employment, employment which is to last for less than 1 year or for the time contemplated to complete a particular piece of work.

(ii) In the context of residence, occupancy of living quarters away from the person's domicile for the purpose of agricultural employment.

(iii) Where a person is presumed to be working on a temporary basis for less than 1 year, the employer may rebut this presumption.

*Pennsylvania Safe Drinking Water Act*—35 P. S. §§ 721.1—721.17.

*Person*—An individual, firm, partnership, association, trust, corporation, receiver or other organization. In the case of a corporation, association or other organization, the term includes an officer, director, manager, agent or employe who has knowledge of any conduct or condition, and has supervisory responsibility over the conduct or condition.

*Plumbing*—Includes the following supplied facilities and equipment: water pipes, waste pipes, drains, vents, water closets, sinks, lavatories, bathtubs, shower baths, laundry trays or tubs, garbage disposal units, installed dishwashers, installed clothing washing machines, catch basins and other similar supplied fixtures, together with connections to water systems or sewerage systems.

*Private kitchen*—The area intended for the use of one family or person for preparation, cooking and storage of food.

*Public water system*—A system regulated under the Pennsylvania Safe Drinking Water Act for the provision to the public of water for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system. The term includes collection or pretreatment storage facilities not under control of the operator which are used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption. Water for human consumption includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

*Refuse*—Materials which are discarded as useless.

*Seasonal employment*—Employment ordinarily pertaining to or of the kind performed at certain seasons or periods of the year and from its nature cannot be continuous or carried on throughout the year.

*Seasonal farm labor camp*—Living quarters, including without limitation housing accommodations, motels, rooming houses, dormitories and mobile homes, maintained directly or indirectly in connection with any work of or place where work is being performed by seasonal farm workers whether or not rent is paid or reserved for use or occupancy. The term includes the immediate premises or site upon which these buildings are situated; the facilities necessary to or associated with the buildings; and any area or site set aside and provided for camping of seasonal farm workers. The term does not include buildings reserved exclusively for the personal use of the landowner, including the primary residence of the landowner which serves as housing for the landowner, family members and friends of the family. In determining whether any living quarters is a seasonal farm labor camp under the act, the Department may consider factors which include, but are not limited to, the following:

(i) Whether the living quarters are owned, leased, operated or contracted for in whole or in part by an employer or farm labor contractor.

(ii) Whether the seasonal farm worker has reasonable alternative choices of housing in connection with his work or place of work.

(iii) Whether persons other than seasonal farm workers are housed in the living quarters.

*Seasonal farm worker*—An individual who meets any of the following conditions:

(i) The individual resides in living quarters owned, leased or operated by an employer or a farm labor contractor and occupied by four or more unrelated persons.

(ii) The individual is employed in raising, cultivating, fertilizing, seeding, planting, pruning, harvesting, gathering, washing, sorting, weighing or handling, drying, packing, packaging, grading, storing or delivering to market or to storage or to a carrier for transportation to market in its unmanufactured state an agricultural commodity as defined in the Pennsylvania Agricultural Commodities Marketing Act of 1968 (3 P. S. § § 1001—1013) or a farm product as defined in 1 Pa.C.S. § 1991 (relating to definitions) on a seasonal or other temporary basis.

(iii) The individual, irrespective of his primary employment, performs agricultural labor on a seasonal or other temporary basis except this subparagraph excepts an individual who commutes daily from his permanent residence to the work site unless transportation is provided an individual by a farm labor contractor.

*Sewage*—A substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals; noxious or deleterious substances being harmful or inimical to the public health, to animal or aquatic life, or to the use of water for domestic water supply or for recreation, and a substance that constitutes pollution under The Clean Streams Law (35 P. S. § § 691.1—691.1001).

*Shower bath*—Plumbing fixtures permanently installed to provide a waterspray under pressure.

*Sink*—A receptacle or fixture used for general cleaning purposes or for disposing of waste water.

*Store room*—An enclosed storage area having a floor area of greater than 20 square feet.

*Toilet facilities*—Water closets, privies, urinals, chemical toilets and the rooms provided for installation of these units.

*Wash basin*—A basin or bowl used for the purpose of obtaining personal cleanliness.

*Washroom*—A room equipped with troughs, washbowls, shower baths, laundry and other facilities for the purpose of obtaining personal cleanliness.

*Water closet*—Sanitary facilities for defecation equipped with a hopper or tray and a device for flushing the bowl by water under pressure.

*Wood frame construction*—That type of construction in which the structural parts and materials are of wood or are dependent upon a wood frame for support, including a construction having a noncombustible exterior veneer.

### **Authority**

The provisions of this § 82.1 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603); amended under the Seasonal Farm Labor Act (43 P. S. § § 1301.301—1301.606); section 9 of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-9); the Reorganization Act of 1955 (71 P. S. § 751-12); and sections 1907-A, 1919-A and 1920-A of The Administrative Code of 1929 (71 P. S. § § 510-7, 510-19 and 510-20).

### **Source**

The provisions of this § 82.1 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended March 28, 1975, effective April 14, 1975, 5 Pa.B. 626; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11; amended January 28, 1994, effective January 29, 1994, 24 Pa.B. 709. Immediately preceding text appears at serial pages (97737) to (97738) and (105251) to (105253).

### **Cross References**

This section cited in 7 Pa. Code § 82.1b (relating to rebutting the presumption of employment of a seasonal farm worker on a temporary basis).

## **§ 82.1a. Scope.**

This chapter establishes standards for conditions of work, living quarters, occupancy, camp sanitation, work area sanitation, food facilities, fire protection and safety of seasonal farm workers. This chapter implements the act. This chapter applies to a seasonal farm labor camp

used as living quarters for one or more individuals employed in agricultural labor on a seasonal or other temporary basis and a seasonal farm labor camp owned, leased or operated by an employer or farm labor contractor and occupied by four or more unrelated persons. This chapter also creates a rebuttable presumption of employment for seasonal farm workers employed on a temporary basis.

### Authority

The provisions of this § 82.1a issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. §§ 1301.301 and 1301.603); amended under the Seasonal Farm Labor Act (43 P. S. §§ 1301.301—1301.606); section 9 of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-9); the Reorganization Act of 1955 (71 P. S. § 751-12); and sections 1907-A, 1919-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-7, 510-19 and 510-20).

### Source

The provisions of this § 82.1a adopted January 2, 1981, effective January 3, 1981, 11 Pa.B. 11; amended January 28, 1994, effective January 29, 1994, 24 Pa.B. 709. Immediately preceding text appears at serial pages (105253) to (105254).

## **§ 82.1b. Rebutting the presumption of employment of a seasonal farm worker on a temporary basis.**

Under the definition of “other temporary basis” in § 82.1 (relating to definitions), an individual is presumed to be employed on a temporary basis because the individual has been employed for less than 1 year. The employer may rebut the presumption by showing the following:

- (1) The terms of the employment limit the ability of the employer to terminate the employee either for cause, based on work rules reasonably related to employment, or because the job has been eliminated and no new person will be hired to perform that job.
- (2) The employer’s demand for labor of the type performed by the individual was constant.

### Authority

The provisions of this § 82.1b issued under section 9 of the act of May 18, 1937 (P. L. 654,

No. 174) (43 P. S. § 25-9); the Reorganization Act of 1955 (71 P. S. § 751-12); and sections 1907-A, 1919-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-7, 510-19 and 510-20).

### **Source**

The provisions of this § 82.1b adopted January 28, 1994, effective January 29, 1994, 24 Pa.B. 709.

### **§ 82.2. Permit to operate.**

(a) A person who owns land, buildings or facilities may not allow the operation, use or occupancy thereof as a seasonal farm labor camp without first obtaining a permit authorizing the operation and occupancy of the seasonal farm labor camp from the Department.

(b) A separate permit shall be required for each camp.

(c) Application for the operation, maintenance and occupancy of a camp shall be submitted to the Department 60 days prior to the opening of a new camp.

(d) A camp shall be ready for inspection no later than 45 days prior to occupancy or the expiration date of the permit.

(e) The Department will not issue or renew a permit authorizing the occupancy of a seasonal farm labor camp until an inspection is completed and the Department finds that the camp facilities comply with this chapter and the act.

(f) Permits issued under this chapter shall be valid for 1 year from the beginning month of operation.

(g) Upon receipt of the permit, the owner or operator of the camp shall post the permit at a prominent location readily accessible to camp occupants.

(h) Permits may be revoked or suspended at any time for violation of this chapter or the act.

### **Authority**

The provisions of this § 82.2 issued under sections 301 and 603 of the Seasonal Farm Labor

Act (43 P. S. § § 1301.301 and 1301.603); amended under the Seasonal Farm Labor Act (43 P. S. § § 1301.301—1301.606); section 9 of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-9); the Reorganization Act of 1955 (71 P. S. § 751-12); and sections 1907-A, 1919-A and 1920-A of The Administrative Code of 1929 (71 P. S. § § 510-7, 510-19 and 510-20).

### Source

The provisions of this § 82.2 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11; amended January 28, 1994, effective January 29, 1994, 24 Pa.B. 709. Immediately preceding text appears at serial pages (105254) and (59099).

## § 82.3. Submission of plans to Department.

Before beginning the construction, remodeling or alteration of a seasonal farm labor camp or the conversion of any existing establishment or facility to a seasonal farm labor camp, properly prepared plans and specifications shall be submitted in duplicate to and approved by the Department. The plans and specifications shall include where applicable data relating to the grounds, buildings, equipment, sewage disposal, water supply including plumbing, refuse disposal, kitchen facilities and other information as may be required by the Department.

### Authority

The provisions of this § 82.3 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603).

### Source

The provisions of this § 82.3 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial page (19725).

## § 82.4. Site.

(a) Sites used for camps shall be adequately drained. A site may not be located within 500 feet of swamps, pools, sink holes or other surface collections of water unless the quiescent water surfaces can be subjected to mosquito control measures. The camp shall be located so the drainage from and through the camp will not endanger domestic or public water supply, or

otherwise create a health hazard or nuisance. Sites shall be graded, ditched and rendered free from depressions in which water may become a nuisance.

(b) A camp site may not be located in, along, across or projecting into floodways or flood channels of a stream or other body of water, or in areas which are subject to ordinary or preceded flood flows.

(c) The principal camp area in which food is prepared and served and where sleeping quarters are located shall be at least 500 feet from an area in which livestock is kept unless the Department determines the following:

(1) The camp facilities in question were constructed prior to January 2, 1981.

(2) The camp facilities are located at least 50 feet from an area in which livestock are kept or are located at a site which was approved in writing by the Department.

(3) Adequate steps are being taken to avoid the creation of unsanitary conditions and to control vectors.

(4) No practical alternatives exist to increase the separation between the camp and areas in which livestock are kept.

(d) The grounds and open area of the seasonal farm labor camp shall be maintained in a clean and sanitary condition free from rubbish, debris, waste paper, garbage, noxious plants, uncontrolled weeds or brush, abandoned automobiles or other refuse.

(e) Whenever the camp is closed for the season or permanently, garbage, manure and other refuse shall be collected and so disposed as to prevent nuisance. Abandoned privy pits shall be filled with earth and the grounds and buildings left in a clean and sanitary condition. If privy buildings remain, they shall be locked or otherwise secured to prevent entrance.

(f) Animal wastes used or generated on the farm for agricultural purposes within 500 feet of a seasonal farm labor camp shall be properly managed so as not to be a nuisance or fly-breeding medium.

### **Authority**

The provisions of this § 82.4 issued under sections 301 and 603 of the Seasonal Farm Labor

Act (43 P. S. § § 1301.301 and 1301.603).

### Source

The provisions of this § 82.4 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial pages (19725) to (19726).

### Cross References

This section cited in 7 Pa. Code § 82.18 (relating to occupant concurrent responsibility).

## § 82.5. Camp housing.

(a) Housing for seasonal farm laborers and their families shall be confined to one of the following:

(1) Buildings used exclusively for the purpose of human habitation.

(2) Fully-partitioned rooms in buildings used for purposes other than human habitation, provided that persons may not be housed in buildings used for the shelter of livestock.

(3) Approved mobile homes.

(4) Separate dormitory or sleeping room shared by unrelated seasonal farm workers shall be provided for each sex.

(b) Every housing foundation, exterior and interior wall, floor, ceiling, roof, gutter, leader and downspout, stairway, door and appurtenances thereto shall be kept in sound condition and in good repair.

(c) Foundations, if used as a common wall for habitable rooms, shall be waterproofed exteriorly and interiorly and be more than 50% above ground level.

(d) Exterior walls of wood shall be painted or otherwise protected from weathering. Exterior walls of masonry or other weather resistant material need not be painted provided a waterproof paint, sealant or moisture barrier is used on the interior wall.

(e) The floors of habitable rooms, hallways, corridors, toilet rooms, laundries, pantries and storage areas shall be constructed of materials that are smooth, tight and easily cleanable. Floors shall be maintained in a sound and sanitary manner. Additionally, the following requirements shall be met:

(1) First story wooden floors shall be elevated 18 inches above ground level at all points.

(2) Shower and laundry floors shall be impervious to water; junctions of the floor to the wall shall be coved; and floor drains shall be provided.

(3) At least 1/2 of the floor area must have a minimum ceiling height of 7 feet to be considered usable space in determining habitable room size. Floor space may not be counted toward minimum requirements when the ceiling height is less than 5 feet.

(f) Every habitable room shall be provided with windows that are weathertight, operable and in good repair and comply with the following provisions:

(1) The window size shall equal 10% of the floor area.

(2) Forty-five percent of the window area shall be openable except where there is supplied an operable device to provide ventilation.

(3) Properly fitted screens of at least 16 mesh shall be provided for every openable window during the insect season.

(g) Exterior doors shall be weathertight and in sound operating condition. If the doorway is used for ventilation, a properly fitting screen door with a self-closing device shall be provided.

(h) Space heating equipment capable of safely and adequately heating all habitable rooms, bathrooms, showers, and laundry rooms to 68°F shall be provided if the camp is occupied prior to May 15 or after September 15.

(i) Heating equipment for water shall be supplied and be maintained in proper operating condition. Hot water shall be supplied to kitchens, lavatories, showers, tubs and laundry fixtures. Unvented or unventable heaters employing a flame are prohibited.

### **Authority**

The provisions of this § 82.5 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603).

### Source

The provisions of this § 82.5 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended March 28, 1975, effective April 14, 1975, 5 Pa.B. 626; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial pages (19726) to (19728).

### Cross References

This section cited in 7 Pa. Code § 82.5a (relating to occupancy).

### § 82.5a. Occupancy.

Occupancy of a camp shall be determined by the number of square feet of usable floor space in sleeping rooms and habitable rooms in the case of single family living units. The following ratios shall apply:

(1) In dormitory and other sleeping rooms shared by unrelated seasonal farm workers:

- (i) Fifty square feet of floor space per adult.
- (ii) Twenty-five square feet of floor space per occupant under 14 years of age.

(2) In living units of one or more rooms in which the occupants cook, live and sleep:

- (i) One hundred square feet of floor space per adult.
- (ii) Fifty square feet of floor space per occupant under 14 years of age.

(iii) If a family has children age 6 or older, at least one partition of rigid material shall be provided for reasonable privacy of the parents. The partitioned area does not have to comply with § 82.5(f) (relating to camp housing).

### Authority

The provisions of this § 82.5a issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603).

### Source

The provisions of this § 82.5a adopted January 2, 1981, effective January 3, 1981, 11 Pa.B. 11.

## **§ 82.5b. Sleeping room contents.**

(a) Each occupant of the camp shall be provided with a bed, mattress and cover, pillow and case, sheets, and blankets, subject to the following conditions:

(1) Beds, bunks or cots shall be elevated at least 12 inches from the floor and spaced at least 36 inches apart on all sides.

(2) Double bunks shall be spaced at least 48 inches apart on all sides and have at least 27 inches between the upper and lower bunk.

(3) Triple deck bunks shall be prohibited.

(4) Beds designed for double occupancy may be used in single family sleeping rooms.

(5) In single family occupancy units:

(i) The permittee shall provide all bed linens.

(ii) The family who occupies the unit may provide the bed linen.

(iii) Bed linen shall be available when the camp is occupied.

(b) Each camp occupant shall be provided with suitable storage facilities in the sleeping room area. The following shall be acceptable:

(1) Wall lockers or closets.

(2) Three feet of rod and shelving.

- (3) A dresser or equivalent storage space.

#### **Authority**

The provisions of this § 82.5b issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603).

#### **Source**

The provisions of this § 82.5b adopted January 2, 1981, effective January 3, 1981, 11 Pa.B. 11.

### **§ 82.6. Maintenance of cleanliness.**

(a) Living and sleeping rooms shall be aired and cleansed at intervals and in a manner approved by the Department.

(b) Bedding, including mattresses, shall be kept in a sanitary condition at all times. Blankets, covers and bed linen shall be washed or drycleaned as frequently as may be necessary to keep them clean and sanitary. The permittee shall use reasonable diligence, including but not limited to the establishment of a weekly schedule and procedure for changing linen. In single family housing accommodations, once the bedding and linens are supplied, it becomes the duty of the family to maintain the linen in a clean and sanitary manner.

(c) The Secretary or the Secretary's authorized representative may at any time order the immediate cleansing, disinfection or fumigation by an approved method, of the premises or articles, or the complete and immediate destruction of such articles, if they constitute a menace to the health of the occupants.

#### **Authority**

The provisions of this § 82.6 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603).

#### **Source**

The provisions of this § 82.6 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately

preceding text appears at serial page (19728).

## Cross References

This section cited in 7 Pa. Code § 82.18 (relating to occupant concurrent responsibility).

### § 82.7. Water supply.

(a) *General.* A seasonal farm labor camp shall have an approved water system that meets one of the following requirements:

(1) *Public water systems.* Public water systems shall comply with the requirements and standards established under the Pennsylvania Safe Drinking Water Act and 25 Pa. Code Chapter 109 (relating to safe drinking water).

(2) *Nonpublic water systems for camps permitted prior to January 29, 1994.* A system shall be approved as part of a permit by the Department, on an annual basis, that meets the requirements of 40 CFR Part 141 (relating to the national primary and secondary drinking water regulations) for total coliform and nitrates/nitrites. Testing shall be conducted for total coliforms at least annually at the time of the initial camp inspection.

(3) *Nonpublic water systems for camps not permitted prior to January 29, 1994, or camps initially permitted on or after January 29, 1994.* A system shall be approved as part of a permit by the Department that meets the maximum contaminant levels and treatment technique requirements established under the Pennsylvania Safe Drinking Water Act and 25 Pa. Code Chapter 109. Once a system is initially approved under this paragraph, the system need only meet the requirements under paragraph (2) for repermitting.

(b) *Nonpublic water systems.* The construction of nonpublic water systems shall be approved based upon consistency with the standards in the “Public Water Supply Manual” (relating to noncommunity design standards), published by the Department of Environmental Protection’s Bureau of Water Supply and Community Health, Rachel Carson State Office Building, 400 Market Street, 11th Floor, Harrisburg, Pennsylvania 17105-8467, including revisions thereto.

(c) *Sampling and analysis.* Sampling and analysis shall be conducted in accordance with the sampling procedures and analytical techniques established by the EPA under the National Primary and Secondary Drinking Water regulations, 40 CFR Parts 141 and 143.

(d) *Additional requirements.* Under section 304 of the act (43 P. S. § 1301.304), the Department may, by order, establish other requirements, including public notice, treatment, an alternative water supply or monitoring, on a case-by-case basis, for a nonpublic water system when there is a health risk to the users of that system.

(e) *Camp expansion.* If a nonpublic water system is approved under subsection (a)(2), for a camp permitted prior to January 29, 1994, an expansion of that camp will continue to be regulated under subsection (a)(2) unless the expansion includes substantial changes, such as new sources, to the nonpublic water system. If substantial changes to the nonpublic water system are required, the system shall be approved under subsection (a)(3).

(f) *Unapproved water supplies.* Unapproved water supplies shall be made inaccessible to the camp occupants in a manner deemed satisfactory by the Department.

(g) *Water supply demand.* A water supply shall be capable of delivering a minimum 50 gallons per person per day to the camp at a peak rate of 2 1/2 times the average hourly demand, and shall be capable of providing the maximum daily and hourly demands.

(h) *Water distribution lines.* Water distribution lines shall be capable of supplying water at normal operating pressures to all fixtures for simultaneous operation.

(i) *Hot and cold water.* Hot and cold water under normal operating pressure shall be piped to the kitchen and lavatory facilities.

(j) *Drinking fountains.* One or more drinking fountains shall be provided for each 100 occupants or fraction thereof excluding occupants of single family units, and shall be constructed of impervious material. Fountains shall have an anglejet nozzle protected by a nonoxidizing guard above the overflow rim of the bowl. Drinking fountains shall be equipped with a pressure regulating valve and shall be maintained in a sanitary manner. If the provision of a drinking fountain is impractical, an adequate supply of single service drinking cups shall be provided. Common drinking cups shall be prohibited. Suitable containers shall be provided for discarded individual drinking cups.

(k) *Chemical treatment.* If chemical treatment of the water supply is required to meet the drinking water standards provided in this section, an interruption in treatment of the drinking water supply shall be reported immediately to the Department.

(l) *Change in treatment.* A change in the source or in the method of treatment of a drinking water supply may not be made without first notifying and securing approval of the

Department.

(m) *Potable water supply.* On all premises where seasonal farm workers are employed, the employer shall provide in the working area at a reasonable distance a sufficient supply of cool potable water in the following ratios:

(1) One drinking fountain for each 100 persons or each crew.

(2) Ten gallons of potable water for each 100 persons or each crew.

(n) *Container standards.* When water is provided in a portable container, the container shall meet the construction standards of the National Sanitation Foundation or its equivalent.

(o) *Common drinking vessels.* The use of common drinking vessels shall be prohibited.

#### **Authority**

The provisions of this § 82.7 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603); amended under the Seasonal Farm Labor Act (43 P. S. § § 1301.301—1301.606); section 9 of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-9); the Reorganization Act of 1955 (71 P. S. § 751-12); and sections 1907-A, 1919-A and 1920-A of The Administrative Code of 1929 (71 P. S. § § 510-7, 510-19 and 510-20).

#### **Source**

The provisions of this § 82.7 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11; amended March 27, 1981, effective March 28, 1981, 11 Pa.B. 1089; amended January 28, 1994, effective January 29, 1994, 24 Pa.B. 709. Immediately preceding text appears at serial pages (59104) and (60686) to (60688).

#### **Cross References**

This section cited in 7 Pa. Code § 82.20 (relating to single family homes).

### **§ 82.8. Plumbing.**

(a) Plumbing shall be so sized, installed and maintained as to safely carry adequate quantities

of water to required locations throughout the camp and to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage disposal system.

(b) Plumbing shall be installed and maintained in accordance with the provisions of the 1978 edition of the *Basic Plumbing Code Building Officials and Code Administrators International, Inc.*, or any earlier edition in effect at the time of construction and in such manner as to prevent contamination of the water supply or the creation of an insanitary condition or nuisance.

**Authority**

The provisions of this § 82.8 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. §§ 1301.301 and 1301.603).

**Source**

The provisions of this § 82.8 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended March 28, 1975, effective April 14, 1975, 5 Pa.B. 626; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial page (19730).

**§ 82.9. Toilet facilities.**

(a) Toilet facilities adequate for the capacity of the camp shall be provided. Central toilet and handwashing facilities separate for each sex shall be provided on the premises of seasonal farm labor camps, except where the camp is composed entirely of family-type apartments, each with its own toilet facilities. In central toilet facilities, the water closets shall be separated by partitions.

(b) Where toilet facilities are shared, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, according to the following chart:

<i>Number of</i>	
<i>Occupants of</i>	
<i>One Sex</i>	<i>Required Facilities</i>

1 - 5	1 water closet, privy seat or chemical toilet seat
6 - 30	2 water closets, privy seats or chemical toilet seats
31 - 45	3 water closets, privy seats or chemical toilet seats
46 - 60	4 water closets, privy seats or chemical toilet seats, and the like

except that in camps with less than six occupants irrespective of sex, one water closet, privy or chemical toilet will suffice if in a single occupancy toilet room that can be locked from the inside.

(c) Urinals may be provided on the basis of one unit or 2 linear feet of urinal trough for each 18 men or fraction thereof. The required number of water closets, chemical toilets or privy seats for men may be reduced by up to 1/3, by installing urinals in this ratio. 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. Urinals shall be provided with an adequate water flush.

(d) Toilet facilities, including rooms and fixtures, shall be of a sanitary design and readily cleanable.

(e) Except as provided in subsection (b), in shared toilet rooms in other than single family dwelling units, separate toilet rooms shall be provided for each sex. These rooms shall be distinctly marked “for men” and “for women” by signs printed in English and in the native languages of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.

(f) Toilet facilities shall be located within 200 feet of the door of each sleeping room. A privy may not be closer than 100 feet to a sleeping room, dining room, lunch area or kitchen.

(g) Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or shall be otherwise satisfactorily ventilated in a manner approved by the Department. Outside openings shall be screened with 16 mesh material. Each privy building may be ventilated by an opening or openings, properly screened, of at least 2 square feet.

(h) A fixture, water closet, chemical toilet or urinal may not be located in a room used for other than toilet purposes. Every water closet installed after January 3, 1981, shall be located in a separate compartment in a toilet room.

(i) Each privy, water closet or chemical toilet shall be well lighted (20 foot candles) at all hours of the night, and the day when necessary. Chemical toilets may be lighted using exterior lighting which admits adequate light both day and night. Approaches to privies, water closets or chemical toilets shall be free from obstruction.

(j) An adequate supply of toilet paper shall be provided in each privy, water closet or chemical toilet compartment.

(k) Toilet facilities shall be kept in a sanitary condition. They shall be cleaned at least daily.

(l) Privies may not be constructed in the camp area after January 3, 1981, unless approval is obtained from the Department.

(m) Toilet facilities shall be kept operational and in good repair.

(n) On the premises where seasonal farm workers are employed or permitted to work, the employer shall provide within a reasonable distance of the working area sufficient, suitable and separate toilet facilities. To determine the number of toilet facilities needed and the distance to them, the Department will use the following standards:

(1) For one to ten workers, male or female, one toilet facility within 1,000 feet of the work area or a written agreement in the native language of the workers that transportation to a toilet facility shall be provided at least once during any continuous 4 hours of work.

(2) For work crews of 11 to 15, males or females, one toilet facility within 500 feet of the work area or a written agreement in the native language of the workers that transportation to a toilet facility shall be provided at least once during any continuous 4 hours of work.

(3) For work crews of 16 or more, one toilet facility per every 15 males or fraction thereof and one toilet facility for every 15 females or fraction thereof; these toilet facilities shall be within 500 feet of the work area or as approved by the Department or a written agreement in the native language of the workers shall state that transportation to a toilet facility shall be provided at least once during any continuous 4 hours of work.

### **Authority**

The provisions of this § 82.9 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. §§ 1301.301 and 1301.603).

### Source

The provisions of this § 82.9 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial pages (19730) to (19732).

### Cross References

This section cited in 7 Pa. Code § 82.18 (relating to occupant concurrent responsibility).

## § 82.10. Sewage disposal.

All sewage disposal systems serving a seasonal farm labor camp shall be approved by the Department or the municipal Sewage Enforcement Officer, as appropriate. Approval of the sewage disposal system shall be based on satisfactory compliance with Chapters 71, 73 and 243 (relating to administration of sewage facilities planning program; standards for onlot sewage treatment facilities; and nuisances) and The Clean Streams Law (35 P. S. § § 691.1—691.1001).

### Authority

The provisions of this § 82.10 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603).

### Source

The provisions of this § 82.10 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended March 28, 1975, effective April 14, 1975, 5 Pa.B. 626; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial page (19732).

## § 82.11. Laundry, handwashing and bathing facilities.

(a) Laundry, handwashing and bathing facilities shall be provided in the following ratio:

(1) One handwash basin per family shelter or per six persons or any fraction thereof in shared facilities.

(2) One shower head for every ten persons or any fraction thereof.

(3) One mechanical washing machine or one double laundry tray or two tubs for every 30 persons or any fraction thereof; or transportation at least weekly to nearby laundromat; or a contract with a commercial linen service.

(4) One slop sink in each camp.

(b) Floors shall be of nonslippery finish and shall be constructed of easily cleanable materials which are impervious to moisture. A floor drain shall be provided in rooms used for laundry and bathing. Junctions of the curbing and the floor in the rooms shall be coved.

(c) The walls and partitions of shower rooms shall be smooth and impervious to the height of splash.

(d) An adequate supply of hot and cold running water under normal operating pressure shall be provided for bathing and laundry purposes.

(e) Facilities for drying clothes shall be provided.

(f) Buildings containing laundry, handwashing and bathing facilities shall be kept clean.

(g) Bathing tubs with an adequate supply of hot and cold water under normal operating pressure, in the ratio of one tub for each six occupants or any fraction thereof, may be provided as an alternative to showers.

(h) Each toilet facility shall have at least one wash basin installed in a location convenient thereto unless the general washroom facilities are on the same floor and in convenient proximity thereto.

(i) The use of common towels is prohibited. In shared handwashing facilities, a single service paper towel dispenser or linen dispenser shall be provided. These dispensers shall be adequately supplied and maintained.

(j) A dry dressing area shall be provided in or adjacent to common use shower facilities.

### **Authority**

The provisions of this § 82.11 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. §§ 1301.301 and 1301.603).

**Source**

The provisions of this § 82.11 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial page (19733).

**Cross References**

This section cited in 7 Pa. Code § 82.18 (relating to occupant concurrent responsibility).

**§ 82.12. Lighting and electrical.**

(a) Electrical installations at seasonal farm labor camps shall comply with and be maintained in accordance with the requirements of the *1978 National Electrical Code* published by the National Fire Protection Association. An exception to this requirement is that those camp facilities constructed prior to January 3, 1981, shall comply with the code in effect at the time of construction.

(b) Electrical installations at seasonal farm labor camps shall be inspected and approved in accordance with the provisions of this chapter and the *1978 National Electrical Code* by an electrical inspection agency acceptable to the Department. Proof of electrical certification shall be submitted to the Department in duplicate. The original electrical inspection certificate acquired for a seasonal farm labor camp may be used for future applications subject to paragraph (2).

(c) The minimum lighting levels, measured in footcandles 30 inches from the floor, are as follows:

<i>Area</i>	<i>Footcandles</i>
Food Storage Room	10
Central Kitchen	35—work surface, 20—general area
Communal Kitchen	30—work surface, 20—general area

Private Kitchen	30—work surface, 20—general area
Dining Rooms	10 (when cleaning)
Laundry Rooms	20
Halls/Stairways	10
Habitable Rooms	20
Living Quarters	20
Private Sleeping	20
Dormitory Sleeping	20
Private Toilet and Bathing	20
Shared Toilet and Bathing	20
Chemical Toilets	20

(d) The minimum number of electrical outlets shall be as follows. These outlets are not permitted on the floor surface.

- (1) Food storage room—0.
- (2) Existing central, communal and private kitchens—a minimum of two outlets, one of which shall be a 20-amp appliance circuit.
- (3) New kitchens—a minimum of two 20-amp electrical circuits.
- (4) Laundry rooms—at least one ceiling type or wall lighting fixture and at least one separate wall outlet.
- (5) Halls/stairways—at least one ceiling type light fixture. Light switches at top and bottom of stairways.
- (6) Habitable rooms/living quarters—at least one ceiling type light fixture and at least one separate wall outlet.
- (7) Sleeping, private—at least one wall outlet per person.
- (8) Sleeping, dormitory—one wall outlet for the first five persons, and one additional outlet for each additional five persons.

(9) Toilet and bathing rooms, private—at least one ceiling or wall lighting fixture and one wall outlet.

(10) Toilet and bathing rooms, shared—at least one ceiling or wall lighting fixture and one wall outlet for each two sinks.

### **Authority**

The provisions of this § 82.12 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. §§ 1301.301 and 1301.603).

### **Source**

The provisions of this § 82.12 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial pages (19733) to (19734).

### **Cross References**

This section cited in 7 Pa. Code § 82.20 (relating to single family homes).

## **§ 82.13. Refuse.**

(a) Garbage and refuse containing food wastes shall, prior to disposal, be kept in leak-proof, nonabsorbent, rust and corrosion resistant containers of adequate number. Containers shall be provided with tight fitting lids.

(b) Other refuse shall be stored in containers of sufficient number and size in a manner so as to prevent arthropod or rodent problems and other nuisances.

(c) Kitchens, dining rooms, living quarters and toilet rooms shall have in a place adjacent and convenient thereto a sufficient number of containers as required in subsections (a) and (b). Garbage and refuse shall be placed therein at once.

(d) Garbage and refuse containers shall be emptied at least weekly, or whenever full.

(e) Garbage and refuse containers and areas where the containers are located shall be cleaned after each removal operation. Adequate facilities shall be provided to clean garbage and refuse

containers, unless liners are used in the containers or cleaning is provided as part of a contracted commercial refuse service.

(f) Disposal of garbage and refuse shall conform to the act of July 7, 1980 (P. L. 380, No. 97), the Solid Waste Management Act (35 P. S. § § 6018.101—6018.1003) and 25 Pa. Code Part I, Subpart D, Article VIII (relating to municipal waste).

### **Authority**

The provisions of this § 82.13 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603).

### **Source**

The provisions of this § 82.13 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended March 28, 1975, effective April 14, 1975, 5 Pa.B. 626; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial page (19735).

### **Cross References**

This section cited in 7 Pa. Code § 82.18 (relating to occupant concurrent responsibility).

## **§ 82.14. Food service.**

(a) Each private kitchen shall be a space separated but not necessarily partitioned from the sleeping area and shall be provided with the following:

(1) A cookstove or hot plate with not less than two burners.

(2) Adequate food storage shelves and a counter for food preparation that is smooth and impervious and may be readily cleaned.

(3) Mechanical refrigeration for food which will maintain a temperature of not more than 45°F capable of storing all perishable food. A compartment shall be available for the storage of frozen food.

(4) A table and chairs or equivalent accommodations commensurate with the capacity of the

facility.

(5) Adequate lighting and ventilation.

(6) A sink with hot and cold running water under pressure.

(b) Each communal kitchen shall be in a room or building separate from the sleeping areas and shall be provided with the following:

(1) Stoves or hot plates, each with not less than two burners, in a ratio of at least two burners for each ten persons or two families.

(2) Adequate food storage shelves and a counter for food preparation that is smooth and impervious, and may be readily cleaned.

(3) Mechanical refrigeration for food which will maintain a temperature of not more than 45°F capable of storing all perishable food. A compartment shall be available for the storage of frozen food.

(4) A table and chairs or equivalent accommodations commensurate with the capacity of the facility.

(5) Adequate sinks with hot and cold running water under pressure.

(6) Adequate lighting and ventilation.

(c) In each central kitchen and dining facility appurtenant thereto the physical facilities, equipment, and operation shall be in accordance with the provisions of Chapter 78 (relating to food establishments). The kitchen and dining area shall be in proper proportion to the capacity of the camp and shall be separate from sleeping areas.

(d) In all kitchens, floors, ceilings and wall surfaces adjacent to or above food preparation and cooking areas shall be of nonabsorbent, easily cleanable materials. Wall surfaces adjacent to cooking areas shall be fire-resistant.

### **Authority**

The provisions of this § 82.14 issued under sections 301 and 603 of the Seasonal Farm

Labor Act (43 P. S. § § 1301.301 and 1301.603).

#### **Source**

The provisions of this § 82.14 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended March 28, 1975, effective April 14, 1975, 5 Pa.B. 626; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial page (19735).

### **§ 82.15. Insect and rodent control.**

(a) Effective control measures and environmental changes approved by the Department shall be taken to prevent or eliminate infestation by and harborage of animal or insect vectors to include rodents, flies, mosquitoes, bedbugs, cockroaches, lice and other pestiferous insects.

(b) Openable windows and door openings in rooms used for living, dining, cooking, bathing, toilet, hand washing or sleeping purposes shall be provided and maintained with insect screening of at least 16 mesh materials. Screen doors shall be equipped with self-closing devices. Solid doors with self-closing devices may be used in lieu thereof if approved by the Department.

(c) Agricultural pesticides and toxic chemicals may not be stored in the housing area.

#### **Authority**

The provisions of this § 82.15 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603).

#### **Source**

The provisions of this § 82.15 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended March 28, 1975, effective April 14, 1975, 5 Pa.B. 626; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial page (19736).

### **§ 82.16. First aid.**

(a) First aid kit, approved by the Department, shall be provided in the ratio of one per 50

persons, or fraction thereof. Each kit shall contain the following:

50 3/4 inch or 1 inch adhesive compress

10 gauze pads (4 inches x 4 inches)

20 gauze pads (3 inches x 3 inches)

10 gauze pads (2 inches x 2 inches)

2 gauze roller bandage (2 inches x 6 yards)

1 roll surgical or adhesive tape (1 inch)

1 roll surgical or adhesive tape (1/2 inch)

50 cotton balls or equivalent

50 cotton tipped applicators

12 aromatic ammonia inhalants (for use as smelling salts)

1 eight ounce container of ethyl or isopropyl alcohol (70%)

1 eight ounce container of benzalkonium chloride (aqueous solution 1:750)

1 scissors

1 tweezers

(b) The first aid kit shall be in the charge of a person designated by the permittee. This person shall be trained to administer first aid. The first aid kit and the designated person shall be readily available at all times.

### **Authority**

The provisions of this § 82.16 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § 1301.301 and 1301.603).

### Source

The provisions of this § 82.16 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial page (19737).

## **§ 82.17. Safety—fire prevention and egress.**

(a) A building to be used as living quarters in a seasonal farm labor camp shall comply with the following requirements:

(1) Exits provided shall be safe, adequate, reliable, accessible and unobstructed. Locks or other devices which prevent egress are not permitted.

(2) A fire extinguisher with a minimum 10-B rating, consistent with 34 Pa. Code Chapters 49—59, shall be installed and properly maintained in each kitchen area.

(3) A fire extinguisher with a minimum 2-A rating, consistent with 34 Pa. Code Chapters 49—59, shall be installed and properly maintained:

(i) At a convenient location in each dormitory room.

(ii) At a central and convenient location for each group of private or shared sleeping rooms.

(iii) For each 3,000 square feet of floor area or fraction thereof not otherwise covered under subparagraph (i) or (ii). There shall be at least one fire extinguisher per floor, including the basement.

(4) In a building of wood frame construction only the first and second floors may be occupied or used. The third floor and above shall be effectively secured to prevent entrance.

(5) If a stove, or other device which uses liquid or solid fuel or electricity for heating or cooking, is closer than 36 inches to a wall, the wall shall be covered with fireproof sheeting of at least 6 inches greater in each direction than the stove or heating device. Units tested and approved by the American Gas Association, or Underwriters Laboratories, Inc. may be installed closer than 36 inches without fireproof sheeting if installed according to the

manufacturer's specifications.

(6) Stovepipes shall be insulated with fireproof material where they pass through walls, ceilings or floors.

(7) Fuel lines shall be located and protected to prevent accidental breakage.

(8) When liquified petroleum gas is used, the storage vessel shall be located outside the building. The vessel shall be securely but not permanently fastened to prevent accidental overturning. A shutoff valve outside of the building shall be provided. Storage vessels for liquified petroleum gas may not be stored under or adjacent to fire escapes or outside stairs.

(9) Flammable or volatile liquid or materials may not be stored in or adjacent to rooms used for living purposes except for those needed for current household use.

(b) A building subject to the Fire and Panic Act and 34 Pa. Code Chapters 49—59 shall comply with the following requirements in addition to the requirements in subsection (a):

(1) The building shall have an occupancy permit issued by the Department of Labor and Industry under the Fire and Panic Act. The building shall obtain the occupancy permit by January 29, 1996.

(2) A minimum of two exits from each floor shall be provided. In situations where regulations adopted under the Fire and Panic Act require two exits per floor, neither of the exits may be a window. When 34 Pa. Code Chapters 49—59 require only one exit per floor, a window may act as the second exit. If a window is to act as the second exit under this provision, the following requirements shall be met:

(i) Ground floor windows shall be readily accessible with an openable space of at least 24 inches on each side and not more than 6 feet from the exterior ground.

(ii) Windows above the ground floor shall be readily accessible with an openable space of 24 inches on each side, shall be within 3 feet of the floor and, if over 6 feet from the exterior ground, shall have approved outside stairs or an approved fire escape to the ground. The stairs or fire escape shall meet the requirements of subsection (c)(7).

(3) A building constructed after January 2, 1981, shall conform with the following. The building shall be:

(i) A one-story construction unless otherwise approved by the Department.

(ii) Protected by 1-hour rated construction. A 1-hour rate construction resists the penetration and effects of fire for 1 hour.

(c) Occupied buildings within cities of the first class, second class and second class A, which are not subject to the requirements of the Fire and Panic Act and 34 Pa. Code Chapters 49—59, except buildings subject to subsection (d), shall comply with the following requirements in addition to the requirements in subsection (a):

(1) In buildings of one-story construction housing eight or fewer persons, two means of egress shall be provided. One of the two means of egress may be a readily accessible window with an openable space of at least 24 inches on each side and which is not more than 6 feet from the exterior ground.

(2) Sleeping quarters intended for use by nine or more persons, central dining facilities and common assembly rooms shall have at least two doors remotely separated to provide alternate means of egress to the outside or to an interior hall leading to safe and open space at ground level.

(3) Where flights of stairs serve more than two occupied floors in a building, there shall be a self-closing door at both the lower and upper end of each flight of stairs between two floors, and the stairwell door shall swing in the direction of exit travel. A landing shall be provided beyond each door opening and shall have a width and depth not less than the width of the stairs. The flight of stairs shall be enclosed within smoke-tight walls.

(4) At least two safe means of egress to the exterior ground located at opposite sides or ends of the structure shall be provided where persons occupy the second floor. If one means of egress from the second floor is a window, it shall have an openable space of at least 24 inches on each side, shall be within 3 feet of the floor and, if over 6 feet from the exterior ground, shall have approved outside stairs or an approved fire escape to the exterior ground. The outside stair or fire escape shall have a landing at the window. The landing may be no more than 8 inches below the window sill. The stairs or fire escape shall meet the requirements of paragraph (7).

(5) If nine or more persons occupy the second floor, both means of egress shall be a standard stairway with a landing and handrails.

(6) At least two safe means of egress to the exterior ground located at opposite sides or ends

of the structure shall be provided where persons occupy the third floor. The method of egress shall be outside stairs or fire escapes meeting the requirements of paragraph (7).

(7) Outside stairs and fire escapes shall be constructed of metal or fire-retardant or pressure treated wood and shall have at least a 3-foot landing equipped with safety rails immediately under the door or window used as an emergency or fire exit. The stairs or fire escape shall be adequately maintained in a safe condition.

(8) Each suite of rooms, consisting of sanitation facilities and cooking facilities, if present, and common living areas, shall have a minimum of one single-station smoke detector which shall be listed by Underwriters Laboratories, Inc. and maintained in proper working order. The smoke detector shall be installed between the sleeping areas and the path of exit.

(9) Buildings constructed after January 2, 1981, shall conform with the following requirements. The building shall be:

(i) A one-story construction unless otherwise approved by the Department.

(ii) Protected by 1-hour rated construction. A 1-hour rated construction resists the penetration and effects of fire for 1 hour.

(d) A building which is used for group habitation in which living units or apartments are not mixed vertically and in which three or fewer nonfamily members reside, which is not subject to the Fire and Panic Act or 34 Pa. Code Chapters 49—59, shall comply with the following requirements in addition to those requirements in subsection (a):

(1) In single family residences of one-story construction, two means of egress shall be provided. One of the two required means of egress may be a readily accessible window with an openable space of at least 24 inches on each side, and not more than 6 feet from the exterior ground.

(2) At least two safe means of egress to the exterior ground located at opposite sides or ends of the structure shall be provided where persons occupy the second floor. If one means of egress from the second floor is a window, it shall have an openable space of at least 24 inches on each side and shall be within 3 feet of the floor.

(3) Each suite of rooms, consisting of sanitation facilities and cooking facilities, if present, and common living areas, shall have a minimum of one single-station smoke detector which shall be listed by Underwriters Laboratories, Inc. and maintained in proper working order. The

smoke detector shall be installed between the sleeping areas and the path of exit.

### **Authority**

The provisions of this § 82.17 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. §§ 1301.301 and 1301.603); amended under section 9 of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-9); the Reorganization Plan of 1955 (71 P. S. § 751-12); and sections 1907-A, 1919-A and 1920-A of The Administrative Code of 1929 (71 P. S. § 510-7, 510-19 and 510-20).

### **Source**

The provisions of this § 82.17 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11; amended January 28, 1994, effective January 29, 1994, 24 Pa.B. 709. Immediately preceding text appears at serial pages (59117) to (59118) and (109685).

## **§ 82.18. Occupant concurrent responsibility.**

(a) The occupants of a seasonal farm labor camp shall be held legally responsible, concurrently with the permittee of the camp, for the maintenance and operation of the camp in compliance with § 82.4(d) (relating to site); § 82.6(a) and (b) (relating to maintenance of cleanliness); § 82.9(k) (relating to toilet facilities); § 82.11(f) (relating to laundry, handwashing and bathing facilities); and § 82.13(a), (c) and (e) (relating to refuse) provided that the following conditions are met:

(1) Prior to occupancy of the camp for the season, or before this section may be applied, the Department has inspected the camp and found it in compliance with the provisions of this chapter.

(2) Each occupant to be held so responsible has been informed of the applicable requirements of this chapter, in writing and in the native language of the occupant, and has acknowledged such responsibility in writing upon a form provided or approved by the Department.

(b) Nothing in this section shall be held to relieve the owner, operator or permittee of the camp of any responsibility imposed by any provision of this chapter, or otherwise provided by any other law or regulation.

### Authority

The provisions of this § 82.18 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603).

### Source

The provisions of this § 82.18 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11. Immediately preceding text appears at serial page (19739).

## **§ 82.19. Obligations of owners and operators.**

Nothing in this chapter relieves the owner, operator or occupant of a seasonal farm labor camp of the responsibilities imposed by other statutes or rules and regulations, including, but not limited to, the Disease Prevention and Control Law of 1955 (35 P. S. § § 521.1—521.21).

### Authority

The provisions of this § 82.19 issued under sections 301 and 603 of the Seasonal Farm Labor Act (43 P. S. § § 1301.301 and 1301.603); amended under section 9 of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-9); the Reorganization Plan of 1955 (71 P. S. § 751-12); and sections 1907-A, 1919-A and 1920-A of The Administrative Code of 1929 (71 P. S. § § 510-7, 510-19 and 510-20).

### Source

The provisions of this § 82.19 adopted September 28, 1973, effective September 29, 1973, 3 Pa.B. 2178; amended January 2, 1981, effective January 3, 1981, 11 Pa.B. 11; amended January 28, 1994, effective January 29, 1994, 24 Pa.B. 709. Immediately preceding text appears at serial page (109686).

## **§ 82.20. Single family homes.**

(a) A “single family home” is defined as a residential dwelling in which an individual or two or more persons related as spouses, children, parents, brothers or sisters to the seasonal farm worker occupant function as a single housekeeping unit and where the dwelling cannot be affected by the heating, plumbing, water, sewage and electrical systems of the other housing

units.

(b) A permittee using single family homes as a component of a seasonal farm labor camp shall enter into written agreements with the seasonal farm workers occupying the single family homes or comply with the requirements for other living quarters. A permittee is eligible to use a written agreement only as long as housing is maintained in a habitable condition. The standards in this chapter which are applicable to other seasonal farm labor housing may be used as guidelines for single family homes unless there are specific requirements in this section.

(c) A permittee shall comply with the requirements for other living quarters in this chapter unless the permittee provides a written agreement, as to each single family home, specifying these requirements, and each single family home meets these requirements:

(1) An approved water supply which meets the requirements of § 82.7 (relating to water supply) and which provides hot and cold running water at a minimum pressure of 25 pounds per square inch under peak demand.

(2) An adequate and safe supply of electrical power, which complies with § 82.12(b) (relating to lighting and electrical).

(3) Adequate ventilation and weathertight windows and doors for all habitable rooms.

(4) A sound, weatherproof and defect-free physical structure.

(5) Adequate and safe prevention of rodent and insect infestations.

(6) Adequate toilet facilities and plumbing, including sewage disposal, which meet the requirements of this title.

(7) The availability of an adequate heat supply that can maintain temperatures of at least 68°F, on a continuous basis.

(8) Adequate garbage disposal, including containers with lids for temporary storage prior to removal and collection.

(9) The maintenance and provision of at least one fire extinguisher of eight units capacity rated ABC and at least one smoke alarm. The extinguisher shall be mounted in an accessible

location within the dwelling.

(d) At a minimum, the written agreement shall include the following:

(1) A statement that the occupants consider the house their domicile.

(2) A statement that the seasonal farm labor camp permittee has an obligation to provide habitable housing to the occupants of the single family home.

(3) The living capacity of the home.

(4) A statement that the seasonal farm worker occupant or a representative of seasonal farm workers may request from the Department that the housing be inspected for a determination of habitability.

(5) A statement that the seasonal farm worker occupant and the worker's family shall be given at least 2 weeks notice prior to eviction.

(6) A statement that actions by a permittee for the recovery of possession of a single family home shall conform to Pa.R.C.P.D.J. No. 500.

(e) Upon receipt of a written request, the Department may inspect a home to determine if housing is habitable under this chapter. A permittee that provides a home which is not habitable will not have the option of the written agreement. A determination by the Department of habitability is only intended to determine whether the permittee may use the agreement or shall comply with the requirements for other living quarters under this chapter.

(f) An agreement between a seasonal farm labor camp permittee and a seasonal farm worker to occupy a single family home shall be written both in English and in a language the worker understands, if not the same.

(g) As part of an annual application for renewal or issuance of a permit for a seasonal farm labor camp, a copy of a written agreement entered into under subsections (b)—(d) shall be provided to the Department.

### **Authority**

The provisions of this § 82.20 issued under the Seasonal Farm Labor Act (43 P. S.

§ § 1301.301—1301.606); section 9 of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-9); the Reorganization Plan of 1955 (71 P. S. § 751-12); and sections 1907-A, 1919-A and 1920-A of The Administrative Code of 1929 (71 P. S. § § 510-7, 510-19 and 510-20).

### **Source**

The provisions of this § 82.20 adopted January 28, 1994, effective January 29, 1994, 24 Pa.B. 709.

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