

2019 Migrant Housing Act Enforcement Report

Citation of Law or Resolution: S.L.2007-548

Section Number: Section 5

Due Date: May 1, 2020

Submission Date: May 1, 2020

Receiving Entities:

Chairs, Senate Appropriations Committee on Agriculture, Natural, and Economic Resources

Chairs, House Appropriations Committee on Agriculture and Natural and Economic Resources

Chairs, Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources

Fiscal Research Division

Submitting Entity:

The N.C. Department of Labor

N.C. Department of Labor – Agricultural Safety and Health Bureau
Annual Report on Migrant Housing Inspections and Enforcement
Calendar Year 2019 (January through December)

I. Inspection Statistics

Preoccupancy Inspection Certificates Issued	1,876
Operators Achieving 100% Compliance	1,263
Total Number of Worker Beds	23,641
Post Occupancy Inspections Conducted	64

II. Number and Type of Citations and Fines Issued

NCDOL Agricultural Safety and Health Bureau - Standards Cited			
Standard Violated	Definition of Standard	Total Violations	Final Penalty Amount
95.129(1)	General Duty statute provides that each employer shall furnish to his employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or serious physical harm to his employees.	5	\$18,155.00
95.225(f)	All migrant housing shall comply with the standards regarding fire safety for migrant housing as adopted by the Commission for Public Health and in effect on January 1, 1989.	2	\$2,100.00
95.225(g)(1)	Food preparation facilities and eating areas within migrant housing facilities shall be provided and maintained in a clean and sanitary manner.	1	\$1,050.00
95.225(h)	Each migrant shall be provided with a bed that shall include a mattress in good repair with a clean cover. The Department of Labor of North Carolina inspector shall determine the condition of the mattress and cover during the preoccupancy inspection. If the mattress or cover is damaged beyond normal wear and tear during the migrant's occupancy of the housing, the operator may charge the migrant the reasonable cost of replacing the mattress or cover.	4	\$0.00

95.226(a)	Except as provided in subsection (f) of section 95.226, every operator shall request a preoccupancy inspection at least 45 days prior to the anticipated date of occupancy by applying directly to the Department of Labor of North Carolina or the local health department.	8	\$19,500.00
95.226(d)	Except as provided in subsections (e) and (f) of this section, migrant housing facilities are only to be occupied if they have been certified by the Department of Labor of North Carolina or the United States Department of Labor, except on provision basis if the operator applied for a preoccupancy inspection at least 45 days prior to occupancy.	8	\$9,150.00
1904.39(a)(2)	Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, the employer must report the in-patient hospitalization, amputation, or loss of an eye to OSHA.	1	\$2,500.00
1910.142(a)(3)	The grounds and open areas surrounding the shelters shall be maintained in a clean and sanitary condition free from rubbish, debris, wastepaper, garbage, or other refuse.	1	\$150.00
1910.142(b)(3)	Beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes. Such beds or similar facilities shall be spaced not closer than 36 inches both laterally and end to end, and shall be elevated at least 12 inches from the floor. If double-deck bunks are used, they shall be spaced not less than 48 inches both laterally and end to end. The minimum clear space between the lower and upper bunk shall be not less than 27 inches. Triple-deck bunks are prohibited.	1	\$0.00
1910.142(b)(4)	The floors of each shelter shall be constructed of wood, asphalt, or concrete. Wooden floors shall be of smooth and tight construction. The floors shall be kept in good repair.	1	\$0.00
1910.142(b)(7)	All living quarters shall be provided with windows the total of which shall be not less than 1/10 of the floor area. At least 1/2 of each window shall be so constructed that it can be opened for purposes of ventilation.	1	\$0.00
1910.142(b)(8)	All exterior openings must be screened with 16-mesh material and all screen doors must be equipped with self-closing devices.	3	\$150.00

1910.142(c)(1)	An adequate and convenient water supply, approved by the appropriate health authority, shall be provided in each camp for drinking, cooking, bathing, and laundry purposes.	5	\$450.00
1910.142(d)(2)	Toilets must be accessible without having to pass through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or otherwise be satisfactorily ventilated. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes.	1	\$0.00
1910.142(f)(1)(iii)	A laundry tray or tub must be provided for every 30 persons.	3	\$0.00
1910.142(f)(2)	Floors of laundry, handwashing and bathing facilities shall be of smooth finish but not slippery materials; they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove wastewater and facilitate cleaning. All junctions of the curbing and the floor shall be coved. The walls and partitions of shower rooms shall be smooth and impervious to the height of splash.	1	\$0.00
1910.142(f)(5)	Facilities for drying clothes shall be provided.	1	\$0.00
1910.142(h)(1)	Fly-tight, rodent-tight, impervious, cleanable service containers shall be provided for the storage of garbage. Location shall be within 100 feet of each shelter on a wooden, metal, or concrete stand.	3	\$150.00
1910.142(k)(1)	Adequate first aid facilities approved by a health authority shall be maintained and made available in every labor camp for the emergency treatment of injured persons.	1	\$0.00
1910.1200(h)(1)	Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.	3	\$3,710.00
1928.57(d)(2)(ii)	Gin stands shall be provided with a permanently installed guard designed to preclude contact with the gin saws while in motion. The saw blades in the roll box shall be considered guarded by location if they do not extend through the ginning ribs into the roll box when the breast is in the out position.	1	\$2,500.00

1928.110(c)(1)(i)	Potable water shall be provided and placed in locations readily accessible to all employees.	1	\$450.00
1928.110(c)(1)(iii)	The water shall be dispensed in single use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.	4	\$0.00
1928.110(c)(2)(i)	One toilet facility and one hand washing facility must be provided for every 20 employees (except as stated in paragraph (c)(2)(v) of section 110).	2	\$3,300.00
1928.110(c)(3)(iii)	Handwashing facilities shall be refilled with potable water as necessary and shall be maintained in a clean and sanitary condition.	1	\$1,200.00
1928.110(c)(4)	Reasonable use. The employer shall notify each employee of the location of the sanitation facilities and water and shall allow each employee reasonable opportunities during the workday to use them. The employer also shall inform each employee of the importance of each of the following good hygiene practices to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine and agricultural residues.	1	\$0.00
	TOTAL	64	\$64,515.00

III. Operators Failing to Apply for or Obtain Permits to Operate Migrant Housing

Grower Name	Standard Cited	
	95.226(a)*	95.226(d)**
Bay City Crab Company, Inc.		X
Brent Strickland		X
D and E Labor, Inc.	X	
DTB Farms of Stokes County, LLC		X
Ronnie Adam VanHoy		X
C.R.G. Farms, Inc.	X	
Flavor Full Farms, Inc.	X	
Daniel Mejia		X
Tony Hill	X	
Javier Lopez DBA Javier Lopez	X	
James Higgs	X	
James Higgs	X	
Robert Ratliff		X
Louis Flores DBA Louis Flores	X	
Daniel Mejia		X
Kent Page DBA Page & Sons Farms		X
TOTAL	8	8

* 95.226(a) – Grower failed to request preoccupancy inspection at least 45 days prior to anticipated date of occupancy.

** 95.226(d) – Migrant housing facilities were not certified by NCDOL prior to the occupancy of housing.