

## 2021 Migrant Housing Act Enforcement Report

<b>Citation of Law or Resolution:</b>	S.L. 2007-548
<b>Section Number:</b>	Section 5
<b>Due Date:</b>	May 1, 2022
<b>Submission Date:</b>	April 28, 2022

### **Receiving Entities:**

Chairs, Senate Appropriations Committee on Agriculture, Natural, and Economic Resources  
Chairs, House Appropriations Committee on Agriculture, Natural, and Economic Resources  
Chairs, The Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources  
The Fiscal Research Division

### **Submitting Entity:**

The N.C. Department of Labor

**N.C. Department of Labor – Agricultural Safety and Health Bureau  
Annual Report to the Senate and House Appropriations Subcommittee  
On Natural and Economic Resources  
Calendar Year 2021 (January thru December)**

**I. Inspection Statistics**

Preoccupancy Inspection Certificates Issued	<b>1,967</b>
Operators Achieving 100% Compliance	<b>1,020</b>
Total Number of Worker Beds	<b>25,124</b>
Post Occupancy Inspections Conducted	<b>59</b>

**II. Number and Type of Citations and Fines Issued**

<b>NCDOL Agricultural Safety and Health Bureau - Standards Cited</b>			
<b>Standard Violated</b>	<b>Definition of Standard</b>	<b>Total Violations</b>	<b>Final Penalty Amount</b>
95.129 (01)	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.	12	\$39,800.00
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.	4	\$6,150.00
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	\$0.00
95.225 (g)(4)	Acceptable storage facilities shall be provided at migrant housing and shall be kept clean and free of vermin.	1	\$0.00
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.	2	\$2,700.00

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.	4	\$9,700.00
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.	1	\$1,200.00
1904.29 (b)(3)	The employer must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.	1	\$200.00
1904.39 (a)(1)	Within eight (8) hours after the death of any employee as a result of a work-related incident, the employer must report the fatality to the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.	1	\$1,000.00
1904.40 (a)	When an authorized government representative asks for the records you keep under Part 1904, the employer must provide copies of the records within four (4) business hours.	1	\$0.00
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.	2	\$1,185.00
1910.142 (b)(1)	Shelters must be constructed in a manner that will provide protection from the elements.	3	\$0.00
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.	2	\$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.	2	\$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	\$630.00
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.	11	\$592.50
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.	2	\$2,700.00
1910.142 (f)(1)(iii)	A laundry tray or tub must be provided for every 30 persons.	5	\$1,200.00
1910.142 (f)(3)	There must be an adequate supply of hot and cold running water and facilities for heating water must be provided.	1	\$0.00
1910.142 (f)(5)	Facilities for drying clothes shall be provided.	2	\$0.00
1910.142 (f)(6)	All service buildings shall be kept clean.	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	\$292.50
1910.142 (h)(3)	Garbage containers shall be emptied when full, but not less than twice a week.	1	\$0.00
1910.142 (l)(1)	It shall be the duty of the camp superintendent to report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease.	2	\$1,500.00
1910.1200 (e)(1)	Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met.	3	\$600.00
1910.1200 (g)(1)	Employers shall have a safety data sheet in the workplace for each hazardous chemical they use.	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.	2	\$0.00
1928.51 (b)(2)(i)(B)	Where roll-over protective structures (ROPS) are required by this section, the employer shall ensure that each employee uses such seatbelt while the tractor is moving.	1	\$3,500.00
1928.51 (d)	Operating instructions: Every employee who operates an agricultural tractor shall be informed of the operating practices contained in Appendix A of this part and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.	2	\$4,700.00
1928.110 (c)(1)	Basic requirement: Potable drinking water.	3	\$1,885.00
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.	5	\$2,550.00
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).	7	\$5,935.00
	<b>TOTAL</b>	<b>90</b>	<b>\$88,020.00</b>

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

Grower Name	Standard Cited	
	95.226(a)*	95.226(d)**
Bottomley Evergreens & Farms, Inc.	<b>X</b>	
Bottomley Evergreens & Farms, Inc.	<b>X</b>	
Albermarle Cotton Growers Cooperative, Inc.	<b>X</b>	
L.F.R Grain & Chemical, Inc.	<b>X</b>	
Ragapple Lassie, Inc.		<b>X</b>
<b>TOTAL</b>	<b>4</b>	<b>1</b>

\* 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.