

**R392. Health, Disease Control and Prevention, Environmental Services.**

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

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

(1) This rule is authorized under Sections 26-1-5, 26-1-30(9), 26-1-30(23), 26-7-1, and 26-15-2.

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

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

This rule applies to any person who owns or operates a temporary labor community in Utah, unless specifically exempted. This rule applies to the repair, maintenance, use, operation, and occupancy of temporary labor communities designed, intended for use, or otherwise used for temporary human habitation in Utah. This rule does not apply to recreational camping, recreational vehicle parks, or manufactured home communities.

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

For the purposes of this rule, the following terms, phrases, and words shall have the meanings herein expressed:

(1) "Building Code" means International Building Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(2) "Housing unit" means living quarters, including housing accommodations, rooming houses, dormitories and manufactured homes, maintained directly or indirectly in connection with any work of or place where work is being performed by seasonal or temporary workers whether or not rent is paid or reserved for use or occupancy. The term includes the facilities necessary to or associated with the buildings; and any area or site set aside and provided for camping of seasonal or temporary workers. The term does not include buildings reserved exclusively for the personal use of the landowner or employer, including the primary residence, which may also serve as housing for family members and friends of the family.

(3) "Local health department" has the same meaning as provided in Section 26A-1-102(5).

(4) "Local health officer" means the health officer of the local health department having jurisdiction, or designated representative.

(5) "Manufactured home" means a factory assembled structure

or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its own running gear and designed to be used as a dwelling unit without a permanent foundation. A modular home transported on wheels to its foundation is not a manufactured home.

(6) "Nuisance" means a condition or hazard, or the source thereof, which may be deleterious or detrimental to the health, safety, or welfare of the public.

(7) "Operator" means a person with ownership or overall responsibility for managing or operating a labor community.

(8) "Pest" means a noxious, destructive, or troublesome organism whether plant or animal, when found in and around places of human occupancy, habitation, or use that threatens the health or well-being of the public.

(9) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(10) "Plumbing fixture" means a receptacle or device that is connected to the water supply system of the premises; or discharges wastewater, liquid-borne waste materials, or sewage to the drainage system of the premises.

(11) "Premises" means any lot, parcel, or plot of land, including any buildings or structure.

(12) "Sanitary" means the condition of being free from infective, physically hurtful, diseased, poisonous, unwholesome, or otherwise unhealthful substances and being completely free from vermin, vectors, and pests and from the traces of either, and free of harborage for vermin, vectors, or pests.

(13) "Service building" means a structure located within a labor community that contains toilet, hand sink, bathing, laundry, or recreational facilities.

(14) "Temporary labor community" or "Labor community" means one or more buildings, structures, tents or related facilities together with surrounding grounds designed, constructed, or used or intended for use as living quarters or housing facilities to temporarily accommodate groups such as seasonal migrant laborers or construction, exploration, mining, or demolition workers, etc.

(15) "Toilet fixture", as defined in this rule, means:

(a) a water flush toilet that discharges to a public sanitary sewer system or an approved onsite wastewater disposal system;

(b) a privy seat in a vault privy; or

(c) a chemical toilet in a portable restroom.

(16) "Vault privy" - means a toilet facility wherein the waste is deposited without flushing into a permanently-installed, watertight vault or receptacle. Vault wastes is periodically removed and disposed of in accordance with Rule R317-560.

(17) "Vector" means any organism such as an insect or rodent that transmits a pathogen that can adversely affect public health.

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

(19) "Wastewater" means discharges from all plumbing facilities including, rest rooms, kitchen, and laundry fixtures either separately or in combination.

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

(1) This rule does not require a construction change in any portion of a labor community if the community was in compliance with the law in effect at the time the community was constructed, except as in R392-501-4(1)(a).

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

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

(3) The operator shall carry out the provisions of this rule.

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

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

(b) All sites used for labor communities shall be adequately drained. They shall not be subject to areas of periodic flooding, nor located within 200 feet of swamps, pools, sink holes, or other surface collections of water unless such stagnant water surfaces are subjected to continued mosquito control measures.

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

(d) All sites shall be graded, ditched, and rendered free from depressions in which water may become a nuisance.

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

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

(7) No labor community shall be operated for longer than one

year without approval of the local health officer.

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

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

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

(a) a building used exclusively for the purpose of human habitation;

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

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

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

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

(a) constructed in accordance with Building Code; and

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

(3) The floors of habitable rooms, hallways, corridors, toilet rooms, laundries, pantries and storage areas shall meet the following requirements:

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

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

(c) Floor to wall junctures shall be coved and sealed in toilet rooms, shower rooms, laundry rooms, and kitchens;

(d) Floor surfaces within two feet of the toilet or urinal shall be smooth, non-absorbent, and easily cleanable;

(e) Floor drains shall be provided in all showers, baths, shower rooms, and laundry rooms; and

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

(4)(a) Every habitable room shall be provided with windows that are weathertight, operable and in good repair and shall be openable except where the operator has supplied an operable mechanical ventilation device.

(b) Properly fitted screens of at least 16 mesh shall be provided for every openable window.

(5)(a) Exterior doors shall be weathertight and in sound

operating condition.

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

(6) Interior spaces intended for human occupancy shall be provided with active or passive space heating systems capable of maintaining an indoor temperature of not less than 68 degrees F at a point three feet above the floor.

(a) Space heating systems are not required for interior spaces that are only inhabited during the summer months.

(7)(a) The operator shall provide water heating equipment capable of heating water to a minimum temperature of 110 degrees F, and shall maintain such in proper operating condition.

(b) The operator shall supply hot water to kitchens, hand sinks, showers, tubs and laundry fixtures.

(8) Unvented or unventable heaters employing a flame are prohibited.

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

(1) The operator shall provide each occupant of the labor community with:

(a) a bed and mattress with an impermeable mattress cover;  
or

(b) a cot.

(2) Each provided bed or cot shall be maintained in a sanitary condition and in good repair.

(3) The operator shall ensure that mattresses, mattress covers, quilts, blankets, pillows, pillowcases, sheets, bedcovers, and other bedding are kept clean and in good repair.

(4) Beds or cots shall be elevated at least 12 inches from the floor.

(5) In open bay type sleeping areas containing four or more beds, the operator shall separate beds by a horizontal distance of at least five feet, reducible to three feet if beds are alternated head to foot, except in the case of double stacked bunks, which shall have a minimum horizontal separation of six feet under all circumstances. If partitions are utilized to preclude face-to-face exposure between beds, spacing requirements may be modified to a minimum separation distance of three feet between adjacent beds upon approval of the local health officer.

(6) Triple deck bunks are prohibited.

(7) The operator shall provide each labor community occupant with suitable storage facilities in the sleeping room area. The following are acceptable:

(a) lockers or closets;

(b) three feet of rod and shelving; or

(c) a dresser or equivalent storage space.

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

(1)(a) The operator shall ensure that the labor community and each service building provided with plumbing fixtures is supplied with adequate and convenient potable water for drinking, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing areas, hand washing, and bathing.

(b) A water supply shall be capable of delivering a minimum of 35 gallons per person per day.

(c) Water outlets shall be distributed throughout the community in such a manner that no housing unit is more than 100 feet from a water faucet (i.e. spigot) if water is not piped directly to the housing unit.

(2) Potable water supply systems for use by labor community occupants shall be designed, installed, and operated according to the requirements set forth by:

(a) Plumbing Code;

(b) The Utah Department of Environmental Quality, Division of Drinking Water under Title R309; and

(c) local health department regulations.

(3) If a labor community experiences or will experience a disruption of potable water or sewer service for more than four hours, for any reason:

(a) The operator shall notify the local health officer within one hour of becoming aware of the service disruption, and;

(b) The operator shall have a backup water supply plan, which shall:

(i) provide for two liters of water per day per person for drinking, and;

(ii) include a strategy for either relocating laborers or providing the following services, as approved by the local health officer:

(A) an alternative source of potable water; and

(B) an alternative process for the disposal of human waste.

(4) Outlets for non-potable water, such as water for industrial or firefighting purposes, shall be posted or otherwise marked in a manner that will indicate clearly that the water is unsafe and is not to be used for any purpose detailed in Subsection R392-501-5(1)(a)

(5) In labor communities as described in Subsection R392-501-4(8), one drinking fountain shall be provided for each 100 occupants or fraction thereof, except as in R392-501-7(6).

(a) Drinking fountains shall be equipped with a pressure regulating valve and shall be maintained in a sanitary manner.

(6) If the provision of a drinking fountain is impractical as determined by a local health officer, the operator shall provide:

- (a) commercially bottled water; or
- (b) an adequate supply of single service drinking cups to be used in conjunction with a drinking water dispenser as follows:
  - (i) Common drinking cups are prohibited.
  - (ii) Suitable waste containers shall be provided for discarded single service drinking cups.
  - (iii) Drinking water dispensers shall be:
    - (A) filled only with potable drinking water;
    - (B) designed, constructed, and serviced so that sanitary conditions are maintained;
    - (C) capable of being closed;
    - (D) equipped with a tap; and
    - (E) clearly marked as to the nature of its contents and not used for any other purpose.
  - (iv) Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, are prohibited, whether or not they are fitted with a removable cover.
- (7) The operator may be required to sample water systems operated on a seasonal basis for bacteriologic analysis, as determined by the local health officer.

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

- (1) The operator shall make sewer service available to a labor community.
- (2) Sewer systems for use by community occupants shall be designed, installed, and operated according to the requirements set forth by:
  - (a) Plumbing Code;
  - (b) The Utah Department of Environmental Quality, Division of Water Quality under Title R317;
  - (c) local health department regulations; and
  - (d) the local sewer district having jurisdiction.
- (3) All wastewater shall be discharged to a public sanitary sewer system whenever practicable.
- (4) Where connection to a public sanitary sewer is not practicable, wastewater shall be discharged to:
  - (a) an approved onsite wastewater disposal system;
  - (b) a permitted holding tank; or
  - (c) a vault privy which shall be located, constructed, and maintained according to the requirements of Rule R317-560 and local health department regulation in such a manner that:
    - (i) users do not contact waste matter deposited;
    - (ii) access to the privy interior or vault is minimized for flies, insects, rats, and other animals;
    - (iii) surface or ground water cannot enter the vault, either as runoff or as flood water;
    - (iv) the waste material in the vault privy cannot

contaminate a water supply, stream, or body of water; and

(v) odors are minimized both inside and outside the privy structure.

(5) The operator shall submit all required plans for the construction or alteration of a wastewater disposal system in accordance with Title R317 prior to commencing construction or alteration.

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

(1) The operator shall provide:

(a) one mechanical washing machine or one double laundry tray or two tubs for each 30 workers, or fraction thereof; or

(b) transportation at least weekly to nearby laundromat; or

(c) a contract with a commercial linen service.

(2) The operator shall provide one service sink in the same area as laundry facilities.

(3) The operator shall provide facilities for drying clothes.

(4) The operator shall ensure that buildings containing laundry facilities are maintained in a clean and sanitary condition.

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

(1) The operator shall make the following operable plumbing fixtures available to each labor community occupant:

(a) a toilet fixture;

(b) a shower or bath fixture; and

(c) a hand sink installed at a ratio of one per six workers in a convenient location, as approved by the local health officer.

(2) The number of toilet fixtures or privy seats provided for each sex shall be based on the maximum number of workers of that sex which the labor community is designed to house at any one time, and shall be calculated from Section R392-501-11 Table I.

(3) The number of shower or bathing facilities provided for each sex shall be based on the maximum number of workers of that sex which the labor community is designed to house at any one time, and shall be calculated from Section R392-501-11 Table II.

(4) When the plumbing fixtures listed in Subsection R392-501-10(1) are located within a housing unit:

(a) a toilet and bathing room shall have:

(i) a window not less than six square feet in area opening directly to the outside area; or

(ii) operable mechanical ventilation.

(5) Toilet facilities and toilet rooms shall be easily cleanable.

(6) The operator shall ensure that toilet rooms and bathrooms are maintained in a clean and sanitary condition.



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

(1) Each labor community having housing units as described in R392-501-4(8) shall be provided with a service building or buildings for the use of labor community occupants.

(2) A service building shall meet the following requirements:

(a) It shall have interior walls constructed of smooth, moisture-resistant material to facilitate frequent washing and cleaning.

(b) All outer openings shall be effectively screened.

(c) It shall be provided with a minimum of 10 foot candles of exterior lighting to indicate the location of the building and entrance doorways.

(d) Toilet or privy rooms and laundry facilities shall be provided with a minimum of 10 foot candles of interior lighting.

(e) Approaches to any service building shall be free from obstruction.

(f) Any common-use potable water faucet inside or connected to a service building shall not have a threaded spigot.

(3) The number of toilets or privy seats provided in a service building for each sex shall be based on the maximum number of workers of that sex which the labor community is designed to house at any one time, and shall be calculated from Table I.

TABLE I  
Required Minimum Toilet Fixtures in a Labor Community

Number of Workers of Same Sex	Required Toilet Fixture(s)
1 -- 5	1 toilet or privy seat
6 - 30	2 toilets or privy seats
31 - 45	3 toilets or privy seats
46 -- 60	4 toilets or privy seats

(4) Labor communities employing fewer than six workers, irrespective of sex, only require one toilet or privy if located in a single occupancy toilet room that can be locked from the inside.

(5)(a) Urinals may be provided on the basis of one unit for each 18 men or fraction thereof, provided the urinal is installed in addition to a toilet at the same location.

(b) The required number of toilet fixtures for men may be reduced by up to 1/3 by installing urinals in this ratio.

(c) The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture.

(6) Toilet facilities and toilet rooms shall be easily cleanable.

(7) Except as provided in Subsection R392-501-11(7)(a), separate toilet rooms within the service building 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 temporary labor community, or marked with easily understood pictures or symbols.

(a) Where a toilet room will be occupied by no more than one person at a time, can be locked from the inside, and contains at least one toilet, separate toilet rooms for each sex need not be provided.

(8)(a) A service building toilet room 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 local health officer.

(b) Outside openings shall be screened with 16 mesh material.

(c) Each vault privy room shall be ventilated with a properly screened opening or openings of at least two square feet.

(9) A toilet fixture or urinal may not be located in a room used for other than toilet purposes.

(10)(a) A service building as required in R392-501-4(8) shall be located within 200 feet of the door of any housing unit.

(b) A vault privy may not be located closer than 100 feet to a sleeping room, dining room, designated lunch area, or kitchen.

(11) Sinks shall be located either in the same room as toilet fixtures or immediately adjacent to the toilet room or service building.

(12) The operator shall provide soap and toilet tissue in suitable dispensers in each service building.

(13) The operator shall provide at least one solid, easily cleanable, covered waste receptacle for the collection of solid waste for each toilet room within a service building.

(14) The operator shall provide clean individual disposable towels at each sink. Alternate hand drying methods approved by the local health officer may be substituted for individual disposable towels.

(15) The number of shower or bathing facilities provided in a service building for each sex shall be based on the maximum number of workers of that sex which the labor community is designed to house at any one time, and shall be calculated from Table II.

TABLE II  
 Required Minimum Shower or Bathing Facilities  
 in a Labor Community

Number of Workers of Same Sex	Required Shower or Bathing Facility
1 -- 15	1 shower or bath
16 - 30	2 showers or baths
31 - 45	3 showers or baths
46 -- 60	4 showers or baths

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

(17) Except as provided in Subsection R392-501-11(15)(a), where shower or bathing facilities are communal, separate bathing or shower areas shall be provided for each sex. These areas shall be distinctly marked "MEN" or "WOMEN" by signs printed in English and in the native languages of the persons occupying the temporary labor community, or marked with easily understood pictures or symbols.

(a) Separate shower or bathing areas for each sex need not be provided if:

(i) shower or bathing rooms are designed to be occupied by no more than one person at a time; and

(ii) shower or bathing rooms can be locked from the inside.

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

(1) On any offsite premises where workers are employed or permitted to work for a period of three hours or more, the operator shall provide within a convenient distance of the working area sufficient, suitable and separate toilet and handwashing facilities. The operator shall use the following standards to determine the number of toilet and handwashing facilities needed, and the distance to each:

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

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

(c) As approved by the local health officer, the operator

may develop a written agreement in the native language of the workers that shall state that the operator will furnish readily available transportation that provides prompt access, within 10 minutes, to a toilet facility once during any continuous four hours of work.

(2) Toilet and handwashing facilities shall be accessibly located in close proximity to each other.

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

(4) Portable toilet facilities shall be operational and maintained in clean and sanitary condition.

(5) Portable handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply and shall be maintained in a clean and sanitary condition.

(6) Disposal of wastes from toilet and handwashing facilities shall not cause unsanitary conditions.

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

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

(1) All buildings, grounds, rooms, equipment, and furnishings shall be maintained in a clean and operable condition.

(2) All reasonable means shall be employed to eliminate or control infestations of vermin within all parts of any community. This shall include approved screening or other approved control of outside openings in structures intended for occupancy or food service facilities.

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

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

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

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

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

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

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

(2) Solid waste generated at a labor community shall be stored in a leak-proof, non-absorbent container, which shall be kept covered with a tight-fitting lid.

(3) All solid wastes shall be disposed with sufficient frequency and in such a manner as to prevent insect breeding, rodent harborage, or a public health nuisance.

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

The operator shall comply with Rule R392-302, Design, Construction, and Operation of Public Pools as well as other local health department regulations for all pools or spas made available to labor community members or staff.

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

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

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

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

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

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

(3) It shall be unlawful for an operator to allow the public to utilize any temporary labor community, housing unit, or portion thereof that has been deemed unfit for use until written approval of the local health officer is given.

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

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