ARC 8656C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to general rules for migratory labor camps and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 81, "General Rules for Migratory Labor Camps," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 138.18.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 138 and Executive Order 10.

Purpose and Summary

This rulemaking proposes the repromulgation of Chapter 81. This rulemaking implements Iowa Code section 138.18 in accordance with the goals and directives of Executive Order 10. Iowa Code section 138.18 requires that the Department adopt rules that are necessary to carry out the purposes and provisions of Iowa Code chapter 138 subject to the requirements of Iowa Code chapter 17A.

The proposed rulemaking implements the aforementioned Iowa Code sections by setting forth standards for shelters in migratory labor camps. The rules set forth requirements for water supply and waste disposal. The rules address bathing facilities and dining facilities, if any. The rules ensure that the camps comply with safety standards in case of fire. The rules further provide for inspection of the camps and registration of occupants.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024. A public hearing was held on the following date(s):

- November 19, 2024

The Department received no public comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Amy Oetken
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

January 14, 2025 9 to 9:30 a.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa
January 15, 2025 1 to 1:30 p.m.	Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa

Virtual participation information will be made available on the Department's website prior to the public hearings.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 641—Chapter 81 and adopt the following **new** chapter in lieu thereof:

CHAPTER 81
GENERAL RULES FOR MIGRATORY LABOR CAMPS

641—81.1(138) Shelters.

81.1(1) *Heating season.* The season requiring artificial heating as provided in Iowa Code section 138.13 is designated as the period between September 15 and June 1.

81.1(2) *Minimum floor space requirements.* The following floor space requirements shall be provided:

a. At least 50 square feet per occupant for sleeping purposes only in family units and dormitory accommodations.

b. At least 40 square feet per occupant for sleeping purposes only in accommodations using double bunk beds.

81.1(3) *Inspection.* The migrant shelter facilities shall be made available for inspection by the department at any reasonable time.

81.1(4) *Register.* A register of all occupants shall be maintained and provided to the department upon request.

81.1(5) *Separate rooms.* Housing used for families with one or more children six years of age or older shall have a separate room or partition made of rigid materials and installed to provide a reasonably private sleeping area for the husband and wife.

81.1(6) *Storage.* Arrangements for hanging clothing and storing personal effects for each person or family will be provided.

641—81.2(138) Water supply.

81.2(1) *General.* The following standards apply to the water supply:

a. The water supply will be of a safe bacterial and chemical quality.

b. Where a public water supply is available, such water will be used in the camp. If a private water source under pressure is provided, the water system will be capable of delivering at least 35 gallons per person per day to the camp site.

c. Cistern supplies consisting of roof or other surface runoff water will not be used for drinking or culinary purposes.

d. The adequacy of a well as a source of water for drinking or culinary purposes will be determined by inspection and bacteriological examination. Defects found by inspection or contaminated samples will be sufficient grounds for requiring repair, chlorination or condemnation of the well.

e. Water containing 45 or more parts per million of nitrates will not be used for drinking or preparation of formula for infants under one year of age. When the supply contains nitrates in the quantity above, water for infant feeding will be obtained from another source that has been tested and found to be bacterially satisfactory and contains less than 45 parts per million of nitrates. A water supply containing 45 or more parts per million of nitrates will be placarded or posted stating the water will not be used for infant feeding.

f. Hand-pump bases will be of the solid one-piece type bolted, including suitable gaskets, secured to the well casing by thread or weld connection. Handpumps secured to the platform by bolts cast in the concrete will be provided with a rubber or neoprene gasket between the pump base and the platform to ensure a watertight joint.

g. The pump head will be of a type designed to prevent external water or other contaminating material from entering the water chamber.

h. The pump spout will be of the closed, downward-directed type.

81.2(2) *Existing pump pits.* Existing pump pits may be approved if the construction conforms to the following minimum standards:

a. Walls, floor and top of pit are of watertight concrete or masonry construction or equivalent. The well casing extends at least 6 inches above the pit floor.

b. A positive seal is provided for the annular opening between the casing wall and the drop pipe.

c. A positive drain is provided by either a watertight sump and automatic sump pump discharging with at least a 6-inch free fall above the ground surface or an independent drain line discharging to the ground surface above any possible flood level. Pit drains discharging to any other drain or sewer are prohibited.

81.2(3) *Water supply systems.* The water supply system shall be installed so as to prevent backflow of contaminated water from appliances, fixtures, drains and sewers and have no cross-connections with any nonpotable supply or any other water supply that does not comply with these rules.

81.2(4) *Water tanks.* All water to be hauled for a camp will be obtained from an approved source. All equipment used for hauling or storage of potable water will be thoroughly cleaned and disinfected with a solution containing at least 200 parts per million of chlorine immediately before use. No equipment, tanks or reservoirs used for hauling or storing potable water can be used for any other purpose.

641—81.3(138) Waste disposal.

81.3(1) *Solid waste disposal.* Solid waste shall be disposed of in a sanitary disposal project pursuant to Iowa Code chapter 455B, or, if disposed of on the premises, buried so as to create no health hazard or nuisance.

81.3(2) *Liquid waste.* Liquid waste shall be disposed of as follows:

a. Existing wastewater disposal systems located and constructed so as not to create a nuisance or condition of pollution.

b. Water-carriage toilets discharged to a septic tank and solid absorption system or other type of disposal system located, designed and constructed in accordance with the specifications set forth in 567—Chapter 69.

c. A leaching pit or other type disposal system provided to receive the wastes from sinks, laundries, showers and tubs when no septic tank and absorption system is available located and constructed in accordance with the specifications set forth in 567—Chapter 69.

641—81.4(138) Bathing facilities.

81.4(1) Showers shall be supplied with hot and cold water under pressure and be sufficiently enclosed to provide privacy for the user. An adjacent, enclosed dry area will be provided for dressing. No duckboards, mats or other such accessories will be permitted.

81.4(2) Automatic water-heating equipment, or storage tanks with hand-fired heating coils, shall be equipped with combination pressure and temperature relief valves or separate pressure and temperature relief valves, located in the top one-eighth or not more than three inches above the top of the tank served. Pressure relief valves may be located adjacent to the tank. Gas-fired or other combustion-type water heaters shall be vented to the outside atmosphere.

641—81.5(138) Central dining facilities. When central dining facilities are provided by a concessionaire, operator or the manager of a camp, the size of the kitchen and dining hall will be commensurate with the capacity of the housing and separate from the sleeping quarters.

641—81.6(138) Safety and fire.

81.6(1) *Fire exits.* Fire exits shall consist of:

a. Shelters of one-story construction housing less than ten persons: two means of escape, one of which may be a readily accessible window with an openable space of at least 24 by 24 inches.

b. Sleeping quarters designed for ten or more persons, central dining facilities and common assembly rooms: at least two doors remotely separated so as to provide alternate means of escape.

c. Floors, above the first floor, used for sleeping quarters or common assembly rooms: a stairway and a permanent affixed exterior ladder or a second stairway.

81.6(2) *Shelter spacing.* There shall be at least ten feet of space in all directions between shelters.

These rules are intended to implement Iowa Code section 138.18.