



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)  
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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DATE: September 10, 2020

TIME: 11:48 AM

WSR 20-19-050

**Agency:** Department of Labor & Industries (L&I)

**Subject of possible rule making:** Chapter 296-307 WAC, Temporary Worker Housing. The Department of Labor & Industries (L&I) in conjunction with the Department of Health (DOH) regarding chapter amendments to further protect occupants in temporary worker housing and cherry harvest camps.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, and RCW 49.17.060

**Reasons why rules on this subject may be needed and what they might accomplish:** In February 2020, Governor Inslee proclaimed a State of Emergency in Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States. The virus was confirmed to spread person-to-person. Under the initial March 23, 2020 Proclamation 20-25, Stay Home, Stay Healthy, among other things, the Governor enacted various forms of social and physical distancing requirements. This was followed by Proclamation amendments adjusting the Stay Home, Stay Healthy order and transitioning to a phased-in approach to re-opening Washington State, referred to as "Safe Start Washington".

The Department of Health (DOH) in conjunction with the Department of Labor & Industries (L&I) have responded to the COVID-19 pandemic by adopting emergency rules to protect occupants from COVID-19 hazards in licensed temporary worker housing (TWH). The Governor has also issued Proclamation 20-57 and 20-57.1 addressing workplace and transportation requirements for COVID-19 specific to the agriculture industry.

Stakeholder feedback and peer reviewed research indicate that the pandemic will continue into 2021 and possibly longer and that existing permanent rules for temporary worker housing jointly adopted by DOH and L&I may need revision to address hazards from COVID-19 or other outbreaks of airborne infectious diseases.

The DOH and L&I will consider such topics as: (1) Housing ventilation requirements; (2) Isolation requirements during outbreaks; (3) Requirements for group shelters; and overall clarification throughout the chapter as necessary. Some amendments made as part of the emergency rules will be considered for permanent rulemaking.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Washington State Department of Health and the U.S. Department of Labor. Coordination with these agencies will occur as these agencies also regulate TWH conditions.

**Process for developing new rule (check all that apply):**

Negotiated rule making

Pilot rule making

Agency study

Other (describe) The rule will be developed in conjunction with DOH. Parties interested in the formulation of

these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

(If necessary)

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Other:

Additional comments:

**Date:** September 10, 2020

**Signature:**

**Name:** Joel Sacks



**Title:** Director