

2020 Migrant Housing Act Enforcement Report

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

Section Number: Section 5

Due Date: May 1, 2021

Submission Date: April 26, 2021

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 to the Senate and House Appropriations Subcommittee
On Natural and Economic Resources
Calendar Year 2020 (January thru December)

I. Inspection Statistics

Preoccupancy Inspection Certificates Issued	1,793
Operators Achieving 100% Compliance	1,131
Total Number of Worker Beds	23,671
Post Occupancy Inspections Conducted	38

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.	6	\$25,250.00
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
95.226(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	\$5,100.00
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.	6	\$7,400.00
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.	2	\$1,500.00

1910.142(b)(2)	Each room used for sleeping purposes shall contain at least 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided.	1	\$600.00
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)(8)	All exterior openings must be screened with 16-mesh material and all screen doors must be equipped with self-closing devices.	1	\$0.00
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.	3	\$200.00
1910.142(f)(1)(iii)	A laundry tray or tub must be provided for every 30 persons.	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.	1	\$0.00
1910.142(j)	Effective measures shall be taken to prevent infestation of animal or insect vectors or pests.	1	\$1,200.00
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	\$5,950.00
1910.1200(e)(2)	Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed shall additionally ensure that the hazard communication programs developed and implemented include requirements found in paragraphs (e)(2)(i)-(iii).	1	\$450.00
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	3	\$0.00

	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.		
1910.1200(h)(3)(iii)	Employee training shall include at least the measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.	1	\$1,200.00
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.	1	\$450.00
1928.57(c)(2)(i)	Farmstead equipment - The mesh or nip-points of all power-driven gears, belts, chains, sheaves, pulleys, sprockets, and idlers shall be guarded.	1	\$7,000.00
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	\$1,800.00
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).	5	\$5,250.00
	TOTAL	48	\$63,350.00

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

Grower Name	Standard Cited	
	95.226(a)*	95.226(d)**
Bravlio J Garcia Pineda DBA Bravlio J Garcia Pineda	X	
Daniel Mejia DBA Daniel Mejia		X
Daniel Mejia DBA Daniel Mejia		X
Gaston Cooperative, Inc.	X	
Travis Buchanan DBA Buchanan Farms	X	
Triple M Family Farms, Inc.		X
Turkey Creek Tomatoes, Inc.	X	
Wallace & Rouse Farms, LLC		X
Woodville Gin LLC		X
Woodville Gin LLC		X
TOTAL	4	6

* 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.