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A Roof Over Our Heads

MIGRANT AND SEASONAL FARMWORKER
HOUSING IN IDAHO

September 1980

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A report of the Idaho Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the Idaho Advisory Committee.

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A Roof Over Our Heads

MIGRANT AND SEASONAL FARMWORKER HOUSING IN IDAHO

—A report prepared by the Idaho Advisory Committee to the United States Commission on Civil Rights its recommendations to the President and the Congress.

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LETTER OF TRANSMITTAL

Idaho Advisory Committee
to the U.S. Commission on Civil Rights
September 1980

MEMBERS OF THE COMMISSION

Arthur S. Flemming, *Chairman*
Mary Frances Berry, *Vice Chairman*
Stephen Horn
Jill S. Ruckelshaus
Murry Saltzman

Louis Nuñez, *Staff Director*

The Idaho Advisory Committee submits this report about housing for migrant and seasonal farmworkers in Idaho as part of its responsibility to advise the Commission about civil rights problems within the State.

After careful study and consideration of several important civil rights issues in the State, the Idaho Advisory Committee identified housing conditions of these workers as one of the problems in need of most attention. While some efforts had been made over the years to address the plight of Idaho farmworkers in search of adequate shelter, the Advisory Committee noted that public and governmental concern had gradually diminished, and that, with the slackening of interest, past gains in solving the problems were being lost.

A preliminary investigation revealed numerous inconsistencies and gaps in recent available data concerning migrant and seasonal farmworkers. Thus, the study sought to clearly identify and document the types of housing presently available to farmworkers, to determine whether the housing needs of this work force are being met by existing and planned supply, to ascertain whether migrant and seasonal farmworkers are receiving fair treatment under existing laws, and to better define the state of current statistical information about migrant and seasonal farmworkers.

The Advisory Committee found that despite the existence of several agencies charged with ensuring fair and decent housing for migrant and seasonal farmworkers, the overall conditions in the State still are not satisfactory. Most of the governmental units, like most of the public, choose to direct their attention to their other social responsibilities, often permitting farmworker housing concerns to fall between the cracks. The Advisory Committee is pleased to note, however, that since its study was begun there has been some improvement in complaint mechanisms that previously had been little used by farmworkers or their advocates and even more rarely effective in addressing individuals' problems with housing.

The Advisory Committee further found that there is no comprehensive health inspection or regulation of farmworker housing. In addition, the regulation of safety conditions has been thwarted by confusing and conflicting agency jurisdictions that have resulted in uneven inspection practices and some gaps in existing regulatory coverage. The report also points up the need to revise Federal funding policies and procedures so as to make these resources more accessible to all types of borrowers and to ensure their applicability to unusual local situations.

All of the problems delineated in the report are compounded by a continuing failure among public agencies to compile or share information and to apply a consistent definition to migrant and seasonal farmworkers. Increased and formally structured coordination among appropriate Federal agencies would be helpful in remedying this particular difficulty.

In addition to its findings, the Idaho Advisory Committee offers recommendations to appropriate local, State, and Federal officials that would address the issues outlined in the study. We would greatly appreciate the Commission's support of these recommendations and its assistance in influencing changes aimed at ensuring that migrant and seasonal farmworkers have access to the very basic "roof over their heads."

Respectfully,

Bernadine E. Ricker
Chairperson
Idaho Advisory Committee

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This report was undertaken under the overall supervision of Joseph T. Brooks, Director of the Northwestern Regional Office.

The staff of Publications Support Center, Office of Management, was responsible for final preparation of the report for publication.

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1. Introduction

The Idaho Advisory Committee to the United States Commission on Civil Rights originally planned to conduct a comprehensive examination of living and working conditions for migrant and seasonal farmworkers. As the Advisory Committee concluded its planning deliberations, however, the U.S. Department of Health, Education, and Welfare (on May 4, 1980, HEW became the Department of Health and Human Services) completed researching and evaluating the delivery of human resources services to migrant and seasonal farmworkers in the Northwest, and that served to redirect the Advisory Committee's focus. The HEW study made two principal findings:

1. Farmworkers have serious difficulties obtaining human resource services, particularly from programs designed for the "general population." The extent and severity of the problem varies by type of provider and service.

2. There is no overall government policy concerning farmworkers nor any Federal agency charged with a comprehensive view of their status or special needs. These problems are amplified by differing eligibility definitions among Federal migrant programs and the absence of accurate data on farmworkers or their socioeconomic characteristics.¹

During HEW's study, farmworkers in Idaho, Washington, and Oregon defined housing as their most pressing problem.² Because HEW does not have jurisdiction in housing, the agency did not pursue that issue. The Idaho Advisory Committee

subsequently modified its investigation, refining its focus to concentrate exclusively on housing conditions in the southern part of the State where the greatest number of migrants are found. More than 90 percent of the migrant and seasonal farmworkers in Idaho are of Hispanic descent, primarily Chicano.³

The Northwestern Regional Office (NWRO) staff and Advisory Committee members conducted interviews with migrants, seasonal farmworkers who have "settled out"⁴ of the migrant stream, State agency officials, Federal and State inspection staff, farmers who provide various forms of housing, labor camp managers, representatives of community organizations concerned with migrant services, staff members of agencies offering legal recourse to housing complaints, housing authority board members, and managers and officials who provide funding for migrant housing. Regulations covering the health and safety inspection of migrant housing, standards and guidelines governing the funding of construction and renovation, laws, and statutes were all collected and analyzed.

The investigation led to 2 days of open hearings conducted in two cities in the State to minimize interruption of witnesses' work schedule during the busy agricultural season. On July 13, 1978, the Advisory Committee heard testimony from 18 witnesses in Burley, Idaho, and on July 15, 1978, from 15 additional witnesses in Caldwell, Idaho, some 170 miles to the west.

Identifying farmers and farmworkers who were willing to be interviewed and to testify before the

¹ U.S., Department of Health, Education, and Welfare, *An Evaluation of Migrant and Seasonal Farmworkers and Human Resource Services in Region X*, prepared by Interamerica Research Associates, vols. 1 and 2, February 1978.

² *Ibid.*, vol. 2, table 3, p. 15.

³ *Ibid.*, p. 11.

⁴ Migrants who decide to establish permanent residence in a community and no longer travel are said to have "settled out."

Advisory Committee was not a simple matter. Hearings were scheduled during the height of the agricultural season so that those persons most affected—the migrants—would be in the State to hear and be heard. Some farmworkers residing in labor camps were reluctant to testify for fear of losing their housing, jobs, or both. Although staff investigators encountered this reaction occasionally throughout the State, most of the workers expressing fear of retaliation were in the Burley area camps.

Farmworkers who did appear stated clearly their reason for doing so:

Well, I tell you my problem. I'm here because I'm talking my truth. I got a problem. I got four children, a family, and my wife will be receiving a baby in about 2 more months, and they're sleeping on the floor—right now I'm packed out. I ain't got no house. That's the problem I got right now.⁵

Well, because I have children. . .they'll be following those same steps, you know, and even though if I don't get to come back in another year. . .or maybe I'll be fired for coming. . .this time, they'll have a better place to live.⁶

⁵ Benito Contreras, testimony before the open meeting of the Idaho Advisory Committee, Caldwell, Idaho, July 15, 1978, transcript, p. 357.

Statements made in these open sessions and written data were reviewed by NWRO staff and the report prepared and approved by the Idaho Advisory Committee.

The following chapter explains the predominant role that agriculture plays in Idaho's economy, outlines the history of concern and action about migrant housing in the State, and provides some demographic information about the people who follow the crops.

Subsequent chapters describe actual housing conditions in selected examples throughout the State, funding sources and difficulties in securing monies for construction and renovation of migrant housing, the efficacy of various regulatory agencies in guaranteeing safe and healthful housing, mechanisms available to migrant and seasonal farmworkers who have complaints about their dwellings, and the particular plight of undocumented aliens who work as migrant laborers. After a brief summary, the Advisory Committee presents its findings and conclusions concerning equality of opportunity and equal protection under the laws for migrant and seasonal farmworkers. The report closes with recommendations for changes and improvements in the current situation of migrant and seasonal farmworkers.

⁶ Maria Castillo, testimony before the open meeting of the Idaho Advisory Committee, Burley, Idaho, July 13, 1978, transcript, p. 272.



2. Background

Agriculture—A Partnership with Labor

Agriculture, as you know, is the backbone of the State of Idaho, especially of our area. According to the latest statistics available to me, Idaho's rank in the Nation's agriculture is 1st in potatoes, 2nd in dry edible peas, 2nd in Miriam Kentucky Bluegrass seed, 3rd in alfalfa seed, 3rd in sugar beets, 3rd in dry edible beans, 3rd in hops, 3rd in mint, prunes, and plums are 4th, 4th in barley, 5th in onions, 5th in grain peas for processing, 6th in sweet corn for processing, 7th in sweet cherries, 10th in wheat, 10th in apples, 11th in hay, 13th in the production of red clover seed, 9th in sheep, 14th in honey production, 20th in milk production, 21st in the number of milk cows, and just the half-way mark, or 25th in all cattle and calves.

The value of the land and the buildings in Idaho in 1974 was \$4,882,984,000. That figure has probably at least doubled while the debt of many of those properties has skyrocketed. The return of investment is roughly just under 4 percent with many near the 2 percent figure.

The number of farms in Idaho in the last 27 years has gone from 41,900, with an average size of 334 acres, down to 26,900, with an average size of 580 acres. One and sixth-tenths millions of new acres of farmland has been added during this period in Idaho.

At the end of last year, there were about 26,900 farms in Idaho for a total of 15,600,000 acres, roughly. These farms and ranches marketed \$1-1/2 billion worth of crops and livestock. They

were the producers of the initial dollar, 1-1/2 billion of them, and I emphasize the word initial because initial means beginning, the beginning of the first dollar. All beginning dollars must be wrestled from Mother Nature; whether it be from the earth, the air, or the water. There is no other place to obtain the first or the beginning dollar. Once you have the first dollar, it can be multiplied as much as seven times, say some economists. Seven times one is seven, but seven times zero is, if you don't have the first dollar, still zero.

That is the reason the partnership with labor is so important. The production of the first dollar is an absolute necessity. It is a must. You will recall that Idaho's ranking in the list that I read where we rank the highest, many of those crops require considerable labor. Most of it, if not all of those crops producers, realize the importance and indeed the absolute necessity of good help. Those producers are fully aware that usually the better the accommodations, the more satisfactory the help. But this is a two-way street. The responsibility for good accommodations must be shared. There should be some incentive or desire on the part of the tenant as well as the landlord.¹

The foregoing remarks were included in a welcome address to the Idaho Advisory Committee by Vard Chatburn, senior member of the Idaho Legislature, at the open meeting held in Burley, Idaho, July 13, 1978. His remarks clearly reflect the importance of agriculture to Idaho's economy, the importance

¹ Open meeting of the Idaho Advisory Committee, Burley, Idaho, July 13, 1978, transcript, pp. 8-11.

of farmworkers to agriculture, and the importance of good housing to farmworkers.

Helping to Produce the "First Dollar"

Migrant and seasonal farmworkers have long been indispensable to the cultivation and harvesting of Idaho crops that leads to the production of the "first dollar." Some farmers believe the farmworkers will soon be replaced by mechanization; others are doubtful this will occur and noted that on farms where mechanization is utilized, the need for hand labor continues. Unless and until such mechanization becomes a reality, however, migrant and seasonal farmworkers will continue to fill a necessary role in Idaho's agricultural economy.

The stream of these important workers into Idaho begins around mid-March when the hops are ready for cultivation. Migrants continue to flow into the State to work the other major crops of sugar beets, potatoes, and onions and the lesser crops of corn, lettuce, peas, and hay until the peak of the migrant season sometime in June. By the end of September, most of the migrants have left the State. A few remain behind until mid-November to harvest the last of the sugar beets. During their stay, families may move several times within the State, or they may spend an entire season at a single location, depending on the crops and work availability.

Idaho's migrant workers are, in large part, from the four Texas counties of Cameron, Hidalgo, Starr, and Willacy located in the Rio Grande Valley. Other migrants joining the stream come from Arizona, California, and Colorado. On the average, migrants work about 8 to 10 hours per day, 5-1/2 days a week. Climate variations may be extreme during the time farmworkers are in Idaho, ranging from chilly rainy days in the spring and fall to blistering hot summers. Snow is not unknown as late as May in some parts of southern Idaho. In some regions, farmworkers have a split workday, beginning very early in the morning and finishing in the evening with a recess during the hottest part of the day.

Farmworkers interviewed in Idaho reported a mean income of \$3,887.76 for a family of four.² Based on national guidelines, 25 percent of the family's adjusted income should be budgeted for

rent and utility costs. This would mean that after adjusting income to allow for dependents and social security allowance, the average Idaho farmworker should allocate only \$67 per month for rent and utilities. (See tables 2.1 and 2.2.)

According to the HEW study, migrant families in Idaho are significantly larger than those in the neighboring States of Washington or Oregon (an average family size of 5.59 persons in Idaho compared to 4.26 and 5.02 persons, respectively).³

Detailed statistical information on the migrant and seasonal farmworker population is a problem at the national as well as the State level.

A 1975 U.S. congressional research report pointed out that Mexican Americans, Puerto Ricans, Welsh, and native-born black Americans make up the bulk of the migrant work force. This same report stated:

Determining the precise number of migrant workers and the total size of their families, or even a reasonable close estimate, has been baffling, confusing, and controversial. The U.S. Department of Agriculture, Department of Labor, Office of Economic Opportunity, as well as the Department of Health, Education, and Welfare, all have arrived at different estimates—primarily the result of inadequate statistical data gathering, compounded by different definitions of the term "migrant."⁴

In addition, substantial undercounting of the Hispanic population by the U.S. Bureau of the Census was cited in a study conducted by the U.S. Commission on Civil Rights.⁵

The Idaho State Employment Department estimates that from 1964-66 migrant families numbered around 5,000 to 5,500 with a decline to 1,209 migrant families in 1976, approximately 1,000 of which were Mexican American. At the peak of the 1977 season, there were 2,728 migrant or seasonal workers in three counties (Canyon, Cassia, and Twin Falls). By May of 1978, 2,750 workers were already in those counties.

In response to indications of a decline in the migrant stream, the Idaho Migrant Council (IMC) points out that although the numbers of *migrants* coming into the State each year may be diminishing, that does not necessarily mean that the number of *farmworkers* has decreased at the same rate. IMC

² U.S., Department of Health, Education, and Welfare, *An Evaluation of Migrant and Seasonal Farmworkers and Human Resource Services in Region X*, prepared by Interamerica Research Associates, vol. 2, p. 13 (hereafter cited as *HEW Report*).

³ *Ibid.*, p. 11.

⁴ U.S., Library of Congress, Congressional Research Service, Education and Public Welfare Division, Raymond Schmitt, *The Migrant Farmworker Situation in the United States: The Problems and Programs*, Apr. 17, 1975, p. 6.

⁵ U.S., Commission on Civil Rights, *Counting the Forgotten*, April 1974.

TABLE 2.1
Number of Workers on Farms: Idaho, 1971-76

| Items and year | January | April | July | October |
|-----------------------|------------------|-------|------|---------|
| | <i>Thousands</i> | | | |
| Total workers | | | | |
| 1971 | 26 | 43 | 64 | 49 |
| 1972 | 30 | 44 | 64 | 47 |
| 1973 | 28 | 42 | 60 | 47 |
| 1974 | 29 | 40 | 57 | 48 |
| 1975 | 30 | 32 | 58 | 47 |
| 1976 | 30 | 36 | 69 | 67 |
| Family Workers | | | | |
| 1971 | 23 | 34 | 42 | 38 |
| 1972 | 25 | 34 | 40 | 40 |
| 1973 | 24 | 31 | 39 | 34 |
| 1974 | 23 | 29 | 36 | 30 |
| 1975 | 23 | 22 | 30 | 22 |
| 1976 | 21 | 21 | 36 | 28 |
| Hired Workers | | | | |
| 1971 | 3 | 9 | 22 | 11 |
| 1972 | 5 | 10 | 24 | 7 |
| 1973 | 4 | 11 | 21 | 13 |
| 1974 | 6 | 11 | 21 | 18 |
| 1975 | 7 | 10 | 28 | 25 |
| 1976 | 9 | 15 | 33 | 39 |

Source: U.S., Department of Agriculture, "The Farm Income Situation" (undated).

TABLE 2.2
Farm Wage Rates: Idaho, 1976

| Item | January | April | July | October |
|--|-------------------------|-------|------|---------|
| | <i>Dollars per hour</i> | | | |
| Farm wage rates* | | | | |
| All hired farm workers | 3.05 | 2.82 | 2.86 | 2.85 |
| Workers paid by piece-rate | ** | ** | 2.90 | 3.44 |
| Workers paid by hour, day, week, and month | 3.05 | 2.82 | 2.85 | 2.80 |
| Workers paid by hour only | 2.94 | 2.66 | 2.62 | 2.87 |
| Workers receiving cash wages only | 3.10 | 3.03 | 3.01 | 2.92 |
| Workers paid by hour receiving cash wages only | 3.00 | 2.74 | 2.70 | 2.77 |

*Average of wage rates for all methods of payment are on a per-hour basis.

**Insufficient data for this category.

Source: U.S., Department of Agriculture, "The Farm Income Situation" (undated).

believes that more people are settling out in Idaho and converting their status to seasonally employed agricultural workers. There are no statistics available that address this issue directly.

Further efforts to confirm the size of Idaho's migrant and seasonal farmworker population revealed that there is no consistent information available. The Idaho State Department of Employment, Idaho Migrant Council, U.S. Occupational Safety and Health Administration, and all other agencies that compile migrant statistics differ substantially in their counts.

A Working Definition of Migrant and Seasonal Farmworkers

Part of the inconsistency stems from not designating a migrant or seasonal farmworker category in counting agricultural workers; data reflecting hired farm laborers is geared toward reflecting employment trends and work force needs and leaves uncouned the migrants who may be traveling during the survey and may be living in informal residences such as roadside parks, campsites, and motels. Another major problem in the identification of the farmworker population is that the various agencies involved in statistical counts do not apply a common and clear-cut definition of these target groups.

Varying definitions in use for migrant and seasonal farmworkers by Federal agencies were cited in the HEW report. Samples summarized in the report included the following:

Seasonals

USDA and IMPD (U.S. Department of Agriculture and Indian Migrant Program Division): in the past year, worked 25–249 days of farm work.

DOL/CETA (Department of Labor, Comprehensive Employment Training Act): in the past year, worked at least 25 days of farm work; less than 150 "consecutive days at any one establishment."

Migrants

USDA and IMPD: "left. . .home temporarily overnight;" expect to return home.

DOL/CETA: unable to return to "domicile" within the same day he or she left.

HEW/ESEA, Title I—Migrant (Department of Health, Education, and Welfare, Elementary and

Secondary Education Act): child moved from one school district to another so parent or family member can work in agriculture or related field. HEW/Migrant Health: establishes "a temporary abode" in order to work in agriculture.⁶

For the purpose of this study, a migrant farmworker is one who travels from a primary place of residence to another geographic location to perform seasonal farm work, has worked on a seasonal basis within the last 24 months, and establishes a temporary abode during the period of such employment. A seasonal farmworker is one who resides in the area throughout the year, performing agricultural work on a seasonal basis. While these definitions may require some additional detail for those persons performing statistical counts, use of a common and appropriate definition would serve to reduce widespread deficiencies that now exist. Those operating housing programs find continuing deficiencies detrimental to determining the need for temporary housing.

The Number One Problem

The Idaho Advisory Committee's study confirmed that housing is the most pressing problem facing migrant and seasonal farmworkers in the State. Sometimes, there is simply no housing available. Some of the housing that is available for migrant and seasonal farmworkers is good, but this is unusual, and some that can be found is inaccessible to services and shopping. In some communities, available housing jeopardizes the health and safety of migrants and their families because it is in such poor repair. In other areas, the cost of housing is prohibitive.

Too often attention focuses on the living and working conditions of farmworkers only after reports of serious health and sanitation problems, children left unattended while their parents labor long hours in the field, or the announcement of new programs to help farmworkers move into other jobs and "settle out" of the migrant stream. The public's eye, however, quickly moves on to problems more readily or more rapidly solved, because solutions—especially ones involving governments—generally depend on the accumulation of data to support them. Only rarely has the discussion of farmworker problems been followed by substantiating research and documentation. This lack of data not only frustrates

⁶ HEW Report, vol. 2, p. 43.

the efforts of those individuals and groups actively seeking solutions, it furnishes a convenient excuse for those avoiding the effort. In many cases, attempts to raise the issue of migrants with policymak-

ers or service providers are thwarted by the response that because migrants move so much, it's impossible to collect information that is accurate. . .therefore, nothing can be done.



3. A History of Concern and Action

Prior to World War II, migrants entering Idaho were furnished housing by individual farmers. Around the mid-1940s, Idaho farmers began to organize into farm labor camp associations with the intention of facilitating efforts by farmers to provide housing for migrants who came to work in their State. The newly formed associations "had no finances to erect costly units, and accordingly, in many instances, make-shift units were hastily thrown together."¹ The health conditions of these camps remained unchecked until May 1959, when the Idaho State Board of Health took a major step to upgrade substandard health conditions by adopting migratory labor camp regulations. The board, to allow the individual farmers and farmer associations time to obtain capital for correcting substandard camp conditions, declared a 5-year waiver to achieve full compliance with these regulations. Immediate compliance efforts, however, were required for those provisions dealing with water supplies, waste disposal, and general camp house-keeping regulations. All camps were to comply with the board of health regulations by May 11, 1964.²

To meet the financial costs of complying with the health standards, several farm labor organizations applied to the Farmers Home Administration for insured loans under the Housing Act of 1961. Many of the camps operated by farmer associations today were built with this assistance.

The Idaho Department of Health continued to inspect the camps independently and periodically

during that time and had the authority to close those labor camps with poor health conditions.

The Governor's Migratory Labor Committee was formed in 1959 and was composed of representatives from the Idaho Departments of Labor, Education, Public Assistance, and Health and the Employment Security Agency. The committee was established to "foster improvements pertaining to migrants' housing and working conditions during their stay in Idaho." In 1961 the chairman of the Governor's Migratory Labor Committee, at the request of Governor Robert Smylie, inspected the labor camps located in south-central and southwestern Idaho.

Again in 1962, onsite inspections of 39 southern Idaho labor camps were conducted by this committee. The purpose of this second visit was to determine improvements, camp conditions, and the extent of compliance with health regulations. In August 1962 the committee published its findings on the camps and further reported:

In general, the camps were found to be in good condition—in fact, many of them really sparkled with new paint, well kept grounds, and clean facility buildings.

The trend is to build new or replace old frame units with new pumice block houses with cement floors. These lend themselves to better cleaning and without exception were well liked by those occupants interviewed.

The Marsing Camp appears to have solved the excessive maintenance problem by initiating a

¹ State of Idaho, Governor's Migratory Labor Committee, "Report on Idaho Migratory Labor Camps, October 1965," p. 1 (hereafter cited as "Committee Report, 1965").

² State of Idaho, Governor's Migratory Labor Committee in cooperation with the Employment Security Agency, "Report on Idaho Migrant Labor Camps, August 1962," p. 9.

deposit program. . . . Contrary to expectations, this procedure has not met with opposition; in fact, some of the families suggest a larger deposit since they like to have this "going away" money available when leaving camp. Breakage under this system so far has been reduced to an extreme minimum.³

The committee recommended that the State department of health continue to arrange for district inspections during occupancy; that daily maintenance of toilets, showers, and washing facilities be provided; and that education and instruction to migrants on care and use of camp facilities and of toilet facilities be available.⁴

In 1965 the Governor's committee reported:

The Department of Health has done extensive work in the fields of sanitation and engineering for all labor camps. Inspections, as necessary, are made to enforce the migratory labor camp regulations, adopted in 1959. The housing and general facilities surrounding the camps have improved considerably since the adoption of these regulations.⁵

In that same report, the Governor's Migratory Labor Committee identified the health conditions of the 73 camps visited. Among its general observations were:

Most camps have a healthful atmosphere, and the buildings are generally well constructed and properly maintained. In 80 percent of the migrant labor camps, there is a great need for the owner or manager to establish a regular day-by-day maintenance program in order to maintain a sanitary condition. In some camps, the changing of cleaning methods of toilets and showers will improve the sanitation condition of the camp.⁶

There are a few camps which, for one reason or another, have not complied with the . . . [State Department of Health] regulations of 1959.⁷ These few camps have raw sewage running in the area, fecal matter around the doors of the housing units, garbage and other litter strewn throughout the area. These conditions can produce such diseases as hepatitis, typhoid, and other communicable diseases. It is noted that these camps are the exception rather than the rule.⁸

The Governor's committee ceased to function in 1969. The effect of its findings and recommendations on the improvement of migrant camps has not been determined, nor the reason for its termination.

The 1959 standards for migrant camps are no longer in existence, and the State department of health now has no role in enforcing health standards for migrant housing.⁹ Regional health districts now inspect labor camps, but even these inspections are limited to water and sanitation. The local health districts determine the frequency of inspections and establish procedures for inspection. The State department of health makes no attempt at centralizing these district activities or to require a report of these inspections.

Since 1968 the State department of employment's involvement in migrant housing has been incidental to its recruitment of migrant workers from other States. Under State department of employment procedures, staff can recruit migrant workers out of State at the request of farmers or farmer associations. As a necessary element of these recruitment efforts, the department, through its "clearance orders," must guarantee adequate housing and healthful labor camp conditions at the job site for which it is recruiting. To insure compliance with housing standards by farmers, local offices were responsible for inspecting the camps. As the need for migrant labor dwindled, the recruitment by the department and its corresponding camp inspections also were cut. In 1976 there were no requests for clearance orders by the associations and thus no camp inspections.

The department of employment is authorized to handle statewide employment discrimination complaints, some of which might be tied into migrant housing.

In addition to the work of public agencies, the Idaho Migrant Council, a private nonprofit organization, has involved itself with migrant housing problems since its inception in 1971. Details of that agency's programs are described in subsequent sections of this report.

Despite these expressions of concern and some rather bewildering overlapping agency responsibilities, and because these assignments have been permitted to lapse without replacement, many mi-

³ *Ibid.*, p. 10.

⁴ *Ibid.*, p. 11.

⁵ "Committee Report, 1965," p. 3.

⁶ *Ibid.*, p. 4.

⁷ See discussion on State department of health.

⁸ "Committee Report, 1965," p. 3.

⁹ Jack Jelke, interview, Pocatello, Idaho, May 18, 1978.

grant housing concerns now fall between the cracks.
There is, simply, no one responsible.



4. The Range of Housing Alternatives

Housing for migrant and seasonal farmworkers in Idaho can be found in a wide range of alternatives. These include labor camps, farm labor housing communities, private onfarm housing, private in-town rentals, low-income public housing, self-help homes, local motels, motor courts, campgrounds or river banks, and cars. Among each of the alternatives, conditions vary greatly. Some units in each type are well-maintained, although sparsely furnished. Some provide living conditions similar to any apartment in town; others are neither safe, decent, nor—in the worst cases—even habitable.

Labor Camps

The exact number of labor camps has been disputed for as long as investigations have sought to ascertain it. The Idaho Advisory Committee investigation identified 23 labor camps (see appendix A). Any list of camps may go out of date quickly. Some camps may not reopen in the spring of 1980, while others not used for a year or two may be brought out of mothballs, depending on local needs and inclinations. Since there is little or no regulation of the number of occupants permitted in each unit, it is impossible to estimate accurately how many people are housed in labor camps.

Given the tremendous range of conditions found in labor camps, it is also impossible to describe all of the living situations seen during the investigation. Maps 4.1 and 4.2 show the locations of labor camps and onfarm housing in southern Idaho and Canyon County. The following examples were selected as

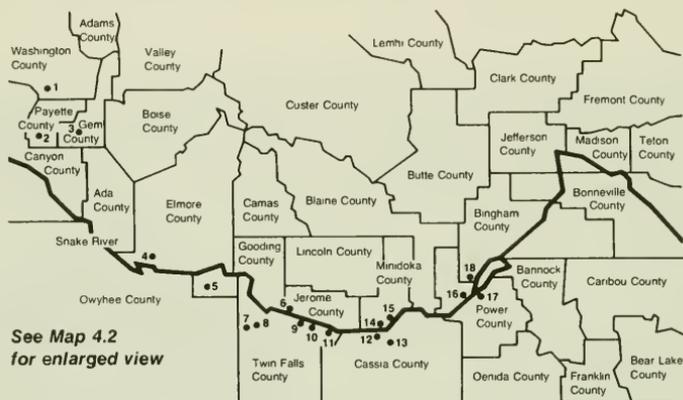
illustrative of good and bad camps and as representative of types found in different parts of the State.

Marsing Labor Camp

Marsing is a small farming community approximately 30 miles west of Boise, near the Oregon border. Fruit trees, hybrid corn, mint, hops, and some sugar beets are grown in the region. The camp, located on the outskirts of town, is owned and operated by the Marsing Agricultural Association, whose 80–85 members select a board of directors and an association manager to oversee the labor camp. The camp's office staff includes one bilingual-bicultural person. Tom Dunagan, the manager, runs the Marsing camp much as a private landlord or apartment manager would handle any residential complex. He explained that approximately 90–95 percent of the money collected in deposits is returned to tenants. Waivers are arranged to deduct the deposits from the first week's salary for migrants who do not have the money to pay in advance. Mr. Dunagan said he has never turned a family away for lack of a deposit. Both manager and tenants sign a basic lease form (see appendix B), "asking them to keep their area clean and just don't break things up and relax and live there comfortably."¹ There is a high percentage of returnees, some of whom have come to the Marsing camp for 20 years. There is a low turnover of tenants during the season. Every week about two or three families are turned away because there is no more room.

¹ Thomas Dunagan, testimony at the open meeting of the Idaho Advisory Committee, Caldwell, Idaho, July 15, 1978, transcript, p. 459 (hereafter cited as Caldwell Transcript).

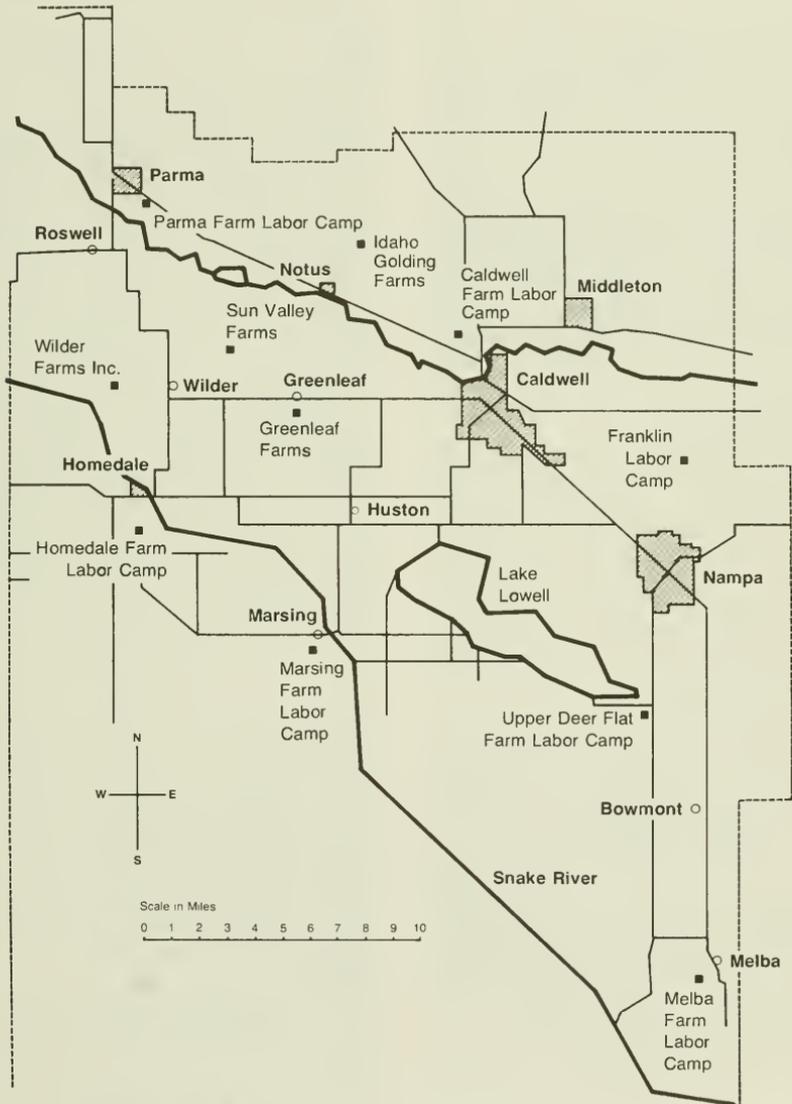
Map 4.1
Labor Camp Locations in Idaho



Legend

- | | | |
|-------------------------------------|-----------------------------------|-------------------------------|
| 1. Weiser Labor Camp | 7. Green Giant Farm Labor Housing | 13. Kenyon Labor Camp |
| 2. Payette Labor Camp | 8. Buhl Labor Camp | 14. Hynes Labor Camp |
| 3. Emmett Labor Camp | 9. Blue Lakes Cottages | 15. Wilson Labor Camp |
| 4. Grand View Labor Housing Complex | 10. Twin Falls Labor Center | 16. Mel Funk Farms |
| 5. Glenn's Ferry Labor Camp | 11. Murtaugh Labor Camp | 17. American Falls Labor Camp |
| 6. Jerome Labor Camp | 12. Burley Labor Camp | 18. Aberdeen Labor Camp |

Map 4.2
Labor Camps in Canyon County, Idaho



Inside a typical two-room apartment is a kitchen/dining area containing a small four-burner range with oven, a modern refrigerator with a cross-the-top freezer, cabinets, countertops and sink, and a dinette set with chairs. The bedroom furniture includes beds and mattresses, a chest of drawers, and additional chairs. Dunagan says he buys "normal furniture" in group lots, watching for hotel closures, garage sales, and store clearance sales rather than using makeshift bunks and benches.² He has partitioned off closet space with a rod for hanging clothes instead of leaving tenants to rely on pegs and nails in the walls. Most of the camps visited during the investigation provided only pegs and nails in the walls. Although the rooms are not lavishly equipped, they do provide all the basic furniture needs. Mr. Dunagan explained that the camp formerly provided curtains for windows (and still would upon request), but most tenants preferred to select their own. Some families who return to the same apartment every year leave curtains and other personal belongings at the camp.

The camp remains in good condition, despite its age and relatively intense use, because of the attention it receives from the association's board of directors and manager. Although the buildings are old, they are very well maintained inside and out. Peeling paint, torn screen doors, or damaged walls are not in evidence at Marsing. Routine maintenance is done by a camp resident employed by the association. Efforts are made to provide prompt attention to needed plumbing, sanitation, and safety repairs, Mr. Dunagan indicated.

Vandalism, cited as a major obstacle to camp maintenance by many managers interviewed during the course of the study, particularly of playground equipment, was described by Mr. Dunagan as practically nonexistent at the Marsing camp.

At Mr. Dunagan's invitation, on July 14, 1978, members of the Idaho Advisory Committee visited the camp; they came away with the belief that labor camps can offer decent housing at reasonable cost. Harold Vogt, a member of the association's board for 16-17 years, explained why they continue to operate the camp in the way they do, when other camps in nearby communities are closing:

If we have quality housing, then we get quality workers back each year. They'll come back if they know they've got the work and a good place to live. They'll come back every year, and that's what they do.³

Upper Deer Flat (or 12th Avenue) Labor Camp

Upper Deer Flat or 12th Avenue Labor Camp, on the outskirts of Nampa, houses some 200 farmworkers each season. The farm labor sponsoring association that owns the camp employs a manager, Russell Nelson, to oversee its operation. There is no bilingual staff. Health problems prevent Mr. Nelson from performing heavy maintenance work, carpentry, or plumbing repairs; completion of these tasks depends on the availability of association members. However, the time the camp is in use is the busiest farming season for association members and their availability to assist with camp repairs is limited. The major crop in the area is sugar beets, requiring labor from early May until Thanksgiving.

The rooms in the units are very bare. Kitchens are equipped with a table, a two-burner table top stove, refrigerator, and a sink with cold running water. One tenant of many years described the sinks as "so dirty it doesn't matter how much you scrub, they still look dirty."⁴ Many tenants complain about the small size of their butane tanks that require frequent filling. The capacity of wiring in the camps is limited, causing fuses to fail from overloaded circuits when tenants attempt to use electric heaters during cold weather. Bedroom furnishings consist of iron bed frames and "terribly filthy mattresses".⁵ The community bathrooms and showers are generally dirty, and often only a few units work properly.

Lice and bedbugs are well entrenched in the 12th Avenue camp and are common in migrant housing around the Nampa area. Head lice infestations are generally attributed to unclean mattresses. No action has been taken by camp management to eradicate the pests, although staff from Head Start, the Idaho Migrant Council Child Care Center, and the Nampa School District describe lice as a serious problem among migrant children from infancy through school age.

There are frequent complaints about the old, worn-out refrigerators that break down constantly,

² Ibid., p. 460.

³ Harold Vogt, Caldwell Transcript, pp. 469-70.

⁴ Estella Urrutia, administrator, Child Care Center, Upper Deer Flat Camp, interview in Nampa, Idaho, May 15, 1978 (hereafter cited as Urrutia Interview).

⁵ Consuela Pearce, outreach worker, and Jay Fuhrman, staff specialist, Migrant Education Resource Center, interviews in Nampa, May 16, 1978 (hereafter cited as Pearce and Fuhrman Interviews).

but no immediate action is taken by owners or managers, so people simply "do without for days at a time."⁶ One family moved out when the manager failed to replace glass windows for several weeks during the summer. Tenants who make their own repairs are not reimbursed for such expenses as new faucets or door screening.

Former tenants who have since settled in the community say that the camp has been in poor repair for 17 years or more. Garbage disposal has been a chronic problem. Tenants must drive to laundromats in town to do their laundry, and a neighboring barbed wire fence is sometimes used as a clothesline. A Nampa school district outreach worker noted a serious safety hazard to smaller children because of the lack of protective fencing from the busy highway on which the camp is located, as well as the parking of large sugar beet trucks immediately adjacent to the housing, with no protective railing or curbing.

Vandalism has not been a particular problem at the camp, but there is very little to vandalize. The camp manager also credits this situation to the presence of at least one family who lives there year-round, thus providing some deterrent to vandalism on camp buildings during the off-season.

One person associated with the Upper Deer Flat camp (who wished anonymity) summed up their housing conditions with a single sentence: "If you saw a labor camp 100 years ago, you've seen ours." Others in the community confirm that "it's not what you'd want to live in yourself."

Twin Falls Labor Center

Twin Falls is the largest city in the county of the same name; it lies 132 miles east of Boise. Sugar beets are the main crop. The labor center is located 1-1/2 miles south of the city on the route to the airport (Highway 74). Originally built around 1939 as a barracks for a Federal program, it was also used to house prisoners-of-war during World War II. After the war, a group of beet growers, with the assistance of Amalgamated Sugar, purchased the facility from the Federal Government to provide needed housing for migrant laborers. Over the years, 24 of the original barracks have been torn down. The camp is now owned and operated by the Twin Falls Labor Sponsoring Association. Richard Sweet, camp manager for the last 2 years, lives next to the

camp at the main entrance from the highway. In past years a bilingual camp resident has been hired to do maintenance work. When this "regular" did not arrive as expected, a neighborhood youth replaced him.

The labor center houses approximately 250 people and is occupied from mid-May to October. The buildings are old and in need of paint. A large stand of trees bordering the camp provide some relief from the summer's heat. Mr. Sweet described the barracks as "just frame structures with beds in them."⁷

Furnishings inside the rooms are meager, consisting primarily of a bed frame and a wood cook stove. In the past season, Mr. Sweet acquired 36 small gas ranges with four burners and an oven to replace the old wood burning ones, but found only one family willing to accept the substitution. He attributes this to the cost of gas, as compared to gathering free firewood, and to habit.

Since coming to the camp, Mr. Sweet has installed several play areas on the 3 acres of grass surrounding the camp. There is a full-sized baseball diamond, a large lawn area in front of his office, and a basketball court. He works with the local Idaho Migrant Council's (IMC) recreational program that has helped with basketball nets, base lining, and transportation for younger children to programs in town.

Vandalism is a major problem in the Twin Falls camp. Windows and screens are prime targets. In the summer before Mr. Sweet arrived at the camp, the association's glass bill was over \$1,100. He blames the vandalism on a limited number of children who do not participate in the program sponsored by the Idaho Migrant Council but "sit around and don't have anything to do."⁸ Former camp residents explain that some vandalism over the past years was in retaliation against the unpopular former camp manager; they believe that attitudes are improving with Mr. Sweet and vandalism will diminish accordingly.

Extensive renovation is needed to make the Twin Falls Labor Center an acceptable dwelling place, but the association does not wish to incur that cost. Instead, the association and the manager attempt to do some major repairs each year, depending on the money available after routine maintenance expenses are deducted. In 1978 they installed 400 feet of

⁶ Urrutia Interview.

⁷ Open meeting of the Idaho Advisory Committee, Burley, Idaho, July 13, 1978, transcript, p. 184 (hereafter cited as Burley Transcript).

⁸ *Ibid.*, p. 190.

window screen, much of which had been damaged by vandalism.

Burley Labor Camp

Burley is a major market city located in the middle of the southern half of the State. Burley Labor Camp, which lies on the outskirts of town, is owned by the Cassia County Farm Labor Sponsoring Association. For more than 14 years, Lee Stroud has managed this camp and nearby Kenyon Camp. He has a heart problem and is limited in what he can do physically. Mr. Stroud and his wife live in a mobile home parked on the back side of the camp area. They are the only staff and, although not bilingual, do not believe that this poses any problem because all residents either speak English or can find a child who can interpret for them.

The interior and exterior of older camp buildings are badly in need of repair. In the community bathrooms, stalls dividing showers and some of the toilets have been torn down, and Mr. Stroud does not intend to replace them: "They broke them down, and that's just it. . .if they want them out of there, okay, I'm not going to put them back."⁹

Residents at the Burley and Kenyon Labor Camps, as well as at other camps in the surrounding area, cite a critical need for weatherization of the residential units, that are often occupied during cold and wet months. (Weatherization also would help to reduce discomforts caused by the very hot summers.) Some health workers mentioned the risk of chilling from exposure between apartments and the bath and shower facilities some yards away. Torn window screens are useless against the onslaught of insects prevalent in agricultural regions. The large pools of standing water that are nearly always present at Burley and Kenyon are yet another sanitation problem, unregulated by local health agencies and not corrected by camp management. Tenants have complained to local service agencies about cleanliness at the camp, especially in shared facilities. Health workers at the Burley IMC clinic stated that the camp's sanitation conditions make it hard for patients to follow doctor's instructions carefully and for families to use the lessons in community health practices given by the clinic. In one cabin, an NWRO staff member noticed some grain in open pans on the floor and was told by the

manager that the pan contained poison grain to control the rat problem.

Furnishings in the Burley Camp are minimal. Kitchens include a gas stove, a cold water sink, a table, benches, and a refrigerator. Beds are provided in the other rooms.

Repairs are handled by Mr. Stroud who stated, "I just take care of it. If I can't take care of it, I'll hire somebody to do it."¹⁰ Broken windows are the most frequent repair problem.

Vandalism is a serious problem at the camp during the season. Showers, windows, and screens are often damaged. The manager has a firm policy: "When we find vandalism and know who it is, they don't live there any longer. . .we get rid of them just as quick as we can, if we are sure."¹¹

Mr. Stroud feels he has good working relationships with the tenants at Burley and Kenyon Camps:

I've never known of any organization trying to come to me or anything. They [individual tenants] just come to me. We talk it over as individuals. If there is a problem or anything, we just talk it over and try to rectify the mistake if there is a mistake.

No, we don't have any large disagreements and never have since I have been there.¹²

Mr. Stroud explained that migrants are happy at the Burley Camp and would continue to be if outside interveners ceased to intervene.

American Falls Labor Camp

American Falls is a small town located approximately 20 miles west of Pocatello in a sparsely settled region used for sugar beet cultivation. The American Falls camp is operated by the Power County Farm Labor Sponsoring Association, headed by Tony Burgermeister.

Mrs. Maria Castillo was employed as a part-time manager for the 1978 season, replacing another manager whose relationship with migrant tenants was strained. She and her family for the past 10 years have come from Texas to work in the area and often have lived at the camp. Mrs. Castillo is not enthusiastic about her role in camp management. It is in addition to her regular work in the fields, and she doesn't like the middleman role, but she continues to do it hoping to be able to help tenants. The

* Ibid., p. 174.

¹⁰ Ibid., p. 172.

¹¹ Ibid., p. 175.

¹² Ibid., p. 181.

tenants are most cooperative about rules, because they worked them out together in joint meetings.

Smaller units contain one or two sets of bunks fastened to the rear wall; a wooden counter serves as kitchen space; some have tables. Seating is provided by wooden benches, with chairs in some units. Larger units have dinettes. Meals are cooked on a two-burner butane stove. Refrigerators generally work, but missing shelves make food storage difficult for large families. Unprotected heater pipes run from the floor to ceiling, providing the unit's only source of heat; several of the pipes have missing guardplates at the bottom and open flames are exposed a few inches from the floor. Toilets and showers are in a separate building shared by all tenants. There are frequent complaints about cleanliness and repairs. Several units have cracked or broken windows. Other units have chinks in the wall where mortar has fallen out and the holes have been stuffed with rags as protection against the cold; many outside doors are in very bad shape. The hollow core doors have yielded to the assaults of vandals when the camp is unoccupied in the winter; locks have been replaced three or four times, and the original holes still remain. Tenants complained during the summer of 1978 that the flimsy doors and locks permitted at least three robberies in 6 weeks.

Mrs. Irma Gomez and nine other tenants filed suit in the summer of 1977 against the American Falls Camp, charging that living conditions made the camp unfit for habitation. Complainants sought repairs and a monetary award. With the aid of the Community Relations Service of the U.S. Department of Justice, a settlement was negotiated that included a new lease. Although tenants were not wholly satisfied with provisions of the new agreement, they hoped it would serve to improve camp conditions, because there is essentially no alternative housing available in the area. It is Mrs. Gomez' belief that the suit and the settlement have had some repercussions for her and for others who were active in previous complaints against the camp association. According to Mrs. Castillo, the camp manager, and Mrs. Gomez, tenants were to list the names of association members for whom they were working on their

signed lease.¹³ If they accept work from nonmembers, they will have to leave the camp.¹⁴ Mrs. Castillo observed that "The farmers are not the ones that are suffering, it's us, because the other farmers still get help from the other labor camps or from private houses."¹⁵

There has been a sizeable decline in the number of tenants at the camp compared to previous years that Mrs. Castillo attributes to the policy of requiring residents to work only for association members. In addition, she believes the advance deposit (see appendix C) and the rent payment required (\$95 for a two-room unit) is unreasonable because most people can barely afford the trip from Texas to Idaho. Before the new lease, rents were paid after the first week's work. Now the association can evict tenants in 3 days for nonpayment of rent. (No one has been evicted yet.)

The new lease also provided for specific repairs to be done by the association. Some repairs have been made (shower heads, some windows), but others have not. The camp's fire extinguisher holder is still empty. The bathrooms were painted this year, and the fact that there has been no problem of walls being defaced confirms Mrs. Castillo's expressed view that people will treat decent surroundings decently. The only major maintenance started this year has been repairing the water pump and the members have not yet completed the job.

Mrs. Castillo takes tenants' complaints to Tony Burgermeister, but is not always satisfied with the association's action on them. Mr. Burgermeister explains that because the association doesn't own the land, it makes limited improvements. He has told Mrs. Castillo that if the farmworkers would write a letter to the government in support of the association, they would be able to buy the land and fix the camp or rebuild it. (The land is federally owned and leased to the association; some question remains about whether its sale would be permitted.)

Access to Labor Camp Housing

The requirement by some labor camps that tenants work for members of the camp's sponsoring association is cited by many farmworkers and some of their

¹³ Mrs. Gomez said that there are five association members, some of whom she and other crews have worked for regularly in the past. Those who complained, however, were "shut out" and told that members had no work for them. There was work available through other farmers in the area, who offered to hire Gomez and her crew, but who did not wish to pay the acreage fee assessed by the association for camp maintenance. If she and others went to work for nonmembers, they would have had to leave the camp. There was no place to go, she said, especially since the nearby

Rockford Camp did not open during the season. Ms. Gomez firmly believed that the members' failure to hire her crew and other activists was retaliation.

¹⁴ Maria Castillo, manager, American Falls Labor Camp, interview in American Falls, Idaho, June 26, 1978, and Irma Gomez, migrant farmworker, interview in American Falls, May 18, 1978.

¹⁵ Burley Transcript, p. 45.

advocacy organizations as a barrier to equal opportunity and access to housing. Others, including member farmers, believe that associations who underwrite the cost of maintaining a camp should be guaranteed a work force. Difficulties arise in situations when tenants are required to work for member farmers, yet these same farmers can hire at will, giving no preference to camp residents.

Several staff members of service agencies mentioned that the practice of accepting advance reservations by some camps serves as a barrier to migrants seeking fair housing access. Most of the farmworkers interviewed, however, found the practice helpful, viewing it as their only assurance that they would have a place to live (especially in areas with acute housing shortages for migrant and seasonal farmworkers).

Deposits required in advance or immediately upon arrival (and before occupancy) are problems for those migrants who arrive with very little cash on hand. Often the cost of the trip from Texas to Idaho has depleted their limited cash reserves almost completely, and they are entirely dependent on their anticipated pay for the first week's work.¹⁶ These stringent deposit requirements have prevented some migrant families from moving into a labor camp even though there was room available. By the time they can amass the deposit, all spaces may be filled.

The amounts of deposit vary considerably across the State, ranging from \$10 in American Falls to \$75 at the Marsing Labor Camp. Some of the camps, including the highest priced ones, use a flexible waiver procedure, permitting tenants to defer deposit payment until their first paycheck. The amount and management of deposits is arbitrary.

As camp closures occur, housing shortages become more acute in many of Idaho's communities, driving rents even higher for the remaining dwellings.

Physical Accessibility

A few camps in the State are in such remote locations that tenants have poor access to shopping and other services, but this was not viewed by farmworkers as a critical problem. Many persons pointed out that the communities housing farmworkers are sparsely settled, and many farm families live considerable distances from town. At most camps,

buses regularly transport children to schools or to IMC programs.

The lack of public telephones at each camp is a far more serious problem. In case of a medical emergency, residents have no way to summon aid. Farmworkers at those camps without pay telephones complained about the reluctance of the phone company to provide and replace telephones. The Kenyon Camp, near Burley, was singled out as particularly cut off from such services.

Service organizations reported mixed results in gaining access to labor camps. Health-related services were almost uniformly permitted to visit families and were often welcomed or assisted by management. Organizations offering advocacy or complaint services are never sure of their reception and assert that they have regularly been denied access to the camps. School system personnel encounter no special problems in gaining entry.

Camps in the Burley area are not served by the IMC weatherization and repair programs, despite an awareness of the need for improved shelter from the elements. This is partly because camp managers deny or impede access to the camp and to individual buildings and partly because the structures themselves are not good enough to warrant weatherization (according to program standards that are a condition of the weatherization grant). IMC representatives stated that weatherization is probably the only service not permitted in the camps.¹⁷

Camp Management

There was a wide range of attitudes of camp managers and associations. Virtually all managers believed they were doing a good job and related well to their migrant tenants. Some managers indicated respect for the people who live at their camp, others said, "These people can't take care of decent housing, so why bother to provide it?" Those managers who defined their dealings with tenants in terms of mutual respect encountered less vandalism than did others with a different approach. The former group was also more receptive to the Idaho Advisory Committee's attention.

Presence of a manager appears to make a considerable difference in the conduct of a camp, both in terms of its physical upkeep and the behavior of its tenants. Managers who are inaccessible, or camps

¹⁶ Testimony from social service agency workers indicated that although most migrant families apply for food stamps their first week or two in an Idaho community, they neither apply for, nor receive other financial assistance during the remainder of their stay.

¹⁷ Mauricio Castillo, social worker, Idaho Migrant Council, Burley Transcript, p. 123.

without managers, generate numerous complaints because requests for repairs do not receive a prompt response. In Idaho, the high proportion of farm-workers whose principal language is Spanish suggests that having bilingual staff available on a regular basis facilitates communication between management and tenants and also helps to avoid misunderstandings that create problems.

Chart 4.1 shows comparative examples of housing facilities in camps visited during the investigation.

Farm Labor Housing Authorities

Farm labor housing authorities have been on the scene in Idaho for nearly 20 years, dating back to the year the Paul Housing Authority acquired its complex. It is only recently that the concept has caught on, however, and spread to other communities in the State. Today, farm labor housing developments have demonstrated their success as a desirable alternative for farm labor housing. Governmental agency policies that permitted these developments were endorsed by the Idaho Migrant Council, present and prospective tenants, town officials, some farmers, and long-time observers and activists concerned with migrant housing.

Communities, such as the one at Paul, can be owned either by private nonprofit groups or by public organizations. Newer projects are almost exclusively undertaken by bodies designated as local housing authorities by a city or county. As quasi-governmental bodies, these housing developments do not pay property tax. Funding sources for these projects are discussed in chapter 7.

These housing complexes are larger projects, numbering around 100 or more units. They are open year-round and are frequently filled to capacity. Most have waiting lists. Persons who rent the housing must make 50 percent of their income from agricultural or agricultural-related pursuits. Other persons may rent the housing, if vacancies exist, but when they do so, they must sign an agreement to vacate the unit if eligible agricultural workers apply for it.

Because the housing projects' conditions differ, mostly according to their age, this report will not describe all the projects. (See appendix D.) The Paul Housing Authority, the first in the State, and the Wilder Housing Authority's Chula Vista project were selected as representative of the genre.

Chart 4.2 describes examples of the farm labor housing communities. Their locations in the State are shown on map 4.3.

Paul Housing Authority

The Paul housing complex, located near the small town of Paul in south-central Idaho, was originally a camp for the Civilian Conservation Corps (CCC) and was subsequently leased to a farm labor association. The city of Paul eventually purchased the camp for its new housing authority, formed to operate a farm labor housing community under the Farmers Home Administration (FmHA) program of grant loans. Clyde Greenwell, one of the founders of the Paul Housing Authority and present chairman of the board, explained that the area needed a stable labor force, so they arranged decent housing for the workers.¹⁸ The board employs a nonresident manager, Max Gorringe, but there is no bilingual staff available to facilitate communication for the predominantly Spanish-speaking residents.

Tenants and management sign a month-to-month lease. Although furniture is provided, year-round tenants often use their own furniture. Some tenants have private telephones and there are also working public telephone booths near the office. Tenants experience some problems in obtaining speedy repairs on their appliances. Some residents who have complained repeatedly about such delays report that they have been threatened with eviction.

The Paul Housing Board believes it needs more units and would like to add individual detached apartments. Testimony heard from the local IMC about the project's popularity among area migrants supports the board's belief, but they face problems obtaining funding (the funding problems are discussed later in this report).

Chula Vista Farm Labor Housing Community

The Wilder Housing Authority owns and operates this development in the town of Wilder, approximately 12 miles west of Caldwell. The Chula Vista complex is not recognizable as farm labor housing, although it sits directly on the road entering town. Their choice of names was a careful and deliberate one, reflecting an attempt to create a planned community atmosphere rather than perpetuate the traditional "labor camp" image.

¹⁸ Clyde Greenwell, interview in Paul, Idaho, June 28, 1978.

CHART 4.1

Housing Conditions in Private Labor Camps

| | Marsing | Upper Deer Flat | Twin Falls | Burley | American Falls |
|---|---|---|--|--|---|
| Owners | Marsing Agricultural Association | Upper Deer Flat Farm Labor Sponsoring Association | Twin Falls Farm Labor Sponsoring Association | Cassia County Farm Labor Sponsoring Association | Power County Farm Labor Sponsoring Association |
| No. of units | 46 | 36 | 74 | 78 | 32 |
| Occupancy season | year-round; peak occupancy May 15-October 15 | occasional families stay year-round; peak is mid-May to October | mid-May to October | May to October | May to July |
| Description | <p>wooden/cinder block buildings; most two-room apartments w/ bedroom and kitchen/dining area;</p> <p>most units have refrigerated air conditioning; all have gas heating.</p> | <p>frame and block buildings; most two-room units w/bdrm. and kitchen/living room, approx 10' x 6';</p> <p>no heating (kitchen stoves used for heat on cold days, leaving a constant open flame burning).</p> | <p>frame barracks buildings, w/ 70 single rooms, 16' x 15';</p> <p>some connecting doors provide accessible space for larger families;</p> <p>two barracks converted into four duplexes w/ three rooms (either two bdrms and kitchen or one bdrm, living room and kitchen);</p> <p>no central heating; duplexes have gas heat, gas stoves.</p> | <p>cinder block buildings for 18, three-room apts (two bdrm., a kitchen/living area);</p> <p>old frame barracks (used during World War II to house war prisoners) for 60 units, some of which are three rooms, some single;</p> <p>gas stoves and heating.</p> | <p>two long rows of cinder block buildings; all originally, one-room, approx. 15' x 15'; some two-room units available by means of a connecting door;</p> <p>unprotected heater pipes which run floor to ceiling are only source of heat; several are missing guard plates at the bottom, leaving open flame exposed a few inches from the floor.</p> |
| Bathroom, laundry, and other facilities | <p>shower, sink, toilet, hot water tanks in each apartment;</p> <p>laundry room;</p> <p>repair and maintenance workshop.</p> | <p>separate building with five or six showers and community bathroom;</p> <p>no laundry facilities.</p> | <p>community toilet/bath facilities (8 toilets, 10 showers for women divided by walls; across the street, 8 toilets plus urinal, 20 showers not divided for men);</p> <p>duplexes have indoor plumbing w/ showers and individual bathrooms.</p> | <p>community bath/toilet facilities (10 showers each for women and men);</p> <p>no laundry facilities</p> | <p>community toilets/showers in separate building.</p> <p>no laundry facilities.</p> |
| Grounds | <p>fully grassed, well-trimmed lawns between buildings; play area w/play equipment; other open space for ball games; parking lots graded and set off by low railings.</p> | <p>patches of scrub grass; bare, packed dirt play area but no play equipment;</p> <p>no fencing from busy hwy.</p> | <p>large lawn in front of mgr.'s office; several play areas in the eight acres of grass surrounding camp and a full-sized baseball diamond.</p> | <p>grounds and play area are bare dirt with unkept appearance;</p> <p>connecting roads are gravelled.</p> | <p>grounds are weed free there is no grass or play equipment.</p> |
| Rental charge | <p>\$12.50/wk.-two room units.</p> <p>\$14.50/wk.-individual detached units and larger 2-bdrms.</p> <p>\$17.50/wk.-three-room units.</p> <p>includes water, garbage pickup, electricity; tenants pay own gas.</p> | <p>\$50/month.</p> <p>butane gas purchased by tenants individually.</p> | <p>\$14/wk.-single room.</p> <p>\$20/wk.-two-room units.</p> <p>\$30/wk.-three-room units.</p> | <p>\$7/wk. single rooms.</p> <p>\$10/wk.-three-room units in barracks bldgs.</p> <p>\$13/wk.-rooms in newer block buildings.</p> <p>tenants charged additional \$5/wk. for gas.</p> | <p>\$10/wk.-single room.</p> <p>\$20/wk.-two room units.</p> <p>tenants pay additional \$5/mo. for refrigerators.</p> |

CHART 4.2 Housing Conditions in Farm Labor Housing Authorities

| | Paul Housing Authority | Chula Vista Farm Labor Housing Community |
|---------------------------------------|---|---|
| Owners | City of Paul | Wilder Housing Authority |
| Number of units | 80 units in the complex; four apartments in each of 20 buildings | 80 units |
| Occupancy season | Full occupancy for slightly more than 2 months at the height of the sugar beet season; about 40% occupancy during the winter. | Year-round occupancy, generally full with a waiting list |
| Description | The Paul Camp is old, but relatively well maintained on the exterior. The apartment rooms are small, however, the number of rooms in each can be changed by opening connecting doors, providing flexibility for accommodating families of different sizes. Units include kitchen, living room, private bathroom, and a varying number of bedrooms. Kitchens are fully equipped with range, refrigerator, sink, cabinets, and dinettes | There are 80 individual two- and three-bedroom houses randomly located on a large fenced lot. Buildings are of adobe-tenured brick, with two off-street parking spaces for each house. Furnishings include beds, dressers, tables, chairs, full stoves, and refrigerators. Curtains are also provided, although many tenants change them according to personal taste. |
| Bathroom/laundry and other facilities | Private bathrooms in each unit include shower, toilet, sink, and storage cabinets | Each house has full bathroom facilities and a laundry room. A community center building provides for tenant gatherings on the main floor and a child care program in the basement |
| Grounds | Grounds are grassed. There were numerous large puddles and considerable mud visible when NWRO staff visited the development. | Landscapped and manicured lawns |
| Rental charges | 16/week-one-bedroom unit 18/week-two bedroom unit 20/week-three bedroom | \$22/week-two bedroom house \$23/week-three bedroom house |
| Deposits | \$35 | \$75 |

The Chula Vista operation is managed by Frank Mercer, who was instrumental in organizing the housing authority and designing the complex. A bilingual staff person, who is available in the office, lives in the development. The manager's office is staffed from 8 a.m. to 5 p.m. weekdays, and emergency repairs are available on weekends. A public telephone near the office stays in good working order.

The Chula Vista complex is extremely popular among migrants and seasonal farmworkers. It remains at full capacity and has a waiting list. Many persons recommended Wilder's operation as an example of what farmworker housing could (and should) be.

Accessibility

The two complexes described above are accessible to service and advocacy organizations and offer tenants easy access to shopping, schools, and all community services.

The apparent eagerness of farmworkers to live in these complexes demonstrates their willingness to pay reasonable but slightly higher rents when the housing condition warrants it.

The new projects are not, however, without problems. The single family, detached dwelling units have been well received by Chicano farmworkers and are in great demand. Their popularity has given rise to an unanticipated snag: the combination of somewhat higher rents, the projects' need for the most stable occupancy, and the waiting list created by the demand has attracted families who are settling out, or have recently done so, to this type of housing. This process again leaves the migrants without adequate housing. (IMC believes the only solution to this is government subsidies.)¹⁹

Private Onfarm Housing

Private, farmer-owned housing is usually found in sparsely populated regions, where it offers a more practical alternative to labor camps for workers who don't want to commute long distances each day between housing and work sites. In such regions, other varieties of housing may not exist in sufficient quantities to shelter the number of workers who arrive each season. While examples of this housing type were found throughout the State, the greatest

incidence appears to be in the southeastern section, around Pocatello.

Without polling all the farmers who furnish housing on their premises and the farmworkers living in it, it is impossible to obtain either comparative "rent" figures or an accurate count of the number of families or individuals or units housing them.

In some cases, such private housing was described by farmworkers and their advocates as putting migrant tenants too much at the farmers' "beck and call." It may also entail a sizable reduction in pay from the prevailing wages, with the amount to be deducted determined at the sole discretion of the farmer who owns the units.

Mel Funk Farms

Mel Funk owns a large farm in Pleasant Valley, approximately 11 miles northwest of American Falls. His small private housing camp is located at the intersection of a paved county road and the gravel access road that leads to the Funk home, 1-1/2 miles away. The location offers ready access to the bus that transports migrant children to summer programs.

The Funks built their first unit some 13 years ago. Since that time they have added two more buildings and a trailer to provide a total of nine apartments. Because of rising costs, the last unit they built was of prefabricated metal rather than cinder block construction. All of their housing has been wholly financed by Funk Farms. Funk requires no deposit; rent is included as 10 percent of his tenants' wages.

Each apartment contains a living room/kitchen area, two bedrooms, and a bath with shower. The units are painted inside and out; colors are selected by families living there. All units have "standard plumbing and appliances,"²⁰ with hot and cold running water. The kitchen area includes a double sink, full-sized stove, a refrigerator, and cupboards. A sofa and chairs plus a dinette set furnish the living area. Bedrooms contain beds, dressers, and closets.

The small complex has two laundry rooms that separate the apartments in a duplex-style arrangement. Washing machines and clotheslines are furnished and are in good repair.

The Funks report only occasional maintenance problems. Their tenants have been very responsible in the maintenance of their housing. The Funks

¹⁹ Alan Hipps, regional housing director, Idaho Migrant Council, Caldwell Transcript, p. 383.

²⁰ Melvin and Diane Funk, farmers, interview in American Falls, June 26-27, 1978.

check and repair the apartments before each season begins. When repairs are needed after that, the tenants either come by their house to report a problem or call them.

Mel Funk is also a member of the association operating the labor camp at American Falls and was on its board when they first borrowed money from the sugar company to build it. He has drawn very little labor from the camp in the past 4 years, preferring to house his employees on his own farm. He explained his choice:

There's always differences of opinion as to how things should be run, what should be put in it and everything. And when I build my camps, I want to go first class. I want to build a nice unit to get some good workers and try to keep them.

And, of course, the American Falls Labor Association, they were building units at that time to just house the labor temporarily.²¹

Self-Help Housing

A self-help housing program involves a group of people mutually helping each other build their own homes with the guidance of a construction supervisor. Participants in the program can select their own design and style and vary the size and number of bedrooms to meet the needs of their family. Grants are available from the Farmers Home Administration to a sponsor agency to provide skills, instruction, and supervision to the participating low-income families. The families secure low-cost financing for the purchase of the materials and land through an FmHA loan. These homes are financed at 1 percent interest; monthly mortgage payments are \$80-\$90.

In Idaho IMC is the only organization currently functioning as a sponsor agency. Caldwell's IMC operates the first self-help program in the State for migrants. Their contract with FmHA is for 47 homes to be built in 2 years. Eight were begun in October 1977 and completed in the summer of 1978. The second group of nine homes is to be built in a second Caldwell location. There are numerous applicants in Wilder, but finding land is one of the most time consuming aspects for an IMC project. Self-help housing began in Burley in July 1978.

The completed homes are attractive and well designed. Their individuality, as well as the policy of

dispersing the housing in small groups around a community, avoids any sense of "public housing."

Urban or Intown Housing

Private Rentals

Migrants and seasonal farmworkers may select private rental housing for several reasons: it may be a more desirable alternative than a local labor camp in poor condition, or it may be the only alternative when temporary housing is closed or has no vacancies. Some families prefer a greater degree of privacy than that afforded by camps or seek to avoid the traditional stigma of living "at the labor camp."²²

In some communities, however, private rental landlords cite the transiency and the large number of children of migrants as reasons for their unacceptability. Representatives of local service agencies believe that racial prejudice sometimes plays as big a part in landlords' refusals to rent to migrant families as any criteria and described instances to support this belief in their testimony.²³ In other towns and counties, housing that could provide an alternative to labor camps simply doesn't exist: the towns are few, scattered, and small in size; apartments are virtually unknown; and vacant houses are scarce.

Private landlords may also ask for large deposits to discourage migrants from renting their houses. This practice is common in the Burley area, according to representatives of social service agencies there.

The cost of private rentals is the highest among all housing alternatives examined. For example, in Twin Falls, an average two-bedroom house rents for \$150, usually with a minimum deposit of \$50. Three-bedroom units cost \$220 a month and up, with a month's rent in advance. Most landlords will rent only to families of five or fewer persons in a three-bedroom home, and the availability of this size house is very limited.

Migrants also occupy some private rental housing in the town of Nampa, concentrating on the north side around 20th Street. Most of these units are tiny cramped houses for which people pay "very high" rents "on the order of \$250 a month."²⁴

Virtually all persons interviewed agreed that rental of private houses or apartments is the most difficult housing to obtain for migrants and also the

²¹ Burley Transcript, pp. 150-51.

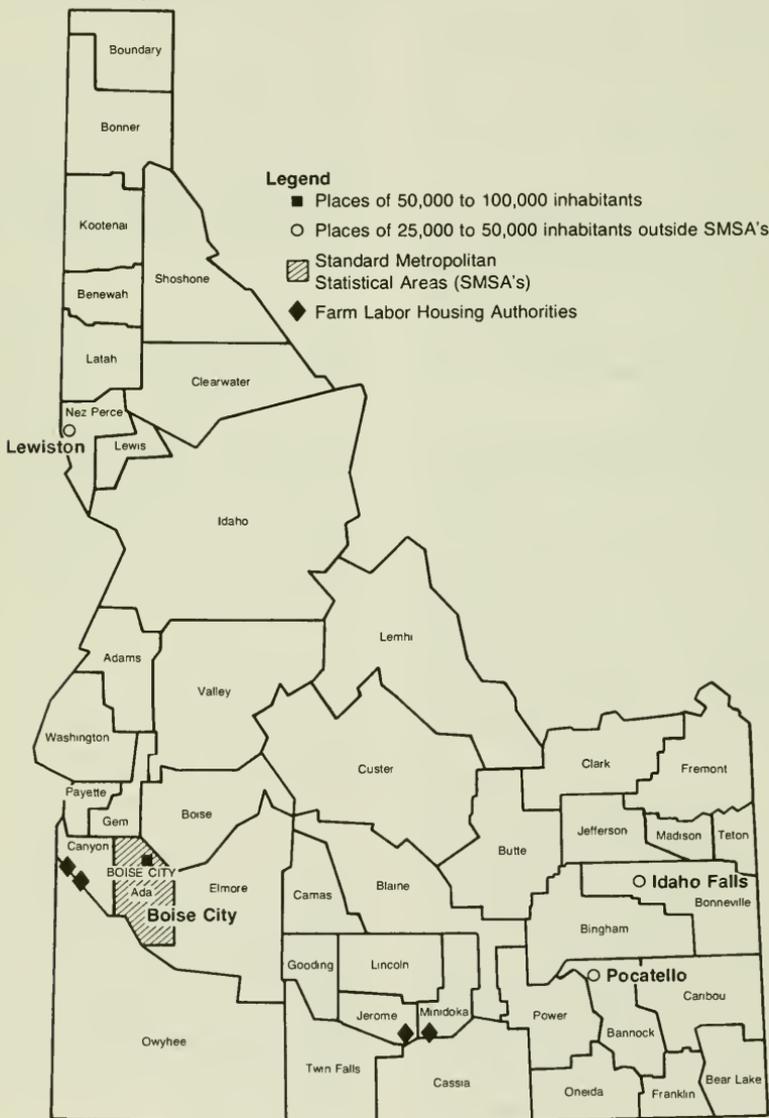
²² Consuelo Correa, former migrant, interview in Burley, May 17, 1978.

²³ Vickie Strunk, supervisor, Burley Community Action Agency, and Mauricio Castillo, Burley Transcript, pp. 85 and 88.

²⁴ Pearce and Fuhrman Interviews.

Map 4.3

Farm Labor Housing Authority Locations in Idaho



most difficult to regulate. The private rentals for migrants, described to the Advisory Committee and visited by staff, included some of the worst conditions encountered during the investigation. Yet, tenants living in these circumstances had no knowledge of how to complain about health and sanitation deficiencies, which governmental agency covered these problems, or what results they might expect from a complaint investigation.

Municipal Low-Income Projects

Projects operated by public housing authorities and funded by HUD monies exist to provide decent shelter to low-income families. Apartments may be rented by any family who can qualify on the basis of their gross income. HUD policies governing the project's operations have no special provision for migrants whose transiency prevents their waiting several months on a list for the next available vacancy at their income range. (HUD policies are described in greater details in chapter 7.) Consequently, few migrants stay in public housing. The projects are a common stopping place for families in the process of settling out of the migrant stream.

Motels and Motor Courts

The housing shortages in many areas, as well as the labor camp conditions in some, has caused a

growing number of migrant families to live in small motels or motor courts. These are usually older dilapidated buildings, but are sometimes clean and relatively well maintained. The cost of staying in these motels varies across the State, but tends to be somewhat greater than labor camp rates and less than renting private homes in town.

Campgrounds

Some observers reported that an increasing number of migrants are staying in campgrounds. (The number of campgrounds is also increasing throughout the State.) Most of these families live in self-contained mobile vans or campers. This arrangement permits greater mobility when seeking work, but it is becoming more difficult to insure that there will be space available as more tourists hit the road in Idaho.

Parks and Riverbanks

When nothing else is available or affordable, a few migrants end up camping out in the surrounding countryside or living in their vehicles parked near city parks. In terms of adequate health and sanitation alone, these conditions are clearly unacceptable alternatives for housing over a period of weeks or months.



5. Complaints and Legal Recourse

There are currently no complaint mechanisms operating that effectively address serious housing concerns of migrants and seasonal farmworkers. Internal complaint procedures at labor camps, housing projects, or in private onfarm housing are entirely dependent on management's responsiveness. In many housing enclaves, there is neither a clear understanding of mutual rights and responsibilities nor a clear procedure to be followed when rules are violated by either party in the relationship. Because of the lack of accessible information about ownership, in some instances it is difficult to determine who is responsible for correcting a complaint situation.

Very few persons interviewed are familiar with the existence, much less the jurisdiction, of regulatory agencies to which complaints might be addressed, or know how an aggrieved party might proceed to file a complaint (except the representatives of those agencies who described their own procedures). This situation was as true of staff members of migrant advocacy groups and organizations providing services to farmworkers throughout the State as it was of the farmworkers.

Institutions set up to handle complaints have not directed their efforts to the special needs of migrant and seasonal farmworkers in past years. These agencies are chronically underfunded and understaffed, and the migrant has gone unnoticed. There is some suggestion of immediate attention to this omission, however, in the case of at least two organizations within the State, the Idaho Human

Rights Commission and the Migrant Law Unit of Idaho Legal Aid Services.

Housing has not been a major source of complaints filed with the Idaho Human Rights Commission, although it does have power to investigate complaints of discrimination in real estate transactions.¹ The agency had received only nine complaints on the issue in fiscal year 1977, two of which came from Chicanos. None of these complaints were by migrants.

Marilyn Shuler, director of the Idaho Human Rights Commission, expressed concern about the "tremendous decrease" in the number of complaints their agency had received from Chicanos over the past year.² (There was a decrease in complaints received from Chicanos on all issues, not only housing.) She has instituted several new practices designed to improve visibility and accessibility to all Chicanos in the State and to migrants in particular, including greater use of a bilingual staff member, accepting reversed charges for long-distance telephone calls from complainants who have left the State, closer cooperation with the agency's Chicano commissioner (a former migrant), printing of outreach materials in Spanish, and building a network of contacts among minority community leaders who can refer more complaints to the Idaho Human Rights Commission than in the past. Ms. Shuler stressed the difficulties of extensive personal outreach with a staff of only four covering the entire State and emphasized the importance of referrals in their ability to provide their mandated service.

¹ Idaho Code §67-5909(7).

² Testimony, open meeting of the Idaho Advisory Committee, Caldwell, Idaho, July 15, 1978, transcript, p. 438.

The Migrant Law Unit of Idaho Legal Aid Service, created to provide the specialized attention needed by migrants (in civil cases only), began operations in 1978 covering the area from Weiser, Idaho, on the Oregon border, to Mountain Home, some 120 miles to the east, a region including approximately 70 percent of the State's migrants. The law unit is now actively advising tenants of their rights and has undertaken an aggressive outreach effort since its inception. During the first year of operation, the unit filed three major housing law cases; they anticipated being able to provide full individual legal services by August 1979.

Joseph Zuiker, director of the law unit, explains that his initial policy decision to limit attention to the southwestern corner of the State was based on funding resources. In June of 1979, they received additional funds to expand services as far as the Burley-Rupert-Paul area in south-central Idaho. Projections for serving the remainder of the State have not been announced. The need to extend these valuable services throughout Idaho is clear. Funding limitations, the unit's decision to limit their services, and no provision for special assistance to regular legal aid units in the neglected communities have effectively denied migrants in those areas equal access to the established complaint process and to any potential redress.

Idaho law contains no statutory prohibition of retaliatory eviction. The lack of such a provision places a heavy burden on any tenants, and an even more onerous one on migrants whose housing alternatives, if evicted, are more circumscribed than most complainants. Further, there is no case law

developed within the State to test the adequacy of the provisions of the law.

The most insistent problem (and one repeatedly stressed during the investigation) is the fact that the limited mechanisms available to migrant and seasonal farmworkers are not geared to migrant life. Every agency with some jurisdiction or responsibility for migrant housing/tenant rights acknowledged this situation; some agencies are beginning to address its solution. The timing in complaint handling is the largest obstacle to effective service. As Ms. Shuler explained:

In the past when people complained to us, they had probably a year wait before we could take their case out of the backlog, and so people said, "Why complain? You wait a year."

And certainly for migrants this would be terrible. They'd be back in Texas or in California by the time we got around to handling the case. This is no longer true. We do rapid charge processing, and if a complaint comes in, it's handled that day. . . and we try and do no fault settlements. And we're being very successful at it.³

When delays are unavoidable, some agencies (such as the Idaho Human Rights Commission) permit complainants to call long-distance collect to discuss their case.

Migrants who complain about their housing conditions fear retaliation, either in terms of losing their work or their access to the housing or both. Mrs. Castillo observed that people in settled rural areas and small towns have long memories and if the reprisals "do not come this year, they will come next season."⁴

³ Ibid., p. 440.

⁴ Maria Castillo, manager, American Falls Labor Camp, interview, American Falls, Idaho, June 26, 1978.





6. The Thicket of Inspection and Regulation

The nature of inspection and regulation for farm labor housing and the degree to which regulations are enforced are as varied as the types of farmworker housing that exist and the quality of living conditions they provide. The regulatory system has grown "like Topsy" since 1959, with little planning and less coordination. Since the report was drafted, coordination efforts within the U.S. Department of Labor have increased (see appendix I). What appears on paper, however, to be a dense and tangled thicket of agencies and standards bears only a slight resemblance to actual enforcement practices.

The Roots and Shoots of Early Growth

Responsibility for health and safety conditions of migrant housing was originally left to the individuals or associations who furnished it, with no governmental regulation. Since the first labor camps were viewed as temporary quarters, little attention was paid to their maintenance and repair. Resultant deterioration and poor sanitary conditions caused the involvement of the State department of health in 1959.¹

The Federal Government entered the regulatory scene with the advent of Federal financial assistance for constructing new camps and repairing old ones.² Farmers Home Administration (FmHA) within the U.S. Department of Agriculture was given the responsibility for ensuring that housing built with these monies would "be maintained at all times in a

safe and sanitary condition in accordance with standards prescribed by State and local law, and as required by [the agency]."³

In 1968 the U.S. Department of Labor promulgated regulations covering the conditions of housing offered in job orders for agricultural workers under the Wagner-Peyser Act.⁴ Under the aegis of that Department's Employment and Training Administration (ETA), previously designated as the Manpower Administration, local employment service offices were to certify that the housing provided meets standards set forth by ETA in 20 C.F.R. §620 (see appendix E) before granting clearances to the recruited workers.

Other Federal legislation was created to regulate the "crewleader" system that came under public scrutiny during the 1960s. Under the Farm Labor Contractors Registration Act of 1963,⁵ the Secretary of Labor assigned responsibility to another unit within the Labor Department, the Employment Standards Administration (ESA), to ensure the adequacy of housing for migrant workers, owned or controlled by registered farm labor contractors. The congressional declaration of policy for this act states:

(a) The Congress hereby finds that the channels and instrumentalities of interstate commerce are being used by certain irresponsible contractors for the services of the migrant agricultural laborers who exploit producers of agricultural products, migrant agricultural la-

¹ See earlier discussion in chapter 3.

² See 42 U.S.C. §1484; 42 U.S.C. §1486.

³ FmHA instructions 444.4, sec. II and 444.6, sec. VII.F2(b).

⁴ 29 U.S.C. §§49-49k.

⁵ 7 U.S.C. §§2041-2055.

borers, and the public generally, and that, as a result of the use of channels and instrumentalities of interstate commerce by such irresponsible contractors, the flow of interstate commerce has been impeded, obstructed and restrained.

(b) It is therefore the policy of this chapter to remove the impediments, obstructions and restraints occasioned to the flow of interstate commerce by the activities of such irresponsible contractors by requiring that all persons engaged in the activity of contracting for the services of workers for agricultural employment comply with the provisions of this chapter and all regulations prescribed hereunder by the Secretary of Labor.⁶

Passage of the Occupational Safety and Health Act of 1970⁷ introduced yet a fourth Federal agency with regulatory jurisdiction over certain types of farmworkers' housing. As part of its concern with the condition of work sites, the Occupational Safety and Health Administration (OSHA) enforces compliance by temporary labor camps with standards specified in section 1910.142 of its regulations. (See appendix F.)

Thus, by the beginning of the decade, no less than two State agencies and four Federal ones held varying responsibilities for migrant housing conditions. Occasionally, jurisdictions overlapped so that a labor camp built with Federal assistance and owned by a farmers' association that engaged in recruiting out-of-State labor theoretically might be subjected to scrutiny by the State health department, the State employment service, Farmers Home Administration of the U.S. Department of Agriculture, as well as the Employment Training Administration and the Occupational Safety and Health Administration of the U.S. Department of Labor. In other instances, structures used to house migrant workers remained untouched by any Federal agency. Often, the regulations themselves set forth conflicting standards. In practice, however, the enforcement of this apparent welter of regulations has been spotty and uneven throughout the State. Standards that

were intended to offer a protective hedge against inadequate housing for farmworkers instead have grown into an unattractive thicket whose twisted branches, gaps, and untended overgrowth affords only minimal actual protection for tenants.

The Stunted Branch

Until 1971 the migratory labor camp regulations that had been adopted by the State board of health in 1959 guided local health department staff on extensive and thorough camp inspections. (See appendix G.) Before units were occupied each season, departmental environmentalists reviewed all complexes that included:

One or more buildings and structures together with the land, establishments, paid for, furnished or provided by the employer, or under his authority, or under his supervision, or by an individual, partnership, association independent of the employer and operated, or used, as living quarters for six or more seasonal or migrant workers with or without their dependents.⁸

"Worker" was defined in the regulations as "male persons over 15 years of age who seasonally or temporarily work in agricultural activities."⁹

Their checklist then included such items as window and door screening, the size of dwelling units and number of inhabitants permitted, safe and adequate lighting, pest control, sufficient heat and ventilation, sanitary facilities, viable flooring, and operable laundry equipment, as well as the water supply, sewage, and waste disposal. According to published reports of the Governor's Migratory Labor Committee, these regular inspections had a salutary effect on conditions in organized labor camps: only a few of the more than 70 camps in operation in 1965 failed to meet minimum standards.¹⁰

In 1971, however, the State attorney general advised the State board of health that it did not have the power and authority to promulgate rules and regulations establishing minimum housing standards

⁶ 7 U.S.C. §2041.

⁷ 29 U.S.C. §§651-678.

⁸ Idaho State Department of Health, Migratory Labor Camp Regulations, 1959, sec. I(a).

⁹ *Ibid.*, sec. I(b).

¹⁰ State of Idaho, Governor's Migratory Labor Committee, A Report on Idaho Migratory Labor Camps, October 1965, pp. 3-4.

for migratory farm laborers.¹¹ Departmental inspection of farmworker housing then was limited to water quality and the disposal of sewage and solid wastes. Approximately 6 months after this directive was issued, new regulations to replace the old standards were promised.¹² To date, none have appeared. Nor (according to health district personnel interviewed for this study) has the inspection and regulatory authority been delegated to any other agency. According to a health district employee, "Basically nobody has taken over the responsibility. It hasn't been done, to the best of my knowledge, on a State basis."¹³

During statewide reorganization of health services in the early 1970s, the newly created health districts assumed remaining regulatory responsibility for migrant labor camps. Districts continue to carry out these duties, now sharply curtailed to include only the three areas cited (water, sewage, solid waste disposal). Local districts determine the frequency of and procedures for such inspections. These district activities are no longer centralized, nor is any reporting required.

With the shift to districts, too, came variations in standards applied to facilities. Each health district is an autonomous unit governed by a health board of directors whose members are appointed by the commissioners of each district's constituent counties acting jointly.¹⁴ Because each health board determines its own district's operational policy, guidelines for subsurface sewage disposal systems lot size requirement could vary "anywhere from a quarter of an acre to 5 acres of land for a septic tank."¹⁵ (Health district rules and regulations must be approved by the State board of health.) Standards for water quality are somewhat more uniform, requiring that health units monitor drinking water for contaminants on a monthly basis.¹⁶

In practice, policy changes adopted pursuant to the attorney general's directive all but eliminated effective regulation of health conditions in farm labor housing. Under the current system, health districts no longer apply a particular definition to migrants and seasonal farmworkers, or to their housing, and give no special attention to their unique terms of occupancy. Consequently, as one health officer admitted to the Advisory Committee, his office would go out to a labor camp only "by request or due to a complaint of an unsafe condition that exists."¹⁷ The official reminded the Advisory Committee of jurisdictional limitations now strictly adhered to:

we don't have a migrant labor directive from the State that gives us power to go out and check these facilities for other things.¹⁸

If we had a complaint about the water, we'd go out and look at the water [system]. Obviously if we also saw a sewer problem while we were there, we would take whatever measures were necessary at that time. If we saw a rodent problem, we would take the appropriate action there. But we don't go out on a routine basis to check the camps for any particular thing.¹⁹

District health officials admitted that the complaints that would initiate attention from their department rarely, if ever, come from migrants.²⁰ Sometimes complaints are received from other persons about migrant camp conditions. If these are health-related and within their jurisdictional limits (i.e., garbage not collected at camps, plumbing malfunctions), the districts can approach the camp owner(s) with a letter. In the instance of imminent health problems, they can investigate at once. Health unit personnel went on to explain that they do receive complaints rather routinely from tenants in their districts other than migrants about poor housing conditions, such as broken windows and

¹¹ Neither the State attorney general's office nor the State department of health and welfare were able to provide NWRO with a copy of this directive. Statements from three district health employees in interviews by staff described the directive as stating that the health department did not have legal authority to enforce their migratory labor camp regulations. Jack Jelke, director, Southeastern, May 18, 1978; Richard Adams, director, and Bill Wood, environmentalist, Southwestern, May 15, 1978, and testimony before the open meeting of the Idaho Advisory Committee, Burley, Idaho, July 13, 1978, transcript, p. 250 (hereafter cited as Burley Transcript). Subsequent correspondence from Wayne B. Carte, M.D., medical director, South Central District Health Department, to Patricia Stell, equal opportunity specialist, NWRO, on July 27, 1979, identifies the opinion as prepared by Dwight V. Board, assistant attorney general, and addressed to Robert H. DesAulniers, assistant administrator of health, dated April 20, 1971.

¹² Patrick O'Rourke, environmental specialist, South Central District Health Department, interview in Twin Falls, Idaho, May 17, 1978.

¹³ Jaran Tolman, environmental specialist, South Central District Health Department, Burley Transcript, p. 260.

¹⁴ Idaho Code §39-411.

¹⁵ Tolman, Burley Transcript, p. 256. In a letter to Patricia Stell, on July 20, 1979, Jack Jelke advised, "The regulations for such systems are standard, except for lot size. However, this seldom causes a problem with on-the-farm housing or labor camps as they are generally located in rural areas."

¹⁶ Idaho Regulations for Public Drinking Water System, November 1977.

¹⁷ Rudy Pena, Vice Chair, Idaho Advisory Committee, Burley Transcript, p. 248.

¹⁸ Tolman, Burley Transcript, p. 247.

¹⁹ *Ibid.*, p. 248.

²⁰ Richard Adams and Bill Wood, interview in Caldwell, Idaho, May 15, 1978.

toilets that won't flush properly. Even though these circumstances are not included within their legal limits, field personnel attempt to check them out, furnish tenants with a copy of the Idaho landlord-tenant law,²¹ and explain their rights under that law. Most health administrators believe that the Idaho Migrant Council performs this same referral function for farmworkers (although they do not).

The posture of district health units regarding farmworker housing is ambivalent. Officially they demonstrate no specific interest or emphasis with any migrant housing complexes. Neither of the two administrative directors of health districts invited to appear before the Advisory Committee did so. During preliminary interviews, district directors hastened to stress the legal limitations on their coverage. Despite the official "hands-off" stance, however, health professionals interviewed expressed personal and professional opinions that many migrant camps provide unsatisfactory housing in a number of respects related to health and safety. Some individual district health workers have established cooperative working relationships with local Idaho Migrant Council offices. While these employees are motivated by a personal concern, they believe there is at least tacit approval (if not actual support) of this approach by their supervisors. District directors, as well as several of their employees, recalled previous standards and pointed out the inadequacy of current inspections. In response to an Advisory Committee member's question to this effect during the Burley hearing, Mr. Tolman readily listed several items that as a professional environmentalist he would include in a comprehensive health and safety inspection²² (if jurisdiction permitted). In addition to ensuring the existence of an adequate and safe water supply, he would also ascertain that a sufficient quantity of water existed for fire fighting. After determining that a camp's sewer system complied with applicable standards and that there were adequate facilities for garbage disposal, he added:

Maybe there are other things that should be checked. Maybe you should be checking the lead content of the paint. Maybe you should be checking the quality of the building itself.

Maybe the lumber in the construction of the building is deteriorating to the point where it isn't safe anymore. Maybe you should be checking the bedding and sofas and this type of stuff that are provided. These provide places for mice and whatnot to live. They can also be used in the transmission of various parasites. So in my opinion, these are all things that could be checked. And we run into a problem. . . it all takes money.²²

It is not a matter, then, of knowing what needs to be done, but of finding a way to do it.

Regulatory Paths Bypassed

Labor departments—both Federal and State—acquired their authority to regulate housing for migrants because housing was seen as an adjunct to their employment. As the Federal agencies assumed responsibility for regulating the traffic in farm labor, they also set standards for housing being offered to migrant workers.

State employment services, that actually operated the Employment and Training Administration's farm labor supply network at local levels, also inspected labor camps provided to house workers. The standards promulgated by ETA included sanitation facilities, adequate elevation of the housing site, sufficient size and number of windows and doors for ventilation and light, screening to cover the openings, running hot and cold water, and a minimum permissible temperature of 68 degrees (including winter months).²³

As a system requiring official job order clearances²⁴ developed, formal recruiting out of State directly by farmers and farm labor sponsoring associations diminished in favor of dealings through a "crewleader," who served as a labor broker. Some longtime observers of Idaho's agricultural industry attributed the switch to crewleaders to a deliberate effort by employers to circumvent Federal regulations on migrant housing²⁵ that forced the associations to bring the housing at least to certain standards.

Now, to avoid that, there is no recruitment. The farmers or the employers, they get their own workers whether they come on their own. . . or whatever. They [the employers] don't come to the employment service. Therefore, they are

²¹ Idaho Code §§6-316, 6-317, 6-320-6-323.

²² Tolman, Burley Transcript, p. 258.

²³ 20 C.F.R. §620 (complete text appears as appendix F).

²⁴ Pursuant to 20 C.F.R. §653.108, local employment services approve or "clear" job orders from employers seeking out-of-State agricultural workers. In their applications, employers must state all the material terms

and conditions of the employment and certify that required housing meets standards set in 20 C.F.R. §620 or 29 C.F.R. §1910.142.

²⁵ This reference is to the Wagner-Peyser Act that prohibited State employment agencies from assisting interstate recruitment of workers when housing furnished by an employer failed to meet minimum standards and the regulations promulgated to enforce this prohibition, 20 C.F.R. §620.

not subject to inspection. And consequently [the camps] are all in bad shape maybe with the exception of one.²⁶

Whatever the cause, the recruiting system did change drastically, so that by 1976 there were no requests for clearance orders placed with the State employment service at all. One employer in the State resumed use of the ETA employment service recruiting system in 1978 and 1979 and has its workers' housing facility approved accordingly. This is not viewed as a trend that other employers might follow by knowledgeable persons in the State.

The legislation, that came about to prevent abuses of workers under the new crewleader system,²⁷ extended the ETA housing requirements of 20 C.F.R. §620 to housing owned or controlled by registered farm labor contractors. Regulations promulgated under the act require approval of such housing before its use.²⁸ The Secretary of Labor assigned compliance responsibility to the Employment Standards Administration (ESA) at the Federal level and, again, to State employment services locally. This inspection requirement has no practical application in Idaho, however, because migrant housing in the State is not owned by such contractors.

These employment-related paths into the regulatory thicket, then, have been bypassed in Idaho. The department of employment may still investigate statewide employment-related complaints by migrants, but no longer has direct responsibility for adequacy of their housing. According to William Buhl, Regional Administrator for ESA, the monitor advocate for Idaho reported that no such complaints have been filed.²⁹ As a result, migrant workers are left with virtually no protection of a preventive nature under State government.

A Deceptive Overgrowth

Despite the practices that have bypassed its other regulatory avenues, the U.S. Department of Labor continues to exercise responsibility for the condition of privately owned or operated labor camps, regardless of how workers arrive at them. This inspection

function has been assigned to the Occupational Safety and Health Administration that treats the camps as a form of temporary housing. (Temporary housing is defined as housing that is not occupied throughout the year.)

OSHA's right to involvement with migrant labor housing complexes has been questioned on a philosophical level by virtually all camp operators and the associations that own them. Many of these farmers feel that the agricultural industry has been singled out unfairly by "do-gooder" organizations, and so continues to receive an unwarranted share of attention from governmental entities.

I do feel this way, that housing for agricultural employees living in a labor association [camp] comes under the purview of OSHA. And I don't know of any other industry such as General Motors or Kit Manufacturing or something like that where OSHA has any inspections [of employee housing]. They have quite a leaning towards labor association housing.³⁰

Their skepticism about the appropriateness of OSHA inspection has been heightened in the past when agency staff referred to labor camps as "agricultural work sites" to defend their challenged right to inspect. Farmers countered that no agricultural work—with the possible exception of mowing grass on the grounds and play areas—was performed at the housing sites, that are often located several miles from the fields in which tenants work. John Granchi, Assistant Regional Administrator for the Office of Technical Support, OSHA, explained labor-related jurisdiction because migrant housing is deemed to be "a condition of employment."³¹ As yet, the generalized opposition among camp owners has not been translated into an official challenge.³²

In Idaho, OSHA possesses a total staff complement of 16 to carry out its mandate of ensuring the health and safety of the State's workers. Two OSHA employees in the State are bilingual/bicultural. Because of the limited number of staff, agency policy (nationwide) has always been one of attacking the "worst first" occupational safety and health problems, defined as situations posing immediate

²⁶ Joe Figuren, testimony before the open meeting of the Idaho Advisory Committee, Caldwell, Idaho, July 15, 1978, transcript, p. 392 (hereafter cited as the Caldwell Transcript).

²⁷ 7 U.S.C. §§2041-2055.

²⁸ 29 C.F.R. §40.51(c).

²⁹ Letter to Patricia Stell, July 18, 1979.

³⁰ Tom Dunagan, manager, Marsing Labor Camp, Caldwell Transcript, p. 462.

³¹ John A. Granchi, Caldwell Transcript, pp. 559-60.

³² The overall legality of OSHA inspections without warrants was contested successfully in *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978). The complainant won his case in district court and received national publicity. That decision was upheld by the U.S. Supreme Court in May 1978 and "has affected us actually in our total operation." Agency inspectors now must obtain a Federal warrant if the ownership or management of any facility so insists. Without such a warrant, the owner can bar access to his premises by inspectors. Testimony, Richard Jackson, Area Director for the State of Idaho, OSHA, Caldwell Transcript, p. 557.

hazards to life, limb, and air pollution. Air pollution is within the agency's purview only with regard to exposures to health hazards within the workplace environment. Thus, in Idaho most of their attention has been directed to logging camps, the mining industry, and factories. Staff is based accordingly, with an area office in Boise and field stations located along the State's industrial belt, in Pocatello, Lewiston, and Coeur d'Alene. Some priority is given to complaints filed with the agency including those made by a third party. Under this system, inspection of temporary housing had always been among the lowest priorities for OSHA, whose choices are based on national statistics of relative hazard in various jobs. Administrators concede that the priority is based, at least partly, on an assumption that temporary housing would fall in the "low hazard" category, because verifying statistics are not collected on injuries in labor camps.

On May 31, 1973, Judge Charles Richey issued a declaratory judgment and injunction order that changed the existing priorities.³³ The judge found that the U.S. Department of Labor and its Secretary had permitted State employment services, that were receiving Federal funds, to violate the antidiscrimination and protective clauses that were supposed to guarantee an equitable provision of services to migrants and seasonal farmworkers. The district court retained jurisdiction over the case and on July 11, 1974, ordered the Department of Labor to take specific corrective actions. Following the Richey order, OSHA's national office issued directives that migrant labor camps be assigned equal priorities and established a quota for a specified number of inspections annually.³⁴

As a result, OSHA intensified its inspection coverage of migrant housing in Idaho during the 1977 calendar year. Twenty-eight remaining camps of the 40 listed on the Idaho Department of Health and Welfare's roster from previous years were located and 27 of these were inspected.³⁵ In 1978 the agency inspected 23 camps. In a plan approved by the national office, Richard Jackson, former director of the area office in Boise, anticipated that his staff would conduct 12 labor camp inspections during the

1979 season. (These camps are chosen to insure that problems found in preceding years have been corrected.) As of July 10, 1979, inspection of 4 of the 12 labor camps had been completed. Agency administrators explained that OSHA has tried to do more about migrant housing inspections since the Richey order came down. They pointed to a limited staff size and an extensive statutory responsibility for other industries to explain the difficulty they face in fully covering all of the areas within their purview.

In the course of a typical inspection, an OSHA representative goes to the labor camp during its occupancy season and attempts to locate a camp manager for an opening conference, explaining why he is there and asking the manager to accompany him. Participation of an employee or employee representative is also requested by the OSHA representative. He then conducts an onsite inspection according to standards set forth in 29 C.F.R. §1910.142. (See appendix I, item F.) The site visit concludes with a second conference to apprise the manager of any violations noted. Reports of site inspections are turned over to the Boise area office where they are checked by supervisors. Problem areas are referred to the area director, who also routinely runs spot checks on field inspections.

According to Richard Jackson, part of the decision to cite a labor camp for violations is based on "if they are habitually doing this or if they run through a regulatory maintenance program and take care of these things."³⁶ Inspectors also consider whether there has been a bona fide effort made to meet the standard.³⁷ Violations are classed in order of severity as either (1) *De minimis* violations, for which a notice for correction is issued, or those that may be cited including, (2) other than serious, (3) serious, (4) repeated, and (5) willful.³⁸ More than 10 citations have been issued to temporary labor camps in Idaho.

Citations are sent to the camp owner by certified mail; recipients may file a contest to any and all violations within 15 working days.³⁹ If the citation is not contested, it becomes an official order. If it is contested, the matter goes before the OSHA Review Commission (an agency independent from OSHA) that issues an order based on findings of fact,

³³ NAACP v. Brennan, 360 F. Supp. 1006 (D.D.C. 1973).

³⁴ John H. Stender, Assistant Secretary of Labor, memorandum to Barry White concerning farm labor housing inspection May 12, 1975; and Donald E. Mackenzie, field coordinator, memorandum for all Regional Administrators, subject, "Migratory Labor Camp Inspection," Sept. 7, 1977.

³⁵ On July 14, 1977, an OSHA inspector was refused entry to the labor camp at Aberdeen by a member of the controlling association's board of directors. The agency did not contest the barring because of the Barlow

appeal that was then pending before the U.S. Supreme Court. Richard Jackson, interview in Boise, Mar. 22, 1978.

³⁶ Jackson, Caldwell Transcript, p. 557.

³⁷ Jackson, Caldwell Transcript; and Eugene Price, member, Idaho Advisory Commission, testimony, Caldwell Transcript, pp. 556-57. See also appendix I, item 8.

³⁸ Jackson, Caldwell Transcript, p. 590.

³⁹ 29 U.S.C. §659(a).

affirming, modifying, or vacating the Secretary of Labor's citation or proposed penalty, or directs other appropriate relief.⁴⁰ (The agency imposes a penalty for violations that are not contested.) Penalties do not include the authority to close labor camps for violations,⁴¹ but in the event of "imminent danger situations," OSHA can "hang imminent danger signs and go into U.S. District Court."⁴² As of 1979, two labor camps had contested OSHA citations: One case was settled; the other was filed too late to be accepted.

A routine followup is not attempted for specific citations in labor camp cases. If the area office does not receive a letter describing corrections of the cited conditions, another inspection will be made of the camp. Otherwise, an owner or operator's written promise to correct the situation is sufficient. In a letter, James Lake, the OSHA Region X Administrator, advised:

The Area Director establishes an abatement date for every violation in consultation with the compliance safety and health officer and after soliciting any pertinent information from the employer that may impact on such a date. OSHA verifies abatement either through a followup inspection, receipt of an employer's assurance that abatement has been accomplished or, in special circumstances, through a telephone call. It is not enough for an employer to promise to correct. Procedures also exist in instances where abatement cannot be accomplished immediately for an abatement plan to be formulated by the employer and the Area Director. Even in this circumstance there is a requirement for reporting the completion of the abatement and, in some cases, the reporting of completion of each phase of the abatement plan.⁴³

The standards which OSHA uses for its labor camp inspections have been the source of some confusion, controversy, and concern among housing providers. These specifications, detailed in 29 C.F.R. §1910.142, were promulgated in 1971 following creation of the agency⁴⁴ and covered all temporary labor camps, regardless of owners' recruiting practices. The OSHA standards are more rigorous in

some instances than those of ETA.⁴⁵ (See chart 6.1.) Because the ETA standards remain in effect, employers who use the job order clearance system would be subject to two different sets of housing standards.

This situation and resulting attempts to clarify it engendered confusion among enforcement agency personnel, as well as camp operators. On December 9, 1977, ETA rescinded its regulations at 20 C.F.R. §620 and adopted the temporary housing standards of OSHA.⁴⁶ (The intent of rescinding the ETA regulations was to achieve a single set of housing standards for all temporary housing.) Employers whose housing met ETA standards at the time of their deletion were to be given until January 1, 1979, to bring their housing into compliance with the stricter OSHA standards. The cutoff date, however, has since been extended until such time as the current ETA rulemaking procedure is concluded.⁴⁷ Directives in 1978 from both the State department of employment and the regional ETA office notified providers that housing that complied with either section "620" or "1910.142" regulations would be acceptable for approving job order clearances.⁴⁸ In July of 1978, however, an OSHA representative told the Advisory Committee that labor camps in existence before 1971 (when their regulations were issued) were only "grandfathered" until 1972, so that in 1978 "these standards [29 C.F.R. §1910.142] apply straight across the board to all temporary labor camps."⁴⁹ Similarly, the February 1978 memorandum from the State department of employment permitted employers to certify that their migrant housing met the standards in lieu of an inspection, but the subsequent regional ETA directive (of May 1978) reversed this policy and reinstated mandatory preoccupancy inspections—using either set of standards. The Department's position as of July 1979 continues to certify camps whose owners need job order clearances by compliance with section "620" standards if they previously met these standards (or had obtained an approved variance). Other camps come under section "1910.142" requirements. In a national office OSHA instruction dated June 15,

⁴⁰ 29 U.S.C. §659(c).

⁴¹ Granchi, Caldwell Transcript, p. 587.

⁴² Jackson, Caldwell Transcript, p. 590.

⁴³ OSHA staff, Region X, "Comments on draft report of Idaho Advisory Committee relating to migrant housing. See appendix I, p. 2, item 10. (hereafter cited as OSHA Comments).

⁴⁴ Occupational Safety and Health Act of 1970, 29 C.F.R. §1910.149.

⁴⁵ 20 C.F.R. §620.

⁴⁶ 42 Fed. Reg. 62133, (codified at 29 C.F.R. §1910.142 (Dec. 12, 1977)).

⁴⁷ 44 Fed. Reg. 4666 (Jan. 23, 1979).

⁴⁸ State of Idaho, Department of Employment, Job Service Bulletin, Clearance and Immigration No. 10, "Housing for Agricultural Workers," Feb. 13, 1978; and U.S., Department of Labor, Employment and Training Administration, Region X, SESA Bulletin No. 21-78, "Preoccupancy Housing Inspections and Operation Procedures," May 19, 1978.

⁴⁹ Jackson, Caldwell Transcript, p. 554.

CHART 6.1

Comparison of Housing Inspection Standards

| | State Department of Health: Migratory Labor Camp Regulations | ETA: 20 CFR §620 | OSHA: 29 CFR §1910.142 |
|-----------------------|--|---|---|
| Authority | State board of health, per §39-101, Idaho Code (as amended), §5 and §4, para (24) | U.S. Department of Labor, Employment and Training Administration | U.S. Department of Labor, Occupational Safety and Health Administration |
| Definition of housing | employer or association-owned labor camps (including buildings and grounds) housing six or more farm-workers and any dependents. | housing facilities used by employers for agricultural workers recruited from out of State. | temporary labor housing (not occupied year-round) |
| Purpose | to ensure clean, orderly, safe, and sanitary conditions of labor camps at all times. | to correct past practices that put these workers in inadequate, unsafe, and unsanitary housing. | to ensure safe and healthful conditions in temporary camps |
| Variations | Not applicable | possible through written application to local Employment Security office and Regional ETA Administrator's approval. | possible through written petition to Assistant Secretary of Labor and approval. |
| Penalties | provided as with other health department violations, per §39-101, Idaho Code, Section 4, Part (30)A. | denial of interstate recruitment services | monetary fines of varying amounts; posting of "imminent danger" signs and resort to U.S. district court proceedings in extreme cases. |
| Site | well-drained, grade site; dwellings w/in 200' of toilet or service buildings. | well-drained, free from depressions where water might stagnate; buildings located away from offensive odors, flies, noise, and traffic. | adequate drained; graded and ditched to prevent accumulations of water; buildings more than 200' from any surface water collections; adequate size to prevent overcrowding of structures. |
| Grounds | gravelled or paved walkways to toilet or service buildings. | free from debris, noxious plants, and uncontrolled weeds or brush. | free from rubbish, debris, waste paper, garbage, or other refuse; clean and sanitary condition. |
| Recreation space | Not applicable | an amount of space reasonably related to facility size and type of occupant. | Not applicable. |
| Water supply | adequate, approved supply per State code, w/outlets easily accessible to dwellings; no common drinking vessel or any drinking fountains in toilets; sanitary-type drinking fountains. | adequate and convenient supply per State health authority standards; cold water tap w/in 100' of each dwelling (if not in unit itself); no common drinking cups. | adequate and convenient supply per appropriate health authority standards; minimum capacity of 35 gals. per person per day at a peak rate of 2½ times the average hourly demand, tap w/in 100 of each dwelling (if not in unit itself); no common drinking cups; one fountain/100 occupants. |
| Heating | properly installed and operating equipment to maintain temp. of 70°F. (when inhabited). | properly installed, operable equipment to maintain temperature of 68°F. | adequate heating equipment provided and installed per State or local ordinance. |

CHART 6.1

Comparison of Housing Inspection Standards (continued)

| | State Department of Health: Migratory Labor Camp Regulations | ETA: 20 CFR §620 | OSHA: 29 CFR §1910.142 |
|---|---|---|--|
| Electricity/ lighting | adequately lighted, with wiring conforming to State electrical code. | mandatory electric service w/safe, adequate lighting of all rooms, common use areas; minimum of one outlet per individual living-area room; adequate lighting for yard area and pathways to common use facilities. | where electric service available, minimum for each room is one ceiling fixture and one wall outlet; min. one ceiling fixture for common use rooms, w/light level of 20 foot-candles 30' from floor; light levels in living quarters min. 30 foot-candles 30' from floor |
| Structural/ Soundness | tents must be on raised flooring; all dwellings elevated above ground level; all floors impervious to water, sloped to drain in baths, etc. | structurally sound housing in good repair and sanitary condition that protects occupants against the elements; flooring of smooth finish, rigid materials, easily cleaned. | constructed to provide shelter against the elements; floors to be of wood, asphalt, or concrete in good repair and easily cleaned. |
| Living/ sleeping space and conditions | min. ceiling height of 7' ; min. 45 sq. ft. floor area/occupant (if no cooking or eating in unit); min. 56 sq. ft./occupant to a max of four persons, plus 50 sq. ft./additional person (if cook or eat in unit); beds 3' apart in all directions. | min. ceiling height of 7' in at least one-half of floor area; not less than 5' anywhere; min. 50 sq. ft. floor area/occupant in family units or single bed dorms; 40 sq. ft. in double bunk bed dorms; min. 60 sq. ft./occupant if used for cooking, eating and sleeping; separate sleeping areas for each sex; private partitioned sleeping areas for parents if children over 6 yrs. ; sleeping facilities (bed, cot) for each person; comfortable, w/clean mattresses & bedding; min. 27' between bunks, min. 36' from ceiling, | min. ceiling height of 7' ; min. 50 sq. ft. floor area/occupant in sleeping room; min. 100 sq. ft./occupant if room used for cooking, eating and sleeping; sleeping facilities (beds, cots, bunks) in each room used for sleeping; min. 36' between beds in all directions, min. 12' from floor; min. 48' between bunks laterally and end-to-end, min 27' height between upper and lower bunks; |
| Storage space for clothing/ pers. effects | Not applicable | adequate and separate arrangements for hanging clothes, storing personal effects for each person or family. | suitable facilities such as wall lockers for storing clothing and personal articles. |
| Cooking space and conditions | common kitchen/dining area not to be used for sleeping; furnishing and equipment well made, clean, lead free; floors of nonabsorbent material. | common food handling areas not to be used for sleeping, min. equipment, furnishings, refrigerators named, wall and floor surfaces of nonabsorbent, easily cleaned material. | no direct opening from living or sleeping quarters to common kitchen or dining hall; min. one stove/10 persons or one/two families, and housed in an enclosed, screened shelter; sanitary facilities provided for food prep and storage |
| Ventilation/ light | min. window area = at least 10% of floor area of each room; at least one window or skylight per room opening to outdoors. | min. window/skylight area = at least 10% of usable floor area, at least one window/skylight per room opening out-outdoors; total openable area = 45% of window area (or equivalent mechanical ventilation). | min. window area = 10% of floor area, total openable area = 50% of window area. |

CHART 6.1

Comparison of Housing Inspection Standards (continued)

| | State Department of Health: Migratory Labor Camp Regulations | ETA: 20 CFR §620 | OSHA: 20 CFR §1910.142 |
|------------------------|---|--|--|
| Screening | 16-mesh screen on all exterior openings during fly and mosquito season or other means to control insects. | 16-mesh screen on all outside openings; tight-fitting screen doors in good repair, w/self-closing devices. | 16-mesh screen on all exterior openings; self-closing devices on all screen doors. |
| Rodent, vermin control | all dwellings kept free of vermin, insect, or rodent infestation. | housing and facilities kept free of insects, rodents, other vermin. | effectively prevent infestation or harborage of animal or insect vectors or pests. |
| Sewage disposal | public sewer system or in accordance w/ State code. | effective system (public sewer or per State health authority); no discharge or accumulation on ground surface. | connect to public sewers (where available). |
| Garbage disposal | portable, vector-proof garbage cans w/lids and handles, 20-32 gal. capac.; clean and close to dwellings; emptied twice-weekly May to Oct., weekly thereafter. | durable, fly-tight, clean containers, min. 20 gal. capacity adjacent to each living unit; min. one/15 persons; collected twice weekly (or more often if necessary). | vector-proof, clean containers approved by appropriate health authority w/in 106' of each shelter; min. one/family; emptied when full, min. of twice weekly. |
| Toilet facilities | separate for each sex, water-flush or privy; lavatories w/hot & cold running water; one toilet and one urinal/30 males; one toilet/15 females, toilets in separate stalls. | separate for each sex, clearly marked in English and predominant language; clean, sanitary, well-lighted and ventilated; w/in 200' of dwelling units; adequate supply of toilet tissue; one unit/15 occupants. | separate for each sex, distinctly marked in English and occupants' language; lighted day or night; w/in 200' of door of each sleeping room, accessible w/out passing through any sleeping room; ventilating window of min 6 sq. ft.; clean; adequate toilet paper; one unit/15 persons; additional specifications for urinals. |
| Shower facilities | separate facilities w/hot and cold running water, min. one shower and one lavatory/30 persons of each sex; in womens' units, min. 32' x sq. w/ individual dressing area | separate facilities w/hot and cold running water for each sex; clean, sanitary, w/in 200' of living unit; adequate, dry dressing area; one lavatory and one shower head 15 persons; shower heads 3' apart, 9 sq. ft. each unit. | adequate supply of hot and cold running water; rooms heated to min. 70°F. in cold weather; clean bldg.; one shower head /10 persons and one handwash basin/family or 6 persons. |
| Laundry facilities | hot and cold running water; one unit/30 families (double tray laundry units or washing machines). | hot and cold water under pressure; one laundry tray or tub/25 persons or one mechanical washer/50 persons w/one tray/100 persons. | hot and cold running water; slop sink in each room; facilities for drying clothes; one laundry tray or tub/30 persons. |
| (Fire) safety | covers electrical appliances, stoves and heaters, ducts to outside, chimneys min. no. of exits, stairways, landings, porches and balconies. | construction and maintenance per State laws; fire extinguishers of min. capacity w/in 100' of each unit. | Not applicable |
| First aid Measures | Not applicable | first aid facilities provided and kept readily accessible at all times; min. one Red Cross-type kit/50 persons. | adequate first aid facilities approved by a health authority for emergency treatment of injured persons, readily accessible and in charge of a trained person. |
| Disease control | staff and equipment in common cooking facilities to be clean and free from dust, dirt, insects and other contaminating material; kitchen staff to wear clean outer garments, keep hands clean; handwashing facilities to incl. warm running water, soap, and individual towelling | Not applicable | common kitchen facilities in accordance w/USPHS regulations; camp superintendent to report to health authority immediately presence in camp of any communicable disease, suspected food poisoning, or the unusual prevalence of any illness w/specified symptoms |

1979, that agency clarified its inspection procedures. (See appendix I, item 7.)

Some camp operators believe that the more stringent OSHA standards are too restrictive. They point out that compliance with the "620" regulations assures migrants of safe and decent housing, and the increased requirements under "1910.142" regulations do not necessarily mean a corresponding improvement in labor camp dwellings. (For example, OSHA regulations require 50 square feet per occupant for a room used for sleeping purposes: ETA standards call for 40 square feet. ETA requires that toilet rooms be well ventilated: OSHA specifies size of window. OSHA specifies details of a camp's water supply and establishes a minimum requirement of one drinking fountain per 100 occupants: ETA requires that the water supply meet applicable State standards. ETA requires that electricity be provided to all housing sites and that common-use areas, yards, and pathways be adequately lighted: OSHA specifies the number of fixtures in common-use rooms—but does not mention outdoor areas—and delineates minimum light levels in candle-feet. ETA requires that comfortable, clean sleeping facilities be provided for each person in a dwelling: OSHA specifies minimum spacing around the beds by the inch.) In one case described to the Advisory Committee, the reasonableness of the OSHA regulations was questioned:

Well, I think the . . . 1910.142 has gone far afield. Prior to any regulation, we began a refrigerated air conditioning program. And although we were in compliance with the present regulation, 10 percent of the floor space being glass and windows and 50 percent of that—we felt to workers' benefit more comfortable living to have air conditioning, and we were installing that. Now the 1910.142 regulation . . . I believe it is—disallows any supplementary mechanical ventilation. Some of the older buildings do not have [the amount of openable windows required by the . . . regulations]. They were constructed prior to any housing standard, although they do have showers, toilets, and this sort of thing. And it's not acceptable. I don't know what the board of directors will determine to do with that.⁵⁰

OSHA standards, however, do not explicitly *prohibit* air conditioning or any supplemental mechanical ventilation, but they do not offer it as an acceptable alternative in the regulations;⁵¹ ETA regulations specifically mention mechanical ventilation as an alternative.⁵²

Similar dissatisfaction was expressed by housing providers with the continuing alterations in compliance standards applied to them. Harold Vogt, a member of the board of directors for the Marsing Labor Camp, recalled, "Each set of houses that we built, we had a new set of regulations, and the previous ones wouldn't match it, I'm sure."⁵³

Farmers further complain that they had no opportunity to comment on the OSHA regulations, because they were adopted without public hearing. Under Section 6(a) of the Occupational Safety and Health Act, national consensus standards may be promulgated by the Secretary of Labor within 2 years of the act's effective date, without public hearings.⁵⁴ John Granchi, Assistant Regional Administrator for Technical Support in OSHA's Region X, admitted that "1910.142" standards are "consensus standards" promulgated by the Secretary of Labor without input from the general public, but explained that they were developed by experts through the American National Standards Institute and are not the creation of OSHA bureaucrats. He stated, "These standards, incidentally, came to us from the private sector. These standards are standards that the farm community should have been aware of well before OSHA."⁵⁵ Mr. Granchi concurred with the farmers' view that reactions from those members of the public who are involved directly with a given situation are useful in reminding the people who write regulations of differences that exist throughout the country. He and his regional office staff offered their comments:

We may not agree with the national office. We're closer to the problems than the national office is. They're just too remote from, say, this part of the country.

So we can contribute a lot of important information to these standards from this area.⁵⁶

Mr. Granchi said, "We do give everybody sufficient time and the privilege to comment on any stan-

⁵⁰ Dunagan, Caldwell Transcript, pp. 463-64.

⁵¹ C.F.R. §1910.142(a)(f).

⁵² C.F.R. §620.7(h).

⁵³ Caldwell Transcript, p. 468.

⁵⁴ 29 U.S.C. §655(a).

⁵⁵ Granchi, Caldwell Transcript, p. 543.

⁵⁶ *Ibid.*, p. 580.

dards. . . [except] where the Assistant Secretary was able to promulgate standards without the usual hearings."⁵⁷

OSHA field staff has been told that the agency intends to revise its standards for temporary labor housing. In 1974 changes were proposed that would have resulted in a less stringent regulation. Public hearings were held around the country, including one in Portland, Oregon, at which the farm community and labor expressed their opinions. Comments from these hearings caused the Assistant Secretary of Labor to withdraw the proposal in 1976. According to Mr. Granchi, whose primary responsibilities entail developing and interpreting standards for Region X of the agency:

Shortly after that, there was some further work done on these standards, and then they were laid aside. And at this time I can't tell you whether anything is being done on new standards or not.⁵⁸

New standards are still promised, but none have appeared yet:

I do know that at one time they set a target date, I believe, for the spring of 1977 for the promulgation of new standards. However, that was never met. We've had so many changes in administration and then other priorities came up especially in the health field. We've been concentrating mostly on toxic substances lately as far as standards are concerned.⁵⁹

For a while we had somebody working on migrant or seasonal or temporary housing standards in Washington, D.C. And then. . . there was a gap, and I don't think anybody's working on these standards now. . . .⁶⁰

They haven't changed, and I don't know when they will change.⁶¹

The last activity about migrant housing standards that Mr. Granchi could recall was in August 1977.⁶² Variances can be granted to "1910.142," however. The procedure is built directly into the law.⁶³

For instance, if an employer feels that he cannot comply with the letter of the standard but he can come up with equal alternate type of safety

or health, then all he has to do is apply for a variance through the Assistant Secretary of Labor.

And if they do find that he is providing equal alternate safety, then of course, it will be approved.⁶⁴

Applications for variances are made directly to the national OSHA office. Although authority to grant them rests solely in Washington, D.C., recommendations by regional and area offices can influence that decision. Such advice is often requested by headquarters' staff and may involve a field visit by local staff to confirm the situation. Mr. Granchi could remember no variances that had been granted in temporary labor housing.⁶⁵

The length of time required to work through the agency's variance process depends on the situation concerned and on the current backlog of requests, but averages approximately 6 months. Inordinate delays can be avoided if the person requesting a variance also asks for an interim order that can be granted immediately and would prevent any citations until a final decision is made on the variance itself.⁶⁶

According to OSHA Regional Administrator James Lake, "The variance process is quite simple and is described at 29 C.F.R. §1905."⁶⁷ Unfortunately, the apparently simple variance procedure is not widely known among camp operators and owners. None of these individuals interviewed during the course of the study were aware of either the possibility of variances or the procedures required to obtain them. When questioned about exceptions to OSHA's rules, Tom Dunagan answered, "I haven't found it as yet. There may be a waiver clause in there in a bundle of paperwork to do."⁶⁸

Gaps in the Protective Hedge

Despite the several regulatory jurisdictions described earlier in this chapter, a number of gaps remain in the system intended to insure adequate housing for farmworkers. There is little or no coordination between the regulatory agencies—Federal, State, or local—and even less systematic cooperation with service or advocacy organizations (that

⁵⁷ *Ibid.*, pp. 584–85.

⁵⁸ *Ibid.*, pp. 553–54.

⁵⁹ *Ibid.*, p. 554.

⁶⁰ *Ibid.*, p. 578.

⁶¹ *Ibid.*, p. 579.

⁶² Interview in Seattle, Washington, May 12, 1978.

⁶³ 29 U.S.C. §655(d) and 29 C.F.R. §1905.

⁶⁴ Granchi, *Caldwell Transcript*, p. 543.

⁶⁵ *Ibid.*, pp. 544–55.

⁶⁶ *Ibid.*, pp. 544–55.

⁶⁷ 29 C.F.R. §§1905.10–1905.16.

⁶⁸ OSHA Comments, p. 3, item 14.

⁶⁹ *Caldwell Transcript*, p. 464.

work with migrants and might function as effective complaint mechanisms). Knowledge of what the various regulatory agencies do and do not cover is scant, both among their field staff and in the community at large. Consequently, enforcement of standards in housing that migrants occupy is erratic and uneven, with serious health and safety deficiencies going uncorrected.

The absence of housing regulation and effective complaint mechanisms in the private rental market (see chapters 4 and 5) leave a particularly glaring gap that affords landlords a high potential for exploitation and abuse of tenants. Illustrative of this is the experience of Benito Contreras. Mr. Contreras found a two-bedroom house to rent in Nampa after much searching. He, his wife, and four children—aged 6, 5, 3, and 2—occupied the house with:

no lights, no water, no windows, no furniture, no toilets, no shower. So I had to fix that. I built a shower and had to put some wiring inside for the lights and had to make—well, they're not windows. They're a piece of board just to hold the wind out.⁶⁹

Plumbing in the Contreras house consisted of cold water piped into two sinks in the kitchen. A single straight pipe and a length of flexible metal tubing drained waste water through a hole in the floor and dumped it in the open space under the house. Because there were no toilet facilities at all in the house, Mr. Contreras built an outside privy. There were unconnected wires protruding from the walls and baseboards when the Contreras family moved in. Mr. Contreras did not know if they were live or not so he did not touch them. He did install additional wiring for light bulbs because the existing fixtures short-circuited and blew fuses each time the door opened and closed.

When Mr. Contreras complained to the landlord about these problems, the landlord promised some assistance with the needed repairs. According to Mr. Contreras:

He said, "well, just clean up the rooms. I'll bring you the paint. I'll bring you some lumber. I'll bring you everything. Just fix it up." That's what he said 3 months ago, but he never did bring me nothing to fix it up.⁷⁰

Once Mr. Contreras and his family occupied the house and began repairs on his own, the landlord refused to reimburse him for the cost. The stove provided did not work. When Mr. Contreras asked the landlord to repair it, he was given \$10 to buy a replacement. Because this was not enough money to purchase even a used stove in operative condition, Mr. Contreras said he "walked out to the other house that was empty. There was a little stove, so I took it into my house. It's only got one (burner) that works."⁷¹ Mr. Contreras paid the landlord \$80 per month to rent his house. He paid his own utilities. A \$40 deposit was required on the house.

A further weakening of the protective hedge occurs when regulatory enforcement results in voluntary closure of labor camps by camp owners who resent government regulation. These closures not only eliminate badly needed housing, but may also leave migrants to rely on dwellings that are not regulated at all. Threats of such closures in response to regulation were voiced by camp operators throughout the study.⁷² Hector DeLeon, deputy director of IMC, believing the threats are serious said, "Pressure on the farmers by government will result in the farmers shutting down what housing they have. Farmers will close down the camps."⁷³ Some of these closures have already taken place. The Upper Snake River Beet Growers Association owned and operated the Rockford Labor Camp in southeastern Idaho for "between 10 and 15 years,"⁷⁴ but closed it before the 1978 season because they were no longer "willing to put up with the hassles"⁷⁵ of operating a labor camp. Gary Love, a member and past president of the association, defined those "hassles" as "too many rules and regulations" and "too much government intervention."⁷⁶

Some advocates of farmworker concerns protest unduly rigorous attention to inappropriate standards, both because of the hostile reaction they engender in camp owners and subsequent closures and also because such activity may well give the appearance that "something is being done" about a problem, when the net result is to effect no change in people's living conditions at all.

Andrew Thomas, a staff attorney for 3 years with Idaho Legal Aid Services specializing in housing law, summed up this problem:

⁶⁹ Caldwell Transcript, p. 344.

⁷⁰ *Ibid.*, p. 347.

⁷¹ *Ibid.*, p. 346.

⁷² An example, Lee Stroud, Burley Labor Camp manager, interview in Burley, Idaho, Feb. 15, 1978.

⁷³ Hector DeLeon, interview in Boise, Idaho, Feb. 17, 1978.

⁷⁴ Gary Love, farmer and member of the Upper Snake River Beet Growers Association, interview in Aberdeen, Idaho, May 18, 1978.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

I will say that some regulations that are intended for the benefit of migrant housing people do not in actuality benefit them. They become too arbitrary numbers. I think we ought to be more concerned about conditions of housing than 34.6 feet. You know what I'm saying. It isn't a question of numbers. It's a question of reasonable standards.

The same thing with OSHA. It's not a question of whether the toilet handle is 3 foot 2 inches. It's a question of whether the plumbing works. And to the extent that regulations are too arbitrary, they hurt the farmers and they hurt the migrants, because it doesn't relate to the public purpose that we're behind.⁷⁷

⁷⁷ Caldwell Transcript, p. 454.



7. Funding Resources: A Money Merry-Go-Round

Construction, maintenance, and renovation of housing occupied by migrants and seasonal farmworkers is funded in several ways. Some labor camps and onfarm housing are paid for entirely by private individuals or farm labor sponsoring associations. Other camps were built originally with the assistance of Federal loans or sugar companies, but are now operated solely with private funds. Farm labor housing authorities are subsidized by Federal monies under the Farmers Home Administration (FmHA) grant-loan program. A few migrants are assisted by the Department of Housing and Urban Development (HUD) rent subsidies or live in low-income public housing projects financed by HUD. A public corporation, the Idaho Housing Agency (IHA), is considering new program possibilities that may provide some funding resources for farmworkers' housing in the future.

The "Private" Role: Individual Farmers and Associations

In recent years, the price of construction, maintenance, and repair has risen sharply. Farmers state that their net incomes have not kept pace with these cost increases. Some private housing providers feel that too stringent regulations add to this cost burden, making it even less feasible for private sources to fund the housing. Harold Vogt, a farmer and long-time member of the Marsing Farm Labor Association, spoke to the Advisory Committee about the current need for farm labor housing:

Personally, I don't think the need's ever diminished any. The need's still there. But the farmers just can't afford to keep them [camps] up.

I think if the financing was easier. . . the farmers would build more of their own housing. And I think you'd find if the restrictions were less that the individual farmers would put in their own housing for their workers.

OSHA and health restrictions—that's the biggest problem, and trying to get financing, too.¹

Some farmers do provide a part of their own housing, generally for year-round workers or regular returnees. Caught in the cost squeeze, those with substantial labor needs during the peak seasons cannot afford to underwrite the costs of private housing for a sizable labor force.

One farmer who talked about the difficulty of getting financing was Mel Funk. Mr. Funk said he needs and wants additional housing for his employees, but can no longer afford to bear the construction costs himself. In lieu of providing housing on his farm, he underwrites the costs of intown rentals in nearby American Falls for some workers. He also belongs to the Power County Farm Labor Sponsoring Association, but finds neither of these approaches wholly satisfactory for him or for his workers. For 2-1/2 years Funk attempted to get a loan from Farmers Home Administration, but was unsuccessful:

I knew that the Farm Home had programs set up for migrant labor housing, and I tried to obtain a loan from those people back in 1971. . . it was quite a lengthy process. . . to make a long story short, I was very disappointed in the outcome.

¹ Open meeting of the Idaho Advisory Committee, Caldwell, Idaho, July 15, 1978, transcript, p. 477 (hereafter cited as Caldwell Transcript).

It just took a lot of meetings and a lot of time in trying to get approval from one committee and another committee and you've got to be able to be turned down by the bank but still good enough for the FHA [FmHA], which is a very, very thin line. . . .

What we need is to be able to borrow the money and have maybe a 20-year period to pay it back at a low interest rate.

But then, I believe, one of the FHA [FmHA] stipulations at that time was that as soon as you could get financed through a bank, you had to pay them off and borrow through a bank, and they just made it very discouraging.²

Other individual farmers, rather than deal with the difficulties of constructing new buildings, use trailers or old outbuildings to house workers on their land. Some purchase units from old camps that are closing; if these facilities are movable, they are usually poorly constructed wooden buildings and are often in disrepair.

Many farmers approach the labor housing problem by banding together in associations, seeking to meet camp costs by assessing people who use the labor. These associations explain they are not always well financed; indeed, additional charges may have to be levied at the end of a season if operating costs exceed the estimate on which an initial assessment is based.

A further complication arises when farmers in an area make no contribution to the operation of labor camps whatever, although they may occasionally use workers who are housed there. Some labor associations combat this problem by making it a condition of residence that migrants work only for their members. The Marsing Labor Camp encourages local farmers to belong to the association by assessing all employers of migrants who reside at the camp and charging nonmembers 2 percent more than the members.

With few exceptions, farmers' associations throughout the State believe that they haven't enough money to operate and maintain the labor camps as well as they would like. Managers of older camps, while admitting to the poor repair of their buildings, claimed that they would have to raise rents significantly if major rehabilitation were to be undertaken. Those associations that resist extensive

housing improvements make a similar argument against replacing camps by pointing to the prohibitive cost of constructing new housing. As private nonprofit associations, they are ill equipped to undertake such sizable ventures alone, and FmHA financing is difficult to obtain. Many farmers interviewed do not seek any Federal assistance because they do not want the "government interference" they believe comes with accepting grants, loans, or other subsidies.

Some association camp managers indicated that their reluctance to initiate major rebuilding projects or to construct new farm labor housing is based on the migrants' unwillingness to pay the higher costs such projects would engender. (Rents in the Burley and Twin Falls area camps are now \$7-\$13 per week and \$14-\$30 per week, respectively; rents in the nearby Paul Housing Authority are \$16-\$20 per week.) Lee Stroud, manager of the Burley and Kenyon Labor Camps, stated that if a new camp/housing authority on the order of Paul (see chapter 4) were constructed at today's costs:

we would have to have a lot more rent than we are collecting now from them [migrants]. And I haven't been able to find anybody that would want to pay more rent to justify such a camp. I have talked to quite a lot of them out there [at the camps], and they are just not in sympathy with that. Some of them say "Well, I would like to have a better house."

I say, "Well, would you want to pay for it? Would you want to raise the rent to do this?" They say, "Absolutely no."³

Richard Sweet, manager of the Twin Falls Labor Camp, explained:

You are going to have to raise your rent. And the migrant people aren't going to stand for it, so I have the feeling that you are probably going to end up with a labor camp that they will say, "Well, the heck with you. If I am going to pay, you know, \$120, \$200, or \$150, whatever, for a couple of rooms, I'd just as soon go downtown and get a big house with another family and rent a big house."⁴

Mr. Sweet has also given thought to the option of seeking Federal financing, but again anticipated tenants' opposition to the higher rents he believed would be necessary. He said, "Do you put yourself

² Open meeting of the Idaho Advisory Committee, Burley, Idaho, July 13, 1978, transcript, pp. 145-47 (hereafter cited as Burley Transcript).

³ *Ibid.*, p. 202.

⁴ Burley Transcript, p. 206.

in a position where your rooms, instead of being \$14 or \$10 or \$8, they are going to be \$20, \$30, \$40? The migrants aren't going to go for this."⁵ However, none of the associations taking such a position about necessary rent increases provided cost figures to substantiate these assertions.

Experiences in filling the Paul, Wilder, Hazelton, and other farm labor housing authorities show that the tenants renting these units include migrants paying rents that are sometimes slightly higher than in neighboring camps. (Other tenants are farm laborers who may once have been in the migrant stream.) Some representatives of community organizations expressed a belief that local residents oppose farm labor housing authorities because such desirable dwellings encourage migrants to "settle out" and become permanent residents.

Associations that have seriously explored Federal loan programs through Farmers Home Administration or, as in the case of Marsing that used such loans previously, no longer look to that source as a realistic provider of monies because of the liability incurred by individual members. Tom Dunagan of the Marsing Labor Association explained that:

if a labor association desired funding through the Farmers Home Administration, they could obtain it provided that each farm employer guaranteed his proportionate share of that housing for a period of 33 years.

Farmers don't know what they're going to raise next year in total. . . . sugar beets are about down the tube because of price adjustments. We don't know what hybrid corn is going to do. The mint growers haven't sold their '76 crop, much of it yet, let alone the '77, which is apparently going to outproduce their '76 crops.

These things change, and who knows. If you can tell me what you're going to be doing 33 years from now, you're ahead of me. That's one of the worst things we're faced with.⁶

As a result, several of these associations that have indicated their commitment to providing decent housing, but no longer find it feasible to do so privately, are turning to farm labor housing authorities.

Public Monies

Funding that may be applicable to farmworker housing needs is administered by either of two Federal agencies: the U.S. Department of Housing and Urban Development and the Farmers Home Administration of the U.S. Department of Agriculture. A third type of public agency is the State or local organization, such as the Idaho Migrant Council or the Idaho Housing Agency, that directly administers programs funded, at least in part, through a contract with one of the Federal agencies. The following pages summarize the operations of the three types of funding sources and assess their utility for migrants and seasonal farmworkers.

Although responsibility for funding farm labor housing is dispersed among several agencies, their staff members serving Idaho make some efforts to avoid oversights in the distribution of monies. Boise officials of HUD coordinate their efforts closely with those of Farmers Home Administration and the Idaho Housing Agency in an attempt to ensure good and equitable coverage of the State by HUD's rural programs. After each agency makes its tentative allocations for the year, representatives meet and negotiate their respective plans before making final allocations for rural housing expenditures throughout the State.

U.S. Department of Housing and Urban Development

Monies available from HUD are not readily awarded to provide or upgrade migrant housing. Reno Kramer, supervisor of the HUD service office in Boise, explained that HUD funds are not specifically designed to address migrant housing problems, nor does the agency have any special provisions for the unique needs of migrant workers or migrant families. (Migrants and other transients are not excluded from tenancy in HUD projects by explicit policy or rule; they simply are not targeted for special attention or funding.)⁷

Many routine agency procedures, however, operate in such a way as to obstruct regular use of HUD-funded housing by migrants and their families, because migrants are transients and the regular procedures are not set up to accommodate their life pattern. The most pronounced problem is HUD's common practice of establishing waiting lists for public housing space. This precludes realistic expect-

⁵ Ibid., pp. 206-07.

⁶ Caldwell Transcript, p. 485.

⁷ Caldwell Transcript, pp. 592-93.

tations of service to migrants because of their transiency: a family following the crops has moved on before their number comes up. Policies that routinely require a minimum 6-month lease and also the sizable advance deposit usually stipulated before moving into public housing discourage migrant tenancy. The migrant family needs housing immediately and for only a few months or weeks. They cannot wait for a unit to become vacant. A migrant family is usually at its lowest financial ebb upon arrival in a new area (before completing their first week's work).

The policy setting rent ranges (based on a formula applied to families' net wage or income) also impedes access to public housing by seasonal farmworkers. Rent ranges are intended to make housing projects self-supporting. The rent range policy computes a "net wage for the family" based on gross income and numbers of children. The family's rent is set at 25 percent of that "net wage". Rents are divided into different levels or ranges with a limited number of units allocated to each rent range. The use of rent ranges to determine the availability of units often means that the poorest families may wait 3 years for a vacancy in their rent range, while those who can afford the highest rents may qualify for immediate occupancy. Because seasonally employed farmworkers rank in the lowest income bracket, they are among those persons most likely to be affected adversely by the policy.

The proximity of most large public housing projects to towns and cities may not be the most functional location for agricultural workers' housing in geographically extensive States like Idaho. Although these larger projects have the highest numbers of tenant turnover (and therefore the shortest waiting period), the time and expense required for travel between town and work sites may outweigh any cost advantage afforded by living in this type of subsidized housing.

An agency reorganization that took place in mid-1978 moved most of the HUD program staff and functions from Boise, Idaho, to Portland, Oregon, some 428 miles away. In this shift the agency became physically less accessible, and it lost staff members who were bilingual and whose work had proven especially valuable among Chicanos in Idaho, further diminishing HUD's service capability to migrants. None of the 23 staff members remaining in

Boise are bilingual. At least one community agency that works with HUD and is involved in providing low-income housing reported increased difficulties in communicating quickly and efficiently with the agency after the transfer.⁸

Although they are not designed especially for farm labor housing, a few HUD programs can be used to alleviate the problems faced by migrants and seasonal farmworkers during their stay in Idaho, if agencies and communities working with these programs choose to do so.

For fiscal year 1979, slightly more than \$3 million of block grant funding was allocated to the State of Idaho for use by small cities. A provision of the block grant program permits municipalities to furnish housing counseling for low-income and minority persons. This counseling can assist them to find better housing by acquainting them with all of the housing alternatives available in their community. A program of this type could be useful in serving migrant and seasonal farmworkers who have the least familiarity with a given community. Several service agencies are considering this possibility, but it has not yet been extensively explored or tried in the State. Mr. Kramer cautioned against any high expectations about the use of block grant money for housing counseling:

Again, I must stress that these funds are not very easily directed related to migrant housing because. . . unless the city, the municipalities, local governments such as cities or counties include this in their program, in their application, it [the block grant program] does not relate to the migrant housing.⁹

HUD does require community participation in determining how the money will be spent, but migrants may not be in the area when choices are made. Block grant applications now are reviewed in the Portland area office. Agency staff based in Boise have no involvement with review of these grants and make no recommendations regarding their disposition.

HUD also oversees Section 8 of the U.S. Housing Act of 1937, as amended by Title II of the Housing and Community Development Act of 1974, which established the housing assistance program¹⁰ that provides rent subsidies for lower income families. The subsidies may be set up to provide housing

⁸ Jeanne Troutner, Southwestern Idaho Cooperative Housing Authority, interview in Caldwell, Idaho, May 16, 1978.

⁹ Caldwell Transcript, pp. 595-96.

¹⁰ 42 U.S.C. §1437(f) (Sup. V 1975).

assistance payments either for existing buildings or in conjunction with the construction of new units. A departmental formula has been devised to insure that participants in the program will pay a maximum of 25 percent of their income for rent. The rate actually paid by tenants may vary from month to month depending upon the tenant's income, family composition, or the extent of exceptional medical or other unusual expense.¹¹ While not specifically targeted at farmworkers, these programs would seem to offer the sort of flexibility needed by migrants and seasonals.

In practice, however, the HUD Section 8 program for existing housing often does not reach the farmworker because it is not structured in terms of the realities of migrant life situations. Participation in the program requires that a family's current or prospective housing be decent, safe, and sanitary.¹² As a representative of the Idaho Migrant Council explained:

This first assumes the family is already housed, and in most cases, the farmworker is desperately trying to locate housing. Secondly, the program assumes that the existing dwelling will be in good condition. Migrants don't have the time or money to shop around for the best choice of housing so the dwelling unit would rarely meet HUD-approved standards.¹³ Other, more specific standards that are aimed at insuring an acceptable quality of housing for tenants also may thwart attempts by migrants to receive Section 8 rent subsidy. For example, Federal regulations stipulate that approvable housing must have one bedroom for every two people.¹⁴ Although certainly a desirable standard, this item alone precludes participation by many migrant families who cannot locate units in rural or isolated areas that are both large enough to be acceptable and are available to them.

Section 8 subsidy programs generally are administered by local agencies that contract with HUD. The Idaho Housing Agency currently assists tenants of some 700 units of existing housing. (The number of migrants or seasonally employed farmworkers among these tenants is not known.) Southwestern Idaho Cooperative Housing Authority manages the

subsidy for 290 units, including approximately 39 seasonal farmworker families. Agencies administering Section 8 programs believe that they have often been instrumental in encouraging landlords to repair and improve private housing, but concede that the program is of limited practical use to migrants. They view the subsidy program as a transitional aid, helping some families who are settling out of the migrant stream to move into better housing.

HUD programs, such as Section 8, actually operate to the detriment of migrants in some instances. Numerous studies, conducted at all levels of government, show a shortage of housing available for low-income persons throughout the country. Migrants and seasonal farmworkers, whose incomes traditionally are among the lowest in the Nation, are seeking housing in sparsely populated regions, where there is little or no excess housing in existence. In these areas, rent assistance to low-income permanent residents may operate so as to inflate local rents and compound the problem of migrant families who try to rent private housing. In response to Advisory Committee questioning about this possibility, Mr. Kramer agreed:

Definitely. If there's a tight housing market, then obviously it [subsidy] would make it extremely difficult for the migrant worker to find housing. I was thinking of the Twin Falls area. . . .¹⁵

Mr. Kramer also conceded that HUD programs are not designed to compensate for this effect on migrants when this situation occurs.

There's no compensatory [program] in HUD. There may be in Farmers Home [Administration]. There should. I would think that their program is supposed to provide for that.

But I understand through testimony I've heard that it doesn't meet the needs.¹⁶

Idaho Housing Agency (IHA)

A public corporation established by the State legislature in 1972,¹⁷ the Idaho Housing Agency finances construction and permanent mortgages of multifamily buildings through the sale of tax-exempt bonds in the national private market. The agency

¹¹ Bond Prospectus, Idaho Insured Section 8, Assisted Housing Bonds, 1977, series B, Nov. 17, 1977, p. 13.

¹² Teresa Daus, housing development officer, Idaho Housing Agency, Burley Transcript, p. 300.

¹³ Ricardo Garza, acting manager, Idaho Migrant Council, Training Center, Caldwell Transcript, pp. 368-69.

¹⁴ Daus, Burley Transcript, p. 300. In this instance, "bedroom" means a room whose primary purpose is for sleeping and is not interchangeable with "room" in general.

¹⁵ Caldwell Transcript, p. 602.

¹⁶ *Ibid.*, p. 603.

¹⁷ Idaho Code §§67-6201 to 67-6225.

then administers Section 8 rent subsidy programs, providing real estate tax shelters for the private investor. Maximum return to the developer is 6 percent. IHA has given no special attention to farmworker housing concerns, although farmworkers might occupy any of their regular units. (All of these units are in towns.)

IHA representatives explained their decision not to approach migrant housing problems in terms of an assumed undesirability by investors to build rural housing because of the limited return from seasonal occupancy. HUD requirements concerning water and sewer connections pose additional problems. Although the agency is not precluded by its charter from engaging in a housing project located in a remote or less populous area, IHA staff simply does not believe that such a project would offer either sufficient appeal or returns adequate to retire the bonds, and so has chosen not to explore the possibility.

The founders and staff of IHA have worked assiduously to develop a fiscally sound and stable corporation. As a group involved both in governmental subsidy programs and with the world of private finance, they feel themselves to be under considerable scrutiny and are acutely conscious of their public image. Neither the board of commissioners nor the administrators of the agency are interested in undertaking a project with the degree of risk involved in farmworker housing that is unsupported by government subsidy.

IHA staff further explained that while their involvement in private bond sales theoretically enables the agency to finance any sort of low-income housing program, the amount of subsidy available from HUD imposes a practical limit on their ability to issue bonds that are attractive from an investor's standpoint. At the present time, the demand for these necessary subsidy monies exceeds the supply. IHA already has several feasible projects "in the pipeline" that are being developed in anticipation of the next HUD allocations.

The question of funds earmarked for particular target groups introduces a complication in the event that IHA should consider developing a farmworker housing program with the aid of Section 8 construction monies. Affirmative action requirements promulgated and enforced by HUD entail special efforts by the contracting agencies to attract minori-

ty tenants.¹⁸ Fair housing laws bar agencies such as IHA from restricting their programs to groups such as Hispanic persons.¹⁹ IHA can and is, however, designing and financing projects to meet the unique needs of elderly or handicapped persons, with every expectation that such persons will be the sole (or nearly sole) tenants of these projects. They feel this approach poses no conflict with fair housing regulations because HUD earmarks portions of the Section 8 subsidy budget to serve the special needs of those groups. No similar earmarking exists for migrant workers.

IHA currently makes extra efforts to encourage minority persons to apply for their assistance programs. (These are spelled out in plans approved by HUD's regional office.) Field representatives are based in the north-central, south-central, and eastern regions of the State, as well as in Boise, to make services more readily accessible. Brochures are printed in Spanish and English. There are no bilingual staff currently employed with IHA; bilingual assistance is made available through a cooperative arrangement with the Idaho Migrant Council.

The Idaho Housing Agency offers an intriguing merger of public and private approaches to the housing market and one that seems to have special appeal in a conservative State known throughout the Northwest for its outspoken opposition to most forms of government subsidy. This public acceptability and their potential flexibility suggest that IHA might someday be able to perform useful services in meeting the need for farmworker housing, if they choose to do so. A combination, however, of the agency's newness, its guiding policies, and the Federal regulations under which it operates, indicates that this source of funding will furnish no immediate solution to problems that now exist.

Farmers Home Administration (FmHA)

Most of the public funding for farm labor housing comes from the Farmers Home Administration and is administered in the form of loans, grants, or a combination of the two.

The objective of loan assistance, as stated in FmHA instruction 444.4 is "to provide decent, safe, and sanitary housing and related facilities for domes-

¹⁸ 24 C.F.R. §200.620(a).

¹⁹ 42 U.S.C. §3604(a).

tic farm labor to be located in areas where a need exists."²⁰ Loans may be made to individual farmers or private farm associations who wish to "build, buy, or repair" housing for farmworkers. The repayment term is 33 years. Field staff explained that loans are approved on a "case-by-case" basis, with no formal guidelines applied in their review.²¹ Farmers or associations receiving these loans must be able to secure them to the satisfaction of an individual loan officer, who determines if granting the request meets "sound loan practice" standards. Persons or groups seeking these loans must show that they are unable to obtain the financing from other sources.

Grant loans may be made to a broadly based, nonprofit or a public organization under FmHA instruction 444.6:

to provide decent, safe, and sanitary low-rent housing and related facilities for domestic farm labor when there is a pressing need for such facilities in the area and there is reasonable doubt that the housing can be provided without grant assistance.²²

Up to 90 percent of the development cost can be an outright grant, with the remaining 10 percent of a loan made at 1 percent interest for 33 years. The farm labor housing authorities in Idaho have used this program to build the farmworker housing communities at Paul, Wilder, and Hazelton, among others. By the summer of 1978, FmHA had made a combined grant-loan of \$5,623,940 to six farm labor housing authorities in Idaho. Of this amount, \$3,661,820 was in the form of direct grants and the balance in loans at 1 percent. (See table 7.1.)

FmHA has, according to its representatives, few foreclosures. In fact, the agency goes out of its way to avoid exercising this "power." As Joe Dalton, the agency's rural housing specialist, explained, "We would then have the housing on our hands and probably wouldn't recover much, if any, of the loss. What is the value of a 50 unit labor camp?"²³ Instead, FmHA staff try to find out the reason for loan defaults and to help the recipient work out financial arrangements to continue operations, either

by deferring payments or by making additional small loans. They may also permit another association (community agency or public housing authority) to assume the loan, with necessary adjustments in terms and interest rates. Early in 1978, FmHA did this to maintain farm labor housing at the Hammett and Grand View Labor Camps built in 1978 by a farmers' association.

There are other FmHA programs which, while not directed specifically to migrant or seasonal farmworkers, can (or have been) used to meet the group's housing needs. (See table 7.2.)

The 502 program²⁴ has provided loans to some farmworker families to finance construction of their homes under a self-help housing effort sponsored by Idaho Migrant Council. IMC's technical assistance, including outreach to familiarize people with the project and supervision of the actual construction, has been funded through the FmHA's 523 program.²⁵

Under the agency's 515 program,²⁶ multifamily rural rentals can be built outside the city limits of a community, if there is some assurance that residents will have access to needed services. This requirement has been interpreted in the State as within a 5-mile radius of a town or city. Idaho Migrant Council is exploring this possibility, which would keep farmworkers' housing accessible to services and avoid the isolation some labor camps have experienced in the past. The major barrier to IMC participation has been a FmHA policy that limits loans or grants to "local" organizations of farmers and/or farmworkers. Because IMC is a statewide organization, it has not been eligible for this type of funding for the construction and administration of housing.²⁷

Farmers Home Administration is designed to be the Federal agency with primary responsibility for providing and assisting farm labor housing. In practice, however, experiences with obtaining money from FmHA for migrant housing that were described to the Advisory Committee were mixed.

Components in the agency policy governing construction of farm labor housing provide careful guidelines. A community's involvement with and

²⁰ U.S., Department of Agriculture, Farmers Home Administration Instruction 444.4, "Farm Labor Housing Loan Policies, Procedures and Authorizations," sec. II, June 10, 1979.

²¹ Eldon Westergard, FmHA, interview at Pocatello, Idaho, May 19, 1978. Program staff at the headquarters office stated that specific guidelines do exist; William Tippins, FmHA headquarters staff, telephone interview, Aug. 15, 1979 (hereafter cited as Tippin Telephone Interview).

²² U.S., Department of Agriculture, Farmers Home Administration In-

struction 444.6, "Farm Labor Housing Grant Policies, Procedures and Authorizations," June 10, 1971, sec. II

²³ Joseph Dalton, interview at Boise, Idaho, Mar. 20, 1978.

²⁴ 42 U.S.C. §1472.

²⁵ 42 U.S.C. §1490(c).

²⁶ 42 U.S.C. §1485.

²⁷ Hector DeLeon, deputy director, Idaho Migrant Council, interview in Boise, Idaho, Feb. 17, 1978.

TABLE 7.1
Funding by Farmers Home Administration in Idaho

| Name of project | Loan | Grant | No of units |
|------------------|-----------|-------------|---|
| Wilder Labor | \$395,000 | \$1,400,000 | 80 |
| Hazelton Housing | 115,860 | 643,800 | 100 |
| Marsing Labor | 149,560 | 643,200 | 68 |
| City of Paul | 255,950 | 404,150 | 80 |
| City of Marsing | 632,200 | 101,100 | 40 |
| Caldwell Housing | 413,550 | 480,570 | 112 apartments 47 individual houses |

Derived from: Joe T. McCarter, State Director FmHA, letter of Mar. 22, 1978, to Bruce Bishop, formally of NWRO. Updated by Mr. McCarter, telephone interview on Aug. 3, 1979, with Patricia Stell.

TABLE 7.2
FmHA, Programs Usable for Farmworker Housing

| Program | Type | Use | Eligible recipient |
|-------------|------------|---|--|
| Section 502 | loan | self-help housing for detached individual units | family or individual |
| Section 514 | loan | domestic farm labor housing | individual farmer or farm labor sponsoring association |
| Section 515 | loan | multifamily rural rental projects | local organization |
| Section 516 | grant loan | domestic farm labor housing | broadly based nonprofit or private organization |
| Section 523 | grant | housing technical assistance | community agency |

desire for housing must include careful planning of the venture. Repayment terms (and consequently rents) are adjusted realistically to accommodate seasonal occupancy. The dwellings must be of high structural and aesthetic quality. Provision is made for FmHA inspection of existing projects to insure their continued livability. The housing provided through grant loans to farm labor housing authorities at such places as Paul, Hazelton, and Wilder demonstrate the successful implementation of these programs.

Some difficulties with FmHA policies and practices surfaced during the course of the Advisory Committee's study. One involved the size of recipient associations. FmHA described its most likely loan or grant candidates as "broadly based associations" normally consisting of a minimum of 25 volunteers from various sectors of the community.²⁸ These citizens provide a service to the community without compensation. Their participation entails a goodly number of hours, lengthy meetings, and dealing with complex regulations and financial arrangements. In some of the State's smaller, more remote communities, several people may want to form an association, but their ranks may number less than 25. FmHA representatives, however, were unable to predict whether or not this minimum number could be waived. Such a policy does not appear realistic in Idaho, when the most critical need for farm labor housing is in the isolated, less populous areas.

FmHA will make loans and grants only after property options are obtained and engineering and architectural studies prepared. These studies and options are expensive to prepare. Engineering and architectural firms are often unwilling to provide their work on the uncertainty that the agency will approve the funding application. Thus, individuals, private associations, or public housing authorities must have some seed capital before they receive any aid from FmHA. Because most applicants have limited resources available to them—after all, individuals must be sufficiently bad risks to have been denied bank loans—this practice offers a serious stumbling block for those least able to surmount it.

The most common problem that applicants for FmHA money encounter is the lengthy time period between submitting their proposal and the agency's decision on it. According to persons interviewed

and those appearing before the Advisory Committee, delays of more than a year in processing proposals often occur, although a completed proposal includes comprehensive studies showing engineering and architectural feasibility, secured property or option, and proof of fiscal responsibility when it is submitted to the agency. After a wait of a year or more, the application still may be denied.

As FmHA funding becomes increasingly less accessible and less attractive to private individuals, more communities are considering the creation of farm labor housing authorities to meet the needs of workers in their areas. Both old and new projects of this type offer enticing examples of success.

Considerable controversy has arisen in the State over FmHA's policy of close proximity: that is, requiring farm labor housing authority projects to locate within a 5-mile radius of the nearest town. Supporters of the policy argue that this will facilitate inclusion of farmworker families and children in the life of the community and make schools, medical, and other services more accessible than they have been in the past. They contend that removing the isolation of farmworker housing will eliminate much of the stigma previously attached to living "at the camp." They also charge that any reluctance to situate projects in or close to town is grounded in a racist desire to segregate farmworkers who are predominately Chicano.

Those who oppose the close proximity policy contend that housing is best located where the work is, whether that is within 5 miles of a town or not. They point out that housing complexes built close to settled areas often are occupied by workers in the packing and processing industries instead of migrants or seasonal workers for whom it was intended, leaving the farmworkers shelterless once again. They deny the allegations of racism. Isolation and distance, they say, is a fact of life for most rural people, regardless of color or national origin. Nor, they remind policy backers, is proximity any guarantee of welcome into a community.

The difficulties posed by this policy issue and other problems outlined above are vividly illustrated by what can euphemistically be termed "The Rupert Situation."

²⁸ Burley Transcript, p. 283.

A Case Study: Rupert, Idaho

Rupert is a town of 4,600 located near the center of Minidoka County in south-central Idaho. The local economy is based on agriculture, with sugar beets as the predominant crop. Each year a major part of the State's migrant work force comes to the communities in Minidoka and adjacent Cassia County. Most of these farmworkers live in seven privately owned labor camps in the two-county area, virtually all of which are in poor condition. The largest of these is the Wilson Camp near Rupert that houses 350 people. Idaho's first farm labor housing authority (described in an earlier chapter) is also situated in Minidoka County, some 6 miles west of Rupert near the town of Paul.

Living conditions at the Paul Housing Authority furnish a sharp contrast to those in nearby labor camps. Farmers in the immediate Paul area believe that their good housing helps them to attract and retain a stable labor force of excellent quality. With an eye to matching the success of their neighbors in Paul, a number of citizens in north Minidoka County have spent more than 4 years trying to obtain FmHA financing to replace the seriously dilapidated housing at the Wilson Labor Camp. To date, they have encountered inflexible policies, a welter of regulations from Federal agencies, and little willingness from the agencies involved to work with them toward a common goal.

There is widespread agreement in the county that the Wilson camp must be replaced. The buildings are small single rooms, made of plywood nailed onto a frame of two-by-fours. There is no water inside the units. Plumbing consists of a common shower facility and toilets and a central water source. The grounds are packed dirt with no grass. Local service organizations refer to the Wilson camp as one of the worst labor camps in the State. John Cameron, a local businessman engaged in the effort to provide replacement housing, described the camp to the Advisory Committee:

There are some chickens coops, as far as I am concerned, totally inadequate, dilapidated, not livable but are being lived in.

It's really in a bad situation, because it's not an adequate camp by any stretch of the imagination. However, they have screens on the doors and adequate windows and they have a com-

mon shower facility. . . . They have done everything they can do to make it as livable as possible with what they have, which is very little.²⁹

OSHA inspected the camp in 1977 and levied fines for several violations. The State health department has also inspected the camp's housing and "threatened to close them down for the last 2 years. Probably the only reason they haven't is because of the effort we have been trying to put forth to set up a new camp."³⁰

The Northside Growers Association, which owns and operates the camp, acknowledges the extent of the problem. For more than 8 years they have sought funding to help them provide better housing. The association commissioned an architectural feasibility study that estimated the cost of replacing the camp at \$600,000. The association approached the Small Business Administration for a loan to cover that expense, but did not pursue their application when they learned that the members would have to individually guarantee repayment.

In 1971 the county commissioners appointed the Minidoka County Housing Authority to provide farm labor housing through FmHA programs, just as the Paul Housing Authority had done. After 4-1/2 years of meetings and negotiations, the project is at an impasse. John Cameron, one of those named to the housing authority, summarized the problem:

we think we know where the camp should be, and it doesn't comply with Farmers Home Administration requirements.

The basic disagreement is that [FmHA's] requirements say that labor housing will be adjacent to the city, hooked up to the city sewer system and water system, basically to integrate the migrant workers with the town people and try to upgrade their standards of living, which I concur with to a degree. But our thinking, as far as Minidoka is concerned, is that we have presently a labor camp at Paul. And if you're familiar with the geography of the county, you'll realize that that's toward the west end of the county.

The beet growers, who are in the Northside Growers Association which comprises 143,000 acres, want to have a camp in their area so that they'll have first draw on the labor, not second draw.

²⁹ Ibid., pp. 213 and 222.

³⁰ Ibid., p. 222.

And of course, with [FmHA's] requirements, you are building labor housing, not migrant labor housing, but labor housing period. So anyone who worked for Simplot's Feed Yard or any of the large farmers as a full time employee—tractor driver are eligible to live in this housing as well as migrant workers.

Therefore, we feel that if we build a new migrant housing facility in next to town, we'll defeat the purpose of having housing available for migrant workers, which is what we are after in the first place.³¹

Perceptions of Equal Access to Funding

In addition to problems caused by confusing and inflexible policies, Commission staff heard allegations that discriminatory behavior may have hampered or prevented some persons from obtaining financial assistance from Farmers Home Administration.

On two occasions in the spring of 1978, young unmarried females complained to a community agency's staff member in the Caldwell area about the attitude of local FmHA officials when they applied for loans to build self-help housing. Upon hearing details of the loan interview, the staff member believed that there was a possibility of bias by the FmHA staff in terms of the applicant's sex and marital status stating, "some of their questions were questionable." He spoke with the persons involved, who agreed to discontinue such questioning, but the women had moved on in search of other housing.

More serious and widespread are allegations that membership in a particular religious group can play a significant part in determining whether or not loan applications are approved. During the investigation, several people suggested that affiliation with the Church of Latter-Day Saints (Mormons) influences FmHA loan determinations throughout the State. This proved to be a difficult matter to investigate conclusively. Individuals interviewed by staff expressed great reluctance to be openly identified with the allegations: those in public service feared political repercussions; others simply did not want to be labeled religious bigots by raising the issue.

A sufficient number of complaints have been made, however, to warrant internal agency investigations by departmental inspectors. In 1976 a team of these investigators was called in from the Port-

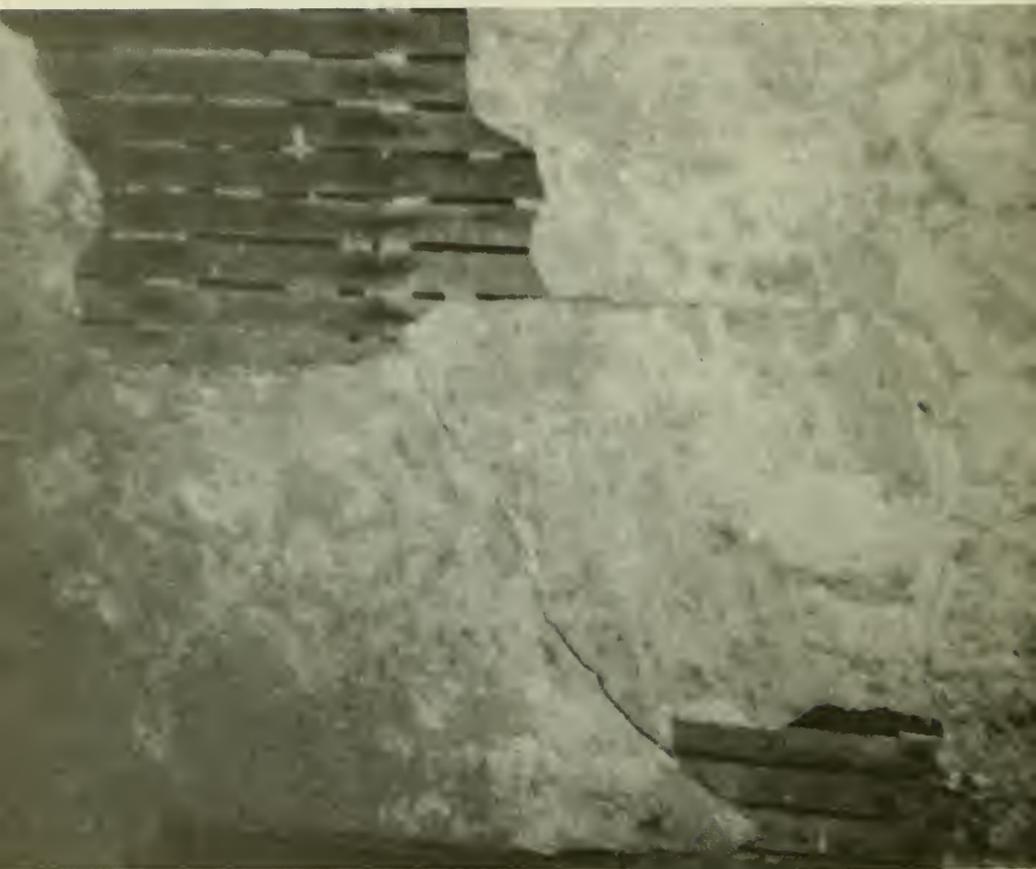
land district office by the Idaho State Director of FmHA to look into the area office operations in southwestern Idaho. State officials did not make the results of this investigation public, but promised complainants that the situation would soon be cleared up because the person in question was due to retire in the near future. Some of the complainants believed that this response did not constitute a satisfactory solution. The individual was shifted to a lesser position and has now retired. The agency does not report on either the accuracy or inaccuracy of charges that religious discrimination does exist in Farmers Home Administration. William Tippins, an equal opportunity officer for FmHA nationally, acknowledges this difficulty, but pointed out that the agency can only respond to complaints and must rely on citizens to file charges. Mr. Tippins and the State FmHA Director, Joe McCarter, stated, however, that complaints are taken seriously and are investigated swiftly.³²

Similar beliefs were expressed to Commission staff regarding FmHA operations in the central and southeastern portions of the State, as well. The alleged preferential treatment of Mormon applicants by Mormon staff is described as "a problem" by farmers who have been denied loans, those who haven't, and by representatives of community agencies. The consensus is that membership in the LDS Church "plays a part" in loan approvals and denials. This perception is based on personal observations that a disproportionate number of loans were approved for Mormon applicants as compared to non-Mormons seeking assistance. Because of this prevailing perception, some farmers say they have not sought FmHA funds.

Most of the people expressing this concern believe that some efforts have been made by the current State Director of FmHA to correct the discriminatory practices of the past. In light of the pervasive nature of this belief throughout the State and the chilling effect it has on participation in FmHA programs, the agency should address the issue openly. A thorough investigation is needed to determine the accuracy of these charges. If they are found to be true, specific and immediate corrective actions should be taken, including redress for those harmed by past practices. If the allegations are found to have no basis, then documentation would be available to support the agency's denials.

³¹ Ibid., pp. 214-15.

³² Joe T. McCarter, telephone interview, Mar. 29, 1979; and Tippins Telephone Interview



8. The Mechanization Controversy

Many farmers in the south-central and southeastern sections of the State assert that mechanical innovations and refinements of agricultural chemicals will bring about a drastic reduction in the need for hand labor and, therefore, for farmworker housing. The accuracy of their predictions is contested by others, including some of their peers. The debate poses a critical issue in assessing the future need for migrant and seasonal farmworker housing, because conclusions arising from it will influence plans and policies that affect this housing for years to come. The two opposing positions were summed up during testimony at the Idaho Advisory Committee's open meeting by farmers and farmworkers, by farm camp managers and labor contractors, and by an equipment sales representative.

One of those who anticipate the rapid displacement of hand labor is Lee Stroud, manager of the Burley Labor Camp in south-central Idaho. Mr. Stroud explained the position of his farm labor sponsoring association:

We had 15,681 acres total grown in Cassia County this year. Twenty percent of this is machine thinned. Now that shows to me that definitely we are not going to need as much labor in the future as we have had in the past.

They claim there's a herbicide coming out, and we are very near to it. . . kill[ing] these weeds in our beets as we have in the potatoes—I guess you all know we have got a chemical now in the potatoes so we don't need any weed

workers. . . . If we can get this to the beets, the same as we have in the potatoes, which they say we are very close to, we won't need this labor.¹

Most of the farmers (and others) who argue that mechanization will replace hand labor believe that the change is imminent. One witness anticipated that "migrants will probably be gone in another 6,8,9,10 years."² Another witness believed the remaining time for migrant workers would be even shorter: "maybe 2 or 3 years."³

Other members of the agricultural community predicted that neither mechanical nor chemical improvements will substantially reduce the numbers of farmworkers needed in the near future. Adherents to this belief cited several reasons for their position. Most persons stated that while advances have been made, reliable technology—mechanical or chemical—that could replace hand labor simply is not available yet. Mel Funk, a farmer, described his experience while farming in southeastern Idaho:

I have heard testimony here today in regard to the possible mechanization of the sugar beets in general and possible. . . need of the migrant laborer, and I would like to just say that I have raised sugar beets since 1961 every year till now, and the past 3 years, I guess, I have grown around 1,000 acres of sugar beets or in excess of that. And in the past years, we have tried every new chemical that comes out. We are constantly experimenting with them and using different ones to control our weeds. I have tried or watched every mechanical thinner there is. I

¹ Open meeting of the Idaho Advisory Committee, Burley, Idaho, July 13, 1978, transcript, p. 182 (hereafter cited as Burley Transcript.)

² Richard Sweet, manager, Twin Falls Labor Center, Burley Transcript, p. 205.

³ Lee Stroud, manager, Burley and Kenyan Labor Camps, Burley Transcript, p. 205.

have owned an electronic one for 5 years, and I just sold it this past year because of the very poor jobs they do. . . . I just can't foresee in the future that we could ever completely, 100 percent mechanize or do away with the migrant laborers. There's just no way.

From anything I have watched and seen and every chemical that I have used and tried. . . [to replace hand labor] would be virtually impossible, I would think.⁴

On the other side of the State, Tom Dunagan of the Marsing Farm Labor Association told the Advisory Committee:

For instance, we have a mint grower in our area who's been using cinnabar.⁵ This year it didn't work. Don't ask me why. He'd like to know too. He spent a bundle on that 1,000—1,200 acres. The fact is there's workers there this morning [hand labor to weed the crop], and he's going to start harvesting [in 2 days].⁶

Several persons indicated that machines may sometimes work with certain crops, but they are not necessarily any cheaper to use than hand labor:

I see many beet fields every year in my travels in job development, and what works this year don't guarantee it for next. Under ideal conditions, perfect planning, perfect germination, perfect weather, yes, a mechanical machine will do a job. It may cost you more than hand labor.⁷

Mechanical cultivation and harvest is wholly inappropriate for other crops (such as peaches, cherries, corn, mint, or onions) that require more delicate handling to satisfy the consumer.

But as long as we want fresh fruits and vegetables on America's tables, we're going to continue to use hand labor.

When you want to go to all canned things. . . all canned produce, nothing fresh. . . then no, there will be no more hand labor.⁸

A number of people also challenge the quality of work performed by machines, regardless of the crop

involved.⁹ Migrants who testified claimed that mechanical thinning of sugar beets requires a followup hand labor that is even more difficult and time consuming than the entire process is without such "aids."¹⁰ They were joined in this assessment by Mel Funk who described the product of an electronic thinner, "the stand [crop to be harvested] that is left is so erratic and poor, in my estimation, that it's a very unsatisfactory job."¹¹ Funk went on to confirm that in his experience, use of such a thinner "definitely decreases" the yield per acre of his sugar beet crop.¹²

Some farmers also expressed their awareness that the nature of farm work has changed over the years, but that "even machines need skilled operators and repair." John Cameron, the part owner of a large farm equipment business who might be expected to state a strong case for mechanization's future, shared his perspective:

As I see this thing, in the next 20 years, I think we are going to have a continued need for migrant workers.

I'm in the implement business, and we sell automatic thinners and equipment to eliminate weeds and we are a long ways from totally eliminating hand labor, as far as I'm concerned. We have made some good strides. And if some of the herbicides come along and can kill these weeds with post emergents, we may eliminate some more. But there is still going to be a need for tractor drivers and truck drivers and harvest workers. But I see no way we are going to totally eliminate in the near future [migrants]. . . .¹³

There was some agreement that in view of the increasing costs of electricity, petroleum products, and petrochemicals the trend toward mechanization might be slowed. Farming might—if the labor supply were available—become a little more labor intensive and a little less energy intensive. Proponents of imminent mechanization minimize this possibility by pointing to evidence of a consistent decline in the recorded numbers of migrants coming to the State over the past years—a fact that they feel

⁴ Burley Transcript, pp. 332-33.

⁵ Cinnabar is a chemical weed inhibitor.

⁶ Open meeting of the Idaho Advisory Committee, Caldwell, Idaho, July 15, 1978, transcript, p. 484.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ The discussion does not include potatoes that are successfully mechanized during cultivation and harvest.

¹⁰ Maria Castillo, manager, American Falls Labor Camp, and Irma Gomez, migrant farmworker, Burley Transcript, pp. 69-71.

¹¹ Burley Transcript, p. 334.

¹² *Ibid.*, p. 335.

¹³ *Ibid.*, pp. 223-24.

proves their position, despite countervailing arguments advanced by other farmers.

Although available statistics conflict regarding the total number of farmworkers, all sources indicate that the number of documented farmworkers has decreased. As noted in a subsequent chapter, however, the number of farm laborers illegally in the State is conceded by informed observers to be substantial and growing, so the actual total population of farmworkers is unknown. Idaho Migrant Council representatives also reminded the Advisory Committee that the decline in numbers of migrants during the 1976 season was due, at least in part, to poor crops resulting from the severe drought of that year and not to sudden strides in mechanization.

The debate about numbers of migrants is closely linked to housing concerns. Migrant advocacy groups allege that the claims by some farmers regarding more machines and fewer migrants is a pretext used to mask their refusal to repair, renovate, or rebuild decrepit labor camps. These groups believe that such farmers continue to house people in unacceptable dwellings rather than spend any of their profits to improve them. The workers, faced with a scarcity of alternative housing, will have to continue to live in dilapidated, unsafe camps if they

want to work in the area. There are indications that in such cases farmworkers may choose to work elsewhere. Migrants interviewed during the course of the study frequently mentioned the quality of housing as influencing their work and travel patterns. Members of several farm labor sponsoring associations, who operate labor camps, and members of farm labor housing authority boards repeatedly expressed the opinion that poor housing is one of the factors that contributes to a decreasing migrant labor force in a particular area.

The ultimate success of technological advances and their effect on the numbers of migrant workers will be known only with the passage of time. The weight of evidence obtained during this investigation, however, indicates that migrant and seasonal farmworkers are not going to be substantially displaced by mechanical or chemical substitutes in the foreseeable future. Therefore, housing plans in the State will have to consider farmworkers' needs. Even if the number of migrants does diminish, those who come to work in Idaho still need decent housing. There can be little argument made against the responsibility of those who provide housing to maintain dwellings for people in a decent, safe, and healthful condition.



9. The Particular Plight of the Undocumented Alien

Housing is one of several serious problems faced by farmworkers who are in the county illegally. The presence of large numbers of undocumented workers is conceded by virtually everyone in the State: farmers and farmworkers, public and private agency workers, labor camp managers, elected officials, and the press. An undocumented farmworker faces a particular plight, however, because no one can acknowledge his individual existence—much less his specific problem—without incurring a legal liability to report him to the U.S. Immigration and Naturalization Service (INS). In statements made during the open meeting, several witnesses confirmed in general terms the widespread public assumptions about undocumented aliens in Idaho. Mel Funk, a farmer, agreed that there are probably such workers hired occasionally on his farm:

It's impossible to check everyone. But I would suppose that there are some illegals that help us temporarily. They come and go. It's hard to say. Some of them have passports. You just really can't tell.¹

Maria Castillo, a migrant worker and crewleader who has come to the American Falls area at the beginning of every season for the past 10 years, said of the undocumented aliens, "By the time I get here, there's a whole bunch of them already. Who brings them, I don't know."²

Lee Stroud, a labor camp manager from Burley, admits that INS finds undocumented workers at his camp "every once in a while."³ On several occasions, the press has described the flow of undocumented aliens into the State, even citing arrests of

Idaho-bound farmworkers near entry points in Arizona and California.

It is, of course, impossible to ascertain an accurate count of illegal farmworkers in the State, but some indicative figures and educated guesses are available. There are at least enough undocumented workers to necessitate Federal authorities operating a 42-seat bus from Idaho to Calexico, California, almost once a week throughout the year to deport those who are discovered. In 1978 the INS's Boise Office located 1,616 deportable aliens. The agency's Twin Falls office identified another 3,645 between July 1, 1975, and April 1, 1977. In a 1977 newspaper report, the senior Border Patrol agent at Twin Falls estimated that 10,000 to 12,000 undocumented aliens are in Idaho at any one time⁴ and almost all are engaged in farm labor. Most people closely concerned with the presence of such workers believe their numbers are increasing, while the number of legal migrants (officially counted) is diminishing. Joe Eiguren, migrant advocate for the State department of employment, estimates that the officially counted migrant stream into Idaho dropped from approximately 8,000 in the mid-1950s to some 3,600 for the 1977 harvest season. He further estimates that there were between 3,000 and 4,000 undocumented workers in the State during the same season, swelling the stream to a total of between 6,600 and 7,000.

Because they must avoid identification, alien farmworkers without papers are victimized more easily and more often than their legal counterparts. Persons interviewed agreed that when their status is known (or even suspected), undocumented workers are paid less than other farm laborers, allocated less

¹ Open meeting of the Idaho Advisory Committee, Burley, Idaho, July 13, 1978, transcript, pp. 161-62 (hereafter cited as Burley Transcript).

² *Ibid.*, p. 52.

³ *Ibid.*, p. 210.

⁴ Jim Stenger, *The Idaho Statesman*, "Illegal Aliens Follow Dream to Idaho," May 8, 1977.

desirable jobs, and often required to work longer hours. Those known to be in the country illegally almost inevitably live in the worst housing, located in the most remote areas, in order to minimize their public visibility. The great majority of undocumented workers avoid the labor camps. According to a social worker for the Idaho Migrant Council in Burley:

As far as I know, the labor camps get raided a lot more often than the other housing, so they are really afraid to live in the camps. So I don't think they are really taking the place of migrant, legal migrant, in this area, in the camps.

Usually, in this area. . .the illegal alien lives way out in the boonies, way out there in a little trailer house which is even worse than the labor camps to live in. That's where he lives, not within the camps.⁵

Housing that farmers provide for known illegal workers is deliberately placed so that it cannot be viewed readily by either the public or investigating authorities. These isolated dwellings are located on back roads, often tucked behind hills or rises. Rundown trailers are common; cinder block shells, less so. Many of the units are severely dilapidated wooden buildings, often discarded from old labor

camps that are now abandoned or torn down. Boxcars—windowless, with the wheels knocked off and simply set on the bare ground—are still being used in a few regions. Although some dwellings have an electrical line for lights, almost all of them are without any plumbing facilities. The water supply is hauled in, in milk cans. As recently as 4 or 5 years ago, illegal workers were housed in "spud cellars."⁶

Wherever they are housed, undocumented workers cannot complain about poor conditions: They just have to live with it. Those whose status is known to their employer cannot challenge the quality of housing he provides without the risk of being reported to INS and then deported. Those workers, whose status is unknown and who choose to risk living in the camps, similarly are unlikely to assert any tenant's rights and demand the correction of bad conditions, because survival for these workers depends on their continued facelessness. This situation is not apt to change. As one crewleader pointed out to an NWRO staff member, people who cannot pressure for improved conditions simply cost less to house. A farmer does not have to pay the same assessment for these "tenants" that is charged for legal workers housed at an association's labor camp.⁷

⁵ Mauricio Castillo, social worker, Burley Transcript, pp. 103-04.

⁶ Spud cellars are large underground dugouts, often topped by corrugated metal or wooden roofs, used for storing potatoes.

⁷ Maria Castillo, manager, American Falls Labor Camp, Burley Transcript, p. 52.



10. Conclusions, Findings, and Recommendations

Migrants and seasonal farmworkers in Idaho encounter numerous problems in their search for adequate housing because of the lack of sustained attention from the community at large. While some effort has been made over the years to address the plight of the State's farmworker force, the Idaho Advisory Committee realized during this study that public and governmental concern has begun to diminish, and with the waning of interest, past gains in solving the problems have been lost. Despite many improvements in housing conditions since the "Grapes of Wrath" era and since the social change efforts of the sixties, some problems remain that differ only slightly from those faced in earlier times.

If a single word were to be chosen to describe migrant and seasonal farmworker housing as it exists today in Idaho, it would be "variety." Housing is provided by private owners, farmers' associations, and government sponsored housing authorities. Some are concerned and have done their best to furnish good housing; others, unfortunately, have not. Farmworkers have been historically unwelcome in some of the communities that rely on their labor to produce crops. Some providers of housing still maintain demeaning attitudes toward Chicanos, who comprise the bulk of that labor force.

Further, a growing number of farmers question the traditional assumption that they should have to bear the responsibility for providing farmworker housing. This feeling, combined with the manner in which governmental bodies regulate and fund such housing, probably signals a trend away from privately owned and operated complexes to public ones.

Throughout the study, the Idaho Advisory Committee members and the Commission's Northwestern Regional Office (NWRO) staff discovered inconsistencies and gaps in available data concerning farmworkers and their housing. Failure of the agencies involved to apply a consistent definition to migrant and seasonal farmworkers and either compile any information or coordinate a joint use of available data makes it difficult to address subsequent concerns.

Health and safety conditions found in much of the housing visited during the course of the study revealed a poor record, indeed, in the areas of regulation and enforcement. In comparison to the improvements detailed in previous reports of the Governor's task forces (1962 and 1965), current conditions suggest that the slackening of public interest has permitted the quality of farmworker housing to deteriorate at some sites. Jurisdiction over many of the conditions either is not assigned to a regulatory body or there has been confusion about overlapping responsibilities (both among the agencies and with the community at large). As a result, much of the housing inspection that should be done routinely in order to prevent serious violations now simply falls between the cracks. Regulatory coverage of health conditions can be described as minimal, at best. Inspection and enforcement of safety requirements is uneven, and well-intentioned regulations have not always produced the desired results in practice.

Until recently, when regulation of housing conditions has not functioned properly, neither have the complaint mechanisms offered much relief to tenants

of inadequate dwellings. The Advisory Committee noted some improvement in this area with increased attention by appropriate agencies to problems that farmworkers have with housing.

Neither more effective complaint mechanisms nor improved regulation will be of much use in addressing the particular plight of the undocumented alien, who generally occupies the worst housing of all. Because their presence cannot be acknowledged officially (without deportation), neither can their housing problems be officially considered.

The availability of resources for funding either renovation or new construction of migrant and seasonal farmworker housing constitutes a major difficulty. Many existing programs simply are not designed to meet the unique needs of migrants. Other programs that could apply are not as readily accessible as they might be. New programs established for farmworkers often do not help migrants, because they are usually geared to seasonal workers or to people settling out of the migrant stream.

Considerable controversy exists in the State about the effects of increasing mechanization of farmwork and the future housing needs of farmworkers. The preponderance of testimony heard during the study suggests that total elimination of hand labor is not imminent and may never occur in some crops. In any event, those persons who work on Idaho's farms—however few they may eventually be—still need decent, safe, and sanitary housing.

Despite all of the difficulties and inadequacies of current systems and procedures, the study revealed a number of examples of good and acceptable housing for migrant and seasonal farmworkers, indicating that it is not impossible to provide. In order for this experience to become the standard throughout the State, however, concerted attention and carefully planned action by communities and agencies is needed. Toward that end, the Idaho Advisory Committee offers the following findings and recommendations:

Findings and Recommendations

Definition of Terms

Finding 1: The lack of a single operational definition of either the term "migrant" or "seasonal" farmworker has resulted in problems in identifying these persons and in providing services to them. Continued use of different definitions by Federal funding agencies hampers determinations of eligibility at the

service delivery level, so that children or adults who qualify to participate in a "migrant" program in the schools may not be eligible for a housing assistance or employment program also designed for "migrants." These variations inhibit coordination of services at the local level and collection of comparable data at all levels.

Recommendation 1: The U.S. Commission on Civil Rights should recommend that the U.S. Departments of Agriculture; Labor; Housing and Urban Development; the new Department of Health and Human Services; the Community Services Administration; and the Bureau of the Census should convene an interagency task force to formulate uniform definitions, agreeable to all, that will apply in their program determinations.

Data

Finding 2: The only information available about migrants and seasonal farmworkers has been derived from small studies of a select segment of that population or from large scale data gathering efforts that are designed for other purposes, but peripherally count these workers. Most studies produce numerical estimates of the workers that vary greatly from each other; few of the research efforts derive data about characteristics of the target population. Consequently, there is conflicting data available about the number of migrant and seasonal farmworkers, their housing status, and conditions. Program planning and funding allocations, then, are often based on differing and/or deficient data.

Recommendation 2: The Idaho Advisory Committee recognizes that the length of time needed for planning and the complexities of designing an appropriate system for counting farmworkers by the Bureau of the Census, U.S. Department of Commerce, make it impossible for such an effort to be included in the 1980 census. Therefore, the Advisory Committee recommends that the interagency task force described above evaluate their respective data resources and develop mechanisms for sharing the most comprehensive of these, until such time as the details of a special migrant census are determined by the Congressional Subcommittee on the Census.

Health Inspection and Regulation

Finding 3: There is no comprehensive health inspection or regulation of farmworker housing at the present time because no agency has a comprehensive responsibility for doing it. With the withdrawal of

enforcement jurisdiction from the Idaho Department of Health and Welfare and the reorganization that delegated that department's inspection duties of farmworker housing to district health departments, the coverage formerly provided has fallen between the cracks. As a result, numerous sites have been permitted to deteriorate seriously and deplorable health and sanitary conditions allowed to exist in some housing complexes.

Recommendation 3: The Governor should introduce legislation assigning responsibility for inspection and enforcement of health and sanitary regulations to the Idaho Department of Health and Welfare. This responsibility should include semiannual reports to the Idaho Legislature.

Finding 4: The situation of omitted regulatory coverage has been permitted to continue over a period of several years. Since the demise of the Governor's Task Force on Migrant Housing, there is no public body responsible for monitoring farm labor housing conditions in the State.

Recommendation 4: The Governor should reconstitute a task force of knowledgeable and concerned residents of the State to serve as independent watchdogs over the adequacy of farmworker housing. Members of the task force should coordinate their efforts with the Idaho Departments of Employment, Education, and Health and Welfare and the Idaho Human Rights Commission.

Safety Inspection and Regulation

Finding 5: Because of its complicated history, the responsibility for health and safety regulation of farmworker housing in its various forms is not yet clearly understood by tenants, housing providers, the general public, or by the staff of many social service agencies and complaint systems, or sometimes, even by the staff of regulatory agencies. In some situations, regulatory jurisdictions overlap, while in other instances, there is no coverage whatsoever. Recent attempts by U.S. Department of Labor, Region X officials, to clarify responsibilities appear to offer some hope in untangling this welter of directives and regulations, but their work has not been widely disseminated as yet among field staff and the general public.

Recommendation 5: The Employment Standards Administration of the U.S. Department of Labor, Region X, should instruct its migrant coordinator to prepare a brief and readable summary of regulatory jurisdictions and procedures and to distribute this

summary among those Federal agencies involved and to agencies and organizations the State task force (recommended in the previous item) deems appropriate.

Finding 6: Despite its own relatively clear regulations and directives, information gathered in the study indicates that actual current inspection practices by the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, are uneven and, according to conditions observed in some inspected labor camps by the Northwestern Regional Office staff and the Advisory Committee members, the inspection practices do not always operate so as to ensure the safety of labor camp residents.

Recommendation 6: The Regional Administrator of OSHA should institute consistent inspections of all labor camps throughout the State that are within their agency's jurisdiction. Such inspections should be conducted on an annual basis.

Finding 7: OSHA regulations governing conditions of transient labor housing were adopted without sufficient public comment to ensure their applicability. The variance process (described in chapter 6) that might resolve problems with inappropriate applications is not well known among those who provide farm labor housing or those who occupy it.

Recommendation 7a: The U.S. Commission on Civil Rights should recommend that the Under Secretary of Labor extend her recently announced policy of increased responsiveness to affected parties and conduct open hearings, with ample public notice, to review the C.F.R. §1910.142 regulations.

Recommendation 7b: The Regional OSHA Administrator should ensure that the variance process is made known to persons affected by the C.F.R. §1910.142 regulations.

Finding 8: Many dwelling units that house migrant workers pose serious hazards to occupants in the event of fire: they have only one entrance; gas or electric hot plates are located near that door; gas heaters, also near the door, often have unguarded open flames; there are few or no operating fire extinguishers available for residents' use. OSHA regulations (that now apply to most Idaho labor camps) make no provision for fire safety requirements, nor is there any inspection responsibility exercised by other regulatory agencies in this regard.

Recommendation 8: The Idaho Legislature should instruct the State fire marshal to inspect labor

camps as frequently as other multifamily complexes and at least once a year during the time camps are occupied. The legislature should also instruct the State fire marshal to enforce the State's fire prevention regulations to ensure adequate fire protection for labor camp residents.

Access

Finding 9: Some representatives of service agencies have been denied access to labor camps by camp operators. This practice imposes the desires of the camp operator on residents whose wishes may differ. In such circumstances, camp residents who pay rent to a landlord (or owning association) do not enjoy the same rights as tenants of other living arrangements to admit callers to their dwelling or turn them away, based on their own right of choice. **Recommendation 9:** Free access to labor camps should be enforced by local law enforcement officials through the courts.

Camp Management

Finding 10: The proper conduct and upkeep of labor camps depends on having an able camp manager who is available on a regular basis. Observations made during the study indicate that persons who have both the confidence of camp ownership and a respect for tenants are the best managers.

Recommendation 10: Farm labor sponsoring associations that own labor camps might develop management guidelines to achieve the proper conduct and upkeep of the camps. These guidelines should clearly assign the responsibility and authority for handling repairs expeditiously.

Bilingual Staff

Finding 11: The high percentage of farmworkers whose principal language is Spanish creates communication difficulties in the absence of bilingual persons who are readily available to translate tenants' concerns to management.

Recommendation 11: All labor camps and farm labor housing communities should employ staff who are proficient in Spanish.

Housing Deposits

Finding 12: The concept of deposits was endorsed by the majority of migrants and housing providers heard during the course of the study. Deposits required of migrants for occupancy of both labor camps and private intown rentals, however, were

found in some cases to be so high as to effectively preclude housing for a newly arrived family.

Recommendation 12a: Housing providers should institute a waiver arrangement for migrant families who do not have the deposit upon arrival, permitting tenants to defer payment until their first paycheck arrives.

Recommendation 12b: The Advisory Committee recommends that the Idaho Human Rights Commission investigate the use of exorbitant deposits as a means to discriminate against migrants as tenants.

Telephone Services

Finding 13: The lack of public telephones in working order at many labor camps cuts off farmworkers' communication with needed services, particularly emergency medical aid. The Idaho Advisory Committee heard allegations that telephone repairs at labor camps are assigned a low priority by companies operating the telephone systems.

Recommendation 13a: The Idaho Public Utilities Commission should assess the extent of telephone service in rural agricultural areas as compared to that in more populated communities.

Recommendation 13b: Telephone companies serving labor camps should install and maintain telephones in locations accessible to tenants on a 24-hour basis. Priority should be given to repair requests for those telephones because of their critical nature as communications links for migrants.

Complaint Procedures

Finding 14: Just as a clear understanding of responsibilities for inspection of health and safety conditions in housing occupied by farmworkers is lacking among migrants, service providers, and even regulatory agency staff, so is knowledge of the existence of appropriate complaint procedures scant among these same groups. In response to questioning by the Advisory Committee during the hearings, neither migrants nor representatives of groups serving them were able to name existing complaint agencies or to define their coverage and procedures for filing grievances.

Recommendation 14: Those agencies with complaint responsibilities (including the regional offices of the U.S. Department of Housing and Urban Development's Fair Housing Division and the U.S. Department of Labor's OSHA, Idaho Human Rights Commission, Idaho State Department of Health and district health departments, and the Migrant Farm

Workers Law Unit of Idaho Legal Aid Services) should undertake an extensive outreach project to explain their responsibilities and procedures for handling housing complaints to farmworkers, housing providers, and farmworkers' service agencies. This information must be provided in Spanish and English. Its dissemination should be coordinated through the Governor's task force (recommended for reactivation in recommendation 4 of this report).

Complaint Process Timing

Finding 15: Lengthy delays and backlogs prevent adequate and equitable service to migrants with housing complaints, because under these circumstances, migrants may have left the State or region by the time their complaint is acted upon.

Recommendation 15: Complaint agencies (listed in recommendation 14 above) should institute special bypass provisions for migrants to guarantee them timely service.

Migrant Farmworkers Law Unit

Finding 16: Limiting the activities of the Migrant Farmworkers Law Unit of Idaho Legal Aid Services to only a portion of the State effectively denies migrants in those remaining areas equal access to one of the established complaint processes and to any potential redress through that agency.

Recommendation 16a: While the Idaho Advisory Committee acknowledges the funding constraints under which the migrant law unit operates, we urge Idaho Legal Aid Services and its Migrant Farmworker Law Unit to make immediate provisions to extend effective services to migrant and seasonal farmworkers in those sections of the State not currently afforded legal services designed to meet their particular needs.

Recommendation 16b: The Migrant Farmworker Law Unit should continue to seek additional funding that would permit them to serve the entire State. The Advisory Committee urges that efforts be made by the Governor's Office and by the U.S. Commission on Civil Rights to support and assist the agency in its search for these needed monies.

Funding Resources

Finding 17: The unique housing needs of migrant and seasonal farmworkers are not being adequately or fully served by any of the Federal agencies (U.S. Department of Housing and Urban Development, U.S. Department of Agriculture's Farmers Home

Administration) currently providing for existing and/or new housing.

Recommendation 17: The funding and management of housing for migrant and seasonal farmworkers should be coordinated at the Federal level to eliminate the gaps and overlapping that now impede effective access to the resources designated for their use by those who provide farmworker housing. The Idaho Advisory Committee urges the U.S. Commission on Civil Rights to ask the Secretaries of Housing and Urban Development and of Agriculture to establish a coordinating board consisting of representatives of the funding units within their agencies and of the Farmworker Housing Coalition.

Finding 18: HUD's practice of including migrant housing in its general purpose category fails to recognize the unique living situation of migrants and to meet the unique needs arising from their unusual conditions. There is a precedent in the agency for addressing special needs by earmarking a portion of its budget for the exclusive or priority use of groups such as the elderly, handicapped persons, and Native Americans.

Recommendation 18: The U.S. Commission on Civil Rights should urge the Secretary of HUD to ensure that the same consideration is furnished to migrants as to other groups with unique housing situations and needs by earmarking funds for migrant housing.

Finding 19: Among Federal agencies, primary responsibility for funding farm labor housing rests with the Farmers Home Administration. For both private individuals and nonprofit organizations seeking to provide farmworker housing, the agency's loan process in Idaho is unduly lengthy and time consuming.

Recommendation 19: The U.S. Commission on Civil Rights should ask the Director of FmHA to review the agency's process and performance regarding loan applications for farm labor housing in Idaho and to make changes as necessary to reduce the amount of time between the filing of an application and when a decision is made on the application. The procedure should be simplified insofar as possible.

Finding 20: Application of a policy by FmHA administrators in the State of Idaho requiring farmworker housing complexes to be built within a 5-mile radius of towns leaves a considerable gap in the provision of rural housing in geographically extensive regions.

Recommendation 20: The Advisory Committee understands the intent behind this policy of ensuring

farmworkers access to needed community services, but reminds State FmHA officials that it is a large State and many of Idaho's rural residents live more than 5 miles from towns or cities. The Advisory Committee recommends that this operating policy be administered by FmHA in a flexible manner, with reasonable compromises permitted to satisfy local conditions.

Finding 21: FmHA guidelines for the size of its recipient associations may not always be reasonable in States like Idaho, where the most critical need for farm labor housing is in the isolated, less populous areas.

Recommendation 21: The U.S. Commission on Civil Rights should recommend that the Director of the Farmers Home Administration ensure that the guidelines governing the composition of such associations include waiver provisions regarding the number of members in order to accommodate local conditions.

Finding 22: The costs of engineering and architectural feasibility studies required in advance of FmHA funding imposes a serious stumbling block to applicants least able to surmount it.

Recommendation 22: The U.S. Commission on Civil Rights should suggest that the Director of FmHA allocate funds to cover the costs of conducting feasibility studies for those applicants without other resources.

Perceptions of Equal Access to Funding Resources

Finding 23: During its study, the Idaho Advisory Committee found that some segments of the State's population believed that religious bias plays a part in Farmers Home Administration's loan approvals and denials, and it was pointed out that this perception has resulted in a chilling effect on participation in FmHA programs.

The Advisory Committee realizes that this is a sensitive topic and one about which conclusive evidence may be unobtainable. If such a perception is permitted to continue unchallenged, however, the Advisory Committee is equally concerned that a reluctance to seek FmHA funding would seriously impair the ability of individuals or communities to provide adequate housing for migrant and seasonal farmworkers in Idaho.

Recommendation 23a: The U.S. Commission on Civil Rights should urge the Director of the Farmers Home Administration to examine agency practices carefully in an attempt to identify any activities that might give rise to such public perceptions. Agency employees should be reminded of the special responsibilities of the Federal Government to ensure that public monies are managed in an equitable fashion.

Recommendation 23b: The Equal Opportunity Office of Farmers Home Administration, in conjunction with the agency's State Director, should undertake a concerted outreach effort throughout the State aimed at reducing or eliminating any deterrent effect on loan applications that results from such a perception.

APPENDIX A

List of Private Labor Camps

Southwestern Area

- Washington County: Weiser Labor Camp
Payette County: Payette Labor Camp
Gem County: Emmett Labor Camp
Canyon County: Caldwell Labor Camp
Franklin Labor Camp
Greenleaf Farms
Idaho Golding Farms
12th Avenue Labor Camp
Melba Farms
Parma Labor Camp
Sun Valley Farms
Wilder Farms
Owyhee County: Homedale Labor Camp
Marsing Labor Camp
Elmore County: Grand View Labor Housing Complex
Glenn's Ferry Labor Camp

South Central Area

- Jerome County: Jerome Labor Camp
Twin Falls County: Buhl Labor Camp
Green Giant Farm Labor Housing
Blue Lakes Cottages
Twin Falls Labor Center
Murtaugh Labor Camp
Cassia County: Burley Labor Camp
Kenyon Labor Camp
Minidoka County: Hynes Labor Camp
Wilson Labor Camp

Southeastern Area

- Power County: American Falls Labor Camp
Mel Funk Farms
Bingham County: Aberdeen Labor Camp

NOTE: The above list contains those camps owned by farm labor sponsoring associations and the on-farm housing which this study was able to identify. It does not purport to include all such farmworker housing.

APPENDIX C

RESERVATION SHEET

NAME: _____ DATE: _____

ADDRESS: _____

PHONE: _____

DATE OF ARRIVAL: _____ CAMP ROOM NUMBER: _____

DEPOSIT: \$ _____ ADVANCE RENT: \$ _____

SUPERVISOR'S SIGNATURE

TENANT'S SIGNATURE

NOTE: To keep your reservation we must receive the English Reservation Sheet, and the advance rent and deposit by April 15. If you cannot be here by your arrival date, please let us know. If you make a reservation, and then you are not coming, your advance rent and deposit will be returned, if you let us know before April 15. For refund please send us the stub below in an envelope at the following address:

Mr. Larry Batky
Route 1, Box 171
American Falls, Idaho 83201

IN CASE OF REQUESTING REFUND MONEY TO BE SENT TO YOU, MAIL THIS PART

NAME: _____ DATE OF RESERVATION: _____

ADDRESS: _____ PHONE: _____

NUMBER OF ROOMS RESERVED: _____ AMOUNT OF PAYMENT: _____

SIGNATURE OF TENANT: _____

RESERVACIONES

NOMBRE: _____ FECHA: _____

DIRRECCION: _____

_____ TELÉFONO: _____

FECHA DE LLEGADA: _____ NUMERO DE CUARTOS: _____

DEPOSITO: \$ _____ RENTA ADELANTADA: \$ _____

FIRMA DEL CAMPERO

FIRMA DEL INQUILINO

NOTA: Para mantener su reservación, tenemos que recibir la hoja de reservación en inglés, y el adelanto de renta y depósito a no más tardar del 15 de abril. Si usted no puede llegar aquí para la fecha indicada déjenos saber cuando llegará.

Si usted hace una reservación y luego no puede venir, su renta y depósito pagado en adelantado le serán devueltos si nos notifica antes del 15 de abril.

Para ser reembolsado, favor de mandarnos el talón de abajo en un sobre a la siguiente dirección:

Mr. Larry Batky
Route 1, Box 171
American Falls, Idaho 83201

EN CASO DE REEMBOLSO DE DINERO, MANDE POR CORREO ESTE TALÓN:

SU NOMBRE: _____ FECHA DE RESERVACIÓN: _____

SU DIRECCIÓN: _____ TELÉFONO: _____

NUMERO DE CUARTOS RESERVADOS: _____ MONTO DE PAGO: _____

SU FIRMA: _____

APPENDIX D

List of Farm Labor Housing Authorities

Southwestern Area

Canyon County: Chula Vista Farm Labor Housing Community (Wilder)

Owyhee County: Marsing Housing Authority

South Central Area

Jerome County: Hazelton Housing Authority

Minidoka County: Paul Housing Authority

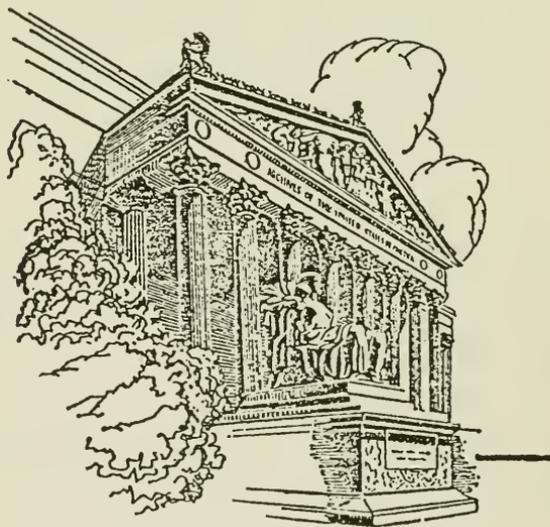
Southeastern Area

None

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of the State health authority shall be provided.

(b) A cold water tap shall be available within 100 feet of each individual living unit when water is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage.

(c) Common drinking cups shall not be permitted.

§ 620.6 Excreta and liquid waste disposal.

(a) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

(b) Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.

(c) Where public sewers are not available; a subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets shall be provided. Any requirements of the State health authority shall be complied with.

§ 620.7 Housing.

(a) Housing shall be structurally sound, in good repair, in a sanitary condition and shall provide protection to the occupants against the elements.

(b) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground and surface water.

(c) The following space requirements shall be provided:

(1) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;

(2) For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;

(3) For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.

(d) Housing used for families with one or more children over 6 years of age shall have a room or partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

(e) Separate sleeping accommodations shall be provided for each sex or each family.

(f) Adequate and separate arrangements for hanging clothing and storing personal effects for each person or family shall be provided.

(g) At least one-half of the floor area in each living unit shall have a minimum ceiling height of 7 feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than 5 feet.

(h) Each habitable room (not including partitioned areas) shall have at least one window or skylight opening directly to the out-of-doors. The minimum total window or skylight area,

including windows in doors, shall equal at least 10 percent of the usable floor area. The total openable area shall equal at least 45 percent of the minimum window or skylight area required, except where comparably adequate ventilation is supplied by mechanical or some other method.

§ 620.8 Screening.

(a) All outside openings shall be protected with screening of not less than 16 mesh.

(b) All screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

§ 620.9 Heating.

(a) All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 68° F. if during the period of normal occupancy the temperature in such quarters falls below 68°.

(b) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be provided. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at least 18 inches beyond the perimeter of the base of the stove.

(c) Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.

(d) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

§ 620.10 Electricity and lighting.

(a) All housing sites shall be provided with electric service.

(b) Each habitable room and all common use rooms, and areas such as: Laundry rooms, toilets, privies, hallways, stairways etc., shall contain adequate ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room.

(c) Adequate lighting shall be provided for the yard area, and pathways to common use facilities.

(d) All wiring and lighting fixtures shall be installed and maintained in a safe condition.

§ 620.11 Toilets.

(a) Toilets shall be constructed, located and maintained so as to prevent any nuisance or public health hazard.

(b) Water closets or privy seats for each sex shall be in the ratio of not less than one such unit for each 15 occupants,

PART 620—HOUSING FOR AGRICULTURAL WORKERS

HOUSING STANDARDS

§ 620.4 Housing site.

(a) Housing sites shall be well drained and free from depressions in which water may stagnate. They shall be located where the disposal of sewage is provided in a manner which neither creates nor is likely to create a nuisance, or a hazard to health.

(b) Housing shall not be subject to, or in proximity to conditions that create or are likely to create offensive odors, fumes, noise, traffic, or any similar hazards.

(c) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.

(d) The housing site shall provide a space for recreation reasonably related to the size of the facility and the type of occupancy.

§ 620.5 Water supply.

(a) An adequate and convenient supply of water that meets the standards

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with a minimum of one unit for each sex in common use facilities.

(c) Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats, on the basis of one urinal or 24 inches of trough-type urinal for one toilet seat up to a maximum of one-third of the required toilet seats.

(d) Except in individual family units, separate toilet accommodations for men and women shall be provided. If toilet facilities for men and women are in the same building, they shall be separated by a solid wall from floor to roof or ceiling. Toilets shall be distinctly marked "men" and "women" in English and in the native language of the persons expected to occupy the housing.

(e) Where common use toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders, shall be furnished.

(f) Common use toilets and privies shall be well lighted and ventilated and shall be clean and sanitary.

(g) Toilet facilities shall be located within 200 feet of each living unit.

(h) Privies shall not be located closer than 50 feet from any living unit or any facility where food is prepared or served.

(i) Privy structures and pits shall be fly tight. Privy pits shall have adequate capacity for the required seats.

§ 620.12 Bathing, laundry, and handwashing.

(a) Bathing and handwashing facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. These facilities shall be clean and sanitary and located within 200 feet of each living unit.

(b) There shall be a minimum of 1 showerhead per 15 persons. Showerheads shall be spaced at least 3 feet apart, with a minimum of 9 square feet of floor space per unit. Adequate, dry dressing space shall be provided in common use facilities. Shower floors shall be constructed of nonabsorbent, nonskid materials and sloped to properly constructed floor drains. Except in individual family units, separate shower facilities shall be provided each sex. When common use shower facilities for both sexes are in the same building they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the persons expected to occupy the housing.

(c) Lavatories or equivalent units shall be provided in a ratio of 1 per 15 persons.

(d) Laundry facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. Laundry trays or tubs shall be provided in the ratio of 1 per 25 persons. Mechanical washers may be provided in the ratio of 1 per 50 persons in lieu of laundry trays, although a minimum of 1 laundry tray per 100 persons shall be

provided in addition to the mechanical washers.

§ 620.13 Cooking and eating facilities.

(a) When workers or their families are permitted or required to cook in their individual unit, a space shall be provided and equipped for cooking and eating. Such space shall be provided with: (1) A cookstove or hot plate with a minimum of two burners; and (2) adequate food storage shelves and a counter for food preparation; and (3) provisions for mechanical refrigeration of food at a temperature of not more than 45° F.; and (4) a table and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the unit; and (5) adequate lighting and ventilation.

(b) When workers or their families are permitted or required to cook and eat in a common facility; a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with: (1) Stoves or hot plates, with a minimum equivalent of two burners, in a ratio of 1 stove or hot plate to 10 persons, or 1 stove or hot plate to 2 families; and (2) adequate food storage shelves and a counter for food preparation; and (3) mechanical refrigeration for food at a temperature of not more than 45° F.; and (4) tables and chairs or equivalent seating adequate for the intended use of the facility; and (5) adequate sinks with hot and cold water under pressure; and (6) adequate lighting and ventilation; and (7) floors shall be of nonabsorbent, easily cleaned materials.

(c) When central mess facilities are provided, the kitchen and mess hall shall be in proper proportion to the capacity of the housing and shall be separate from the sleeping quarters. The physical facilities, equipment and operation shall be in accordance with provisions of applicable State codes.

(d) Wall surface adjacent to all food preparation and cooking areas shall be of nonabsorbent, easily cleaned material. In addition, the wall surface adjacent to cooking areas shall be of fire-resistant material.

§ 620.14 Garbage and other refuse.

(a) Durable, fly-tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of 1 per 15 persons.

(b) Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with State and local law.

§ 620.15 Insect and rodent control.

Housing and facilities shall be free of insects, rodents and other vermin.

§ 620.16 Sleeping facilities.

(a) Sleeping facilities shall be provided for each person. Such facilities shall consist of comfortable beds, cots or bunks, provided with clean mattresses.

(b) Any bedding provided by the housing operator shall be clean and sanitary.

(c) Triple deck bunks shall not be provided.

(d) The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of 27 inches. The distance from the top of the upper mattress to the ceiling shall be a minimum of 36 inches.

(e) Beds used for double occupancy may be provided only in family accommodations.

§ 620.17 Fire, safety, and first aid.

(a) All buildings in which people sleep or eat shall be constructed and maintained in accordance with applicable State or local fire and safety laws.

(b) In family housing and housing units for less than 10 persons, of one story construction, two means of escape shall be provided. One of the two required means of escape may be a readily accessible window with an openable space of not less than 24 x 24 inches.

(c) All sleeping quarters intended for use by 10 or more persons, central dining facilities, and common assembly rooms shall have at least two doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(d) Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or a second stairway.

(e) Sleeping and common assembly rooms located above the second story shall comply with the State and local fire and building codes relative to multiple story dwellings.

(f) Fire extinguishing equipment shall be provided in a readily accessible place located not more than 100 feet from each housing unit. Such equipment shall provide protection equal to a 2½ gallon rated pressure or 5-gallon pump-type water extinguisher.

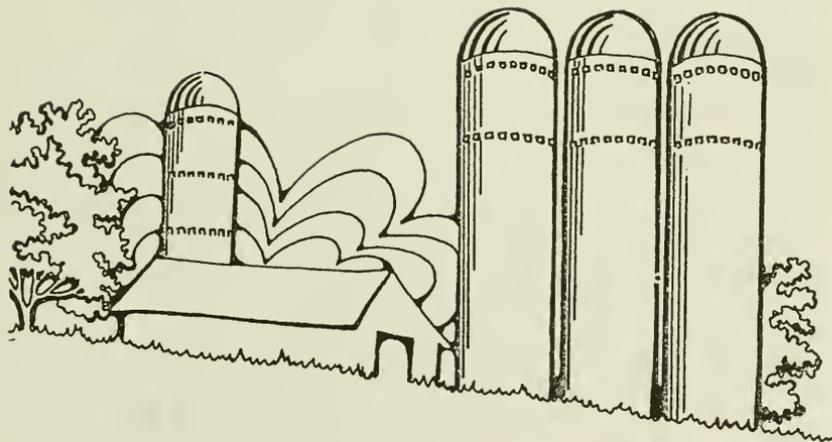
(g) First aid facilities shall be provided and readily accessible for use at all times. Such facilities shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.

(h) No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.

(i) Agricultural pesticides and toxic chemicals shall not be stored in the housing area.

[P.R. Doc. 68-13185; Filed, Oct. 30, 1968; 8:46 a.m.]

Safety and Health Standards for Agriculture



U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration
OSHA-2009

(5) All wooden floors shall be elevated not less than 1 foot above the ground level at all points to prevent dampness and to permit free circulation of air beneath.

(6) Nothing in this section shall be construed to prohibit "banking" with earth or other suitable material around the outside walls in areas subject to extreme low temperatures.

(7) All living quarters shall be provided with windows the total of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation.

(8) All exterior openings shall be effectively screened with 16-mesh material. All screen doors shall be equipped with self-closing devices.

(9) In a room where workers cook, live, and sleep a minimum of 100 square feet of space shall be provided. Sanitary facilities shall be provided for storing and preparing food.

(10) In camps where cooking facilities are used in common, stoves (in ratio of one stove to 10 persons or one stove to two families) shall be provided in an enclosed and screened shelter. Sanitary facilities shall be provided for storing and preparing food.

(11) All heating, cooking, and water heating equipment shall be installed in accordance with State and local ordinances, codes, and regulations governing such installations. If a camp is used during cold weather, adequate heating equipment shall be provided.

(c) *Water supply.* (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) Water supply shall be deemed adequate if it is capable of delivering 35 gallons per person per day to the campsite at a peak rate of 2½ times the average hourly demand.

(3) The distribution lines shall be capable of supplying water at normal operating pressures to all fixtures for simultaneous operation. Water outlets shall be distributed throughout the camp in such a manner that no shelter is more than 100 feet from a yard hydrant if water is not piped to the shelters.

(4) Where water under pressure is available, one or more drinking fountains shall be provided for each 100 occupants or fraction thereof. The construction of drinking fountains shall comply with ANSI Standard Specifications for Drinking Fountains, 24.2-1942. Common drinking cups are prohibited.

(d) *Toilet facilities.* (1) Toilet facilities adequate for the capacity of the camp shall be provided.

(2) Each toilet room shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or otherwise be satisfactorily ventilated. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes.

(3) A toilet room shall be located within 200 feet of the door of each sleep-

ing room. No privy shall be closer than 100 feet to any sleeping room, dining room, lunch area, or kitchen.

(4) Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms 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 language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.

(5) Where toilet facilities are shared, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time. The ratio of such unit to each 15 persons, with a minimum of two units for any shared facility.

(6) Urinals shall be provided on the basis of one unit or 2 linear feet of urinal trough for each 25 men. 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. Where water under pressure is available, urinals shall be provided with an adequate water flush. Urinal troughs in privies shall drain freely into the pit or vault and the construction of this drain shall be such as to exclude flies and rodents from the pit.

(7) Every water closet installed after July 1, 1971, shall be located in a toilet room.

(8) Each toilet room shall be lighted naturally, or artificially by a safe type of lighting at all hours of the day and night.

(9) An adequate supply of toilet paper shall be provided in each privy, water closet, or chemical toilet compartment.

(10) Privies and toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.

(e) *Sewage disposal facilities.* In camps where public sewers are available, all sewer lines and floor drains from buildings shall be connected thereto.

(f) *Laundry, handwashing, and bathing facilities.* (1) Laundry, handwashing, and bathing facilities shall be provided in the following ratio:

(i) Handwash basin per family shelter or per six persons in shared facilities.

(ii) Shower head for every 10 persons.

(iii) Laundry tray or tub for every 30 persons.

(iv) Slop sink in each building used for laundry, hand washing, and bathing.

(2) Floors shall be of smooth finish but not slippery materials; they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove waste water and facilitate cleaning. All junctions of the curbing and the floor shall be coved. The walls and partitions of shower rooms shall be smooth and impervious to the height of splash.

(3) An adequate supply of hot and cold running water shall be provided for

Subpart J—General Environmental Controls

§ 1916.142 Temporary labor camps.

(a) *Site.* (1) All sites used for camps shall be adequately drained. They shall not be subject to periodic flooding, nor located within 200 feet of swamps, pools, sink holes, or other surface collections of water unless such quiescent water surfaces can be subjected to mosquito control measures. The camp shall be located so the drainage from and through the camp will not endanger any domestic or public water supply. All sites shall be graded, ditched, and rendered free from depressions in which water may become a nuisance.

(2) All sites shall be adequate in size to prevent overcrowding of necessary structures. The principal camp area in which food is prepared and served and where sleeping quarters are located shall be at least 500 feet from any area in which livestock is kept.

(3) The grounds and open areas surrounding the shelters shall be maintained in a clean and sanitary condition free from rubbish, debris, waste paper, garbage, or other refuse.

(4) Whenever the camp is closed for the season or permanently, all garbage, manure, and other refuse shall be collected and so disposed of as to prevent nuisance. All abandoned privy pits shall be filled with earth and the grounds and buildings left in a clean and sanitary condition. If privy buildings remain, they shall be locked or otherwise secured to prevent entrance.

(b) *Shelter.* (1) Every shelter in the camp shall be constructed in a manner which will provide protection against the elements.

(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.

(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.

(4) The floors of each shelter shall be constructed of wood, asphalt, or concrete. Wooden floors shall be of smooth and light construction. The floors shall be kept in good repair.

bathing and laundry purposes. Facilities for heating water shall be provided.

(4) Every service building shall be provided with equipment capable of maintaining a temperature of at least 70° F. during cold weather.

(5) Facilities for drying clothes shall be provided.

(6) All service buildings shall be kept clean.

(g) *Lighting.* Where electric service is available, each habitable room in a camp shall be provided with at least one ceiling-type light fixture and at least one separate floor-or wall-type convenience outlet. Laundry and toilet rooms and rooms where people congregate shall contain at least one ceiling- or wall-type fixture. Light levels in toilet and storage rooms shall be at least 20 foot-candles 30 inches from the floor. Other rooms, including kitchens and living quarters, shall be at least 30 foot-candles 30 inches from the floor.

(h) *Refuse disposal.* (1) Ply-tight, rodent-tight, impervious, cleanable or single service containers, approved by the appropriate health authority shall be provided for the storage of garbage. At least one such container shall be provided for each family shelter and shall be located within 100 feet of each shelter on a wooden, metal, or concrete stand.

(2) Garbage containers shall be kept clean.

(3) Garbage containers shall be emptied when full, but not less than twice a week.

(i) *Construction and operation of kitchens, dining hall, and feeding facilities.* (1) In all camps where central dining or multiple family feeding operations are permitted or provided, the food handling facilities shall comply with the requirements of the "Food Service Sanitation Ordinance and Code," Part V of the "Food Service Sanitation Manual," U.S. Public Health Service Publication 934 (1965).

(2) A properly constructed kitchen and dining hall adequate in size, separate from the sleeping quarters of any of the workers or their families, shall be provided in connection with all food handling facilities. There shall be no direct opening from living or sleeping quarters into a kitchen or dining hall.

(3) No person with any communicable disease shall be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or materials used therein, in any kitchen or dining room operated in connection with a camp or regularly used by persons living in a camp.

(j) *Insect and rodent control.* Effective measures shall be taken to prevent infestation by and harborage of animal or insect vectors or pests.

(k) *First aid.* (1) Adequate first aid facilities approved by a health authority shall be maintained and made available in every labor camp for the emergency treatment of injured persons.

(2) Such facilities shall be in charge of a person trained to administer first aid and shall be readily accessible for use at all times.

(l) *Reporting communicable disease.*

(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) Whenever there shall occur in any camp a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it shall be the duty of the camp superintendent to report immediately the existence of the outbreak to the health authority by telegram or telephone.

APPENDIX G

State of Idaho
DEPARTMENT OF HEALTH

MIGRATORY LABOR CAMP REGULATIONS

1. DEFINITIONS.

- (a) The term "Migratory Labor Camp" includes one or more buildings and structures together with the land, establishments, paid for, furnished or provided by the employer, or under his authority, or under his supervision, or by an individual, partnership, association independent of the employer and operated, or used, as living quarters for six or more seasonal or migrant workers with or without their dependents.
- (b) The term "Worker" shall mean male persons over 15 years of age who seasonally or temporarily work in agricultural activities.
- (c) The term "Owner" shall mean any person who alone or jointly or severally with others
1. Shall have legal title to any dwelling or dwelling unit with or without accompanying actual possession.
 2. Shall have charge or care of or control of any dwelling unit as owner or any agent of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of these rules and regulations to the same extent as if he were the owner.
- (d) The term "Dwelling Unit" shall mean any room or group of rooms located within a dwelling and which forms a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, or eating.
- (e) The term "Dwelling" shall mean any building used or intended for use for living or sleeping by occupants.
- (f) The term "Habitable Room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bedrooms, water closet compartments, laundries, entrances, foyers, corridors, closets, and storage space.
- (g) The term "Rooming Unit" shall mean any room or group of rooms forming a single habitable unit used or intended for use for living or sleeping, but not for cooking or eating purposes.
- (h) The term "Rooming House" shall mean any dwelling or part of any dwelling containing one or more rooming units which are let by the owner or operator.
- (i) The term "Occupant" shall mean any person over one year of age, living, sleeping, cooking, or eating in or having actual possession of a dwelling or living unit.
- (j) "Service Building." Every labor camp shall have erected thereon a suitable building or buildings which house toilets, lavatories, showers and laundry facilities, such building to be known as a "Service Building." A service building may be a part of another building. A service building shall not be

required for dwelling units housing single families if lavatory and laundry, bath and toilet facilities are provided within that dwelling unit.

2. CAMP PLAN.

- (a) Every migratory labor camp hereinafter constructed shall be located on a well-drained site and the premises shall be properly graded so that it will prevent the accumulation of storm or other waters. No migratory labor camp shall be located in any area that is situated so that drainage from any barnyard, outdoor toilet, or other source of filth will flow on the ground surface of the camp premises.
- (b) Camps hereinafter constructed shall be so laid out that no dwelling unit is located farther than a reasonable distance (200 feet suggested) from a toilet or service building. Walkways to such service buildings shall be graveled or paved and well-lighted at night.
- (c) No transportable dwelling unit shall be located less than 10 feet from any other building or dwelling unit, unless it is occupied by the same worker and his dependents, or from the boundary line of the migratory labor camp on which it is located.

3. GENERAL REQUIREMENTS FOR DWELLING UNITS.

- (a) Every habitable room shall have at least one window or skylight opening directly to the out-of-doors. The total minimum window area shall be at least ten per cent of the floor area of each room.
- (b) Whenever inhabited, every dwelling unit shall be provided with properly installed and operated heating equipment of adequate capacity to maintain a temperature of seventy degrees Fahrenheit.
- (c) Every habitable room shall be adequately lighted. All electric wiring must conform to the state (or local) electrical code.
- (d) If flies or mosquitoes are prevalent in the camp area, each dwelling unit, other than tents, used during the mosquito and fly season shall have all exterior openings protected with 16-mesh screen. Screens are not necessary if other effective means are used to control these insects. Screen doors shall open outward and be self-closing. Tent openings shall be provided with mosquito netting.
- (e) Every dwelling unit shall be kept free of vermin, insects and rodents, and other infestations.
- (f) Every worker and occupant of the migratory labor camp shall use all sanitary and other facilities furnished for his convenience and shall comply with all applicable camp regulations which may concern or affect its construction. Every room in every dwelling unit shall be maintained in a clean, safe, and sanitary condition by the worker or occupant.
- (g) Tents shall be erected on raised flooring. All portions of dwellings shall be elevated above the ground level to permit free circulation of air and shall be constructed so as not to become a rodent or pest harborage.

4. SPACE REQUIREMENTS.

- (a) Rooming units shall contain a minimum of 45 square feet of floor area per occupant. Beds shall be at least three feet apart in each direction. Head to toe sleeping arrangements are suggested.
- (b) Every dwelling unit hereinafter constructed shall contain at least 224 square feet of floor area. This amount of floor space is recommended for no more than four occupants. Fifty square feet should be provided for each additional occupant.
- (c) Every habitable room hereinafter constructed shall have a ceiling height of not less than seven feet measured from the floor.

5. KITCHEN AND MESS HALL OR DINING ROOM (Exclusive of kitchens in dwelling units).

- (a) The kitchen and dining room shall be separated from sleeping quarters and toilet rooms. No kitchen or dining room shall be used for sleeping purposes.
- (b) All multi-use utensils and all counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a dining room shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils, containing or plated with cadmium or lead, shall not be used; PROVIDED, that solder containing lead may be used for jointing.
- (c) All equipment, including counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by employees shall be clean. Single-service containers shall be used only once. All multi-use and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.
- (d) After bactericidal treatment, utensils shall be stored in a clean, dry place, protected from flies, dust, and other contamination, and shall be stored on racks or suspended on hooks at least 12 inches above the floor. Utensils shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers; shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.
- (e) The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be constructed of non-absorbent material and of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.
- (f) Handwashing facilities shall be provided in kitchens and shall include warm water under pressure, soap, and individual toweling for use by kitchen personnel only. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed.
- (g) All employees shall wear clean outer garments and shall keep their hands clean.

at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any forms in rooms in which food is prepared.

6. FOOD (Except that food prepared in dwelling units).

- (a) All milk, fluid milk products, ice cream, and other frozen desserts served, shall be from sources approved by the Idaho Board of Health. Sweet milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a dispenser approved and operated in accordance with the regulations of the Idaho Board of Health; PROVIDED, that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service.
- (b) All perishable foods including meats, milk, butter, eggs and salads must be kept at or below a temperature of 50 degrees Fahrenheit except when being prepared or served. Waste water from refrigeration equipment shall be disposed of properly.
- (c) At least once a week or oftener if necessary, refrigerators shall be washed thoroughly with hot water and soap or suitable detergent.
- (d) All food and drink shall be so stored and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used. No food shall be stored on the floor, but shall be on shelves elevated at least 12 inches above the floor.

7. WATER SUPPLY.

- (a) An adequate approved supply of potable water with supply outlets easily accessible to dwelling units shall be furnished for drinking and domestic purposes in all camps. The water supplies shall meet the quality and protection requirements of the Idaho Drinking Water Standards which have been promulgated pursuant to Section 32-2102, Idaho Code, and are adopted herein by reference.
- (b) No common drinking vessel shall be permitted, nor shall any drinking water faucets be placed in any toilet room. Drinking fountains shall be of the arched jet type and the orifices shall be protected in such a manner that they cannot be touched by the lips, or be contaminated by droppings from the mouth, or by splashing from the basins beneath the orifices.

8. SERVICE BUILDING.

- (a) There shall be provided separate toilet rooms for each sex. Water-flush toilets are required to be properly plumbed to a public sewer system if a sewer is available. Privies, or other health department approved type toilet units, are permitted if not in conflict with local ordinance. Such privy or other type toilet unit shall be fly-tight and vermin-proof, and constructed with impervious floors and risers. No privy shall be located within 75 feet of a dwelling or rooming house. Each water closet shall be enclosed in a separate compartment. The men's toilet rooms equipped with water closets shall also be provided with urinals as noted in 8 (f).

- (b) Lavatories supplied with hot and cold running water shall be provided for each sex, such lavatories to be located in the toilet rooms where water-flush toilets are provided, or in a separate washroom in the service building.
- (c) Separate shower bathing facilities with hot and cold running water shall be provided for each sex. Each shower unit for women shall be enclosed in a separate compartment at least 32 inches square (three feet preferred) and should preferably be supplemented by an individual dressing compartment at least 3-1/2 feet square.
- (d) Laundry facilities consisting of double tray laundry units or washing machines equipped with hot and cold running water shall be provided in each service building. One such unit shall be provided for each 30 families.
- (e) Floors of toilets, showers, and the laundry shall be of concrete, tile, or similar material, impervious to water, and easily cleaned, and sloped to a floor drain.
- (f) An adequate number of sanitary facilities for each sex shall be provided. It is recommended that the facilities be provided in the following manner:
 - 1. One toilet and one urinal for each 30 males or fraction thereof.
 - 2. One toilet for each 15 females or fraction thereof.
 - 3. One lavatory and one shower for each 30 persons of each sex or fraction thereof.

9. WASTE DISPOSAL.

- (a) All liquid wastes from showers, water-flush toilets, laundries, faucets, lavatories, and all other liquid wastes shall be disposed of in a public sewer if available. If a sewer system is not available, disposal of all wastes shall be made in a manner approved by the Department of Health so that no nuisance or public health hazard is created. No liquid wastes shall be discharged into any of the underground waters of the state through the use of sink holes, sewer wells which penetrate into pervious rock formations, or lava or limestone crevices. Subsurface liquid waste disposal systems shall be constructed according to the "Recommended Standards for Individual Sewage Disposal Systems," Department of Health Bulletin No. 6. Treatment works for wastes to be discharged to the ground surface or surface water shall be constructed in conformance with the "Recommended Sewage Works Design Standards," as promulgated by the Pollution Control Council of the Pacific Northwest Basin, which standards represent the generally accepted methods of sewage treatment and are hereby adopted by reference.
- (b) Family dwelling units shall be provided with containers and services as herein described. A sufficient number of portable garbage cans which are watertight, not easily corrodible, rodent and flyproof, and equipped with handles and close-fitting lids, shall be provided for the deposit therein of garbage and other refuse produced in the normal course of everyday living. Said container shall not be less than 20 gallons or more than 32 gallons in capacity. The containers shall be of not less than 26-gauge metal or the equivalent and be hot-dipped after fabrication to insure nonleaking containers. The contents shall be removed at least twice weekly for the six months' period, May 1 through October 31, and at least once a week for the remaining months of the

year. The refuse containers shall be kept in a sanitary condition with the inside and outside washed as necessary to keep the containers reasonably clean and free of grease. The container for a family dwelling unit shall be stored close to that dwelling. The storage area for refuse containers shall be maintained in a clean and sanitary manner. Facilities for washing containers shall be provided.

- (c) All units of this camp that do not fall into the above category, such as mess halls and rooming houses, shall have containers that meet the above standards and shall have their garbage removed on a daily basis while the camp is in operation. Said cans shall be kept in a clean and sanitary condition at all times.
- (d) All refuse from the camp shall be collected and disposed of in such a manner that no nuisance or public health hazard is created. (See paragraphs (b) and (c)).

10. SAFETY REQUIREMENTS,

- (a) Electrical installation such as line conductors and equipment shall not be exposed to personal contact. Exposed metal enclosures and portable appliances shall be grounded.
- (b) Stoves and space heaters shall be located at a safe distance from combustible walls and floors unless protected by fire resistant materials.
- (c) Smoke pipes shall be supported securely and provided with a ventilated thimble or other approved means around pipes when passing through woodwork or other inflammable material.
- (d) Chimneys shall be planned and constructed in accordance with requirements of the Fire Underwriters' Laboratory.
- (e) Two exits shall be provided when the upper floors of a multi-story building are used as sleeping quarters.
- (f) Ovens or space heaters using gaseous, liquid, or solid fuels shall be provided with flues to outer air.
- (g) A flight of two or more stairs shall be provided with a handrail 32 inches high measured vertically from the toe of the stair tread.
- (h) Landings at the head of the stairways shall be at least 30 inches wide.
- (i) Porches and balconies 18 inches or more above ground shall be provided with railing or parapet 30 inches or more above the floor.

II. MANAGEMENT.

- (a) It is the duty of the camp owner or operator, together with any attendants or persons in charge of such camp, to:
 - 1. Maintain the camp in a clean, orderly, and sanitary condition at all times.
 - 2. Report immediately to the health officer all cases of persons or animals affected or suspected of being affected with communicable disease.

3. Designate some individual or employee to be responsible for the compliance with these standards and such person's name is to appear on the regulations posted in accordance with item 13.

2. INSPECTION.

All dwellings, kitchens, and mess halls or dining rooms in migratory labor camps shall be opened to inspection at all reasonable hours by representatives of the local or State Board of Health.

13. POSTING OF REGULATIONS.

All migratory labor camps located in the state shall be constructed, arranged and maintained in a manner required in above regulations. Copies of these regulations shall be posted in conspicuous places in the camp where they can be easily seen by the camp personnel and occupants.

14. ENFORCEMENT.

This regulation shall be enforced by the Idaho Board of Health or by its duly authorized representatives.

15. PENALTY.

Each and every person, firm, corporation, partnership, and/or association violating any of the provisions of these regulations or refusing to obey any lawful order, rule, or regulation of the Idaho Board of Health shall be punished in accordance with the provisions of Section 39-101, Idaho Code, (as amended) Section 4, Part (30), A.

16. AUTHORITY.

These regulations are promulgated pursuant to authority granted the State Board of Health, Division of Public Health, in Section 39-101, Idaho Code, (as amended) Section 5; and Section 4, Paragraph (24).

APPENDIX H

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION

Room 4141 Federal Office Building

909 First Avenue

Seattle, Washington 98174

Area Code 206, 442-1536

23 JUL 1979



July 18, 1979

Patricia Stell
Equal Opportunity Specialist
U.S. Commission on Civil Rights
2852 Federal Building
915 Second Avenue
Seattle, WA 98174

Dear Ms. Stell:

Thank you for giving us an opportunity to review and comment on a section of your Idaho Advisory Committee report on housing for migrant and seasonal farmworkers (MSFWs) in the State of Idaho. This section paints a bleak picture for housing inspection in Idaho, which is, unfortunately, the true state of affairs. To the best of my knowledge, the details you supply seem correct and contain no errors. I have enclosed a list of detailed comments for your consideration and some references which you may find helpful.

If possible, I would be interested in receiving a copy of the final Advisory Committee housing report. If I can be of any further help to you, please let me know.

Yours truly,

William C. Buhl
Regional Administrator

Enclosure

APPENDIX I

1 AUG 1979

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
REGION X
Room 6048 Federal Office Building
Seattle, Washington 98174



JUL 31 1979

Reply to
Attn. of:

Patricia Stell
Equal Opportunity Specialist
U.S. Commission on Civil Rights
2852 Federal Building
915 Second Avenue
Seattle, Washington 98174

Dear Ms. Stell:

Mr. Joseph Brooks in his letter to John Granchi of my staff dated July 13, 1979 requested Regional Occupational Safety and Health Administration (OSHA) comments on a portion of the draft report concerning Idaho migrant farmworkers.

My staff has reviewed the document and found it to be well written and generally quite accurate. We do have some observations and clarifications to suggest. These are noted in the attachment.

We appreciated the opportunity to review the portion of the draft report relating to OSHA's involvement in employment related housing.

Sincerely,

James W. Lake
Regional Administrator

cc: Joseph Brooks, Regional Director, U.S. Commission on Civil Rights
John Granchi, Assistant Regional Administrator - Tech Support
William Newman, Acting Area Director - Idaho Area Office

Comments on Draft Report of Idaho Advisory Committee
Relating to Migrant Housing

1. Page 61, first paragraph, second sentence - Coordination efforts have increased considerably since the spring of 1978. At that time, for example, Under Secretary of Labor Robert Brown issued a memorandum directing Labor Department Assistant Secretaries to take positive steps to improve coordination of the respective agencies' regulatory activities. Also at that time, the Employment Standards Administration (ESA) and the Occupational Safety and Health Administration (OSHA) entered into an interagency agreement designed to increase coordination, mutual assistance and information exchange. Additionally, OSHA issued a directive on June 15, 1979, outlining revised OSHA inspection procedures and coordination practices to be followed. These revised procedures were in response to the Federal Register notices dated August 15 and September 1, 1978 which described the current status of agency enforcement of Labor Department regulations pertaining to migrant housing facilities.

Within this region, OSHA, ESA and the Employment and Training Administration (ETA, formerly the Manpower Administration) entered into a joint agreement on May 7, 1979 to provide additional impetus for coordination. Monthly meetings between these agencies are also being implemented within each region to address specific coordination problems.

2. Page 62, first paragraph, second sentence - During that timeframe, Manpower Administration was the designation for what is now ETA.
3. Page 68, first two lines - As far as OSHA's position is concerned, employers were not required to provide housing, but rather if housing was provided as a condition of employment, such housing had to meet the applicable standards.
4. Page 70, second footnote - Of the five Industrial Hygienists, one is supervisory. Currently there are five safety specialists and one supervisory safety specialist in addition to the Area Director position. Clerical staff includes two permanent and two temporary personnel.
5. Page 71, first paragraph, first sentence - We suggest in line two rephrase to say, "...worst first occupational safety and health problems..." Also it should be made clear that air pollution is within our purview only with regard to exposures to health hazards within the workplace environment.
6. Page 72, second paragraph, first sentence - In OSHA terminology the introductory conference is called an opening conference and the conference at the conclusion of the inspection is called the closing conference. More importantly, it should be noted that not only does the OSHA Compliance Safety and Health Officer (CSHO) request employer participation in the opening and closing conferences and inspection walkaround, but the CSHO also requests the participation of an employee or employee representative as well.

7. Page 72, last paragraph - Effective with the June 15 National Office OSHA Instruction (if the housing was built prior to January 1, 1979), the inspecting CSHO inquires of the employer under which standard the employer wishes to be inspected. (If the housing was built after January 1, 1979, the employer must comply with 29 CFR 1910.142.) If the employer prefers the 20 CFR 620 standard, the compliance officer will conduct the inspection and cite only violations of 29 CFR 1910.142 that are violations of a comparable (substantially identical) standard within 20 CFR 620. The compliance officer may also cite under the general duty clause (section 5(a)(1) of the Act) violations of 20 CFR 620 for which no comparable standard exists within 29 CFR 1910.142.
8. Page 73, first two paragraphs and quote - As probably happens in many agencies, professional judgment and discretion may lead to a de facto waiving of officially mandated requirements. Technically, the Occupational Safety and Health Act requires the issuance of a citation or de minimus notice for every observed violation. OSHA attempts to follow this direction and usually only calculates such factors as "bona fide" efforts at compliance and habitual or unusual violations into the violation classification and penalty calculation - not whether or not to cite at all. This is not to dispute the quoted information but rather to note that such actions are aberrations of OSHA's overall policy and not the general policy of the agency itself. OSHA, through audit programs at both the Regional and National Office levels, reviews the activities of individual area offices and attempts to detect significant variations from official policy and suggest corrective action.
9. Page 73, last paragraph, third sentence - Since OSHA and the Review Commission are independent agencies, it may be clearer to include after Commission (line 4) the words, "(an agency independent from OSHA)." Also we recommend rewriting the fourth sentence along these lines: "(Penalties proposed by OSHA that are not contested are not reviewed by the Review Commission and thus are unaffected by contests of other matters)."
10. Page 74, first paragraph, third sentence - The Area Director establishes an abatement date for every violation in consultation with the inspecting CSHO and after soliciting any pertinent information from the employer that may impact on such a date. OSHA verifies abatement either through a followup inspection, receipt of an employer's assurance that abatement has been accomplished or, in special circumstances, through a telephone call. It is not enough for an employer to promise to correct. Procedures also exist in instances where abatement cannot be accomplished immediately for an abatement plan to be formulated by the employer and the area director. Even in this circumstance there is a requirement for reporting the completion of the abatement and, in some cases, the reporting of completion of each phase of the abatement plan.
11. Page 74, second paragraph, second sentence - Although some portions of 1910.142 only became effective in 1972, no actual promulgation occurred in that year. A proposal did appear in the January 18, 1972, Federal Register concerning 1910.142 but it did not become a rule and regulation.

12. Page 75, first paragraph, last two sentences - See comment number 7.
13. Page 75, quotation - Although we realize it is a quote, it must be noted that nothing in 1910.142 prohibits air conditioning. Also the speaker is incorrect in saying 1910.142 goes into effect January 1, 1979. As an OSHA regulation (as noted earlier in the report) it was promulgated in 1971. It is also important to reemphasize the comment that in instances where major alterations are required for compliance, long term abatement dates are sometimes allowed and effort is expended to provide interim protection.
14. Page 78, second paragraph, and page 79, quote - The variance process is quite simple and is described at 29 CFR 1905.

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