

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH
4400 Health Systems Protection

**4447 Regulations Governing the Sanitation of Migratory Agricultural Labor Housing Camps
and Field Sanitation (Hand Labor) Operations**

1.0 General Provisions

1.1 Preamble

1.1.1 The Secretary of Delaware Health and Social Services adopts these Regulations pursuant to the authority vested by 16 **Del.C.** §122(3) a, b, c, e, g and j. These Regulations, as amended, provide a system of permitting, inspecting and enforcing migratory agricultural labor housing camps and field sanitation/hand labor operation.

1.1.2 These Regulations are adopted on (Month Day Year) and have an effective date of (Month Day Year).

1.2 Purpose and Scope

1.2.1 The purpose of these Regulations is to provide minimum standards for design, construction, maintenance and operation of migratory agricultural labor housing camps and field sanitation/hand labor operation in the State of Delaware, and to assure a clean, healthful, and safe environment for agricultural workers and their families using these camps and facilities.

1.2.2 These Regulations in no way preclude a facility from establishing additional rules and operating procedures that do not contradict those established herein.

1.3 Variance

1.3.1 The Division may grant a variance by modifying or waiving the requirements of these Regulations if, in the opinion of the Division, a health hazard or nuisance will not result from the variance.

1.3.2 A variance shall not be transferable from person to person, or from location to location.

1.3.3 If a variance is granted, the Division shall retain the information specified below in its records for the camp or field sanitation/hand labor operation:

1.3.3.1 A statement of the proposed variance of the requirement of these Regulations, citing the relevant section of these Regulations;

1.3.3.2 An analysis of the rationale for how the potential public health hazard or nuisance will be alternatively addressed by the proposal; and

1.3.3.3 Any other information requested by the Division that may be deemed necessary to render the judgment.

1.3.4 A variance, if granted, is rendered void upon occurrence one or more of the following: the physical facility is demolished; a remodeling project in the facility includes the area addressed in the variance; or the permit holder granted the variance ceases to operate the camp or field sanitation/hand labor operation for a period exceeding 30 consecutive days.

1.4 Severability

1.4.1 In the event any particular clause or section of the Regulations should be declared invalid or unconstitutional by a court of competent jurisdiction, the remaining portions shall remain in full force and effect.

2.0 Definitions

For the purposes of these Regulations the following definitions shall apply:

“Agricultural Employer” means any person, corporation, association, or other legal entity that: owns or operates an agricultural establishment; contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or recruits and supervises employees or is responsible for the management and condition of an agricultural establishment.

“Agricultural establishment” means a business operation that uses paid employees in the production or handling of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

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“Director” means the Director of the Delaware Division of Public Health or his/her designee.

“Division” means the Delaware Division of Public Health as the agency, and its authorized representative, having jurisdiction to promulgate, monitor, administer and enforce these Regulations.

“Field Sanitation Operation” means any agricultural establishment where 11 or more employees are engaged on any given day in hand-labor operations in the field for more than three (3) consecutive hours.

“Hand Labor Operation” means agricultural activities or agricultural operations performed by hand or with hand tools. Hand labor operations also include other activities or operations performed in conjunction with hand labor in the field. Some examples of hand labor operations are the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings or other crops, including mushrooms, and the hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed located in the field. Hand-labor does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

“Handler” means any person (except a common or contract carrier of produce owned by another person) who handles produce, including a producer who handles produce of his own production.

“Handwashing facility” means a facility providing a basin, container or outlet with an adequate supply of potable water, soap and single-use towels. Moist towelettes cannot be substituted for soap and water.

“Imminent Health Hazard” means a condition that presents a hazard to the health of a migrant agricultural worker or the worker’s family that includes but is not limited to any one of the following:

- An ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted;
- The absence of potable water, supplied under pressure,
 - in a quantity capable of meeting the needs of the facility;
- The absence of adequate toilet facilities;
- A backup of sewage into the facility or into equipment containing food or utensils;
- A n infestation of vermin to the extent that food and food contact surfaces cannot be protected from contamination; or
- The lack of equipment capable of maintaining the product temperature of all potentially hazardous foods within the camp.

“Migratory Agricultural Labor Housing and Camp” or **“Camp”** means one or more buildings, structures, trailers, or mobile homes, together with the tract of land pertaining thereto, established, operated or maintained, or used as living quarters for five (5) or more migrant agricultural workers. No tents shall be accepted as living quarters.

“Migratory Agricultural Labor Housing and Camp Operator” or **“Camp Operator”** means the person who has been granted a permit to operate a migratory agricultural labor camp or the person who arranges or provides housing for migratory agricultural workers.

“Migrant agricultural worker” means an individual who is employed in agricultural employment of a seasonal or temporary nature, and who is required to be absent overnight from his permanent place of residence.

“Permit” means written approval by the Division to operate a camp or field sanitation/hand labor operation. Approval is given in accordance with these Regulations and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.

“Person” means an individual, corporation, business trust, estate trust, partnership, limited liability company, association, joint venture, or any other legal or commercial entity.

“Person in Charge” means the owner of the camp or field sanitation/hand labor operation. This individual shall represent the camp at any hearing scheduled pursuant to Section 7.0 of these Regulations. Every migratory agricultural labor housing camps and field sanitation/hand labor operation shall, upon request, provide the Division with the name of their person(s) in charge and how the person in charge can be contacted. A camp operator, hired by the camp owner, cannot be the person in charge.

“Potable Water” means water which is in compliance with all of the required applicable drinking water regulations.

“Shelter” means any building, structure, trailer or mobile home of one or more rooms used for sleeping or living quarters.

“Toilet Facility” means a fixed or portable facility designed for the purpose of adequate collection and containment of the products of both defecation and urination which is applied with toilet paper adequate to employee needs. Toilet facility includes biological, chemical, flush and combustion toilets.

3.0 Preoperational Requirements

3.1 Permits

- 3.1.1 No person shall operate a migratory agricultural labor housing camp or field sanitation/hand labor operation who does not have a valid permit issued by the Division. Only a person who complies with the requirements of these Regulations shall be entitled to receive or retain a permit.
- 3.1.2 A valid permit shall be posted in a location easily observed by workers and families.
- 3.1.3 A permit shall not be transferable from person to person or from location to location.
- 3.1.4 When a camp or field sanitation/hand labor operation changes ownership, management firm, or lessee, a new permit is required. Both the facility and its operation shall be brought into full compliance with these regulations and the Delaware Building Code prior to the issuance of a permit. A variance may be issued as provided by these Regulations.
- 3.1.5 When there is new construction or renovations after the adoption of these Regulations, both the facility and its operation shall be brought into full compliance with these Regulations and the Delaware Building Code prior to the issuance of a permit.
- 3.1.6 Camps that are lawfully in existence and operating at the time of adoption of these regulations shall be permitted to have their use and maintenance continued if the use, maintenance or repair of the physical facility and structure is in accordance with the original design and no hazard to life or health is created by the existing camp.

3.2 Classification of Operational Permits

- 3.2.1 Annual Permit – a permit issued to a camp or field sanitation/hand labor operation that is in compliance with these Regulations. An annual permit is valid for one calendar year.
- 3.2.2 Provisional Permit – a permit issued to a camp or field sanitation/hand labor operation that is not in complete compliance with these Regulations. When no health hazards are present in an existing camp or field sanitation/hand labor operation, as determined by the Division, and the owner or operator demonstrates proof of intention to correct, within a specified time period, those items which do not meet permit requirements, a provisional permit may be issued. Plans, as required, and a written statement delineating changes to be made and completion dates must be presented to the Division before a provisional permit shall be issued. A provisional permit is valid for a 30-day period, with possible extension to a maximum of 60 days, and shall be non-renewable. After satisfactory compliance with provisional permit requirements, an annual permit shall be issued.

3.3 Issuance of Permits

- 3.3.1 Any person desiring to operate a camp or field sanitation/hand labor operation shall make written application for a permit on forms provided by the Division. Such application shall include the name and address of the owner, the location and type of the proposed camp or field sanitation/hand labor operation and the signature of each applicant. The application shall be made at least 30 days prior to the proposed date of arrival of the migrant agricultural workers.
- 3.3.2 Prior to approval of an application for a permit, the Division shall inspect the proposed camp or field sanitation/hand labor operation to determine compliance with the requirements of these Regulations.
- 3.3.3 The Division shall issue a permit to the applicant if its inspection reveals that the proposed camp or field sanitation/hand labor operation complies with the requirements of these Regulations.

3.4 Submission of Plans

- 3.4.1 Whenever a camp or field sanitation/hand labor operation is constructed or undergoes physical alterations, or whenever an existing structure is converted to a camp or field sanitation/hand labor operation, properly prepared plans and specifications for such construction, alteration or conversion shall be submitted to the Division for review and approval before construction, alteration or conversion begins. The Division shall approve plans and specifications if they meet the requirements of these Regulations.

4.0 Inspections

- 4.1 Prior to issuance of a permit, the Division shall inspect the proposed camp or field sanitation/hand labor operation to determine compliance with the requirements of these Regulations.
- 4.2 Representatives of the Division, after proper identification, shall be permitted to enter a camp or field sanitation/hand labor operation at any reasonable time for the purpose of making inspections to determine

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compliance with these Regulations. These inspections may include any area associated with the camp or field sanitation/hand labor operation.

- 4.3 Representatives of the Division shall be permitted to examine the records of any camp or field sanitation/hand labor operation to obtain information pertaining to the camp or operation.
- 4.4 The Director may, after providing the opportunity for a hearing, suspend the permit of a camp or field sanitation/hand labor operation for a period not to exceed 90 days, for refusing access to representatives of the Division.

5.0 General Sanitation – Camps

5.1 Sites

- 5.1.1 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.
- 5.1.2 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.
- 5.1.3 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.
- 5.1.4 An adequate number of yard lights shall be provided in the main area including the laundry, shower and toilet areas.

5.2 Shelter

- 5.2.1 Every shelter in the camp shall be constructed in a manner which will provide protection against the elements.
- 5.2.2 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.
- 5.2.3 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.
 - 5.2.3.1 Beds, cots, bunks and storage 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.
 - 5.2.3.2 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.
 - 5.2.3.3 Triple-deck bunks are prohibited.
- 5.2.4 The floors of each shelter shall be constructed of wood, asphalt, or concrete. Wooden floors shall be of smooth and tight construction. The floors shall be kept in good repair.
 - 5.2.4.1 All wooden floors shall be elevated not less than one (1) foot above the ground level at all points to prevent dampness and to permit free circulation of air beneath.
- 5.2.5 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.
- 5.2.6 All exterior openings shall be effectively screened with 16-mesh material. All screen doors shall be equipped with self-closing devices.
- 5.2.7 In a room where workers cook, live, and sleep a minimum of 100 square feet per person shall be provided. Sanitary facilities shall be provided for storing and preparing food.
- 5.2.8 In camps where cooking facilities are used in common, stoves shall be provided in an enclosed and screened shelter. Sanitary facilities shall be provided for storing and preparing food.
- 5.2.9 All heating, cooking, and water heating equipment shall be installed in accordance with State and local laws. If a camp is used during cold weather, adequate heating equipment shall be provided.

5.3 Water supply

- 5.3.1 An adequate and convenient water supply, approved by the State of Delaware, shall be provided in each camp for drinking, cooking, bathing, and laundry purposes.

- 5.3.2 A 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 2.5 times the average hourly demand.
- 5.3.3 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.
- 5.3.4 Where water under pressure is available, one or more drinking fountains shall be provided for each 100 occupants or fraction thereof. Common drinking cups are prohibited.
- 5.4 Toilet facilities
 - 5.4.1 Toilet facilities adequate for the capacity of the camp shall be provided.
 - 5.4.2 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.
 - 5.4.3 A toilet room shall be located within 200 feet of the door of each sleeping room.
 - 5.4.4 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.
 - 5.4.5 Where toilet facilities are shared, the number of water closets or chemical toilets 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, in the ratio of one such unit to each 15 persons, with a minimum of two units for any shared facility.
 - 5.4.6 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. Urinals shall be provided with adequate water flush.
 - 5.4.7 Every water closet installed on or after August 31, 1971, shall be located in a toilet room.
 - 5.4.8 Each toilet room shall be lighted naturally or artificially by a safe type of lighting at all hours of the day and night.
 - 5.4.9 An adequate supply of toilet paper shall be provided in each water closet or chemical toilet compartment.
 - 5.4.10 Toilet rooms shall be kept in a sanitary condition and cleaned at least daily.
- 5.5 Sewage disposal facilities
 - 5.5.1 All sewer lines and floor drains from buildings shall be connected to a sewage disposal system approved by the Delaware Department of Natural Resources and Environmental Control.
- 5.6 Laundry, handwashing, and bathing facilities
 - 5.6.1 Laundry, handwashing, and bathing facilities shall be provided as per the applicable Delaware Building and Plumbing codes and in the following ratio:
 - 5.6.1.1 One handwash basin per family shelter or per six persons in shared facilities.
 - 5.6.1.2 One shower head for every 10 persons.
 - 5.6.1.3 One laundry tray or tub for every 30 persons.
 - 5.6.1.4 One slop sink in each building used for laundry, hand washing, and bathing.
 - 5.6.2 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 covered. The walls and partitions of shower rooms shall be smooth and impervious to the height of splash – six (6) feet. Partitions are required between women's showers.
 - 5.6.3 An adequate supply of hot and cold running water shall be provided for bathing and laundry purposes. Facilities for heating water shall be provided.
 - 5.6.4 Every service building shall be provided with equipment capable of maintaining a temperature of at least 68° F during cold weather.
 - 5.6.5 Facilities for drying clothes shall be provided.

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- 5.6.6 All service buildings shall be kept clean.
- 5.7 Lighting
- 5.7.1 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.
- 5.7.2 Laundry and toilet rooms and rooms where people congregate shall contain at least one ceiling or wall-type fixture.
- 5.7.3 Light levels in toilet and storage rooms shall be at least 20 foot-candles 30 inches from the floor.
- 5.7.4 Other rooms, including kitchens and living quarters, shall have light levels of at least 30 foot-candles 30 inches from the floor.
- 5.8 Refuse disposal
- 5.8.1 Fly-tight, rodent-tight, impervious, cleanable or single service containers, approved by the Division, 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.
- 5.8.2 Garbage containers shall be kept clean.
- 5.8.3 Garbage containers shall be emptied when full, but not less than twice a week.
- 5.9 Construction and operation of kitchens, dining hall, and feeding facilities
- 5.9.1 In all camps where central dining or multiple family feeding operations are permitted or provided, the food handling facilities shall be provided with the following:
- 5.9.1.1 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 in a screened enclosure.
- 5.9.1.2 Adequate food storage shelves and counter space for food preparation.
- 5.9.1.3 Mechanical refrigeration for food at a temperature of not more than 41° F.
- 5.9.1.4 Tables and chairs, or equivalent seating, adequate for the intended use of the facility provided at a rate to seat one-half of the camp's population.
- 5.9.1.5 Adequate facilities for washing, rinsing and sanitizing dishes and utensils. This will include, at a minimum, a three compartment sink with proper disposal of the liquid waste.
- 5.9.1.6 Adequate lighting and ventilation.
- 5.9.1.7 Floors made of non-absorbent, easily cleaned materials.
- 5.9.2 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.
- 5.9.3 No person with any communicable disease shall be employed or permitted to prepare, cook, serve, or otherwise handle 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.
- 5.10 Control of Animals, Rodents, Insects and Other Vermin
- 5.10.1 Approved methods shall be used for the elimination and control of animals, rodents, insects or other vermin.
- 5.11 First aid
- 5.11.1 Adequate first aid facilities shall be maintained and made available in every camp for the emergency treatment of injured persons.
- 5.11.2 A first aid kit shall be supplied by the camp operator, and shall be located in an easily accessible place and available for immediate use.
- 5.12 Reporting communicable disease
- 5.12.1 It shall be the duty of the camp operator to report immediately to the Division the name and address of any individual in the camp known to have or suspected of having a communicable disease.
- 5.12.2 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 operator to report immediately the existence of the outbreak to the Division by telephone, electronic mail or any method that is equally fast.

6.0 General Sanitation – Field Sanitation/Hand Labor Operations

Agricultural employers shall provide the following for employees engaged in field sanitation/hand labor operations, without cost to the employee:

- 6.1 Potable drinking water.
 - 6.1.1 Potable water shall be provided and placed in locations readily accessible to all employees.
 - 6.1.2 Water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees.
 - 6.1.3 Water shall be dispensed in single-use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.
- 6.2 Toilet and handwashing facilities.
 - 6.2.1 One toilet facility and one handwashing facility shall be provided for every 20 employees or fraction thereof.
 - 6.2.2 Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from the inside, and shall be constructed to insure privacy.
 - 6.2.3 Toilet and handwashing facilities shall be accessibly located in close proximity to each other. The facilities shall be located within a one-quarter-mile walk of each hand laborer's place of work in the field.
 - 6.2.4 Where due to terrain it is not feasible to locate facilities as required above, the facilities shall be located at the point closest vehicular access.
 - 6.2.5 Toilet and handwashing facilities are not required for employees who perform field work for a period of three (3) hours or less, including transportation time to and from the field, during the day.
- 6.3 Maintenance. Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with the following:
 - 6.3.1 Drinking water containers shall be constructed of materials that maintain water quality, shall be refilled daily or more often as necessary, shall be kept covered, and shall be regularly cleaned.
 - 6.3.2 Toilet facilities shall be operational and maintained in clean and sanitary condition.
 - 6.3.3 Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply and shall be maintained in a clean and sanitary condition; and
 - 6.3.4 Disposal of wastes from facilities shall not cause unsanitary conditions.
- 6.4 Reasonable use.
 - 6.4.1 The agricultural employer shall notify each employee of the location of the sanitation facilities and water and shall allow each employee reasonable opportunities during the workday to use them. The agricultural employer shall also inform each employee of the importance of following good hygiene practices to minimize exposure to the hazards in the fields of heat, communicable diseases, retention of urine, and agrichemical residues.

7.0 Compliance Procedures

- 7.1 General. When an inspection reveals that the camp or field sanitation/hand labor operation is not in compliance with these Regulations, the permit holder shall take corrective action within the time specified by the Division. The permit holder may additionally be required to provide to the Division a written plan to correct violations of the Regulations, including the method of correction and the anticipated date of completion.
- 7.2 Administrative Action
 - 7.2.1 Operating without a permit
 - 7.2.1.1 If a camp or field sanitation/hand labor operation is found operating without a valid permit, the Division shall order immediate closure. The closure shall be effective upon written notice to the person in charge of the establishment. The establishment shall remain closed until proper application, submission and review of plans, and inspection reveals compliance with these Regulations and approval for permit is made.
 - 7.2.1.2 A conspicuous, colored placard shall be prominently displayed at all entrances of the camp or field sanitation/hand labor operation which has failed to obtain a valid permit.
 - 7.2.2 Imminent Health Hazard
 - 7.2.2.1 Suspension of Permit
 - 7.2.2.1.1 If a condition is determined to exist in a migratory agricultural labor housing camp or field sanitation/hand labor operation that represent an imminent health hazard, the Division may

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suspend the operating permit of the camp or field sanitation/hand labor operation without a hearing or written notice for a period not to exceed ten (10) days.

7.2.2.1.2 The suspension shall be effective upon receipt of written notice by the person in charge of the camp or field sanitation/hand labor operation. A suspension statement recorded on the inspection report by the inspecting Division representative constitutes a written notice. The person in charge shall be requested to yield the permit to the representative of the Division. The Director shall be notified of the suspension by the close of the following business day. The permit shall not be suspended for a period longer than ten (10) days without a hearing.

7.2.2.1.3 The owner/operator of a camp or field sanitation/hand labor operation may request, in writing, a hearing before the Director at any time during the period of suspension, for the purpose of demonstrating that the imminent health hazard no longer exists. The request for hearing shall not stay the suspension.

7.2.2.1.4 If a follow-up inspection by a representative of the Division shows that the immediate health hazard or the imminent health hazard no longer exists, the suspension shall be lifted immediately and the permit returned.

7.2.2.3 Hearing. If the imminent health hazard is not eliminated, the Division shall schedule an administrative hearing within the ten (10) day period of suspension. The purpose of the hearing is to determine if the suspension should be extended, the permit revoked or other action taken. Failure to hold a hearing within the ten (10) day period shall automatically terminate the suspension.

7.2.2.4 A conspicuous, colored placard shall be prominently displayed at all entrances of a migratory agricultural labor housing camp or field sanitation/hand labor operation whose permit stands suspended or revoked for an imminent health hazard.

7.2.3 Serious Violations, Repeat Violations and General Unsanitary Conditions

7.2.3.1 Suspension of Permit. If serious violations, repeat violations, or general unsanitary conditions exist, the Division may issue and properly serve due notice, by certified mail or by hand delivery, of the intention of the Division to suspend the permit of a migratory agricultural labor housing camp or field sanitation/hand labor operation. The Division shall not suspend a permit of a migratory agricultural labor housing camp or field sanitation/hand labor operation for serious or repeated violations that do not present an imminent health hazard, without having first issued and properly served such notice of intent to suspend.

7.2.3.2 Hearing. Within 30 days of the date of such notice of intent to suspend, the permit holder may submit to the Division a written request for an administrative hearing. The suspension shall commence upon expiration of the notice of intent, unless within 30 days of the date of such notice, the Division receives from the permit holder a written request for an administrative hearing. If the permit holder makes a timely request for an administrative hearing, the suspension shall be stayed pending the results of the hearing.

7.2.3.2 A conspicuous, colored placard shall be prominently displayed at all entrances of a migratory agricultural labor housing camp or field sanitation/hand labor operation whose permit has been suspended or revoked for serious violations, repeat violations or general unsanitary conditions.

7.3 Administrative Hearing

7.3.1 Upon due notice that the Division intends to suspend the permit of a camp or field sanitation/hand labor operation, the permit holder may submit to the Division, within 30 days of the date of such notice of intent, a written request for an administrative hearing.

7.3.2 When an administrative hearing is scheduled, the permit holder of the camp or field sanitation/hand labor operation, shall be informed at least five (5) days prior to the hearing of the place, time, and date of the hearing and the specific charges against the camp or field sanitation/hand labor operation. Notification of the hearing shall be by certified mail or by hand delivery.

7.3.3 Failure of the permit holder to be present for an administrative hearing shall result in automatic suspension of permit and recommendation for revocation.

7.4 Records of Administrative Proceedings

7.4.1 A written report of the hearing decision shall be furnished by the Division to the permit holder of the camp or field sanitation/hand labor operation.

7.5 Additional Penalties

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7.5.1 Any person who neglects or fails to comply with the requirements of these Regulations shall be subject to the provisions of 16 **Del.C.** §107, and shall be fined not less than \$100 and not more than \$1,000, together with costs, unless otherwise provided by law.

7.5.2 The Division may seek to enjoin violations of these Regulations

15 DE Reg. 521 (10/01/11)