

INDIANA STATE DEPARTMENT OF HEALTH  
RULE 410 IAC 6-9  
AGRICULTURAL LABOR CAMPS

**Section 1. Definitions**

- (a) The definitions in this section apply throughout this rule.
- (b) "**Adult**" means any person who is eighteen (18) years of age or older.
- (c) "**Agricultural labor camp**" means one (1) or more buildings or structures, tents, trailers, or vehicles, together with the land appertaining thereto, established, operated, and used as living quarters for five (5) or more adult seasonal or temporary workers engaged in agricultural activities, including related food processing.
- (d) "**Board**" means the Indiana state board of health.
- (e) "**Camp operator**" means any person who, within the meaning of the act, operates a camp or holds a permit issued pursuant to the provisions of IC 13-1-9.
- (f) "**Community building**" means any building provided for general use and in which is located, for general use, any of the following:
- (1) Toilet facilities.
  - (2) Washrooms.
  - (3) Bathrooms.
  - (4) Laundry facilities.
  - (5) Recreation facilities.
  - (6) Space for other communal activities.
- (g) "**Garbage**" means all putrescible wastes resulting from the handling, processing, preparation, and consumption of food.
- (h) "**Habitable room**" means any enclosed space used or intended to be used in the normal activities of daily living.
- (i) "**Interference with state board of health agent**" means, but is not limited to, physical obstruction, attack, or threatened attack on

a representative of the board while that representative is conducting inspection, licensing, or enforcement activities pursuant to IC 13-1-9 or this rule.

- (j) "**Living quarters**" means any habitable room as well as any building or structure in which is located toilet facilities, washrooms, bathrooms, and laundry facilities.
- (k) "**Refuse**" means all solid wastes, including garbage, rubbish, and ashes, but excluding body wastes.
- (l) "**Residents**" means those persons who dwell in one (1) shelter at an agricultural labor camp.
- (m) "**Shelter**" means any facility used for the normal activities of daily living.
- (n) "**Toilet facilities**" means those devices provided for individual convenience in the sanitary disposal of body wastes and the structures for their installation and maintenance.
- (o) "**Violation**" means the failure of an agricultural labor camp owner, operator, caretaker, or other person who has a substantial and direct proprietary interest in the camp to abide by a provision of IC 13-1-9 or this rule.

**Section 2. Construction Notice; Permit**

- (a) Any person planning to construct or enlarge for occupancy or use any camp or facility thereto appertaining, or to convert any premises to use as a camp, shall give written notice to the board on such forms as the board may require. This notice shall be given not later than sixty (60) days before the starting date of such construction, enlargement, or conversion. Upon receipt of said notice, the board shall provide necessary information to the notifier, including consultation as indicated. The board may require, and the notifier shall provide, such further information as the board shall need.

- (b) Compliance with local laws and regulations shall be accomplished by the notifier.
- (c) Application for a permit to operate an agricultural labor camp shall be made to the board in such form and manner as the board may prescribe, and said application shall be made not later than sixty (60) days prior to the start of the operation of the camp.
- (d) If, after necessary investigation and inspection, the board is satisfied that the camp is in substantial compliance with statutory and regulatory requirements, a permit shall be issued.
- (e) In case of single ownership of multiple camps, each camp, within the meaning of the act, shall have a permit.
- (f) When a change of camp operator is contemplated, the new operator shall file an application for a permit with the board within fifteen (15) days of the effective date of the transfer.
- (5) A slotted or perforated removable landing or permanent concrete slab having a length and width not less than the width of the door opening shall be located at the outside entrance of each habitable room.
- (6) The housing site shall provide a space for recreation reasonably related to the size of the facility and the type of occupancy.
- (7) Farm implements shall not be stored in the camp\_area when the camp is occupied.
- (8) All shelters must be located at least five hundred (500) feet from any livestock harborage which might create nuisance conditions or a health hazard.
- (9) Vehicles, refrigerators or other abandoned appliances must be removed from the camp as soon as they are discarded.
- (10) Prior to camp occupancy, any shelter which does not comply with subsection (d) must be razed, removed, or secured to prevent access.

### **Section 3. Camp Facilities**

- (a) The following requirements pertain to housing sites:
  - (1) 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 hazard to health.
  - (2) Housing shall not be subject to, or in proximity to, conditions that create or are likely to create a health or safety hazard.
  - (3) Grounds within the housing site shall be free from debris, noxious plants such as poison ivy, and uncontrolled weeds or brush.
  - (4) A minimum distance equal to the height of the structure plus five (5) feet shall be required between all shelters.
- (b) The following requirements pertain to water supplies:
  - (1) An adequate and convenient supply of water which meets the quality standards of the water pollution control board shall be available at all times in each camp for culinary, drinking, bathing, and laundry purposes. Where a public water supply is available, it shall be used to provide water for the camp.
  - (2) When wells are used as the source of the camp water supply, they shall be in full compliance with the rules of the water pollution control board.
  - (3) A cold water tap and an approved drinking fountain with sanitary type angle-stream jet head shall be available within one hundred (100) feet of each individual living unit when
- (11) All containers such as used tires, buckets, or pans which might accumulate rainwater must either be removed or kept indoors.

water under pressure is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage.

(4) Common drinking cups shall not be permitted.

(c) The following requirements pertain to excreta and liquid waste disposal:

(1) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste.

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

(3) Where conditions will permit and a public sewage system is not available, sewage treatment or disposal facilities utilizing septic tanks and absorption systems shall be constructed in accordance with 410 IAC 6-10 concerning commercial on-site wastewater disposal.

(4) Sewage treatment facilities which have an effluent discharging into the waters of the state shall be designed, constructed, and maintained in compliance with all applicable rules of the water pollution control board.

(5) Privies must be constructed and maintained in a sanitary condition. In addition:

(A) a vault of sufficient capacity to serve the daily and long term needs of users must be provided;

(B) the vault must be inaccessible to rodents and insects;

(C) a concrete floor slab, base, or vault lid must be provided on which the privy housing or superstructure can be erected; wood floors cannot be utilized;

(D) an earth mound must be maintained around the privy base to divert surface water away from the vault;

(E) seat risers must extend directly from the concrete base, or floor slab, and be constructed of impervious material;

(F) comfortable seats must be provided with tight fitting lids which completely cover the privy seat hole when not in use;

(G) the privy housing structure must afford privacy, and the shelter must be fly-tight, enclosing walls and roof must have no openings or cracks which are not sealed or screened;

(H) a tight-fitting door must be provided which is equipped with a self-closing device;

(I) vents, windows, and other openings must be completely screened;

(J) a vertical pipe or enclosed moisture-proof vent duct must extend from the privy vault to a point above the roof peak, be protected by a screening of not less than sixteen (16) mesh at the outlet, and be capped to divert precipitation.

(K) a properly sloped roof of impervious material must be provided with an overhang to prevent ponding of water and leakage into the structure;

(L) adequate illumination of the privy interior must be provided at all times;

(M) the privy must provide user privacy through the installation of privacy partitions around the structure or by use of inside door latches;

(N) privy vaults must be pumped when accumulated wastes are within eighteen (18) inches of the floor slab; and

(O) privies shall not be located closer than fifty (50) feet from any habitable room or any facility where food is prepared or served.

(d) The following requirements pertain to housing:

- (1) Housing shall be structurally sound, in good repair, in a sanitary condition, and shall provide protection to residents against the elements. In addition:
  - (A) all shelters must have walls free of cracks and holes;
  - (B) wood shelters must have walls of cleanable, smooth, hard surfaces;
  - (C) all shelters must have exterior doors and screen doors on all exits;
  - (D) doors must have latches or door knobs and must fit tightly in their frames;
  - (E) latches must latch from both the inside and outside;
  - (F) shelter floors must be reasonably level;
  - (G) the interior walls and ceilings of the shelters must either be painted in a light-reflecting color or be constructed of easily cleanable materials approved by the board; and
  - (H) all mobile home type shelters shall be installed on a permanent foundation or securely anchored to the ground.
- (2) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground water and surface water, insects, and rodents. All floors shall have a smooth finish and be free of cracks.
- (3) The following minimum space requirements shall be provided until December 31, 1992:
  - (A) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than fifty (50) square feet of floor space per occupant.
  - (B) For sleeping purposes only in family units and in dormitory accommodations using double bunk beds only, not less than forty (40) square feet per occupant.
  - (C) For combined cooking, eating, and sleeping purposes, not less than sixty (60) square feet of floor space per occupant.
  - (D) In mobile home type units provided by a person other than occupant, there shall be at least forty (40) square feet of floor area for each person sleeping therein.
- (4) Separate sleeping accommodations shall be provided for each sex or family.
- (5) Adequate arrangements for handling clothing and storing personal effects for each person or family shall be provided. Three (3) feet of bar and three (3) feet of shelving for each one hundred (100) square feet of floor space will be considered adequate.
- (6) Each living unit shall have a minimum ceiling height of seven (7) feet.
- (7) Each habitable room shall have at least one (1) window or skylight opening directly outdoors. The minimum total glazed area shall equal at least ten percent (10%) of the usable floor area. The total openable area shall equal at least forty-five percent (45%) of the minimum glazed area required, except where comparably adequate ventilation is supplied by mechanical or some other method. In addition:
  - (A) all windows shall fit tightly in their frames; and
  - (B) all operable windows must open easily and must be fitted with a latching mechanism.
- (8) All living quarters shall be assigned the same number. Numbers must be at least two (2) inches high and must be painted near the primary entrances in a color contrasting with that of the shelter.
- (9) Each shelter must have the same maximum number of residents allowed

under subdivision (3) posted near the primary entrance to the shelters as follows: "Maximum residents" in English, and "Maximos residentes" in Spanish.

(10) Effective January 1, 1993, all mobile homes used as shelters and equipped with an operable toilet, shower, lavatory, and hot and cold water under pressure, shall provide a minimum floor space of sixty (60) square feet per resident; and all other shelters shall provide a minimum floor space of eighty (80) square feet per resident.

(e) The following requirements pertain to screening:

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

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

(f) The following requirements pertain to heating:

(1) Any camp which is occupied between August 31 and June 1, shall be provided with operable heating equipment of capacity adequate to maintain a temperature of at least sixty-five degrees Fahrenheit (65°F.) in each habitable room during the period of occupancy. A facility provided for cooking purposes does not satisfy the requirements of this subdivision.

(2) Any 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 eighteen (18) inches beyond the perimeter of the base of the stove. No facility intended

or used for cooking purposes shall be used to heat the living quarters.

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

(4) 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.

(5) When gas heaters are used they must have pilot lights in operation at all times between August 31 and June 1 each year when the shelter is occupied, and each room where gas heaters are installed must have operating instructions posted in English and Spanish.

(6) Unvented kerosene heaters and catalytic type heaters are prohibited.

(7) Venting, fire resistivity, fuel storage and supply, and all other parts of the heating system shall comply with 675 IAC 22-2.1, the Indiana Fire Prevention Code.

(g) The following requirements pertain to electricity and lighting:

(1) Each habitable room and enclosed area in a shelter shall contain:

(A) an overhead light or lights that provide at least twenty (20) foot-candles of illumination throughout the room.

(B) a minimum of three (3) operable wall-type duplex electrical outlets in each room, located so that at least two (2) walls have outlets.

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

- (3) All wiring and lighting fixtures shall be installed and maintained in a safe condition. After the effective date of this rule, all newly installed wiring and lighting fixtures shall be installed and maintained in compliance with 675 IAC 17, the Indiana Electrical Code.
- (4) Hallways and stairways shall be adequately lighted. Stairways shall have two (2) switches, one (1) at each end controlling an overhead light fixture.
- (5) In cooking areas of family living units, at least twenty (20) foot-candles of illumination shall be provided.
- (6) Each shelter shall have a fuse box with circuit breaker or fuses, sized to meet the requirements of 675 IAC 17, the Indiana Electrical Code.
- (h) The following requirements pertain to toilets:
  - (1) Toilets shall be constructed, located, and maintained so as to prevent any nuisance or public health hazard.
  - (2) Water closets or privy seats for each sex shall be in the ratio of not less than one (1) such unit for each fifteen (15) residents, with a minimum of one (1) unit for each sex in common use facilities.
  - (3) Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats on the basis of one (1) urinal for one (1) toilet seat up to a maximum of one-third ( $\frac{1}{3}$ ) of the required toilet seats.
  - (4) 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 Spanish. International symbols may be used in lieu of English and Spanish designations.
- (5) All common use rooms containing sanitary or laundry facilities shall have the following:
  - (A) Walls and partitions around toilets, showers, lavatories, and other plumbing fixtures, constructed of smooth, nonabsorbent, easily cleanable materials.
  - (B) Bathing and handwashing facilities supplied with hot and cold water under pressure. Hot water provided for showers and handwashing facilities shall be maintained between one hundred five degrees Fahrenheit ( $105^{\circ}$  F.) and one hundred twenty degrees Fahrenheit ( $120^{\circ}$  F.). An approved antiscald device shall be provided to automatically control the hot water temperature so that it cannot exceed one hundred twenty degrees Fahrenheit ( $120^{\circ}$  F.). All new and replacement faucets installed on bathing and handwashing facilities after the effective date of this rule shall be mixing type faucets.
  - (C) At least one (1) window which can be easily opened or a mechanical device which will exchange air in the room at least six (6) times per hour.
  - (D) All openings to the outside from the building shall be effectively screened, and the doors shall be self-closing.
  - (E) All entrances to toilet and bathing facilities shall be screened to prevent a direct view of the interior from the exterior when the door is opened.
  - (F) Floors in handwashing and shower rooms shall have a smooth nonskid finish and be impervious to moisture. All floors shall slope to a properly trapped floor drain.
  - (G) Hot water heaters must have a capacity and recovery rate capable of supplying at least four (4) gallons of hot water per hour, per resident.
  - (H) Restrooms, laundry rooms, toilets, and privies shall contain adequate ceiling light fixtures to provide at least ten (10)

foot-candles of illumination throughout the rooms.

(1) Restrooms shall have at least one (1) wall-type electrical convenience outlet, and all restroom outlets shall be protected by a ground fault circuit interrupter.

(6) Toilet facilities shall be located within two hundred (200) feet of each living unit.

(i) The following requirements pertain to bathing, laundry, and handwashing facilities:

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

(2) There shall be a minimum of one (1) shower head per ten (10) residents. Shower heads shall be spaced at least three (3) feet apart with a minimum of nine (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 or in Spanish. International symbols may be used in lieu of English or Spanish designations.

(3) Lavatories or equivalent units shall be provided in a ratio of one (1) per fifteen (15) residents or fraction thereof.

(4) Laundry facilities, supplied with hot and cold water under pressure, shall be provided for the use of all residents. Laundry trays or tubs shall be provided in the ratio of one (1) per twenty-five (25)

residents or fraction thereof. Mechanical washers may be provided in the ratio of one (1) per fifty (50) residents or fraction thereof, in lieu of laundry trays, although a minimum of one (1) laundry tray per one hundred (100) residents, or fraction thereof, shall be provided in addition to the mechanical washers.

(5) Camps in which all units are not provided with sinks must have common dishwashing facilities served by hot and cold water under pressure and discharging into existing approved camp sewage disposal systems. Such facilities must be provided in the ratio of one (1) for each twenty-five (25) residents or fraction thereof.

(j) The following requirements pertain to cooking and eating facilities:

(1) When residents 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:

(A) a cookstove or hotplate with a minimum of two (2) burners;

(B) adequate food storage shelves and a counter for food preparation;

(C) provisions for mechanical refrigeration of food at a temperature of not more than forty-five degrees Fahrenheit (45° F); and

(D) a table and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the unit.

(2) When residents 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:

(A) stoves or hot plates, with a minimum equivalent of two (2) burners, in a ratio of one (1) stove or hot plate to ten (10) persons, or one (1) stove or hot plate to two (2) families;

- (B) a counter for food preparation;
  - (C) mechanical refrigeration for food at a temperature of not more than forty-five degrees Fahrenheit (45° F);
  - (D) tables and chairs or equivalent seating adequate for the intended use of the facility;
  - (E) adequate sinks with hot and cold water under pressure;
  - (F) adequate lighting and ventilation; and
  - (G) floors of nonabsorbent, easily cleanable materials.
- (3) Camps providing a central dining or multifamily food service shall provide and maintain the kitchen and dining hall in accordance with the provisions of 410 IAC 7-24.
- (4) 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.
- (5) 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.
- (6) Work table, counter, and dining table surfaces shall be constructed of materials presenting a smooth, nonabsorbent, easily cleaned surface.

#### **Section 4. Operation and Sanitation; Safety Requirements**

- (a) The following requirements pertain to garbage and other refuse:
- (1) Garbage and refuse shall be stored in watertight containers having a tight-fitting lid and shall be maintained in a sanitary

condition and in good repair at all times. Covered washable containers of at least twenty (20) and no larger than twenty-five (25) gallon capacity shall be provided adjacent to each shelter and service building for the storage of refuse and garbage and the containers designated as to contents.

- (2) Garbage and refuse shall be collected at least two (2) times a week, or whenever the containers are full. After emptying, the cans shall be cleaned. Garbage and refuse shall not be burned.
- (3) Approved community dumpsters can be utilized in lieu of other garbage containers provided that:
- (A) the dumpsters are of adequate size;
  - (B) the dumpsters have lids;
  - (C) dumpsters are located within two hundred (200) feet of all living quarters; and
  - (D) a garbage container of at least five (5) gallon capacity is provided inside all living quarters.
- (b) Insect and rodent control requires that housing facilities shall be free of insects, rodents, and other vermin.
- (c) The following requirements pertain to sleeping facilities:
- (1) Sleeping facilities shall be provided for each resident. Such facilities shall consist of comfortable beds, cots, or bunks provided with clean mattresses.
  - (2) Any bedding provided by the housing operator shall be clean and sanitary.
  - (3) Triple and quadruple deck bunks shall not be provided.
  - (4) Vertical separation between the top of the lower mattress of a double deck bunk and the upper bunk shall be a minimum of twenty-seven (27) inches. The vertical

separation from top of the upper mattress to the ceiling shall be a minimum of thirty-six (36) inches.

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

(6) Foam mattresses must be provided with clean mattress covers.

(d) The following requirements pertain to fire, safety, and first aid:

(1) All buildings in which residents sleep or eat shall be constructed and maintained in accordance with applicable state or local fire and safety laws.

(2) One (1) story shelters for less than ten (10) residents shall have two (2) means of escape. One (1) of the two (2) required means of escape may be a readily accessible window with an openable space of not less than twenty-four (24) inches by twenty four (24) inches.

(3) All living quarters intended for use by ten (10) or more residents, central dining facilities, and common assembly rooms shall have at least two (2) doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

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

(5) Living quarters 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.

(6) A 4A60BC ten (10) pound or greater multipurpose dry chemical pressure fire extinguisher shall be provided in a readily accessible place located not more than one hundred (100) feet from each shelter. A minimum of one (1) such fire

extinguisher for each ten (10) residents or fraction thereof must be provided.

(7) First-aid facilities shall be provided and readily accessible for use at all times. Such facilities shall be equivalent to the sixteen (16) unit first-aid kit recommended by the American Red Cross and shall be provided in a ratio of one (1) per fifty (50) residents or fraction thereof.

(8) 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.

(9) Agricultural pesticides and toxic chemicals, excluding household products, shall not be stored within fifty (50) feet of any shelter.

(10) Telephone service shall be made reasonably available to all residents of the camp either by providing a pay phone or telephone in the crew leader's unit. The telephone number of the nearest fire department and ambulance service shall be prominently posted near the telephone.

(11) Each shelter shall be provided with at least one (1) ceiling-mounted smoke detector which shall be maintained in a working condition at the time of occupancy and repaired on request as needed.

(12) The camp owner shall provide a centrally located bulletin board where notices and permits can be displayed. Instructions in English and Spanish for reporting emergency situations shall be posted on this board.

(13) If workers are allowed to bring their own recreational vehicles to the camp, acceptable water, sewer, and electrical hook-ups must be provided for each such unit. Such recreational vehicles are exempt from the space and construction standards enumerated in section 3(d) through 3(g) of this rule.

(e) The following requirements pertain to operators' and residents' responsibilities:

(1) The camp operator is specifically responsible for the following:

(A) Obtaining a current permit before workers arrive.

(B) Ensuring that the camp area and sanitary facilities are kept clean and in good repair.

(C) Routine upkeep and maintenance on shelters.

(D) Keeping the grass mowed.

(2) Those persons residing in the agricultural labor camp are responsible for the following:

(A) Keeping their shelters clean.

(B) Cleaning their appliances and notifying the operator of any problems or breakdowns.

(C) Providing their own bedding, such as sheets and blankets.

(D) Leaving their camp and shelters clean and in good repair.

(E) Keeping their pets on a leash or otherwise restrained and properly vaccinated.

### **Section 5. Health or Safety Hazards; Reporting Communicable Diseases**

(a) No conditions, situation, or installation shall be created, installed, or maintained which may cause or result in a health or safety hazard or which may cause or transmit disease.

(b) The camp operator shall notify the local health officer immediately of any suspected communicable or contagious disease within the camp.

(c) A roster of all camp residents, and the number of shelter to which they are assigned, must be maintained by the camp

operator. This roster shall contain the first and last names of all adult residents and the total number of residents in each shelter. The roster must be kept up-to-date whenever the camp is occupied and shall be maintained by the operator for at least thirty (30) days after the camp is closed.

(d) Any structure located within fifty (50) feet of a shelter, which by its condition is an imminent threat to health or safety as determined by the board, must be razed, or removed, or repaired in such a manner that it is no longer a threat to health or safety.

### **Section 5.5. Civil Penalties Schedule**

(a) The board may commence an action under IC 13-1-9 and IC 4-21.5-3-8 to levy civil penalties against an agricultural labor camp operator who:

(1) fails to comply with IC 13-1-9 or this rule; or

(2) interferes with or obstructs the state board or its designated agent in the performance of duties pursuant to IC 13-1-9.

(b) A civil penalty in an amount in the appropriate range specified in this section may be assessed for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the state board shall consider the following:

(1) The potential for harm or imminent threat to public health.

(2) The extent of deviation from statutory or regulatory requirements.

(3) Degree of willfulness or negligence.

(4) History of noncompliance.

The absence of direct harm shall not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided for in subsection (e), all penalties shall be in accordance with the following schedule:

part thereof, be declared invalid for any reason, the remainder of said regulation shall not be affected thereby and shall remain in full force and effect.

Violation	Range of Penalty
Construction Notice; Permit 410 IAC 6-9-2	\$ 50 to \$ 100
Camp Facilities 410 IAC 6-9-3	\$ 50 to \$ 500
Operation and Sanitation: Safety Requirements 410 IAC 6-9-4	\$ 50 to \$ 500
Health or safety hazards; Reporting communicable diseases 410 IAC 6-9-5	\$ 50 to \$ 500
Interference with Agent 410 IAC 6-9-5.5	\$100 to \$ 500

(e) After determining the appropriate penalty based on the schedule in this section, the state board may adjust the penalty to reflect a good faith effort to comply by the operator of an agricultural labor camp.

(f) Each individual penalty shall be multiplied by the number of days the particular violation occurred. Penalties for violations occurring in two (2) consecutive inspections by the board shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.

(g) Penalties for all violations shall be totaled and sought under one (1) cause of action.

(h) After filing an action pursuant to IC 4-21.5, and in an attempt to resolve violations of IC 13-1-9 and this rule without resort to a hearing, the board may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in the agreed order.

**Section 6. Severability**

If any section, paragraph, sentence, clause, phrase, or word of this regulation, or any other