

Workplace Advisory Memorandum

DATE: March 31, 2025

TO: All Oregon OSHA Staff

FROM: Matt Kaiser, Policy Manager

SUBJECT: Alternative Option for Agriculture Labor Housing Registration (PG 2025-01)

On January 8, 2025, Oregon OSHA adopted comprehensive amendments to its Agricultural Labor Housing and Related Facilities (ALH) rule in Division 4, OAR 437-004-1120, and in the equivalent Division 2 rule, OAR 437-002-0142 (reference AO 1-2025). The adopted rule includes modifications to the requirements for indoor and outdoor facilities that operators must include when they provide housing. The adopted standard has some provisions effective March 31, 2025, while other provisions are phased-in through Jan. 1, 2028. This policy guidance explains the process that will be utilized by Oregon OSHA to register ALH under OAR 437-004-1120(5) while the adopted requirements to the housing are implemented.

Under OAR 437-004-1120(5), a housing operator would normally be required to undergo a consult by Oregon OSHA under two circumstances as prescribed by subsections (5)(b)(B)-(C) of the adopted rule:

(B) If the housing and related facilities were not registered in the previous year, the operator must call Oregon OSHA to request a consultation visit to the housing. Oregon OSHA will register housing and related facilities not previously registered only after a pre-occupancy consultation that finds the housing or facility to be free from all hazardous conditions.

(C) If there were significant changes in the circumstances of the housing or facilities since the last registration, and the housing is intended to be occupied, the operator must report to Oregon OSHA at least 45 calendar days before operation. Oregon OSHA may, at its discretion, refer the employer for a consultation prior to re-registering the housing and facilities.

Housing Not Registered the Previous Year – Subsection (5)(b)(B)

Housing operators who have not been registered in the previous year under OAR 437-004-1120(5)(b)(B), including those registering for the first time, are not covered by this policy guidance and will be **required to engage in the consultation process** as required by the ALH rule.

Significant Changes to the Housing – Subsection (5)(b)(C)

For operators who were registered the previous year, it is recognized that the implementation of some of the new provisions in the adopted rule would likely constitute “significant changes in the circumstances of the housing” under OAR 437-004-1120(5)(b)(C). Due to the nature of the phased-in implementation dates and staffing resources, it will not be feasible to conduct a consultation with all operators statewide who need to register as they upgrade their housing each year. Therefore, the following policy is being implemented to facilitate operator compliance with subsection (5)(b)(C) in light of the adopted rule changes.

Housing for H-2A or H-2B Occupants

Housing for H-2A or H-2B occupants is **not** covered by this policy guidance. Operators of such sites are required to engage in consultation services by Oregon OSHA (pre-occupancy for first time registrants only) and Oregon Employment Department (all subsequent consultations).

Purpose: ALH Registration Declaration Form and Consultation Activities

The purpose of this policy is to facilitate the timely processing of ALH registration applications, while also ensuring the requirements of the ALH rule are met. Additionally, this policy guidance will allow Oregon OSHA to allocate consultation resources more efficiently based on those who are requesting assistance with compliance methods, or to evaluate previously unregistered housing.

Effective immediately, the following policy is established to facilitate ALH registration processing:

- To avoid registration delays, housing operators may submit an Oregon OSHA ALH Declaration Form for Registration **in lieu of** scheduling a consult when “*significant changes*” have been made in the housing as prescribed by subsection (5)(b)(C) of the adopted ALH rule (AO 1-2025). This declaration form would be submitted along with any other required ALH registration application materials.
- This Registration Declaration Form will be updated annually to reflect the new ALH rule requirements as they become effective. Those delayed effective dates are:
 - January 1, 2026
 - January 1, 2027
 - January 1, 2028
- Submission of the declaration form does not in and of itself guarantee approval of an operator’s ALH registration.
- Operators who choose not to submit a complete declaration form with their housing registration materials remain subject to the consultation requirements of subsection (5)(b)(C), and may experience a delay in their registration processing or approval.

- When required to register, operators with occupied labor housing that is unregistered will be subject to potential Oregon OSHA enforcement action and may be issued a citation that carries a monetary penalty.

This policy is effective immediately and will remain in effect until Jan. 1, 2029, unless revised or repealed sooner.

History: PG 2025-01 Issued 3/31/2025