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RE: Written Testimony for **HB 1543 Labor and Employment - Temporary Workers**

Dear Madam Chair Wells, Vice Chair Kerr and members of the House Government, Labor, and Elections Committee,

As public health scholars and students with experience conducting research on the health and housing conditions of migrant and seasonal farmworkers in Maryland, we are providing written testimony for **HB 1543 Labor and Employment - Temporary Workers**, favorable with comments.

Numerous reports have documented how migrant and seasonal farmworkers (MSFWS) are forced to live in segregated communities with substandard and crowded housing conditions, and unsafe or limited water supply (1-8). These conditions create severe health risks for farmworkers, from respiratory diseases and gastrointestinal problems to heat-related illnesses and heightened vulnerability to infectious diseases. These inequities exist in Maryland within a complex regulatory landscape where housing responsibilities vary by employment arrangement. Under the H-2A visa program employers must provide housing meeting minimal Federal standards (see Appendix 1). For non-H-2A workers, housing arrangements vary widely, with many living in employer-provided accommodations that fall under inconsistent state and local regulations. Our analysis of Maryland Department of Labor (MD DOL) housing inspection reports from Maryland farms employing for H-2A workers during 2018- 2025 found persistent deficiencies including violations of standards for basic facilities, building structure, rodent and pest infestation, water damage and excessive mold (see Appendix 2). Despite these deficiencies and noncompliance with Federal migrant labor housing standards, the majority of these housing inspections received a pass from MD DOL. Therefore, we applaud Delegate Bhandari and the House Government, Labor, and Elections Committee for identifying housing conditions of MSFWS in Maryland as an important policy matter and we are encouraged by the introduction of HB 1543. However, the proposed actions to address MSFW conditions in Maryland as outlined in the HB1534 can be greatly improved to ensure the desired outcomes. Therefore, we recommend the following for your consideration:

1. **Priority 1:** Clear definitions and specifying authority for enforcement and accessibility of provisions.

- a. **Rename and define “EMPLOYER-PROVIDED HOUSING.”**

- i. Page 3 lines 23 (7.5–203B1) mention “EMPLOYER-PROVIDED HOUSING,” but the phrase is not defined under subtitle 1. “EMPLOYER” is defined on Page 3 lines 6-

7 (7.5-101C) as “a person that employs or sponsors a temporary worker in the State.” Thus, “employer-provided housing” may exclude housing provided by farm labor contractors or other entities who do not directly employ or sponsor a temporary worker. **A formal renaming and definition of “employer-provided housing” is needed**, especially given that employers are not obligated to provide housing for H-2B workers and the changes to the federal rules for H-2A workers such that employers can deduct pay for housing. In addition, the bill should clarify whether these recent federal [Interim Final Rule](#) changes for H-2A housing provisions establish a tenant-landlord relationship between H-2A workers and employers. **We recommend that “employer-provided housing” be changed to “TEMPORARY WORKER HOUSING”, with the following definition for “TEMPORARY WORKER HOUSING”:** “Any housing provided to temporary workers, excluding housing provided on a commercial basis in the ordinary course of business to the general public that is of the same or comparable terms and conditions as provided to the general public.” This language is modified from the [definition of migrant labor housing provided in the Migrant and Seasonal Farmworker Protection Act \(MSPA\)](#).

b. **Define “SAFETY COMPLIANCE.”**

- i. Page 3 line 25 (7.5–203B2) mentions “SAFETY COMPLIANCE,” but does not specify by which standards to be in compliance. **A definition of “safety compliance” is needed** for the Department, employers, and temporary workers to understand the workers’ rights to safety and the grounds for Departmental enforcement. **We recommend the following definition for “SAFETY COMPLIANCE”:** “Compliance with all housing safety and health standards established in the Occupational Safety and Health Administration’s (OSHA) [Standards for Temporary Labor Camps](#), and compliance with all relevant federal, state, and local regulation and standards.”

c. **Redefine “TEMPORARY WORKER.”**

- i. Page 2 lines 10-11 (7.5–101E) attempt to define “TEMPORARY WORKER,” by limiting the term to those employed under H-2A and H-2B visas. This omits all other migratory and temporary workers that come to Maryland and biases against U.S.-based migratory workers. **We recommend the following definition for “TEMPORARY WORKER”:** “An individual who is employed in employment of a seasonal or other temporary nature.” This language is modified from the [definition of migrant and seasonal agricultural workers provided in the MSPA](#).
- ii. In addition, we recommend the Department to re-establish the [Governor's Commission on Migratory and Seasonal Farm Labor](#), so that the state of

Maryland can more comprehensively address all temporary and migratory labor issues.

d. **Specify the structure and mechanisms for accountability of “TEMPORARY WORKER OVERSIGHT UNIT IN THE DEPARTMENT.”**

- i. Page 2 line 18 (7.5–201) establishes the Temporary Worker Oversight Unit (the Unit) in the Maryland Department of Labor (MD DOL), but does not establish which entity will hold the Unit into account, nor the command structure. In addition, it is unclear whether this Unit replaces the current group in MD DOL that conducts housing inspections, with 7.5–201 acting as a reorganization of the current structure, or if the Unit is an additional group that will conduct safety inspections alongside current staff. **We recommend making this important designation, as it may indicate need for resource allocation to this Unit and MD DOL.**
- ii. There are no allocations of funding or staff resources to this Unit in the bill as written. MD DOL has communicated being understaffed for the needs of temporary worker safety examinations, (e.g. the Division of Workforce Development and Adult Learning is responsible for all housing inspections required under the H-2A program, yet they have only 3 inspectors for the whole state). **We recommend including specifications of allocated resources for the Unit established by 7.5–201, so that the Unit may feasibly comply with the requirements in this bill and conduct proper enforcement activities.**

e. **Specify new provisions under 7.5–203A.**

- i. Page 3 lines 10-14 (7.5–203A) attempt to outline provisions empowering the temporary workers to file complaints. These provisions already exist at the federal level (particularly 7.5–203A1). **We recommend including specifications of authority and enforcement for MD DOL to ensure rights to filing complaints, which are not duplicative of requirements of the federal level.** While 7.5–203A1 requires MD DOL to allow temporary workers the ability to file a complaint, the above recommended specifications would make this provision feasibly accessible to temporary workers. An example specification could be, “The Unit shall conduct temporary worker housing safety inspections during season occupancy, and ask temporary workers if they need to file complaints of safety right violations during the inspection visit.”

f. **Specify protections for temporary workers under 7.5–401.**

- i. 7.5–401 outlines the abilities for temporary workers to file a court case to seek treble damages and injunctive relief, but does not outline the protections of the temporary workers against changes to visa status during the time of court

proceedings, which may prohibit temporary workers from accessing this provision. **We recommend including logistical specifications for the accessibility of this provision under 7.5–401 such that visa status is protected during the period of seeking treble damages and injunctive relief.**

2. **Priority 2:** Establish consequences for violations of worker and housing safety compliance.
 - a. **We recommend establishing clear penalties for employers’ violations of providing safe working and housing conditions for temporary workers.**
 - i. In the present bill, the extent of granted authority of the TEMPORARY WORKER OVERSIGHT UNIT over enforcing safety of living and working conditions for temporary workers ends with the ability to , “CONDUCT UNANNOUNCED INSPECTIONS,” (7.5–203B1) and, “EXAMINE PAYROLL RECORDS, HOUSING CONDITIONS, TRANSPORTATION ARRANGEMENTS, AND SAFETY COMPLIANCE,” (7.5–203B2). Importantly, there are no granted authorities of the Unit to enforce punitive measures for violations of safety compliance, nor are there established punitive measures for such violations of compliance. **In the bill as written, overall enforcement of the Title is over-burdened by the temporary workers, as the only outlined path of enforcement as outlined in SUBTITLE 4 depends on temporary workers to file a court case seeking treble damages or injunctive relief.**
 - ii. **We recommend modeling penalties for unsafe working and housing conditions after those set forth in the [California Employee Housing Act](#).**
3. **Priority 3:** Improve accessibility of knowledge.
 - a. **We recommend all safety inspection activity and relevant safety examination records completed by the Maryland Department of Labor to be made accessible to the public and to temporary workers.**
 - i. Page 2 lines 20-25 and page 3 lines 1-9 (7.5–202.2 and 7.5–202.3) require the TEMPORARY WORKER OVERSIGHT UNIT IN THE DEPARTMENT (Department) to collect data and report data to the General Assembly. Page 3 lines 21-25 (7.5–203.B1 and 7.5–203.B2) authorize MD DOL to conduct unannounced inspections of living and working conditions of temporary workers and examine records for safety compliance. Although 7.5–202.3I may require the MD DOL to report to the General Assembly what inspections and examinations of safety compliance they enforced, the public and the temporary workers also have a right to know the safety inspection reports of working and living conditions. **We recommend all safety inspection activity and relevant safety examination records completed by MD DOL to be made accessible to the public and to temporary workers.** This would provide transparency to the public, as permissible under

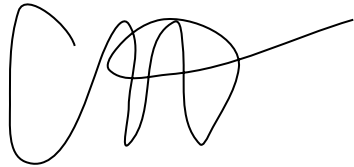
the federally funded programs that provide for temporary workers. MD DOL may model their record system after the [Washington State Health Department Facility and Inspection Search](#). This would also provide critical information to temporary workers and established groups providing services to them about the rights to safety they have, and which rights to safety may be violated. **Thus, making safety inspection information accessible to temporary workers and the public is critical for the enforcement of 7.5–203.A.** We recommend the following text to be added to 7.5–202 under a new subsection, 4, “(4) ENSURE THE REPORT IN ITEM (3) OF THIS SECTION IS ALSO MADE ACCESSIBLY AVAILABLE TO THE PUBLIC, INCLUDING TEMPORARY WORKERS AND GROUPS PROVIDING THEM SERVICES.” We also recommend the following text to be added to 7.5–203.A under a new subsection, 4, “(4) PROVIDE TEMPORARY WORKERS OF A GIVEN WORK OR LIVING SITE WITH SAFETY INSPECTION REPORTS OF THEIR SITE(S) WITHIN ONE WEEK OF THE INSPECTION OR WITHIN ONE WEEK OF HIRING FOR PRE-OCCUPANCY INSPECTIONS.”

- b. **We recommend providing communication materials in the primary language of the temporary worker.**
 - i. Page 3 lines 15-17 and 18-20 (7.5–203.A2 and 7.5–203.A3) attempt to accommodate written and verbal communication for the Hispanic/Latino temporary worker population. These provisions are not inclusive of the whole temporary worker population, which also includes Haitians that may primarily speak Haitian Creole or non-Hispanic Latin Americans that may primarily speak Indigenous or regional languages with Spanish as their second language. **We recommend providing communication materials in the primary language of the temporary worker.** We recommend amending this text, “(2) PROVIDE ANY COMPLAINT FORMS, INFORMATIONAL FORMS, AND COMMUNICATIONS RELATED TO THE ENFORCEMENT OF THIS TITLE IN ENGLISH AND SPANISH; AND (3) ON REQUEST, PROVIDE QUALIFIED SPANISH INTERPRETATION SERVICES TO TEMPORARY WORKERS FOR INTERVIEWS, INVESTIGATIONS, AND COMPLAINT PROCEEDINGS RELATED TO ALLEGED VIOLATIONS OF THIS TITLE,” to the following text, which broadens the language provisions, and is thus more inclusive for evolving temporary worker populations: “(2) PROVIDE ANY COMPLAINT FORMS, INFORMATIONAL FORMS, AND COMMUNICATIONS RELATED TO THE ENFORCEMENT OF THIS TITLE **IN THE PRIMARY LANGUAGE OF THE TEMPORARY WORKER**; AND (3) ON REQUEST, PROVIDE QUALIFIED INTERPRETATION SERVICES TO TEMPORARY WORKERS **IN THEIR PRIMARY LANGUAGE** FOR INTERVIEWS, INVESTIGATIONS, AND COMPLAINT PROCEEDINGS RELATED TO ALLEGED VIOLATIONS OF THIS TITLE.”

Respectfully,



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Appendix 1: Issue Brief # Migrant Farmworker Housing

Appendix 2: Housing Conditions of H2A Workers in Maryland

References Cited

1. Arcury TA, Weir M, Chen H, Summers P, Pelletier LE, Galvan L, et al. Migrant farmworker housing regulation violations in North Carolina. *Am J Ind Med.* 2012;55(3):191-204.
2. Castillo F, Mora AM, Kayser GL, Vanos J, Hyland C, Yang AR, et al. Environmental Health Threats to Latino Migrant Farmworkers. *Annu Rev Public Health.* 2021;42:257-76.
3. Bloss JA-O, LePrevost CE, Zahra AG, Firnhaber GC, Cofie LE, Zepeda R, et al. Advancing the Health of Migrant and Seasonal Farmworkers in the United States: Identifying Gaps in the Existing Literature, 2021. (1552-6372 (Electronic)).
4. Hansen E, Fau - Donohoe M, Donohoe M. Health issues of migrant and seasonal farmworkers. (1049-2089 (Print)).
5. Rust GS. Health status of migrant farmworkers: a literature review and commentary. (0090-0036 (Print)).
6. Sangaramoorthy T. Liminal Living: Everyday Injury, Disability, and Instability among Migrant Mexican Women in Maryland's Seafood Industry. *Med Anthropol Q.* 2019;33(4):557-78.
7. Ferrer E, Sangaramoorthy T, Payne-Sturges D. The recursive violence of reform: A century of failed interventions in migrant farmworker housing. *Social Science & Medicine.* 2025;384.
8. Keim-Malpass J, Spears Johnson CR, Quandt SA, Arcury TA. Perceptions of housing conditions among migrant farmworkers and their families: implications for health, safety and social policy. *Rural Remote Health.* 2015;15:3076.

MIGRANT FARMWORKER HOUSING:

Housing Health and Safety Standards for Farmworkers in the United States

January 2025

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+ INTRODUCTION

The RESPIRAR Project is releasing a series of issue briefs to help guide interdisciplinary researchers, advocates, and policymakers in understanding how various labor laws and visa pathways shape the experiences and health outcomes of migrant and seasonal farmworkers in the United States.

This fourth issue brief in the series provides an in-depth assessment of the housing and health regulations affecting hired farmworkers. Our goal is to help researchers and policymakers gain a clearer understanding of the complex systems governing living conditions for migrants and seasonal farmworkers.

KEY POINTS

- The role of housing in migrant and seasonal farmworker health
- Legal entitlement to housing
- Employer responsibility for providing adequate housing
- Minimum standards for farmworker housing
- Relationship of federal regulation with state and local regulation
- Implementation and enforcement of regulation

+ HOUSING CONDITIONS AND THE HEALTH OF HIRED FARMWORKERS

Research has shown that migrant and seasonal farmworker (MSFW) housing across the United States is of poor quality, is overcrowded, and has detrimental effects on farmworker’s physical and mental health.¹ Research has also shown the impact of living environments, particularly crowded housing and poor ventilation, on the transmission of infectious respiratory diseases.^{2,3}

There is a need to address inadequate housing conditions for MSFWs. A lack of uniform regulation and inconsistent enforcement of standards leaves farmworkers particularly vulnerable to hazardous housing conditions. Improvements in housing quality, ventilation, and reduced overcrowding are critical public health interventions to improve worker health.

Addressing these issues requires a coordinated approach among policymakers, health professionals, and agricultural employers to ensure that housing provided to MSFWs is safe, healthy, and supportive of their overall wellbeing.

Table 1. Key Acronyms Defined

ACRONYM	MEANING
CFR	Code of Federal Regulations
DOL	Department of Labor
EPA	Environmental Protection Agency
ETA	Employment and Training Administration
FLC	Farm labor contractor
INA	Immigration and Nationality Act
MSFW	Migrant and seasonal farmworker
MSPA	Migrant and Seasonal Agricultural Worker Protection Act
OSHA	Occupational Safety and Health Administration
SDWA	Safe Drinking Water Act
WHD	Wages and Hours Division

+ REGULATORY BACKGROUND

Regulation governing the health and safety of farmworkers is primarily established under two federal acts:

MSPA

THE MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

The MSPA of 1983 covers migrant and seasonal farmworkers except those on an H-2A guestworker visa.⁴ The MSPA repealed and replaced the Farm Labor Contractor Registration Act of 1963.

INA

THE IMMIGRATION AND NATIONALITY ACT

The Immigration and Nationality Act (INA) of 1952, which covers migrant farmworkers on an H-2A guestworker visa and workers in corresponding employment.⁵ See *Issue Brief #1: An Overview of the H-2A Program* for more information on H-2A workers.

WHO IS COVERED BY THE MSPA?

The MSPA affords legal protection to **migrant and seasonal workers** who are authorized to work in the United States (e.g., U.S. citizens, U.S. Permanent Residents, and others who have obtained employment authorization).

Family members of the authorized worker, as well as temporary guestworkers on an H-2A visa, are specifically excluded from these definitions.



KNOWLEDGE: Migrant vs seasonal farmworkers

Migrant and seasonal agricultural workers are both defined by the MSPA as an “individual who is employed in agricultural employment of a seasonal or other temporary nature”, where seasonal or temporary work is defined as work done during certain seasons of the year or for a limited time or project, respectively.⁶

Migrant and seasonal workers differ in whether they can reasonably return to their home at the end of a work day: by definition, a migrant worker is “required to be absent overnight from his permanent place of residence”.⁷

WHEN ARE EMPLOYERS EXEMPT FROM THE MSPA?

Agricultural employers and farm labor contractors may be exempt from MSPA obligations if they meet at least one of two conditions:



Small business exemption: If the agricultural employer (not a farm labor contractor) employs workers for no more than 500 man-days of work total over the course of the year.



Limited contracting activity exemption: If the agricultural employer engages in contracting activity only within 25 miles and in the same state as the farm, and for no more than 13 weeks of the year, they may be exempt from *some* requirements, such as registration as a farm labor contractor.

Some other exemptions exist for specific types of agricultural businesses, including seed production, custom poultry operations, and shade-grown tobacco.

+ HOUSING BASICS AND LEGAL REQUIREMENTS

Housing requirements for migrant farmworkers are governed by a complex set of federal, state and local regulations, including the MSPA and the INA.

WHO IS COVERED BY INA HOUSING REQUIREMENTS?

Agricultural workers on an H-2A visa and those in corresponding employment are covered by the housing standards required under the INA.

Agricultural employers are required to provide housing to the family members of H-2A workers and those in corresponding employment, if it is prevailing practice in the area.

WHO IS COVERED BY MSPA HOUSING REQUIREMENTS?

Only migrant farmworkers, as defined by the MSPA, are covered by the housing standards outlined in the MSPA. This excludes foreign guest workers on H-2A visas. Seasonal workers, by definition, are not covered by MSPA housing standards, as they return home at the end of their work day and therefore do not require employer housing.

Agricultural employers are not legally required to provide housing to the family members of migrant agricultural workers.

WHAT FEDERAL REGULATIONS GOVERN MIGRANT FARMWORKER HOUSING CONDITIONS?

Two distinct sets of regulatory standards govern migrant farmworker housing conditions at the federal level:

The Occupational Health and Safety Administration's (OSHA) standard 1910.142 - Temporary Labor Camps⁸

The Occupational Safety and Health (OSH) Act of 1970 created OSHA and authorized the organization to create regulation to protect the health and safety of all workers.⁹ The standards for temporary labor camps were first published in August of 1971.¹⁰

The Department of Labor's Employment and Training Administration (ETA) Standards from 20 CFR Part 654, Subpart E - Housing for Farmworkers¹¹

The ETA standards for farmworker housing were established in 1951 by the U.S. Employment Service Bureau of Employment Security (a precursor to the ETA).¹²

A more detailed discussion of ETA and OSHA housing standards is presented in a later section.



KNOWLEDGE: Corresponding employment

Corresponding employees are U.S. workers performing the same work as H-2A visa holders, and include U.S. citizens, those with an employment authorization document (EAD), and other authorized workers. Those in corresponding employment must be afforded *at least* the same wages and working conditions as H-2A workers. Generally, these requirements raise wages and improve working conditions for non-H-2A workers.¹³ For more information on corresponding employment, see *Issue Brief #3: Wages & Benefits*.



KNOWLEDGE: Temporary labor camps

OSHA standards for temporary labor camps do not apply exclusively to the agricultural industry. A temporary labor camp is defined as "...required employer-provided housing that, due to company policy or practice, necessarily renders such housing a term or condition of employment", and may be common practice in industries such as construction, forestry, oil and gas, garment production, and fishing.^{14,15}

TYPES OF MIGRANT FARMWORKER HOUSING

The types of housing used for migrant agricultural workers are defined in a complex yet somewhat vague manner. These definitions differ for migrant workers covered by the MSPA and the INA.

UNDER THE MSPA (MIGRANT WORKERS)

Migrant farmworker housing

Any facility or property used to house migrant farmworkers, *excepting* “commercial properties”. The terms “migrant labor housing”, “farmworker housing” and “temporary labor camps” may also be used. This refers to housing provided specifically for migrant farmworkers, and may include single family homes, detached properties, barracks-style housing, trailers, etc. Such properties may be owned and operated by agricultural owners, farm labor contractors, or other entities.

Commerical housing

Housing used for migrant farmworkers that is also provided to the general public as part of ordinary business.¹⁶ Commercial properties typically have multiple residential units (rooms or dwellings) that could be rented to migrant workers and the general public, and are intended to generate income for the property owner.

UNDER THE INA (H-2A WORKERS)

Employer-owned housing

Housing used for migrant farmworkers that is owned by the employer (agricultural employer, agricultural association, or farm labor contractor).

Rental/public accommodations

Housing used for migrant farmworkers that is *not* owned by the employer. This may include commercially available rental properties (single family homes, apartments, mobile homes, etc.), hotels, and motels.

In practice, “employer-provided housing” is equivalent to migrant farmworker housing as defined by the MSPA. “Rental/public accommodations” may still be considered migrant farmworker housing under the MSPA if said housing is not also rented to the general public in the course of regular business.

DISCUSSION

When is a property classified as “migrant farmworker housing”?

There are no clear guidelines to classify a property as “migrant farmworker housing”. Under MSPA regulation, a property cannot be exempt from “migrant farmworker housing” status simply by offering to rent to non-migrant workers. Yet the MSPA does not clearly state when a property would move from being classified as “commercial” housing to “migrant farmworker” housing.¹⁷

Given that commercial properties are exempt from inspection under both the MSPA and INA, it is crucial that properties that should be considered migrant farmworker housing are classified as such. Otherwise, migrant workers may be living in unregistered housing that is not subject to inspection, creating the conditions for worse housing conditions with even less oversight.¹⁸

WHO IS ENTITLED TO HOUSING?

Without exception, housing must be provided to farmworkers on an H-2A visa and migrant workers in corresponding employment. Migrant farmworkers are entitled to housing under the MSPA as long as their employer is not exempt from the regulation.

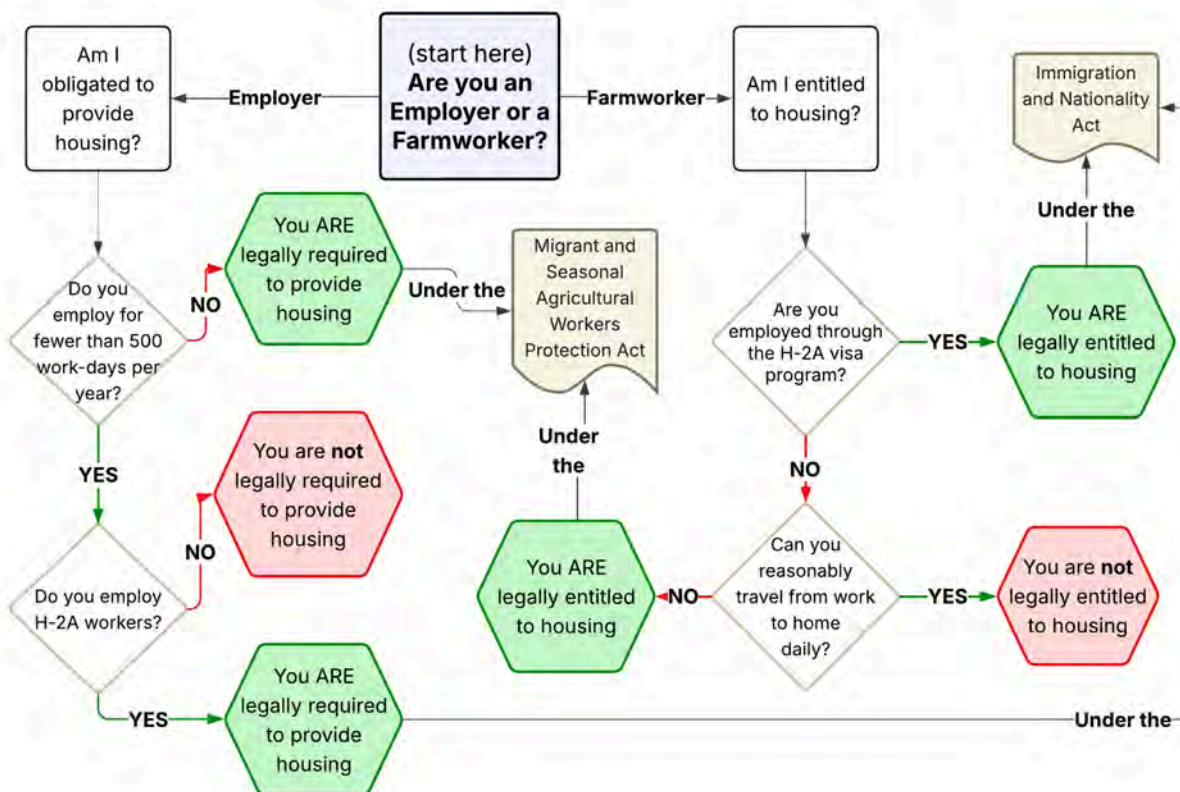


Figure 1. Agricultural employers are only obligated to provide housing under certain conditions.

Chart: Jocelyn Fradette and Zoe Brokering, RESPIRAR

Data Source: [20 CFR Part 655](#) and [29 CFR Part 500](#)

WHO IS LIABLE FOR HOUSING CONDITIONS?

Liability for housing conditions differs based on whether a farmworker is covered by the MSPA or is a temporary guestworker on an H-2A visa, and the type of housing provided.

UNDER THE MSPA (MIGRANT WORKERS)

Migrant farmworker housing (non-commercial)

The owner who controls the property is responsible for meeting OSHA or ETA standards for migrant farmworker housing:

- If the **agricultural employer** is the property owner/operator, they are responsible and liable for housing obligations.
- If the **agricultural employer contracts with a farm labor contractor (FLC)** that owns/operates housing, both the agricultural employer and the farm labor contractor are liable for housing obligations.
- If an **FLC is both the employer and property owner/operator**, said FLC is responsible for housing obligations.
- If the property owner/operator of migrant farmworker housing is not an agricultural employer, agricultural association, or FLC, the owner/operator alone is responsible for housing obligations.

Commercial housing

Whoever owns/controls the property is responsible for meeting the state and/or local minimum health and safety standards. However, if a commercial property is being used as dedicated housing for migrant farmworkers, property owners cannot bypass farmworker housing requirements by simply also offering lodging to the general public. To qualify as commercial housing and be exempt from the MSPA, housing offered to migrant and seasonal workers must have the same quality and be offered on the same terms as that provided to the general public.

UNDER THE INA (H-2A WORKERS)

For migrant farmworkers on an H-2A visa, whoever obtains the visas (the employer) is ultimately obligated to provide housing and meet OSHA or ETA standards for migrant farmworker housing. If an employer contracts with a farm labor contractor to provide housing, both entities are liable for housing conditions. If an employer rents commercial property to house H-2A workers, the employer must attest that applicable local or state standards have been met. In the absence of such standards, the OSHA standards for temporary labor camps apply. **In either case, the employer should be held liable for housing conditions, even if they themselves are not providing the housing.**



KNOWLEDGE: Farm labor contractors

Farm labor contractors (FLCs) are private entities that may recruit, hire, employ, transport, and provide housing to H-2A workers. They may handle any one of these tasks or oversee the entire process. Employers may contract FLCs to serve as agents or representatives, although FLCs can also directly employ and oversee H-2A workers on-site. For more information on FLCs, see *Issue Brief #2: Application Process*.

WHO PAYS FOR FARMWORKER HOUSING AND HOUSING COSTS?

Prior to October 2nd, 2025, it was illegal for H-2A employers to charge H-2A workers for any housing related costs. Similar free housing had to be provided to non H-2A migrant workers who worked in corresponding employment alongside H-2A workers.

As of October 2, 2025, employers may deduct an hourly “adverse housing rate” from H-2A worker wages, as long as such a deduction is outlined in the worker contract.¹⁹ This hourly rate is set for each state based on Fair Market Rent (FMR) values set by the U.S. Department of Housing and Urban Development (HUD) and is deducted directly from worker pay.²⁰ This deduction may not be applied to U.S. workers in corresponding employment. For more information on recent changes to H-2A regulation, see *Issue Brief #3: Wages & Benefits*.

If an employer does not employ H-2A workers, migrant farmworkers may be asked to pay for their housing. No guidelines exist to determine the appropriate amount these workers may be charged for housing. The employer may deduct housing costs from the worker’s paycheck, as long as this was specified in the original work contract.



Figure 2. A photo of overcrowded migrant farmworker housing in Maryland. Photo: The RESPIRAR Project.

+ MINIMUM FEDERAL STANDARDS FOR MIGRANT FARMWORKER HOUSING

Federal regulations for temporary labor camps are uniform for workers covered by the MSPA or the INA: housing standards follow either the federal Occupational Safety and Health Administration (OSHA) standards for temporary labor camps²¹ or the Employment Training Administration (ETA) standards for farmworker housing.²²

All other housing used for migrant farmworkers (commercial, rental properties, etc.) is subject to local or state liveability codes. In the absence of such regulation, OSHA stands for temporary labor camps apply to housing only under the INA (for H-2A workers and those workers in corresponding employment).

OSHA AND ETA - WHAT'S THE DIFFERENCE?

OSHA and ETA regulations are generally similar across measures, but the former are the more recent and the more stringent of the two. OSHA regulations, for example, require significantly more space per worker and higher minimum ceiling heights, in theory reducing overcrowding and transmission of infectious diseases. ETA standards, on the other hand, require housing to have electricity, which is not a requirement under OSHA.

Migrant farmworker housing built on or after April 3, 1980 must adhere to OSHA standards. Housing built before this date is subject to ETA standards (unless the employer opts into the OSHA standards).

Table 2: OSHA and ETA standards

Sections shaded in green indicate criteria with major differences between the OSHA and ETA standards.

CRITERIA	OSHA Standards	ETA Standards
Regulation	29 CFR 1910.142 ²³	20 CFR 654 - Subpart E ²⁴
Date of housing construction	Constructed on or after April 3, 1980	Constructed before April 3, 1980
Site/location	<ul style="list-style-type: none"> • Adequate drainage that does not endanger water supply • Not subject to flooding; graded/ditched • Free of debris and refuse • At least 200 ft from stagnant water • At least 500 ft from livestock • Adequate space between units 	<ul style="list-style-type: none"> • Adequate drainage • Located away from traffic, noise, and other hazards • Grounds free of debris, rubbish, and poisonous plants • Adequate outdoor and recreational space

Table 2: OSHA and ETA standards (cont.)

CRITERIA	OSHA Standards	ETA Standards
Water supply - general	<ul style="list-style-type: none"> Adequate and convenient water supply meeting state or local health standards When no indoor water facilities are provided, cold water taps are within 100 feet of shelters Hot water provided for at least bathing and laundry 	
Water quantity	Minimum of 35 gallons per person per day at a rate 2.5 times the average hourly demand	None
Drinking water	<ul style="list-style-type: none"> At least 1 drinking fountain per 100 workers Individual drinking cups required 	Individual drinking cups required
Space requirements	Minimum 50 sq. ft. per person <i>*100 sq. ft. per person if workers cook, live, and sleep in the same area</i>	Minimum 50 sq. ft. per person (single beds) OR 40 sq. ft. per person (double bunks); <i>*60 sq. ft. per person if workers cook, live, and sleep in the same area</i>
Ceiling height	Minimum 7 feet	Minimum 7 feet for at least half of the floor area
Beds/bunks	<ul style="list-style-type: none"> Beds, cots, or bunks required No triple bunks Beds at least 36" apart and 12" above the floor Double bunks at least 48" apart More than 27" between upper and lower bunks 	<ul style="list-style-type: none"> Beds, cots, or bunks required No triple bunks Minimum 27" between upper and lower bunks Minimum 36" between top bunk and ceiling
Windows/ventilation	<ul style="list-style-type: none"> Total window space at least 10% of the floor area Windows can be opened at least halfway 	<ul style="list-style-type: none"> Total window space at least 10% of the floor area Total openable window space at least 45% of minimum window area
Screening	Screen doors must self-close and all exterior openings screened with 16-mesh	
Heating	<ul style="list-style-type: none"> Heating equipment installed per state and local codes Housing maintains at least 70 degrees F during cold weather 	<ul style="list-style-type: none"> Operable, properly-installed heating equipment Housing maintains at least 68 degrees F during cold weather
Lighting/electricity	At least one ceiling light and outlet per room when electricity is available	<ul style="list-style-type: none"> Electricity provided with safe wiring At least one outlet per living room Adequate indoor and outdoor lighting

Table 2: OSHA and ETA standards (cont.)

CRITERIA	OSHA Standards	ETA Standards
Toilets	<ul style="list-style-type: none"> Toilets accessible without passing through sleeping rooms Privies/outhouses/porta-potties acceptable – must be at least 100 ft from living area Minimum of one toilet per 15 people; at least 2 toilets total Separate facilities for men and women (except families) Adequate toilet paper provided Sanitary conditions maintained; cleaned at least daily 	<ul style="list-style-type: none"> Privies/outhouses/porta-potties acceptable Minimum of one toilet per 15 people <i>*Urinals may substitute up to 1/3 of toilets</i> Separate facilities for men and women (except families) Adequate toilet paper provided Sanitary conditions maintained
Handwashing	One handwashing basin per family or per 6 people	Handwashing facilities with hot and cold water provided
Showers	One shower per 10 people	<ul style="list-style-type: none"> One shower per 15 people Shower heads at least 3 feet apart
Laundry	One laundry tray/tub per 30 people	One laundry tray/tub per 25 people OR one washing machine per 50 people plus one laundry tray per 100 persons
Sewage disposal	<ul style="list-style-type: none"> Connected to public sewer system when available Other systems are compliant with local/state requirements 	
Garbage	<ul style="list-style-type: none"> Fly-tight, rodent-tight containers One container per shelter w/in 100 ft Containers kept clean, emptied at least twice per week or when full 	<ul style="list-style-type: none"> Fly-tight, durable, 20-gallon+ containers One container per every 15 people; adjacent to each housing unit Containers emptied at least twice per week or when full
Kitchen/food facilities	<ul style="list-style-type: none"> Sanitary food storage and preparation facilities provided One stove per 10 people or one per every two families Stoves are in an enclosed and screened shelter 	<ul style="list-style-type: none"> Hot plates or stoves with at least 2 burners – one per 10 people or one per 2 families Refrigeration provided at 45 degrees F or less
Insect, rodent, and pest control	Effective control measures required	Housing and facilities free of insects and rodents

RANGE HOUSING

H-2A regulation defines some workers as “range workers”. These positions involve livestock herding or production, or other “on the range” work. Some specific deviations from OSHA/ETA standards are allowed for range housing:

- Mobile homes, campers, and tents are all allowed housing types.
- Lanterns, including kerosene wick lights, may be used in place of electricity.
- If refrigeration of food is not possible, dehydrated, salted, and canned food may be supplied.
- Heating equipment is only required when the low temperature for the area is expected to drop below 50 degrees F.
- Sleeping bags or bed rolls may be used in place of cots, beds, or mattresses if approved by the DOL.

DISCUSSION

Why do both the ETA *and* OSHA standards exist?

Since OSHA regulations for temporary labor camps were introduced in 1971, there has been discussion of phasing out the ETA regulations and exclusively following OSHA guidelines.²⁵

In 1977, the Department of Labor rescinded the ETA standards, giving employers until 1979 to come into compliance with OSHA standards.²⁶ There was immediate pushback from agricultural employers, who claimed that “the shift from ETA to OSHA standards would require costly modifications to housing which the Department had previously approved”.²⁷ In response, the DOL modified their rescission to allow any properties built prior to April 3, 1980 to continue to be evaluated under the ETA standards.

In 2015, the DOL once again attempted to phase out ETA standards, stating that the dual standards are confusing with respect to enforcement and “the OSHA regulations provide for superior standards of safety and habitability for MSFWs”.²⁸ This effort ultimately failed, once again in large part due to pushback from agricultural employers.

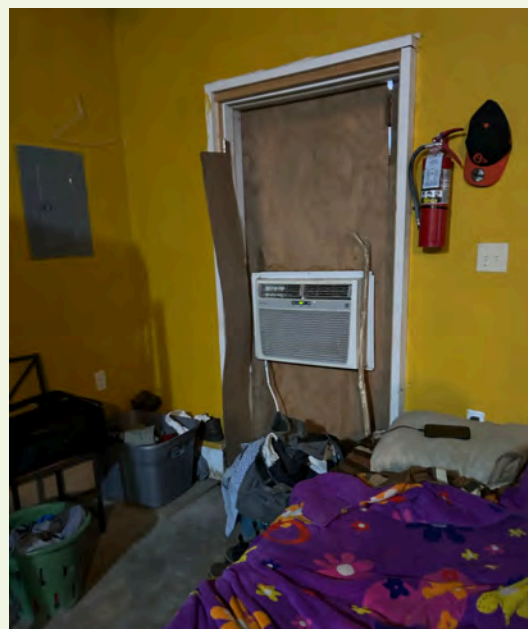


Figure 3. A photo of migrant farmworker housing in Maryland, where a boarded-up door holds an air conditioner. Photo: The RESPIRAR Project.

DISCUSSION

Electricity and air condition - where's the regulation?

There are no requirements for temporary labor camp housing to be equipped with air conditioning or other cooling methods. Under OSHA standards, electricity isn't even a requirement. Agricultural workers are at particular risk for heat-related illness considering the amount of time they spend physically exerting themselves while directly exposed to the sun.

Lack of air conditioning means that workers are not able to adequately recover from heat stress experienced during the day.²⁹ As the number of extreme heat days increase and the changing climate continues to impact farmworkers' health, it will be increasingly important to understand the role of housing regulations on heat exposure.

+ STATE AND LOCAL HOUSING REGULATIONS

State and local health and safety regulations interact with federal housing standards for farmworkers in complex and nuanced ways.

Migrant farmworker housing (including employer-owned)

Relevant state and local housing standards apply to migrant farmworker housing *unless* migrant farmworker housing or the specific types of housing occupied are explicitly excluded from the regulation. If state/local regulations are more stringent than federal OSHA/ETA standards, the former must be complied with.^{30,31}

Rental/public accommodations

If housing is deemed rental/public and houses H-2A workers and/or corresponding employees, housing standards apply in a tiered approach: local standards apply first, followed by state. In the absence of local and state standards, federal OSHA standards for temporary labor camps apply.³²

Commercial housing

If housing is deemed commercial and *only* migrant workers are housed (no H-2A workers or corresponding employees), the housing is not regulated under the MSPA.³³ Existing local or state housing regulations may apply.

If both migrant and H-2A workers are housed together, federal, state, and/or local housing standards that apply to either group of workers must be complied with.

DISCUSSION

When *do* local housing codes apply to migrant farmworker housing?

Neither MSPA nor INA regulations explicitly require compliance with local housing codes, but such compliance is mentioned on DOL-provided ETA and OSHA Housing Safety and Health Checklists.^{34,35} Whether local ordinances apply to and are enforced for migrant farmworker housing may depend on many factors:

1. **The exact wording and scope of the regulation.** Does it explicitly apply to migrant farmworker camps? Does it expressly apply to or exclude specific types of housing?
2. **State legislation.** Does the state expressly prohibit or allow local governments to regulate housing?
3. **Agency practices.** Do inspectors and agencies regularly enforce local regulation at migrant farmworker camps?

DRINKING WATER STANDARDS

The Safe Drinking Water Act (SDWA) of 1974 authorizes the Environmental Protection Agency (EPA) to set national standards for drinking water, regulate levels of contaminants in water, and set testing and monitoring standards.^{36,37} The EPA delegates this authority to states, with few exceptions.

Both the OSHA standards for temporary labor camps and the ETA standards for migrant farmworker housing defer to state or local health authority for drinking water regulations, simply stating that an adequate supply of water approved by the appropriate health authority must be provided.^{38,39} State/local requirements for drinking water quality and testing schedules apply to migrant farmworker housing as they would any other property.

Complicating the issue of ensuring farmworkers have an adequate supply of water are the different requirements for how often water should be tested and what contaminants should be tested for. A number of factors affect this:

- The type of water systems (community, non-transient non-community, transient non-community, and private wells)⁴⁰
- The type of water sources (source, surface, and groundwater)⁴¹
- The number of people served by the system
- Differences in local testing requirements
- Individual water testing company practices
- Employer preferences



Figure 4. A photo of shower facilities at a migrant farmworker camp in Maryland. Photo: The RESPIRAR Project.

+ IMPLEMENTATION AND ENFORCEMENT OF REGULATIONS

HOUSING INSPECTIONS

UNDER THE MSPA (MIGRANT WORKERS)

Migrant farmworker housing

Compliance with OSHA and ETA migrant farmworker housing standards, as well as applicable state and local standards, are ostensibly assessed through an inspection of every migrant farmworker housing facility.

This inspection is completed **prior to occupancy** by a federal, state, or local department of labor or health. A certificate of passed inspection must be displayed on the premises and retained by the employer for at least three years.

A request for facility inspection must be submitted to the appropriate agency by the owner/manager of the property at least forty-five (45) days prior to the date of intended occupancy by migrant farmworkers. **If the appropriate agency does not conduct the inspection within this 45-day period, migrant workers may be allowed to occupy the housing without an inspection.** The agency must still complete the inspection as soon as possible, and any violations must be corrected.

Commercial housing

Commercial housing is exempt from any MSPA regulation. If state or local regulations require an inspection of rental or public housing (e.g., motel), this should be completed, but is not the responsibility of the farmworker employer to ensure adequate housing conditions.

UNDER THE INA (H-2A WORKERS)

Employer-owned housing

During the H-2A application process, the Department of Labor State Workforce Agency must inspect employer-provided housing or designate another local, state, or federal agency to do so on their behalf. The results of this inspection must be included in the documentation submitted as part of the application for H-2A temporary labor certification.

Rental/public accommodations

No federal requirement exists for the inspection of rental/public accommodations housing H-2A workers. Instead, the employer provides a written attestation that the housing complies with OSHA and applicable state/local standards, along with the number of beds and rooms the employer will secure for the workers. If state or local regulations require an inspection of rental or public housing, this report must be included in the documentation sent to the DOL.

DISCUSSION

The reality of migrant farmworker housing inspections

An analysis of 188 Maryland Department of Labor migrant farmworker housing inspection reports showed that 78% of reports passed inspection, despite 38% of these not meeting inspection criteria. While some housing violations were documented in official violation letters, many were simply noted in the comments section of reports. There was **limited documentation of employers addressing violations**, and documented resolutions often took the form of employers sending pictures of items they had purchased to address violations. Official in-person re-inspections by the investigator to follow up on issues were rare, usually only occurring after an official violation letter was issued.

Although some sites passed inspection on paper, photos often showed overcrowded, poor-quality housing that was not supportive of worker health. The RESPIRAR team has witnessed significant differences between what is described in inspection reports and true housing conditions: for example, while a motel room may be approved to accommodate 1-2 workers, furniture is later rearranged and bunkbeds are installed to hold many more people, creating overcrowded, unsafe conditions that violate OSHA/ETA housing standards.

The team has also observed **variability in how often drinking water at farmworker labor camps is tested, the locations at which water is tested** (drinking fountains, outdoor taps, ground water sources, etc.), and which contaminants are tested for. While *E. coli* and total coliforms are routinely tested for, measuring pH and testing for contaminants that should be best practice for water sources near farms, such as nitrates, and heavy metals, is irregular. The types of tests done are highly dependent on the testing lab, the location of the housing site, and even from year-to-year for the same lab and site. Despite often minimal documented testing, water is commonly declared safe to drink.

When contaminant levels in water exceed legal limits, the team has observed no documented action to remediate the issue.

Even in migrant farmworker housing where the water has been “approved”, water is sometimes foul smelling and tasting, leading some farmworkers to turn to alternate water sources, such as nearby streams. Contaminated water is a major health risk to farmworkers. **Clear guidelines for routine water testing and addressing contaminants that exceed legal limits is crucial to protect farmworkers’ health.**

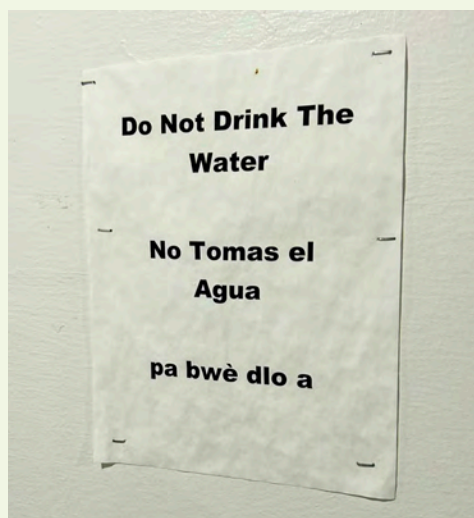


Figure 5. A handmade sign hangs above a bathroom sink at a Maryland migrant farmworker camp, instructing workers to “not drink the water”. Photo: The RESPIRAR Project.

DISCUSSION

Enforcement actions are rare and dropping

Many state and local authorities do not have the necessary budgets to provide follow-up inspections to motivate compliance and corrective action, and penalties for violations are in most cases minimal. At the federal level, the number of investigators employed by the Wages and Hours Division (WHD) of the DOL has dropped dramatically over time; a record low number of 611 investigators were employed in 2025 to cover all WHD investigations (not just agriculture). This is *half* the number employed in 1973, despite an almost three-fold increase in the number of employees covered and a more than four-fold increase in the number of establishments.⁴² The proposed WHD budget for 2026 requests \$25 million less in appropriations than what was allotted in 2025, signaling the possibility of even fewer inspectors in the future.⁴³

Decreasing Wages and Hours Division agricultural compliance actions, 2014-2024

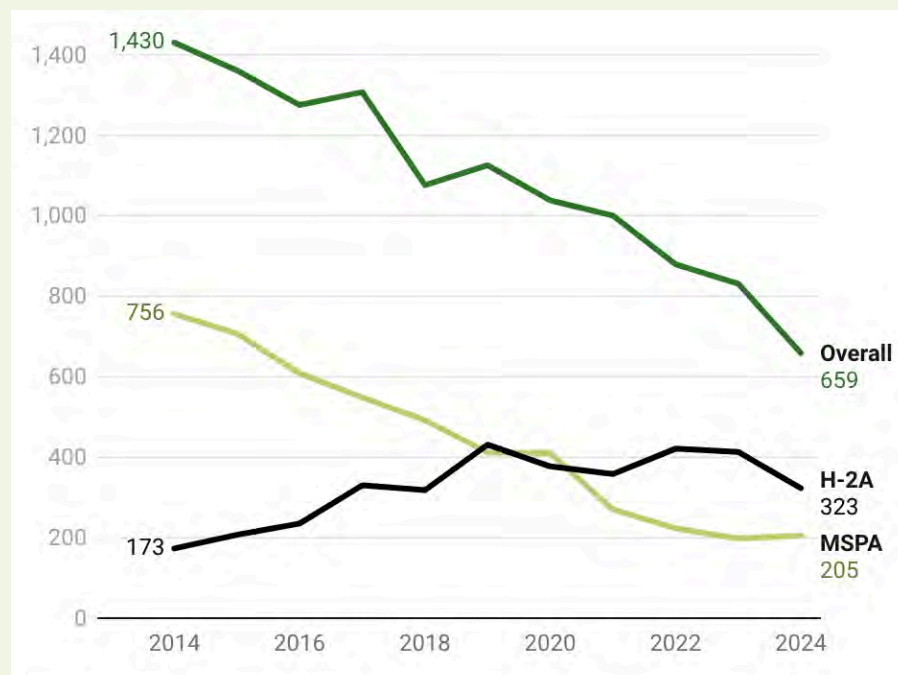


Figure 6. Decreasing Wages and Hours Division agricultural compliance actions, 2014-2024

The number of WHD compliance actions associated with agricultural workers has dropped by half in the past decade despite only a 20% decrease in the number of farmworkers reported on the Census of Agriculture from 2012 to 2022.^{44,45} The number of investigations for H-2A workers has increased by only 87% despite a three-fold increase in the number of visas issued.⁴⁶

Chart: Zoe Brokering, RESPIRAR

Data Source: [Agriculture Fiscal Year Data for WHD](#)

To further complicate the shortage of inspectors, farmworkers are often hesitant to report violations for fear of employer retaliation, including threats of deportation or future blacklisting, particularly if workers are undocumented or on an H-2A visa.⁴⁷ Collectively, these factors make implementation and enforcement of housing standards a frustrating process that leaves farmworkers vulnerable and allows violations to remain largely undetected and unremediated.

HOW ARE STANDARDS ENFORCED?

Post-occupancy inspections are rare. They are typically triggered by multiple complaints or are part of a follow-up to resolve an official violation. Complaints are addressed by the U.S. Department of Labor's Wages and Hours Division (WHD). Workers can contact the WHD [online](#), at their local WHD Office, or by calling 1-866-4-USWAGE (1-866-487-9243).⁴⁸

WHAT ARE THE PENALTIES FOR HOUSING VIOLATIONS?

UNDER THE MSPA

- Civil money penalties - up to \$3,216 per violation⁴⁹
- Criminal proceedings
- Revocation of farm labor contractor Certificate of Registration

UNDER THE INA

- Civil money penalties - up to \$1,000 per violation, unless willfully failed to meet requirements (up to \$5,000), or a violation resulted in the death/serious injury of a worker (\$25,000 - \$100,000)⁵⁰
- Temporary or permanent debarment from the H-2A program

DISCUSSION

Why are housing standards for migrant farmworkers important?

The vast majority of hired farmworkers in the United States are subject to structural disadvantages related to race, immigration status, and low socio-economic status. Laws related to their employment and living conditions have prioritized the protection of worker productivity over their well-being, leading to adverse health outcomes. Many farmworkers end up living in low quality and substandard housing with no ability to move somewhere else and very limited power to improve their living situation.

The fragmented requirements surrounding farmworker housing are complex yet inadequate. They fail to clearly define

crucial terms such as “migrant farmworker housing” or “an adequate supply of water”, instead relying on state and local policy to do so. Both the OSHA and ETA standards are outdated: the former lacks a requirement for electricity, and neither standards require air conditioning or mention heat-related illness prevention. Coupled with inadequate inspection of properties, poor documented enforcement of regulation, and a severe shortage of staff and investigators to carry out such enforcement, it is no wonder that farmworkers continue to experience incredibly poor housing conditions.

+ ENDNOTES

- 1 Joyner, A. M., George, L., Hall, M. L., Jacobs, I. J., Kissam, E. D., Latin, S., Parnell, A., Ruiz, V., Shadbeh, N., & Tobacman, J. (2015). Federal farmworker housing standards and regulations, their promise and limitations, and implications for farmworker health. *New Solutions: A Journal of Environmental and Occupational Health Policy*, 25(3), 334–352. <https://doi.org/10.1177/1048291115604390>
- 2 Lauzardo, M., Kovacevich, N., Dennis, A., Myers, P., Flocks, J., & Morris, J. G., Jr. (2021). An outbreak of COVID-19 among H-2A temporary agricultural workers. *American Journal of Public Health*, 111(4), 571–573. <https://doi.org/10.2105/AJPH.2020.306082>
- 3 Accorsi, E. K., Samples, J., McCauley, L. A., & Shadbeh, N. (2020). Sleeping within six feet: Challenging Oregon’s labor housing COVID-19 guidelines. *Journal of Agromedicine*, 25(4), 413–416. <https://doi.org/10.1080/1059924X.2020.1815622>
- 4 Migrant and Seasonal Agricultural Worker Protection, 29 C.F.R. § 500 (2025). <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-V/subchapter-A/part-500>
- 5 Housing for Farmworkers — Applicability, 20 C.F.R. § 654.401 (2025). <https://www.ecfr.gov/current/title-20/chapter-V/part-654/subpart-E/subject-group-ECFRa0aad4f76ed93dd/section-654.401>
- 6 Migrant agricultural worker, 29 C.F.R. § 500.20(p) (2025). [https://www.ecfr.gov/current/title-29/part-500#p-500.20\(p\)](https://www.ecfr.gov/current/title-29/part-500#p-500.20(p))
- 7 Migrant agricultural worker, 29 C.F.R. § 500.20(p) (2025). [https://www.ecfr.gov/current/title-29/part-500#p-500.20\(p\)](https://www.ecfr.gov/current/title-29/part-500#p-500.20(p))
- 8 Temporary labor camps, 29 C.F.R. § 1910.142 (2025). <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.142>
- 9 Balsler, J. (2024, December 6). *The Occupational Safety and Health Act of 1970 (OSH Act): A legal overview*. Congressional Research Service. <https://www.congress.gov/crs-product/R48292>
- 10 Implementation of the Workforce Innovation and Opportunity Act - Unified and Combined State Plans, Performance Accountability, and the One-Stop System, 80 Fed. Reg. 20574 (proposed April 16, 2015) (to be codified at 20 C.F.R. pts. 603, 651–654, 658, 675, 679–688). <https://www.govinfo.gov/content/pkg/FR-2015-04-16/pdf/2015-05530.pdf>
- 11 U.S. Department of Labor, Wage and Hour Division. (n.d.). *ETA housing safety and health checklist*. Retrieved January 4, 2026, from <https://www.dol.gov/agencies/whd/eta-housing-checklist>
- 12 Implementation of the Workforce Innovation and Opportunity Act—Unified and Combined State Plans, Performance Accountability, and the One-Stop System, 80 Fed. Reg. 20574 (proposed April 16, 2015) (to be codified at 20 C.F.R. pts. 603, 651–654, 658, 675, 679–688). <https://www.govinfo.gov/content/pkg/FR-2015-04-16/pdf/2015-05530.pdf>
- 13 Rutledge, Z., Castillo, M., Richards, T. J., & Martin, P. (2025). H-2A adverse effect wage rates and U.S. farm wages. *American Journal of Agricultural Economics*. <https://doi.org/10.1111/ajae.12557>
- 14 OSHA. (n.d.). *Field Operations Manual, Chapter 12: Specialized inspection procedures*. Retrieved January 4, 2026, from <https://www.osha.gov/fom/chapter-12>

+ ENDNOTES

- 15 Liebman, A. K., Wiggins, M. F., Fraser, C., Levin, J., Sidebottom, J., & Arcury, T. A. (2013). Occupational health policy and immigrant workers in the agriculture, forestry, and fishing sector. *American Journal of Industrial Medicine*, 56(8), 975–984. <https://doi.org/10.1002/ajim.22190>
- 16 Exclusion from housing safety and health requirement, 29 C.F.R § 500.131 (2025). <https://www.ecfr.gov/current/title-29/section-500.131>
- 17 Holly, R., & Everett, C. (2016, April 13). *Blighted housing: Inspections fail to stem poor conditions for migrant farmworkers*. *Investigate Midwest*. <https://investigatemitwest.org/2016/04/13/blighted-housing-inspections-fail-to-stem-poor-conditions-for-migrant-farmworkers->
- 18 Holly, R., & Everett, C. (2016, April 13). *Blighted housing: Inspections fail to stem poor conditions for migrant farmworkers*. *Investigate Midwest*. <https://investigatemitwest.org/2016/04/13/blighted-housing-inspections-fail-to-stem-poor-conditions-for-migrant-farmworkers->
- 19 Department of Labor, Employment and Training Administration. (2025, October 2). Adverse effect wage rate methodology for the temporary employment of H-2A nonimmigrants in nonrange occupations in the United States, 90 F.R. 47914 (proposed October 2, 2025) (to be codified at 20 C.F.R. § 655). <https://www.federalregister.gov/documents/2025/10/02/2025-19365/adverseeffect-wage-rate-methodology-for-the-temporary-employment-of-h-2a-non-range>
- 20 U.S. Department of Housing and Urban Development. (2026). *Fiscal year 2026 fair market rents: Methodology*. <https://www.huduser.gov/portal/datasets/fmr/fmr2026/FY26-Public-FMR-Methodology.pdf>
- 21 U.S. Department of Labor, Wage and Hour Division. (n.d.). *OSHA housing safety and health checklist*. Retrieved January 4, 2026, from <https://www.dol.gov/agencies/whd/osha-housing-checklist>
- 22 U.S. Department of Labor, Wage and Hour Division. (n.d.). *ETA housing safety and health checklist*. Retrieved January 4, 2026, from <https://www.dol.gov/agencies/whd/eta-housing-checklist>
- 23 Temporary labor camps, 29 C.F.R. § 1910.142 (2025). <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.142>
- 24 Farm labor housing provisions, 20 C.F.R. Part 654, Subpart E (2025). <https://www.ecfr.gov/current/title-20/chapter-V/part-654/subpart-E>
- 25 Implementation of the Workforce Innovation and Opportunity Act - Unified and Combined State Plans, Performance Accountability, and the One-Stop System, 80 Fed. Reg. 20574 (proposed April 16, 2015) (to be codified at 20 C.F.R. pts. 603, 651–654, 658, 675, 679–688). <https://www.govinfo.gov/content/pkg/FR-2015-04-16/pdf/2015-05530.pdf>
- 26 Implementation of the Workforce Innovation and Opportunity Act - Unified and Combined State Plans, Performance Accountability, and the One-Stop System, 80 Fed. Reg. 20574 (proposed April 16, 2015) (to be codified at 20 C.F.R. pts. 603, 651–654, 658, 675, 679–688). <https://www.govinfo.gov/content/pkg/FR-2015-04-16/pdf/2015-05530.pdf>
- 27 Implementation of the Workforce Innovation and Opportunity Act - Unified and Combined State Plans, Performance Accountability, and the One-Stop System, 80 Fed. Reg. 20574 (proposed April 16, 2015) (to be codified at 20 C.F.R. pts. 603, 651–654, 658, 675, 679–688). <https://www.govinfo.gov/content/pkg/FR-2015-04-16/pdf/2015-05530.pdf>

+ ENDNOTES

- 28 Implementation of the Workforce Innovation and Opportunity Act - Unified and Combined State Plans, Performance Accountability, and the One-Stop System, 80 Fed. Reg. 20574 (proposed April 16, 2015) (to be codified at 20 C.F.R. pts. 603, 651–654, 658, 675, 679–688).
<https://www.govinfo.gov/content/pkg/FR-2015-04-16/pdf/2015-05530.pdf>
- 29 Watson, E., McElvein, A., & Holst, E. (2023). *Farmworkers and heat stress in the United States*. Environmental Defense Fund & La Isla Network. https://www.edf.org/sites/default/files/2023-07/EDF040_Heat%20Stress_V5.pdf
- 30 U.S. Department of Labor, Wage and Hour Division. (n.d.). *OSHA housing safety and health checklist*. Retrieved January 4, 2026, from <https://www.dol.gov/agencies/whd/osha-housing-checklist>
- 31 U.S. Department of Labor, Wage and Hour Division. (n.d.). *ETA housing safety and health checklist*. Retrieved January 4, 2026, from <https://www.dol.gov/agencies/whd/eta-housing-checklist>
- 32 Rental and/or public accommodations, 20 C.F.R. § 655.122(d)(1)(ii) (2025).
[https://www.ecfr.gov/current/title-20/part-655/subpart-B#p-655.122\(d\)\(1\)\(ii\)](https://www.ecfr.gov/current/title-20/part-655/subpart-B#p-655.122(d)(1)(ii))
- 33 Exclusion from housing safety and health requirement, 29 C.F.R § 500.131 (2025).
<https://www.ecfr.gov/current/title-29/section-500.131>
- 34 U.S. Department of Labor, Wage and Hour Division. (n.d.). *OSHA housing safety and health checklist*. Retrieved January 4, 2026, from <https://www.dol.gov/agencies/whd/osha-housing-checklist>
- 35 U.S. Department of Labor, Wage and Hour Division. (n.d.). *ETA housing safety and health checklist*. Retrieved January 4, 2026, from <https://www.dol.gov/agencies/whd/eta-housing-checklist>
- 36 U.S. Environmental Protection Agency. (2004, June). *Understanding the Safe Drinking Water Act (EPA 816-F-04-030)*. <https://www.epa.gov/sites/default/files/2015-04/documents/epa816f04030.pdf>
- 37 U.S. Environmental Protection Agency. (2025, December 1). *National Primary Drinking Water Regulations*. <https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations>
- 38 Water supply, 29 C.F.R. § 1910.142(c) (2025).
<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.142>
- 39 Water supply, 20 C.F.R § 644.405 (2025). <https://www.ecfr.gov/current/title-20/section-654.405>
- 40 U.S. Environmental Protection Agency. (2025, October 29). *Information about Public Water Systems*. <https://www.epa.gov/dwreginfo/information-about-public-water-systems>
- 41 Centers for Disease Control and Prevention. (2024, January 10). *Drinking water sources: An overview*. <https://www.cdc.gov/drinking-water/about/drinking-water-sources-an-overview.html>
- 42 Barnes, J., Round, J., Fine, J., Galvin, D. J., & Shepherd, H. (2025, May). *To help U.S. workers, we need labor standards enforcement, not mass deportations*. Rutgers School of Management and Labor Relations Workplace Justice Lab. https://smlr.rutgers.edu/sites/default/files/Documents/Centers/WJL/WJL_immigration_databrief_May2025.pdf
- 43 U.S. Department of Labor. (2026). *Congressional budget justification: Wage and Hour Division (CBJ-2026-V2-09)*. <https://www.dol.gov/sites/dolgov/files/general/budget/2026/CBJ-2026-V2-09.pdf>
- 44 U.S. Department of Agriculture, National Agricultural Statistics Service. (2014). *2012 U.S. census of agriculture: Volume 1, Chapter 1 — United States summary and state data (USv1)*.
<https://www.nass.usda.gov/AgCensus/archive/files/usv1.pdf>

+ ENDNOTES

- 45 U.S. Department of Agriculture, National Agricultural Statistics Service. (2024). *2022 U.S. census of agriculture: Volume 1, Chapter 1 — United States summary and state data (USv1)*. https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_1_US/usv1.pdf
- 46 U.S. Department of State, Bureau of Consular Affairs. (2024). *Worldwide nonimmigrant visa (NIV) workload by visa category: FY 2024*. <https://travel.state.gov/content/dam/visas/Statistics/NonImmigrant-Statistics/NIVWorkload/FY%202024NIVWorkloadbyVisaCategory.pdf>
- 47 Iglesias-Rios, L., Valentín-Cortés, M., Fleming, P. J., O'Neill, M. S., & Handal, A. J. (2023). The Michigan Farmworker Project: A Community-Based Participatory Approach to Research on Precarious Employment and Labor Exploitation of Farmworkers. *Labor Studies Journal*, 48(4), 336-362. <https://doi-org.proxy.lib.umich.edu/10.1177/0160449X231196227>
- 48 U.S. Department of Labor, Wage and Hour Division. (n.d.). *How to file a complaint*. U.S. Department of Labor. Retrieved January 10, 2026, from <https://www.dol.gov/agencies/whd/contact/complaints>
- 49 Purpose and scope (enforcement authority), 29 C.F.R. § 500.1(e) (2025). [https://www.ecfr.gov/current/title-29/part-500#p-500.1\(e\)](https://www.ecfr.gov/current/title-29/part-500#p-500.1(e))
- 50 Civil money penalty assessments, 29 C.F.R § 501.19 (2025). <https://www.ecfr.gov/current/title-29/section-501.19>

+ RESOURCES

FARMWORKER AND MIGRANT WORKER ADVOCACY RESOURCES

- [CATA - El Comité de Apoyo a Los Trabajadores Agrícolas](#)
- [CDM - Centro de los Derechos del Migrante, INC](#)
- [Farmworker Justice](#)
- [Michigan Farmworker Legal Services](#)
- [Migrant Clinicians Network](#)
- [National Center for Farmworker Health](#)

POLICY AND REGULATION

- Section 218 - Immigration and Nationality Act (INA) [Admission of temporary H-2A workers](#)
- 20 CFR Part 655 Subpart B - [Labor Certification Process for Temporary Agricultural Employment in the United States \(H-2A Workers\)](#)
- 29 CFR Part 500 - [Migrant and Seasonal Agricultural Worker Protection Act \(MSPA\)](#)
- U.S. DOL [Fact Sheet #49: The Migrant and Seasonal Agricultural Worker Protection Act](#)
- International Code Council [2012 International Property Maintenance Code](#)

MARYLAND STATE REGULATION

- Maryland Department of Labor [Maryland State Minimum Livability Code](#)
- Maryland Department of the Environment [Laws and Regulations Governing the MDE Water Supply Programs](#)

+ RESOURCES

MARYLAND LOCAL MINIMUM LIVABILITY CODES

[Anne Arundel County](#); [Baltimore County](#); [Calvert County](#); [Chestertown](#); [Frederick County](#); [Garrett County](#); [Harford County](#); [Prince George's County](#).

REPORTS

- Centro de los Derechos del Migrante [Ripe for reform: Abuses of agricultural workers in the H-2A visa program](#)
- Investigate Midwest [Dead smoke alarms, moldy rooms, empty first aid kits: Farmworkers endure unsafe and substandard housing across US](#)
- Prism [Human trafficking or a guest worker program? H-2A's systemic issues result in catastrophic violations](#)
- The Southern Poverty Law Center [Close to Slavery](#)
- Thompson, C. D. & Wiggins, M. F. (2002). *The human cost of food: Farmworkers' lives, labor, and advocacy*.
- Wiggins, J. W., et al. [Fields of change: Unearthing the history of Maryland's agricultural labor camps](#)



Photo Credit: The RESPIRAR Project

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The Farmworkers Support Committee



HOUSING CONDITIONS OF H2A WORKERS IN MARYLAND:

An Analysis of Maryland Department of Labor Inspections, '18-'25

January 2026

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Background

What is the RESPIRAR Project?

The RESPIRAR Project is an interdisciplinary study examining **why migrant and seasonal farmworkers face increased risk of infectious respiratory illness**.

Our goal is to inform policies and best practices that protect workers' respiratory health. Fieldwork to assess housing conditions, indoor air quality and respiratory health of farmworkers has focused on Maryland's Eastern Shore.

What is the H-2A temporary agricultural program?

This program allows agricultural employers who anticipate a shortage of domestic workers to bring **nonimmigrant foreign workers** to the U.S. to perform **seasonal agricultural labor, requiring housing to be provided for H-2A workers**.



Our team analyzed 188 Maryland Department of Labor (MDDOL) housing inspection reports from 10 farms employing H-2A workers from 2018–2025.

Inspection Quality Issues

- **54%** inspections were handwritten, making information difficult to read.
- **Inspection completeness** with thorough inspector comments, pictures, and all required documents **varied by year, site, and inspector**.

Water Quality Concerns

- Some test results with Nitrate and pH levels outside standard ranges.
- Inconsistent or incomplete followups of chemical safety violations.

Inconsistent Compliance of Criteria

- Despite **78%** of reports passing inspection, **inspection records showed that 38% had items that did not meet standard criteria**.
 - MDDOL violation letters cited **basic facilities** (e.g. laundry, bedding, kitchens) and **site structure** (e.g. rooms, foundation).
 - **Pending water** documents, **site** issues, and broken window **screening**, were the most unmet criteria from inspection records.

Example Inspector Comments

- **"Excessive amount of rodent excreta** on top of mattresses... and employees personal belongings." (2021)
- **"The 3rd toilet is broken... allowing the toilet to leak** and damage the underlying floor." (2023)
- **"Needs exterminator** bugs present." (2020)

Our Recommendations

1. Improve Inspection Record System:

- Make housing inspections publicly available, accessible online, complete with all required documents including remediation of violations.

2. Thorough Inspections:

- Redesign inspection sheet to be a check-list for all criteria, not just a select few.
- Inspect sites during and post-occupancy.

3. Water Quality:

- Make water quality testing results available to residents in multiple languages.
- Address violated chemical safety standards

Case Study

Employment and Training Administration		E. NESLEY COFFE	
EMPLOYER FURNISHED HOUSING AND FACILITIES		4613 Skinner Run Hurlock Maryland 21643	
2. HOUSING LOCATION		3. HOUSING DESCRIPTION	
4613 Skinner Run Hurlock MD 21643		one story bunk house	
4. SLEEP ROOMS (No. & Measure)		5. REGULATIONS COMPLIANCE (75% in proper bed)	
a. Dormitory Type		b. Family Type	
Length: 23' x 23'		ES USE ONLY	
Width: 23'		Water	
Ceiling Height: 8'		Electricity	
Square Feet: 525		Site	
No. of Rooms: 1		Screening	
No. of Beds, Single: 1		Heating	
No. of Beds, Bunk, Double: 1			
7. FACILITIES (Number of each)			
Flush Toilets	Privy	Urinals	Laundry or Washbasin
Bathrooms	Movable Bathrooms	Laundry Machines	Fixed Laundry Tubs
Coal Stoves	Refrigerators	Garbage Containers	Freezer/Chiller
			Freezers (other than 1 ton)
	(1)	(1)	(1) ABC
8. COMMENTS			
Minor pest Control. Employer will provide Remediation.			
9. EMPLOYER'S CERTIFICATION:			
I CERTIFY THAT I have reviewed the housing regulations of the U.S. Department of Labor, OSHA, ETA, and that the housing described herein meets <input checked="" type="checkbox"/> does not meet any reasonable line.			