

WAC 16-233-301 Exemptions—40 C.F.R., § 170.601. (1) *Exemption for owners of agricultural establishments and their immediate families.*

(a) On any agricultural establishment where a majority of the establishment is owned by one or more members of the same immediate family, the owner(s) of the establishment are not required to provide the protections of the following sections to themselves or members of their immediate family when they are performing handling activities or tasks related to the production of agricultural plants that would otherwise be covered by this chapter on their own agricultural establishment.

- (i) WAC 16-233-021(3).
- (ii) WAC 16-233-021 (6) through (10).
- (iii) WAC 16-233-026.
- (iv) WAC 16-233-101.
- (v) WAC 16-233-106.
- (vi) WAC 16-233-121.
- (vii) WAC 16-233-126 and 16-233-221.
- (viii) WAC 16-233-201.
- (ix) WAC 16-233-206.
- (x) WAC 16-233-211 (3) and (4).
- (xi) WAC 16-233-216 (3) through (5).
- (xii) WAC 16-233-311 (1) through (3) and (5) through (10).

(b) The owners of agricultural establishments must provide all of the applicable protections required by this chapter for any employees or other persons on the establishment that are not members of their immediate family.

(2) *Exemption for certified crop advisors.* Certified crop advisors may make their own determination for the appropriate personal protective equipment for entry into a treated area during a restricted-entry interval and substitute their self-determined set of personal protective equipment for the labeling-required personal protective equipment, and the requirements of WAC 16-233-021 (5) and (6), 16-233-031(11), 16-233-206(1), 16-233-216, and 16-233-221 do not apply to certified crop advisors provided the application is complete and all of the following conditions are met:

(a) The crop advisor is certified or licensed as a crop advisor by the Washington state department of agriculture.

(b) The certification or licensing program requires pesticide safety training that includes all the information in WAC 16-233-201 (3)(b) or (c) as applicable depending on the date of training.

(c) The crop advisor who enters a treated area during a restricted-entry interval only performs crop advising tasks while in the treated area.

[Statutory Authority: RCW 15.58.040, 17.21.030 and chapter 34.05 RCW. WSR 18-01-054, § 16-233-301, filed 12/13/17, effective 1/13/18.]