

HOUSE BILL REPORT

ESSB 5121

As Passed House - Amended:

April 12, 1995

Title: An act relating to agricultural safety standards.

Brief Description: Providing for agricultural safety standards.

Sponsors: Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Snyder, Newhouse, Loveland, A. Anderson, Hochstatter, Haugen and Deccio).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/27/95 [DPA].

Floor Activity:

Amended.

Passed House: 4/12/95, 72-23.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 13 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

Minority Report: Do not pass. Signed by 4 members: Representatives R. Fisher; Poulsen; Regala and Rust.

Staff: Kenneth Hirst (786-7105).

Background: The Washington Industrial Safety and Health Act authorizes the Department of Labor and Industries to adopt safety and health rules, of general or specific applicability, for all covered industries and employments in the state. This authority includes a direction to adopt rules that are at least as effective as those rules adopted or recognized under the federal Occupational Safety and Health Act of 1970 (OSHA).

Pursuant to this authority, the department has adopted safety standards specifically applicable to agriculture. As originally adopted, these standards addressed such issues

as first-aid requirements, personal protective equipment, handling of materials and tools, safety requirements for ladders, platforms, trenches, welding and electrical activities, equipment and vehicles, and field sanitation. These standards also exempted agriculture from other general safety standards that apply to most industries. In early 1994, the department filed revised standards for agriculture with an effective date of March 1, 1995. The new standards remove the exemptions from the general safety standards for the agricultural industry and provide that the specific agriculture safety standard augment the general safety standard applicable to all industries. However, if there is a conflict between the two standards, the agriculture safety standards apply. Rules were also proposed in late 1994, to be adopted in January 1995 and effective in March 1995.

Summary of Bill: No rules adopted under the Washington Industrial Safety and Health Act (WISHA) amending or establishing agricultural safety standards may take effect during the period beginning January 1, 1995, and ending January 15, 1996. Among the rules governed by the prohibition are rules adopted before January 1, 1995, but which take effect during this period. This prohibition does not apply to rules required to be adopted for the state's rules to be as effective as federal rules under OSHA. By December 15, 1995, the Department of Labor and Industries must prepare and submit to the Legislature a list regarding rollover protective structures for tractors manufactured before October 25, 1976, that fully satisfy the standards for such structures proposed for these tractors by the Department by rule.

Rules for agricultural safety adopted under WISHA must: (1) establish for employers a safety standard that includes agriculture-specific standards and specific references to the general industry standard; and (2) exempt agricultural employers from the general industry safety standard requirements not specifically referenced in the agriculture standard.

The Department must publish in one volume all of the occupational safety standards that apply to agricultural employers and must make this volume available to employers before February 15, 1996. It must be available in both English and Spanish. The Department must provide training, and enhanced consultation services concerning the standards before their effective date. Training and education programs must be provided throughout the state and through agricultural associations. Once the single volume is published, no new rules may be established for agricultural safety under WISHA except those specifically required and to the extent required under federal law and those specifically authorized by the Legislature by law enacted after the effective date of this act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Growers support the safety rules adopted by the House and the enhanced consultation provided by the Senate.

Testimony Against: None.

Testified: Chris Cheney, Washington Growers League (pro).