

HOUSE BILL REPORT

ESHB 2723

As Passed House:

February 12, 1996

Title: An act relating to agriculture.

Brief Description: Regulating agricultural activities.

Sponsors: By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Chappell).

Brief History:

Committee Activity:

Agriculture & Ecology: 1/31/96, 2/1/96 [DPS].

Floor Activity:

Passed House: 2/12/96, 67-25.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Robertson and Schoesler.

Minority Report: Without recommendation. Signed by 5 members: Representatives R. Fisher; Murray; Ogden; Regala and Rust.

Staff: Kenneth Hirst (786-7105).

Background: The Washington Industrial Safety and Health Act (WISHA) is administered by the Department of Labor and Industries. Under WISHA, the department has adopted a safety standard for agriculture.

The standard applies to all agricultural operations, which are defined as being operations necessary to farming and ranching, including maintenance of equipment and machinery, and planting, cultivating, growing or raising, keeping for sale, harvesting, or transporting on the farm or to the first place of processing any tree, plant, fruit, vegetable, animal, fowl, fish, or insects or products thereof. When employees are assigned to perform tasks other than those directly related to agricultural operations, the proper standard, which may be other than the agricultural

standard, is to apply. The standard notes that such assignments may involve, but are not limited to activities, such as fruit and vegetable packing, logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.

Summary of Bill: To provide guidance in determining when operations related to agricultural products are to be regulated under WISHA as agricultural operations under agricultural safety standards, and when they are to be regulated as other activities, a definition of "agriculture" is provided by statute. For this purpose, "agriculture" means farming in all its branches and includes the cultivation and tillage of the soil and dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity or private sector aquatic product; the raising of livestock, bees, fur-bearing animals, or poultry; and practices performed by a farmer or on a farm in conjunction with such farming operations, including preparation for market and delivery to storage, market, or carriers. "Agriculture" does not include forestry or lumbering operations.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (1) If a worker sorts strawberries in the field, the sorting comes under the agricultural standard. If the sorting takes place in a shed, it no longer falls under the agricultural standard. Farmers should not have to look beyond the "one book" of standards they were supposed to receive under legislation enacted last year, but the department continues to provide a moving target as to the standards that apply to them. (2) The department has one definition of agriculture for workers' compensation and wage and hour regulations and another for safety standards.

Testimony Against: None.

Testified: Chris Cheney, Washington Growers League; and Pat Boss, Hop Growers of Washington (in favor).