

HOUSE BILL REPORT

HB 2723

As Reported By House Committee On:

Agriculture & Ecology

Title: An act relating to agriculture.

Brief Description: Regulating agricultural activities.

Sponsors: Representatives Chandler and Chappell.

Brief History:

Committee Activity:

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

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 Substitute 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 any practices (including forestry or lumbering operations) 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.

Substitute Bill Compared to Original Bill: Private sector aquatic products are expressly added by the substitute bill to the agricultural commodities regulated under the WISHA safety standard for agriculture. The substitute bill clarifies that the definition it provides is for determining when the safety standard for agriculture applies and when it does not.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: 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).