

SENATE BILL REPORT

ESHB 2703

As Reported By Senate Committee On:
Labor, Commerce & Trade, February 22, 1996

Title: An act relating to occupational safety and health.

Brief Description: Limiting department of labor and industries authority when the department of agriculture has authority to prescribe or enforce occupational safety and health standards.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Clements, Chappell, Chandler, Koster, Lisk, Thompson and Johnson).

Brief History:

Committee Activity: Labor, Commerce & Trade: 2/22/96 [DPA].

SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

Majority Report: Do pass as amended.

Signed by Senators Pelz, Chair; A. Anderson, Deccio, Franklin, Fraser, McDonald, Newhouse and Wojahn.

Minority Report: Do not pass as amended.

Signed by Senator Heavey, Vice Chair.

Staff: Jonathan Seib (786-7427)

Background: The registration and use of pesticides are regulated at the national level under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The act is administered by the U.S. Environmental Protection Agency (EPA). Under the act, the EPA has adopted a worker protection standard. The EPA's rules state that the standard is designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests, and also from the accidental exposure of workers and other persons to such pesticides. The rules also state that the standard requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies. The standard includes provisions that require the posting of warning signs regarding the application of pesticides on a farm or nursery and that prohibit workers from being in the area sprayed during the application and during any restricted entry interval associated with the application. The use of pesticides in this state is regulated under the state's Pesticide Application Act administered by the state's Department of Agriculture.

The Washington Industrial Safety and Health Act (WISHA) is administered by the Department of Labor and Industries. A safety standard for agriculture has been adopted under the act.

State legislation enacted in 1989 requires the posting of warning signs with regard to certain applications of pesticides to labor intensive agricultural crops and requires employees to vacate the area to be sprayed

Summary of Amended Bill: A section of law is repealed that requires the posting of certain warning signs if a pesticide with a reentry interval of more than 24 hours is applied to a labor-intensive agricultural crop and requires employees to vacate the area to be sprayed.

Amended Bill Compared to Substitute Bill: The amended bill deletes the provisions in the engrossed substitute bill regarding the rule-making authority of and coordination between the Department of Agriculture and the Department of Labor and Industries with regard to pesticides.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The conflict and lack of coordination between the Department of Labor and Industries and the Department of Agriculture in this area is very frustrating for employers trying to comply with the law. This bill would require the coordination that historically has not been present.

Testimony Against: The wording of the bill threatens the safety of agricultural employees. However, the goal of coordination, which the bill is intended to serve, is an important one and the interested parties hope to continue work towards acceptable language.

Testified: Rep. Clements, prime sponsor; Mark Brown, Dept. of Labor and Industries; Jim Jesernig, Dept. of Agriculture; Jeff Johnson, WA State Labor Council (con); PRO: Steven George, Hop Growers of Washington; Chris Cheney, Washington Growers League.