
ENGROSSED SUBSTITUTE HOUSE BILL 1065

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Lisk, Mastin, Schoesler, McMorris, Robertson, Chappell, Delvin, Honeyford, Koster, Clements, Boldt, Foreman and Kremen)

Read first time 02/09/95. Referred to Committee on .

1 AN ACT Relating to safety standards for agriculture; amending RCW
2 49.17.060; adding a new section to chapter 49.17 RCW; adding a new
3 section to chapter 17.21 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW
6 to read as follows:

7 The safety and health standards that apply under this chapter for
8 the agricultural industry shall consist of the safety standards for
9 agriculture, including the exemptions for the agricultural industry
10 from other safety and health standards under this chapter, that were in
11 effect as of January 1, 1993, as modified by the following provisions:

12 (1) WAC 296-306-060 (regarding personal protective equipment) as
13 filed March 5, 1993, and published in WSR 93-07-012.

14 (2) WAC 296-306-400 and 296-306-40003 (regarding pesticide posting
15 and records) as filed March 5, 1993, and published in WSR 93-07-012.

16 (3) WAC 296-306-120 (1) through (10), (11)(a), and (12) (aerial
17 manlift equipment), as filed October 19, 1994, and published in WSR 94-
18 21-099.

- 1 (4) WAC 296-306-165 (general requirements for all agricultural
2 equipment), as filed March 4, 1993, and published in WSR 93-07-012.
- 3 (5) WAC 296-306-170 (auger conveying equipment), as filed October
4 19, 1994, and published in WSR 94-21-099.
- 5 (6) WAC 296-306-08503 (general requirements for fire
6 extinguishers), as filed October 19, 1994, and published in WSR 94-21-
7 099.
- 8 (7) WAC 296-306-08507 (inspection, maintenance, and testing of fire
9 extinguishers), as filed October 19, 1994, and published in WSR 94-21-
10 099.
- 11 (8) WAC 296-306-14501 to 296-306-14511 (regarding electrical
12 protection) as filed February 28, 1994, (as emergency rules), and
13 published in WSR 94-06-044.
- 14 (9) WAC 296-306-061 to 296-306-06109 (regarding machine guarding)
15 as filed September 1, 1994, and published in WSR 94-18-067.
- 16 (10) WAC 296-306-090 (storage and handling of anhydrous ammonia),
17 as filed October 19, 1994, and published in WSR 94-21-099.
- 18 (11) WAC 296-306-09001(2) (liquefied petroleum gases
19 installations), as filed October 19, 1994, and published in WSR 94-21-
20 099.
- 21 (12) The following additional requirements shall apply:
- 22 (a) Hazardous materials must be stored in containers designed for
23 such storage and must be labelled according to WAC 296-62-05411. Each
24 employer must determine that compressed gas cylinders under his or her
25 control are in a safe condition to the extent that this can be
26 determined by visual inspection.
- 27 (b) Agricultural equipment employing open flames or equipment with
28 integral containers, such as flame cultivators, weed burners, and in
29 addition, tractors, shall be shut down during refueling.
- 30 (c) The employee or any part of agricultural aerial manlift
31 equipment shall not come within a radius of ten feet from energized
32 high voltage conductors, or into any part of the zone any distance
33 above such a radius (see WAC 296-306-14511, as in effect on March 1,
34 1994).
- 35 (d)(i) To insure safety and serviceability the following
36 precautions on the care of ladders shall be observed:
- 37 (A) Ladders shall be maintained in good condition at all times.
38 Joints between steps and side rails shall be tight. All hardware and

1 fittings shall be securely attached, and the moveable parts shall
2 operate freely without binding or undue play.

3 (B) Ladders shall be inspected prior to being used. Ladders which
4 have developed defects shall be withdrawn from service for repair or
5 destruction and tagged or marked as "dangerous, do not use."

6 (C) Complete ladder inspection shall be periodical. If a ladder is
7 involved in any of the following, immediate inspection is necessary:

8 (I) If ladders tip over, inspect ladder for side rails dents or
9 bends, or excessively dented rungs; check all rung-to-side-rail
10 connections; check hardware connections; check rivets for shear.

11 (II) If ladders are exposed to excessive heat as in the case of
12 fire, the ladder should be inspected visually for damage and tested for
13 deflection and strength characteristics. In doubtful cases, refer to
14 manufacturer.

15 (D) Ladders shall be stored in a manner designed to protect ladders
16 when not in use.

17 (E) Ropes or cables shall be inspected frequently and replaced if
18 defective.

19 (ii) The following safety precautions shall be observed in
20 connection with the use of ladders:

21 (A) Orchard ladders longer than sixteen feet shall not be used.

22 (B) Ladders shall be handled with care and not subject to
23 unnecessary dropping, jarring, or misuse. Ladders are designed for a
24 specific purpose or use; therefore, any variation from this use
25 constitutes a mishandling of the equipment.

26 (C) Employers shall not require or direct employees to stand on the
27 top two steps of the orchard ladder.

28 (D) Rungs shall be kept reasonably free of any substance which
29 would make them hazardous.

30 (E) Ladders carried on vehicles should be adequately supported to
31 avoid sagging and securely fastened in position to minimize chafing and
32 the effects of road shocks.

33 (F) Portable ladders shall be so placed that the side rails have a
34 secure footing. The top rest for portable rung and cleat ladders shall
35 be reasonably rigid and shall have ample strength to support the
36 applied load.

37 (G) Ladders shall not be placed in front of doors opening toward
38 the ladder unless the door is blocked open, locked, or guarded.

1 (H) Ladders shall not be placed on boxes, barrels, or other
2 unstable bases to obtain additional height.

3 (I) Ladders with broken or missing steps, rungs, or cleats, broken
4 side rails, or other faulty equipment shall not be used; improvised
5 repairs shall not be made.

6 (J) Ladders made by fastening cleats across a single rail shall not
7 be used.

8 (K) Stepladders shall not be used as single ladders.

9 (L) When working from a ladder over twenty-five feet from the
10 ground or floor, the ladder shall be secured at both top and bottom.

11 (M) No type of work shall be performed on a ladder over twenty-five
12 feet from the ground or floor that requires the use of both hands to
13 perform the work, unless a safety belt is worn and the safety lanyard
14 is secured to the ladder.

15 (N) The ladder base section must be placed with a secure footing.
16 Safety feet of good substantial design should be installed on all
17 ladders except orchard ladders. Where ladders with no safety shoes or
18 spikes are used on hard, slick surfaces, a foot-ladder board should be
19 employed.

20 (iii) Training and instruction on the use of ladders:

21 (A) At the beginning of employment, employers shall provide
22 employees with orientation and training on the proper use of ladders
23 including how to set a ladder and properly dismount with a full load.

24 (B) Employers shall instruct employees to not stand on the top two
25 steps (the top cap and the next step down) of the ladder.

26 (C) Employers shall instruct employees to not step off the ladder
27 onto branches of trees except onto the main crotch of the tree.

28 (D) Employers shall instruct employees to not overreach while
29 standing on the ladder to prevent ladder upset.

30 (E) Employers shall instruct employees that before climbing
31 ladders, shoes and/or boots shall be free and clean of greasy or
32 slippery substances.

33 This section does not limit the authority of the director to adopt
34 rules that are specifically required by federal law, and only to the
35 extent specifically required, for the standards in this section to be
36 as effective as the standards adopted or recognized by the United
37 States secretary of labor under the authority of the occupational
38 safety and health act of 1970 (Public Law 91-596; 84 Stat. 1590).

1 **Sec. 2.** RCW 49.17.060 and 1973 c 80 s 6 are each amended to read
2 as follows:

3 Each employer:

4 (1) Shall furnish to each of his employees a place of employment
5 free from recognized hazards that are causing or likely to cause
6 serious injury or death to his employees: PROVIDED, That no citation
7 or order assessing a penalty shall be issued to any employer solely
8 under the authority of this subsection except where no applicable rule
9 or regulation has been adopted by the department covering the unsafe or
10 unhealthful condition of employment at the work place; and

11 (2) Shall comply with the rules, regulations, and orders
12 (~~promulgated~~) adopted under this chapter, or, in the case of
13 agricultural employers, comply with section 1 of this act and rules
14 adopted under section 1 of this act.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 17.21 RCW
16 to read as follows:

17 (1) The director shall exercise the authority granted by RCW
18 17.21.030 to adopt as rules the worker protection standard for
19 agricultural workers and handlers of agricultural pesticides adopted by
20 the United States environmental protection agency in 40 C.F.R., part
21 170, as it exists on the effective date of this act.

22 (2) Subsection (1) of this section does not limit in any manner the
23 authority of the director to adopt rules under RCW 17.21.030 including,
24 but not limited to, rules amending the rules adopted under subsection
25 (1) of this section.

26 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and shall take
29 effect immediately.

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