

---

ENGROSSED SUBSTITUTE HOUSE BILL 2261

---

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Thompson, Chandler, McMorris, Mulliken, Sheahan, Buck, McMahan, Schoesler, Pelesky, Mastin, Goldsmith and Johnson)

Read first time 02/02/96.

1 AN ACT Relating to extending the dates related to safety standards  
2 for agriculture; amending RCW 49.17.041; and declaring an emergency.

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

4 **Sec. 1.** RCW 49.17.041 and 1995 c 371 s 2 are each amended to read  
5 as follows:

6 (1)(a) Except as provided in (b) of this subsection, no rules  
7 adopted under this chapter amending or establishing agricultural safety  
8 standards shall take effect during the period beginning January 1,  
9 1995, and ending January 15, 1996. This subsection applies, but is not  
10 limited to applying, to a rule adopted before January 1, 1995, but with  
11 an effective date which is during the period beginning January 1, 1995,  
12 and ending January 15, 1996, and to provisions of rules adopted prior  
13 to January 1, 1995, which provisions are to become effective during the  
14 period beginning January 1, 1995, and ending January 15, 1996.

15 (b) Subsection (1)(a) and subsection (1)(c) of this section  
16 (~~does~~) do not apply to: Provisions of rules that were in effect  
17 before January 1, 1995; emergency rules adopted under RCW 34.05.350;  
18 rules adopted under ESHB 2703 (1996) regarding activities governed by  
19 40 C.F.R., part 170, adopted by the United States environmental

1 protection agency establishing a worker protection standard for  
2 agricultural workers and handlers of agricultural pesticides; or  
3 revisions to chapter 296-306 WAC regarding rollover protective  
4 structures that were adopted in 1994 and effective March 1, 1995, and  
5 that are additionally revised to refer to the variance process  
6 available under this chapter.

7 (c) Except as provided in (b) of this subsection, no rules adopted  
8 under this chapter amending or establishing agricultural safety  
9 standards shall take effect during the period beginning January 16,  
10 1996, and ending February 15, 1997. Except as provided in (b) of this  
11 subsection, the effective date of any rule amending or establishing an  
12 agricultural safety standard that has taken effect after January 15,  
13 1996, and before the effective date of this subsection (1)(c) shall be  
14 postponed until after February 15, 1997.

15 (2)(a) The rules for agricultural safety adopted under this chapter  
16 must:

17 ~~((a))~~ (i) Establish, for agricultural employers, an agriculture  
18 safety standard that includes agriculture-specific rules and specific  
19 references to the general industry safety standard adopted under  
20 chapter 49.17 RCW; and

21 ~~((b))~~ (ii) Exempt agricultural employers from the general  
22 industry safety standard adopted under chapter 49.17 RCW for all rules  
23 not specifically referenced in the agriculture safety standard.

24 (b) This subsection (2) applies to rules amending or establishing  
25 agricultural safety standards that take effect after February 15, 1997.

26 (3) No penalty shall be levied for an employer's first citation for  
27 a violation of a requirement adopted under this chapter that a tractor  
28 manufactured on or before October 25, 1976, have a rollover protective  
29 structure if the employer complies with the requirement within ninety  
30 days of the issuance of the citation. With regard to any subsequent  
31 violation of this chapter by an employer issued a citation without a  
32 penalty under this subsection, such a citation issued to the employer  
33 without a penalty under this subsection shall not be considered by the  
34 department as part of the employer's history of violations under RCW  
35 49.17.180(7).

36 (4) The department shall publish in one volume all of the  
37 occupational safety rules that apply to agricultural employers and  
38 shall make this volume available to all agricultural employers before

1 ((January)) February 15, ((1996)) 1997. This volume must be available  
2 in both English and Spanish.

3 ((+4)) (5) The department shall provide training, education, and  
4 enhanced consultation services concerning its agricultural safety rules  
5 to agricultural employers before the rules' effective dates. ((The  
6 training, education, and consultation must continue throughout the  
7 winter of 1995-1996.)) Training and education programs must be  
8 provided throughout the state and must be coordinated with agricultural  
9 associations in order to meet their members' needs.

10 ((+5)) (6) The department shall provide, for informational  
11 purposes, a list of commercially available rollover protective  
12 structures for tractors used in agricultural operations manufactured  
13 before October 25, 1976. The list must include the name and address of  
14 the manufacturer and the approximate price of the structure. Included  
15 with the list shall be a statement indicating that an employer may  
16 apply for a variance from the rules requiring rollover protective  
17 structures under this chapter and that variances may be granted in  
18 appropriate circumstances on a case-by-case basis. The statement shall  
19 also provide examples of circumstances under which a variance may be  
20 granted. The list and statement shall be generally available to the  
21 agricultural community before the department may take any action to  
22 enforce rules requiring rollover protective structures for tractors  
23 used in agricultural operations manufactured before October 25, 1976.

24 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and shall take  
27 effect immediately.

--- END ---