
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; or
18 revisions to chapter 296-306 WAC regarding rollover protective
19 structures that were adopted in 1994 and effective March 1, 1995, and

1 that are additionally revised to refer to the variance process
2 available under this chapter.

3 (c) Except as provided in (b) of this subsection, no rules adopted
4 under this chapter amending or establishing agricultural safety
5 standards shall take effect during the period beginning January 16,
6 1996, and ending February 15, 1997. Except as provided in (b) of this
7 subsection, the effective date of any rule amending or establishing an
8 agricultural safety standard that has taken effect after January 15,
9 1996, and before the effective date of this subsection (1)(c) shall be
10 postponed until after February 15, 1997.

11 (2)(a) The rules for agricultural safety adopted under this chapter
12 must:

13 ~~((a))~~ (i) Establish, for agricultural employers, an agriculture
14 safety standard that includes agriculture-specific rules and specific
15 references to the general industry safety standard adopted under
16 chapter 49.17 RCW; and

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

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

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

32 (4) The department shall publish in one volume all of the
33 occupational safety rules that apply to agricultural employers and
34 shall make this volume available to all agricultural employers before
35 ~~((January))~~ February 15, ~~((1996))~~ 1997. This volume must be available
36 in both English and Spanish.

37 ~~((4))~~ (5) The department shall provide training, education, and
38 enhanced consultation services concerning its agricultural safety rules
39 to agricultural employers before the rules' effective dates. ~~((The~~

1 ~~training, education, and consultation must continue throughout the~~
2 ~~winter of 1995-1996.)~~) Training and education programs must be
3 provided throughout the state and must be coordinated with agricultural
4 associations in order to meet their members' needs.

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

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

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