
ENGROSSED SUBSTITUTE HOUSE BILL 2703

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 02/02/96.

1 AN ACT Relating to occupational safety and health; adding a new
2 section to chapter 49.17 RCW; adding a new section to chapter 17.21
3 RCW; and repealing RCW 49.70.117.

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 (1) As used in this section, "federal worker protection standard"
8 or "federal standard" means the worker protection standard for
9 agricultural workers and handlers of agricultural pesticides adopted by
10 the United States environmental protection agency in 40 C.F.R., part
11 170 as it exists on the effective date of this section.

12 (2) No rule adopted under this chapter may impose requirements that
13 make direct compliance with the federal worker protection standard
14 impractical. Rules establishing or altering safety standards with
15 regard to the activities governed by the federal worker protection
16 standard may be adopted by the department only as provided by this
17 subsection. No other provision of this chapter may be construed as
18 granting authority to establish or alter safety standards regarding the
19 activities.

1 With regard to the activities governed by the federal worker
2 protection standard: The department shall adopt by rule safety
3 standards that are at least as effective as the federal standard; and
4 standards adopted by the department under this subsection shall be
5 identical to standards adopted by the department of agriculture under
6 section 2(2) of this act.

7 (3) A violation of the federal worker protection standard or of a
8 rule adopted under subsection (2) of this section or section 2(2) of
9 this act may be investigated by the department or by the department of
10 agriculture, but may not be investigated by both agencies; however, an
11 investigation conducted by the department under Title 51 RCW solely
12 with regard to industrial insurance shall not be considered to be an
13 investigation by the department for this purpose. A citation for a
14 violation of the federal standard or of a rule adopted under subsection
15 (2) of this section or section 2(2) of this act may be issued by the
16 department or by the department of agriculture, but not by both
17 agencies. The department and the department of agriculture shall
18 jointly establish a formal agreement that identifies the roles of each
19 of the two agencies in conducting investigations of violations of the
20 federal worker protection standard and the rules.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 17.21 RCW
22 to read as follows:

23 (1) As used in this section, "federal worker protection standard"
24 or "federal standard" means the worker protection standard for
25 agricultural workers and handlers of agricultural pesticides adopted by
26 the United States environmental protection agency in 40 C.F.R., part
27 170 as it exists on the effective date of this section.

28 (2) No rule adopted under this chapter may impose requirements that
29 make direct compliance with the federal worker protection standard
30 impractical. Rules establishing or altering safety standards with
31 regard to the activities governed by the federal worker protection
32 standard may be adopted by the department only as provided by this
33 subsection. No other provision of this chapter may be construed as
34 granting authority to establish or alter safety standards regarding the
35 activities.

36 With regard to the activities governed by the federal worker
37 protection standard: The department shall adopt by rule safety
38 standards that are at least as effective as the federal standard; and

1 standards adopted by the department under this subsection shall be
2 identical to standards adopted by the department of labor and
3 industries under section 1(2) of this act.

4 (3) A violation of the federal worker protection standard or of a
5 rule adopted under subsection (2) of this section or section 1(2) of
6 this act may be investigated by the department or by the department of
7 labor and industries, but may not be investigated by both agencies;
8 however, an investigation conducted by the department of labor and
9 industries under Title 51 RCW solely with regard to industrial
10 insurance shall not be considered to be an investigation by the
11 department of labor and industries for this purpose. A citation for a
12 violation of the federal standard or of a rule adopted under subsection
13 (2) of this section or section 1(2) of this act may be issued by the
14 department or by the department of labor and industries, but not by
15 both agencies. The department and the department of labor and
16 industries shall jointly establish a formal agreement that identifies
17 the roles of each of the two agencies in conducting investigations of
18 violations of the federal worker protection standard and the rules.

19 NEW SECTION. **Sec. 3.** RCW 49.70.117 and 1992 c 173 s 2 & 1989 c
20 380 s 76 are each repealed.

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