

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5121

54th Legislature
1995 Regular Session

Passed by the Senate April 21, 1995
YEAS 43 NAYS 0

President of the Senate

Passed by the House April 20, 1995
YEAS 77 NAYS 17

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5121** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5121

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senate Committee on Agriculture & Agricultural Trade & Development
(originally sponsored by Senators Rasmussen, Morton, Snyder, Newhouse,
Loveland, A. Anderson, Hochstatter, Haugen and Deccio)

Read first time 02/23/95.

1 AN ACT Relating to agricultural safety standards; adding new
2 sections to chapter 49.17 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) The state's highly productive and efficient agricultural sector
6 is composed predominately of family-owned and managed farms and an
7 industrious and efficient work force;

8 (2) A reasonable level of safety regulations is needed to protect
9 workers;

10 (3) The smaller but highly efficient farming operations would
11 benefit from safety rules that are easily referenced and agriculture-
12 specific to the extent possible; and

13 (4) There should be lead time between the adoption of agriculture
14 safety rules and their effective date in order to allow the department
15 of labor and industries to provide training, education, and enhanced
16 consultation services to family-owned and managed farms.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW
18 to read as follows:

1 (1)(a) Except as provided in (b) of this subsection, no rules
2 adopted under this chapter amending or establishing agricultural safety
3 standards shall take effect during the period beginning January 1,
4 1995, and ending January 15, 1996. This subsection applies, but is not
5 limited to applying, to a rule adopted before January 1, 1995, but with
6 an effective date which is during the period beginning January 1, 1995,
7 and ending January 15, 1996, and to provisions of rules adopted prior
8 to January 1, 1995, which provisions are to become effective during the
9 period beginning January 1, 1995, and ending January 15, 1996.

10 (b) Subsection (1)(a) of this section does not apply to:
11 Provisions of rules that were in effect before January 1, 1995;
12 emergency rules adopted under RCW 34.05.350; or revisions to chapter
13 296-306 WAC regarding rollover protective structures that were adopted
14 in 1994 and effective March 1, 1995, and that are additionally revised
15 to refer to the variance process available under this chapter.

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

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

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

25 (3) The department shall publish in one volume all of the
26 occupational safety rules that apply to agricultural employers and
27 shall make this volume available to all agricultural employers before
28 January 15, 1996. This volume must be available in both English and
29 Spanish.

30 (4) The department shall provide training, education, and enhanced
31 consultation services concerning its agricultural safety rules to
32 agricultural employers before the rules' effective dates. The
33 training, education, and consultation must continue throughout the
34 winter of 1995-1996. Training and education programs must be provided
35 throughout the state and must be coordinated with agricultural
36 associations in order to meet their members' needs.

37 (5) The department shall provide, for informational purposes, a
38 list of commercially available rollover protective structures for
39 tractors used in agricultural operations manufactured before October

1 25, 1976. The list must include the name and address of the
2 manufacturer and the approximate price of the structure. Included with
3 the list shall be a statement indicating that an employer may apply for
4 a variance from the rules requiring rollover protective structures
5 under this chapter and that variances may be granted in appropriate
6 circumstances on a case-by-case basis. The statement shall also
7 provide examples of circumstances under which a variance may be
8 granted. The list and statement shall be generally available to the
9 agricultural community before the department may take any action to
10 enforce rules requiring rollover protective structures for tractors
11 used in agricultural operations manufactured before October 25, 1976.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW
13 to read as follows:

14 Other than rules published under section 2(3) of this act, the
15 director may adopt, in accordance with chapter 34.05 RCW, rules
16 concerning agriculture safety, other than emergency rules, only:

17 (1) As specifically required by federal law, and only to the extent
18 specifically required; or

19 (2) As specifically authorized by statute enacted after the
20 effective date of this section.

21 NEW SECTION. **Sec. 4.** Section 2(1) of this act is remedial in
22 nature and applies to rules and provisions of rules regarding
23 agricultural safety that would take effect after December 31, 1994.

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