

(Effective until February 3, 2020)

WAC 296-307-12010 Exemptions—Standards for workers—40 C.F.R., § 170.104. The workers listed in this section are exempt from the specified provisions of WAC 296-307-120.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself/herself or members of his/her immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment the protections of:

(i) WAC 296-307-12020 (3)(e) through (i);

(ii) WAC 296-307-12020 (3)(e) through (i); as referenced in WAC 296-307-12020 (4)(b)(iii) and (5);

(iii) WAC 296-307-12025;

(iv) WAC 296-307-12030;

(v) WAC 296-307-12040;

(vi) WAC 296-307-12045;

(vii) WAC 296-307-12050;

(viii) WAC 296-307-12055.

(b) The owner of the agricultural establishment must provide the protections listed in (a)(i) through (viii) of this subsection to other workers and other persons who are not members of his/her immediate family.

(2) Crop advisors.

(a) Provided that the conditions of this section are met, a person who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a state or tribal lead agency for pesticide enforcement, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 296-307-12050.

(ii) WAC 296-307-12055.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iii) and (iv) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 296-307-13025 (3)(d).

(ii) Applies only when performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(iv) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his/her direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval which tasks to undertake, and how to contact the crop advisor.

[Statutory Authority: RCW 49.17.040. WSR 98-24-096, § 296-307-12010, filed 12/1/98, effective 3/1/99. WSR 97-09-013, recodified as § 296-307-12010, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 96-20-082, § 296-306A-12010, filed 9/30/96, effective 11/1/96.]