

(Effective until February 3, 2020)

WAC 296-307-13005 Exemptions—Standards for handlers—40 C.F.R., § 170.204. The handlers listed in this section are exempt from the specified provisions of this part.

(1) Owners of agricultural establishments.

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

- (i) WAC 296-307-13010 (2) and (3).
- (ii) WAC 296-307-13015.
- (iii) WAC 296-307-13025.
- (iv) WAC 296-307-13030.
- (v) WAC 296-307-13035.
- (vi) WAC 296-307-13040.
- (vii) WAC 296-307-13045 (5) through (7).
- (viii) WAC 296-307-13050.
- (ix) WAC 296-307-13055.

(b) The owner of the agricultural establishment must provide the protections listed in subsection (1)(a)(i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(2) Crop advisors.

(a) Provided that the conditions of (b) of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

- (i) WAC 296-307-13030.
- (ii) WAC 296-307-13045.
- (iii) WAC 296-307-13050.
- (iv) WAC 296-307-13055.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iv) and (v) 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) No entry into the treated area occurs until after application ends.

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

(iv) 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.

(v) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products 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.

(c) Applies only when the persons are performing crop advising tasks in the treated area.

(d) 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.

[Statutory Authority: RCW 49.17.040. WSR 98-24-096, § 296-307-13005, filed 12/1/98, effective 3/1/99. WSR 97-09-013, recodified as § 296-307-13005, 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-13005, filed 9/30/96, effective 11/1/96.]