

HOUSE BILL REPORT

ESSB 5121

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to agricultural safety standards.

Brief Description: Providing for agricultural safety standards.

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

Brief History:

Committee Activity:

Agriculture & Ecology: 3/27/95 [DPA].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 13 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

Minority Report: Do not pass. Signed by 4 members: Representatives R. Fisher; Poulsen; Regala and Rust.

Staff: Kenneth Hirst (786-7105).

Background: The Washington Industrial Safety and Health Act authorizes the Department of Labor and Industries to adopt safety and health rules, of general or specific applicability, for all covered industries and employments in the state. This authority includes a direction to adopt rules that are at least as effective as those rules adopted or recognized under the federal Occupational Safety and Health Act of 1970.

Pursuant to this authority, the department has adopted safety standards specifically applicable to agriculture. As originally adopted, these standards addressed such issues as first-aid requirements, personal protective equipment, handling of materials and tools, safety requirements for ladders, platforms, trenches, welding and electrical activities, equipment and vehicles, and field sanitation. These standards also exempted agriculture from other general safety standards that apply to most

industries. In early 1994, the department filed revised standards for agriculture with an effective date of March 1, 1995. The new standards remove the exemptions from the general safety standards for the agricultural industry and provide that the specific agriculture safety standard augment the general safety standard applicable to all industries. However, if there is a conflict between the two standards, the agriculture safety standards apply. Rules were also proposed in late 1994, to be adopted in January 1995 and effective in March 1995.

Summary of Amended Bill: For the purposes of the Washington Industrial Safety and Health Act, the safety standards that apply to the agricultural industry are, in general, the standards that were in effect in Washington on January 1, 1993, including the exemptions for the agricultural industry from other safety and health standards that were in effect on that date. These standards are modified to include: (1) certain standards regarding personal protective equipment, pesticide posting and records, and general requirements for agricultural equipment that were filed by the Department of Labor and Industries as rules in March 1993; (2) certain standards regarding electrical protection filed as emergency rules in February 1994; (3) certain standards regarding machine guarding filed as rules in September 1994; (4) certain standards regarding fire extinguishers, aerial manlift equipment, auger conveying equipment, liquefied petroleum gases installations, and the storage and handling of anhydrous ammonia filed as rules in October 1994; and (5) requirements specified for the storage and labelling of hazardous materials, the visual inspection of compressed gas cylinders, refueling of equipment, use of aerial manlifts near high voltage conductors, and the care and use, and training in the use, of ladders. The department is not prohibited from adopting rules that are specifically required, and only to the extent specifically required, for the safety standards to be as effective as the standards adopted under the federal Occupational Safety and Health Act.

The Director of Agriculture is directed to adopt as rules the U.S. Environmental Protection Agency's worker protection standard for agricultural workers and handlers of agricultural pesticides, as it exists in 40 C.F.R., part 170, on the effective date of this act. This requirement does not limit the director's authority to adopt rules under the State's Pesticide Application Act, including rules amending this standard.

Amended Bill Compared to Engrossed Substitute Bill: The engrossed substitute senate bill: directs the department to delay until January 15, 1996, the effective date of agricultural safety rules adopted after January 1, 1995, and establishes requirements for the content of those rules; requires the agricultural safety rules to be published in one volume, in English and Spanish; requires the department to provide training and enhanced consultation services; and restricts the department's rulemaking authority to adopt other rules regarding agricultural safety. The amendment replaces these requirements with an adoption, by statute, of agricultural safety rules effective under the Washington Industrial Safety and Health Act and a requirement that the Director of Agriculture adopt federal rules regarding agricultural pesticides.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Growers support the safety rules adopted by the House and the enhanced consultation provided by the Senate.

Testimony Against: None.

Testified: Chris Cheney, Washington Growers League (pro).