
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)(a) The federal worker protection standard is controlling in
13 this state with regard to each activity governed by the federal
14 standard.

15 (b) The rules of the department adopted under this chapter must be
16 consistent with the federal worker protection standard. No rule of the
17 department may be in conflict with the federal standard.

18 (3) A violation of the federal worker protection standard may be
19 investigated by the department or by the department of agriculture, but

1 may not be investigated by both agencies; however, an investigation
2 conducted by the department under Title 51 RCW solely with regard to
3 industrial insurance shall not be considered to be an investigation by
4 the department for this purpose. A citation for a violation of the
5 federal standard may be issued by the department or by the department
6 of agriculture, but not by both agencies. The department and the
7 department of agriculture shall jointly establish a formal agreement
8 that identifies the roles of each of the two agencies in conducting
9 investigations of violations of the federal worker protection standard.

10 (4) If the federal worker protection standard is amended by the
11 United States environmental protection agency after the effective date
12 of this section, the department and the department of agriculture shall
13 request the legislature to revise the definition provided by subsection
14 (1) of this section.

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

17 (1) As used in this section, "federal worker protection standard"
18 or "federal standard" means the worker protection standard for
19 agricultural workers and handlers of agricultural pesticides adopted by
20 the United States environmental protection agency in 40 C.F.R., part
21 170 as it exists on the effective date of this section.

22 (2)(a) The federal worker protection standard is controlling in
23 this state with regard to each activity governed by the federal
24 standard.

25 (b) The rules of the department adopted under this chapter must be
26 consistent with the federal worker protection standard. No rule of the
27 department may be in conflict with the federal standard.

28 (3) A violation of the federal worker protection standard may be
29 investigated by the department or by the department of labor and
30 industries, but may not be investigated by both agencies; however, an
31 investigation conducted by the department of labor and industries under
32 Title 51 RCW solely with regard to industrial insurance shall not be
33 considered to be an investigation by the department of labor and
34 industries for this purpose. A citation for a violation of the federal
35 standard may be issued by the department or by the department of labor
36 and industries, but not by both agencies. The department and the
37 department of labor and industries shall jointly establish a formal
38 agreement that identifies the roles of each of the two agencies in

1 conducting investigations of violations of the federal worker
2 protection standard.

3 (4) If the federal worker protection standard is amended by the
4 United States environmental protection agency after the effective date
5 of this section, the department and the department of labor and
6 industries shall request the legislature to revise the definition
7 provided by subsection (1) of this section.

8 NEW SECTION. **Sec. 3.** RCW 49.70.117 and 1992 c 173 s 2 & 1989 c
9 380 s 76 are each repealed.

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