

# HOUSE BILL REPORT

## HB 1834

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### As Reported By House Committee On:

Agriculture & Ecology

**Title:** An act relating to agriculture.

**Brief Description:** Defining agriculture for the purpose of safety regulations.

**Sponsors:** Representatives Chandler, Linville and Schoesler.

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/17/97, 2/24/97 [DPS].

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

**Staff:** Kenneth Hirst (786-7105).

**Background:** The Washington Industrial Safety and Health Act (WISHA) is administered by the Department of Labor and Industries (L&I). Under the WISHA, the department has adopted safety standards for agriculture. The standards apply to all agricultural operations with one or more employees covered by the WISHA. These operations are defined by rule as being all operations necessary to farming and ranching, including: equipment and machinery maintenance; planting, cultivating, growing or raising; and keeping for sale, harvesting, or transporting on the farm or to the first place of processing any tree, plant, fruit, vegetable, animal, fowl, fish, insect or product. These operations include, and the agricultural safety standards apply to, in-field processing operations directly related to agriculture.

Where the agricultural safety standards conflict with other safety standards adopted by L&I, the agricultural standards prevail. However, if an agricultural employer assigns employees to perform tasks other than those directly related to agricultural operations, other safety standards adopted by L&I apply. An example of the latter is provided by the agricultural safety rules: Employees working in fruit and vegetable packing houses are covered by L&I's general safety and health standards.

**Summary of Substitute Bill:** To provide guidance in determining when operations related to agricultural products are to be regulated under the WISHA as agricultural operations under agricultural safety standards, and when they are to be regulated as other activities, a definition of "agriculture" is provided by statute and is to be interpreted broadly. For this purpose, "agriculture" means farming in all its branches including: the cultivation and tillage of the soil and dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; the raising of livestock, bees, fur-bearing animals, or poultry; and any practices, performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including but not limited to preparation for market, and delivery to storage or to market or to carriers for transportation to market. However, "agriculture" does not mean a farmer's processing for sale or handling for sale a commodity or product grown or produced by someone other than the farmer or the farmer's employees.

**Substitute Bill Compared to Original Bill:** The substitute bill excludes from agriculture— processing or handling for sale a commodity or product produced by someone other than the farmer or the farmer's employees.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (1) Before 1993, the agricultural safety standard applied to agricultural operations. Since 1993, however, it has applied only to agricultural activities conducted up to the first place of processing. As a result, on-farm operations such as those of mint stills and hop kilns are now covered by the industrial safety standards. This bill will return these operations to the agricultural safety standard and make the operations covered by the agricultural safety standard consistent with the operations covered by federal fair labor standards for agriculture. (2) There will be no reduction of safety under this bill. The only amount of processing moved to the agricultural safety standards is a farmer's processing of the crops the farmer has grown, not those grown by others.

**Testimony Against:** None.

**Testified:** Phil Hull, Washington Growers' League (in favor).