

2 **ESHB 2703** - S AMD - 242

3 By Senators Pelz, Rasmussen, Loveland, Newhouse, Heavey, Deccio,
4 Franklin, Anderson, Morton and Swecker

5 ADOPTED 3/1/96

6 Strike everything after the enacting clause and insert the
7 following:

8 NEW SECTION. **Sec. 1.** The legislature finds that the state's
9 highly productive and efficient agriculture sector is composed
10 predominately of family owned and managed farms and an industrious and
11 efficient work force. It is the intent of the legislature that the
12 department of agriculture and the department of labor and industries
13 coordinate adoption, implementation, and enforcement of a common set of
14 worker protection standards related to pesticides in order to avoid
15 inconsistency and conflict in the application of those rules. It is
16 also the intent of the legislature that the department of agriculture
17 and the department of labor and industries coordinate investigations
18 with the department of health as well. Further, coordination of
19 enforcement procedures under this act shall not reduce the
20 effectiveness of the enforcement provisions of the Washington
21 Industrial Safety and Health Act of 1973 or the Washington Pesticide
22 Application Act. Finally, when the department of agriculture or the
23 department of labor and industries anticipates regulatory changes to
24 standards regarding pesticide application and handling, they shall
25 involve the affected parties in the rule-making process and solicit
26 relevant information. The department of agriculture and the department
27 of labor and industries shall identify differences in their respective
28 jurisdictions and penalty structures and publish those differences.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW
30 to read as follows:

31 (1) As used in this section, "federal worker protection standard"
32 or "federal standard" means the worker protection standard for
33 agricultural workers and handlers of agricultural pesticides adopted by
34 the United States environmental protection agency in 40 C.F.R., part
35 170 as it exists on the effective date of this section.

1 (2)(a) No rule adopted under this chapter may impose requirements
2 that make compliance with the federal worker protection standard
3 impossible.

4 (b) The department shall adopt by rule safety and health standards
5 that are at least as effective as the federal standard. Standards
6 adopted by the department under this section shall be adopted in
7 coordination with the department of agriculture.

8 (3) If a violation of the federal worker protection standard, or of
9 state rules regulating activities governed by the federal standard, is
10 investigated by the department and by the department of agriculture,
11 the agencies shall conduct a joint investigation if feasible, and shall
12 share relevant information. However, an investigation conducted by the
13 department under Title 51 RCW solely with regard to industrial
14 insurance shall not be considered to be an investigation by the
15 department for this purpose. The agencies shall not issue duplicate
16 citations to an individual or business for the same violation of the
17 federal standard or state rules regulating activities governed by the
18 federal standard. By December 1, 1996, the department and the
19 department of agriculture shall jointly establish a formal agreement
20 that: Identifies the roles of each of the two agencies in conducting
21 investigations of activities governed by the federal standard; and
22 provides for protection of workers and enforcement of standards that is
23 at least as effective as provided to all workers under this chapter.
24 The department's role under the agreement shall not extend beyond
25 protection of safety and health in the workplace as provided under this
26 chapter.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 17.21 RCW
28 to read as follows:

29 (1) As used in this section, "federal worker protection standard"
30 or "federal standard" means the worker protection standard for
31 agricultural workers and handlers of agricultural pesticides adopted by
32 the United States environmental protection agency in 40 C.F.R., part
33 170 as it exists on the effective date of this section.

34 (2)(a) No rule adopted under this chapter may impose requirements
35 that make compliance with the federal worker protection standard
36 impossible.

37 (b) The department shall adopt by rule safety and health standards
38 that are at least as effective as the federal standard. Standards

1 adopted by the department under this section shall be adopted in
2 coordination with the department of labor and industries.

3 (3) If a violation of the federal worker protection standard, or of
4 state rules regulating activities governed by the federal standard, is
5 investigated by the department and by the department of labor and
6 industries, the agencies shall conduct a joint investigation if
7 feasible, and shall share relevant information. However, an
8 investigation conducted by the department of labor and industries under
9 Title 51 RCW solely with regard to industrial insurance shall not be
10 considered to be an investigation by the department of labor and
11 industries for this purpose. The agencies shall not issue duplicate
12 citations to an individual or business for the same violation of the
13 federal standard or state rules regulating activities governed by the
14 federal standard. By December 1, 1996, the department and the
15 department of labor and industries shall jointly establish a formal
16 agreement that: Identifies the roles of each of the two agencies in
17 conducting investigations of activities governed by the federal
18 standard; and provides for protection of workers and enforcement of
19 standards that is at least effective as provided for other enforcement
20 under this chapter.

21 NEW SECTION. **Sec. 4.** By December 1, 1996, the department of
22 agriculture and the department of labor and industries shall report to
23 the standing committees of the legislature dealing with agriculture and
24 labor matters on the implementation and impact of this act. The report
25 shall include the number of multiple on-site investigations for the
26 same incident during 1996 and the reasons why the investigations were
27 not coordinated.

28 NEW SECTION. **Sec. 5.** RCW 49.70.117 and 1992 c 173 s 2 & 1989 c
29 380 s 76 are each repealed.

30 NEW SECTION. **Sec. 6.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 7.** Section 5 of this act is necessary for the
35 immediate preservation of the public peace, health, or safety, or

1 support of the state government and its existing public institutions,
2 and shall take effect immediately."

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7 On page 1, line 1 of the title, after "health;" strike the
8 remainder of the title and insert "adding a new section to chapter
9 49.17 RCW; adding a new section to chapter 17.21 RCW; creating new
10 sections; repealing RCW 49.70.117; and declaring an emergency."

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