

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2703

Chapter 260, Laws of 1996

54th Legislature
1996 Regular Session

OCCUPATIONAL SAFETY AND HEALTH--COORDINATING
AGRICULTURE REGULATIONS

EFFECTIVE DATE: 6/6/96 - Except section 5 which becomes effective
on 3/29/96.

Passed by the House March 4, 1996
Yeas 94 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 1, 1996
Yeas 47 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 29, 1996

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2703** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 29, 1996 - 4:43 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2703

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

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; creating new sections; repealing RCW 49.70.117; and declaring an
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the state's
7 highly productive and efficient agriculture sector is composed
8 predominately of family owned and managed farms and an industrious and
9 efficient work force. It is the intent of the legislature that the
10 department of agriculture and the department of labor and industries
11 coordinate adoption, implementation, and enforcement of a common set of
12 worker protection standards related to pesticides in order to avoid
13 inconsistency and conflict in the application of those rules. It is
14 also the intent of the legislature that the department of agriculture
15 and the department of labor and industries coordinate investigations
16 with the department of health as well. Further, coordination of
17 enforcement procedures under this act shall not reduce the
18 effectiveness of the enforcement provisions of the Washington
19 Industrial Safety and Health Act of 1973 or the Washington Pesticide

1 Application Act. Finally, when the department of agriculture or the
2 department of labor and industries anticipates regulatory changes to
3 standards regarding pesticide application and handling, they shall
4 involve the affected parties in the rule-making process and solicit
5 relevant information. The department of agriculture and the department
6 of labor and industries shall identify differences in their respective
7 jurisdictions and penalty structures and publish those differences.

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

10 (1) As used in this section, "federal worker protection standard"
11 or "federal standard" means the worker protection standard for
12 agricultural workers and handlers of agricultural pesticides adopted by
13 the United States environmental protection agency in 40 C.F.R., part
14 170 as it exists on the effective date of this section.

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

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

22 (3) If a violation of the federal worker protection standard, or of
23 state rules regulating activities governed by the federal standard, is
24 investigated by the department and by the department of agriculture,
25 the agencies shall conduct a joint investigation if feasible, and shall
26 share relevant information. However, an investigation conducted by the
27 department under Title 51 RCW solely with regard to industrial
28 insurance shall not be considered to be an investigation by the
29 department for this purpose. The agencies shall not issue duplicate
30 citations to an individual or business for the same violation of the
31 federal standard or state rules regulating activities governed by the
32 federal standard. By December 1, 1996, the department and the
33 department of agriculture shall jointly establish a formal agreement
34 that: Identifies the roles of each of the two agencies in conducting
35 investigations of activities governed by the federal standard; and
36 provides for protection of workers and enforcement of standards that is
37 at least as effective as provided to all workers under this chapter.
38 The department's role under the agreement shall not extend beyond

1 protection of safety and health in the workplace as provided under this
2 chapter.

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

5 (1) As used in this section, "federal worker protection standard"
6 or "federal standard" means the worker protection standard for
7 agricultural workers and handlers of agricultural pesticides adopted by
8 the United States environmental protection agency in 40 C.F.R., part
9 170 as it exists on the effective date of this section.

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

13 (b) The department shall adopt by rule safety and health standards
14 that are at least as effective as the federal standard. Standards
15 adopted by the department under this section shall be adopted in
16 coordination with the department of labor and industries.

17 (3) If a violation of the federal worker protection standard, or of
18 state rules regulating activities governed by the federal standard, is
19 investigated by the department and by the department of labor and
20 industries, the agencies shall conduct a joint investigation if
21 feasible, and shall share relevant information. However, an
22 investigation conducted by the department of labor and industries under
23 Title 51 RCW solely with regard to industrial insurance shall not be
24 considered to be an investigation by the department of labor and
25 industries for this purpose. The agencies shall not issue duplicate
26 citations to an individual or business for the same violation of the
27 federal standard or state rules regulating activities governed by the
28 federal standard. By December 1, 1996, the department and the
29 department of labor and industries shall jointly establish a formal
30 agreement that: Identifies the roles of each of the two agencies in
31 conducting investigations of activities governed by the federal
32 standard; and provides for protection of workers and enforcement of
33 standards that is at least effective as provided for other enforcement
34 under this chapter.

35 NEW SECTION. **Sec. 4.** By December 1, 1996, the department of
36 agriculture and the department of labor and industries shall report to
37 the standing committees of the legislature dealing with agriculture and

1 labor matters on the implementation and impact of this act. The report
2 shall include the number of multiple on-site investigations for the
3 same incident during 1996 and the reasons why the investigations were
4 not coordinated.

5 NEW SECTION. **Sec. 5.** RCW 49.70.117 and 1992 c 173 s 2 & 1989 c
6 380 s 76 are each repealed.

7 NEW SECTION. **Sec. 6.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 7.** Section 5 of this act is necessary for the
12 immediate preservation of the public peace, health, or safety, or
13 support of the state government and its existing public institutions,
14 and shall take effect immediately.

Passed the House March 4, 1996.

Passed the Senate March 1, 1996.

Approved by the Governor March 29, 1996.

Filed in Office of Secretary of State March 29, 1996.