

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5121

Chapter 371, Laws of 1995

(partial veto)

54th Legislature
1995 Regular Session

AGRICULTURAL SAFETY STANDARDS

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 21, 1995
YEAS 43 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 20, 1995
YEAS 77 NAYS 17

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 16, 1995, with the
exception of section 3, which is
vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the
Senate of the State of Washington,
do hereby certify that the attached
is **ENGROSSED SUBSTITUTE SENATE BILL
5121** as passed by the Senate and the
House of Representatives on the
dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 16, 1995 - 11:21 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5121

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

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

Read first time 02/23/95.

1 AN ACT Relating to agricultural safety standards; adding new
2 sections to chapter 49.17 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) The state's highly productive and efficient agricultural sector
6 is composed predominately of family-owned and managed farms and an
7 industrious and efficient work force;

8 (2) A reasonable level of safety regulations is needed to protect
9 workers;

10 (3) The smaller but highly efficient farming operations would
11 benefit from safety rules that are easily referenced and agriculture-
12 specific to the extent possible; and

13 (4) There should be lead time between the adoption of agriculture
14 safety rules and their effective date in order to allow the department
15 of labor and industries to provide training, education, and enhanced
16 consultation services to family-owned and managed farms.

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

1 (1)(a) Except as provided in (b) of this subsection, no rules
2 adopted under this chapter amending or establishing agricultural safety
3 standards shall take effect during the period beginning January 1,
4 1995, and ending January 15, 1996. This subsection applies, but is not
5 limited to applying, to a rule adopted before January 1, 1995, but with
6 an effective date which is during the period beginning January 1, 1995,
7 and ending January 15, 1996, and to provisions of rules adopted prior
8 to January 1, 1995, which provisions are to become effective during the
9 period beginning January 1, 1995, and ending January 15, 1996.

10 (b) Subsection (1)(a) of this section does not apply to:
11 Provisions of rules that were in effect before January 1, 1995;
12 emergency rules adopted under RCW 34.05.350; or revisions to chapter
13 296-306 WAC regarding rollover protective structures that were adopted
14 in 1994 and effective March 1, 1995, and that are additionally revised
15 to refer to the variance process available under this chapter.

16 (2) The rules for agricultural safety adopted under this chapter
17 must:

18 (a) Establish, for agricultural employers, an agriculture safety
19 standard that includes agriculture-specific rules and specific
20 references to the general industry safety standard adopted under
21 chapter 49.17 RCW; and

22 (b) Exempt agricultural employers from the general industry safety
23 standard adopted under chapter 49.17 RCW for all rules not specifically
24 referenced in the agriculture safety standard.

25 (3) The department shall publish in one volume all of the
26 occupational safety rules that apply to agricultural employers and
27 shall make this volume available to all agricultural employers before
28 January 15, 1996. This volume must be available in both English and
29 Spanish.

30 (4) The department shall provide training, education, and enhanced
31 consultation services concerning its agricultural safety rules to
32 agricultural employers before the rules' effective dates. The
33 training, education, and consultation must continue throughout the
34 winter of 1995-1996. Training and education programs must be provided
35 throughout the state and must be coordinated with agricultural
36 associations in order to meet their members' needs.

37 (5) The department shall provide, for informational purposes, a
38 list of commercially available rollover protective structures for
39 tractors used in agricultural operations manufactured before October

1 25, 1976. The list must include the name and address of the
2 manufacturer and the approximate price of the structure. Included with
3 the list shall be a statement indicating that an employer may apply for
4 a variance from the rules requiring rollover protective structures
5 under this chapter and that variances may be granted in appropriate
6 circumstances on a case-by-case basis. The statement shall also
7 provide examples of circumstances under which a variance may be
8 granted. The list and statement shall be generally available to the
9 agricultural community before the department may take any action to
10 enforce rules requiring rollover protective structures for tractors
11 used in agricultural operations manufactured before October 25, 1976.

12 ****NEW SECTION. Sec. 3. A new section is added to chapter 49.17 RCW***
13 ***to read as follows:***

14 ***Other than rules published under section 2(3) of this act, the***
15 ***director may adopt, in accordance with chapter 34.05 RCW, rules***
16 ***concerning agriculture safety, other than emergency rules, only:***

17 ***(1) As specifically required by federal law, and only to the extent***
18 ***specifically required; or***

19 ***(2) As specifically authorized by statute enacted after the***
20 ***effective date of this section.***

21 ****Sec. 3 was vetoed. See message at end of chapter.***

22 **NEW SECTION. Sec. 4.** Section 2(1) of this act is remedial in
23 nature and applies to rules and provisions of rules regarding
24 agricultural safety that would take effect after December 31, 1994.

Passed the Senate April 21, 1995.

Passed the House April 20, 1995.

Approved by the Governor May 16, 1995, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 3,
3 Engrossed Substitute Senate Bill No. 5121 entitled:

4 "AN ACT Relating to agricultural safety standards;"

5 Engrossed Substitute Senate Bill No. 5121 is very good legislation
6 which makes a number of changes related to agricultural safety
7 standards. It provides equal treatment for farm workers in the area of
8 workplace safety standards and provides technical assistance for
9 agricultural employers.

1 However, section 3 of this bill prohibits the adoption of
2 additional safety rules by the Department of Labor and Industries (L&I)
3 unless those rules are mandated by federal law, or are specifically
4 authorized by the legislature. I believe this section represents an
5 unwise change in policy and creates a situation where agricultural
6 workers do not receive protections equal to those of other workers.
7 The federal Occupational Safety and Health Act of 1970 (OSHA)
8 establishes minimum safety standards that states must meet or exceed
9 for all workers. Section 3 would establish OSHA rules not as a minimum
10 standard, as is the case for other workers, but as a maximum standard
11 for farm worker safety.

12 Farm workers are an integral part of the state's labor force. They
13 are entitled to the same respect and safe working conditions enjoyed by
14 all other workers. By restricting rule making activities, section 3
15 undermines the worker protective policy embodied in the Washington
16 Industrial Safety and Health Act. In addition, it would unnecessarily
17 inhibit L&I from taking action to simplify rules, improve current
18 practices, lessen regulatory burdens, respond to changes in
19 agricultural technology or techniques, and respond to issues brought
20 forth by industry.

21 For these reasons, I am vetoing section 3 of Engrossed Substitute
22 Senate Bill No. 5121.

23 With the exception of section 3, Engrossed Substitute Senate Bill
24 No. 5121 is approved."