

HOUSE BILL REPORT

HB 1567

*As Reported By House Committee on:
Commerce & Labor*

Title: An act relating to protections for agricultural employees.

Brief Description: Establishing protections for agricultural employees.

Sponsor(s): Representatives Prentice, Heavey, Cole, Belcher, R. King, Franklin, Jones, Wineberry, Wang, Dellwo, Jacobsen and Leonard.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 26, 1991, DPS.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *That Substitute House Bill No. 1567 be substituted therefor, and the substitute bill do pass.*
Signed by 8 members: Representatives Heavey, Chair; Cole, Vice Chair; Franklin; Jones; R. King; O'Brien; Prentice; and Wilson.

Minority Report: *Do not pass.* Signed by 3 members: Representatives Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; and Vance.

Staff: Chris Cordes (786-7117).

Background: Under the Washington Industrial Safety and Health Act, agricultural employers and employees are required to comply with safety rules. The rules address accident prevention programs, personal protective clothing, use of hand tools, and other safety issues. The federal Environmental Protection Agency has proposed rules under consideration that would require additional safety rules for agricultural employees who handle pesticides or who enter pesticide treated fields before expiration of the reentry interval. The proposed rules address protective clothing, requirements for decontaminating the clothing and washing facilities for employees, and medical monitoring. In California, administrative rules address protective clothing, medical care, and medical supervision.

Summary of Substitute Bill: Several provisions related to safety requirements for agricultural employees are added to the Washington Industrial Safety and Health Act.

Protective clothing

Employers are required to provide to agricultural employees, at no cost, the protective clothing that is required by a pesticide label or by Department of Labor and Industries rule.

The department must adopt rules to implement the protective clothing requirements. The department must consider the recommendations of the pesticide material safety data sheet and both the acute and chronic effects of pesticide ingredients. The rules must require appropriate measures to prevent risks to employees, including the risk of heat-induced illness from wearing chemical resistant suits, and require mechanical controls where feasible. Under circumstances required by rule, the employer must provide showering and laundering facilities.

Medical care

Employers must make prior arrangements for medical care for activities involving actual or potential exposure to pesticides and post information about the health care provider. In case of suspected pesticide illness or exposure to pesticides, the employer must assure that the employee is taken to a physician immediately.

Medical supervision

The employer must provide medical monitoring and supervision for the categories of employees specified by department rule as requiring medical supervision. If medical supervision is required for an employee, the employer must follow the recommendations of the medical professional supervising the employee's health and must post information about the health care provider. The health care provider must inform the employee of any test results that indicate adverse effects from pesticides.

The Department of Labor and Industries must adopt rules to implement these provisions, to take effect no later than July 1, 1992.

Substitute Bill Compared to Original Bill: The substitute bill: (1) deletes the requirement in the original bill that agricultural employers provide personal protective clothing to employees if the clothing is recommended by the pesticide's material safety data sheet and instead requires

the Department of Labor and Industries to consider these recommendations in its rule-making; (2) deletes the requirement that facilities for changing clothes, showering, and laundering pesticide-contaminated clothing must be provided for employees who regularly handle pesticides or who engage in activities involving actual exposure to pesticides and instead requires the employer to provide these facilities under the circumstances required by Department of Labor and Industries' rule; (3) revises the requirement for medical monitoring and supervision by requiring the agricultural employer to provide medical monitoring and supervision for the categories of agricultural employees that are specified by department rule to require medical supervision; and (4) adds the requirement that the rules be adopted and in effect by July 1, 1992.

Fiscal Note: Requested February 15, 1991.

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

Testimony For: This bill raises issues that should be addressed in safety and health rules. The Department of Labor and Industries should be given the flexibility to work out rules that are reasonable for protecting employees. Pesticides pose a significant risk to farmworker health, especially when workers are told not to seek medical attention by the employer. Many workers do not know the danger or the link between their illnesses and field exposures.

Testimony Against: Very few pesticide poisoning cases are reported. There does not seem to be a widespread problem that needs addressing. If any rules are to be adopted, they should be worked with both employees and employers to be made practical and to result in more education.

Witnesses: (in favor): Steve Cant, Department of Labor and Industries; Cha Smith, Washington Toxics Coalition; Michelle Besso, Evergreen Legal Services; and Esmeralda Castro.
(opposed): Tom Pence; Mark Triplett, Agri Business Coalition; and Mike Gempler, Washington Growers League.