

1 **SHB 1065 - H AMD 159 ADOPTED AS AMENDED 3/8/95**

2 By Representatives Chandler and Mastin

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** A new section is added to chapter
6 49.17 RCW to read as follows:

7 The safety and health standards that apply under this chapter
8 for the agricultural industry shall consist of the safety standards
9 for agriculture, including the exemptions for the agricultural
10 industry from other safety and health standards under this chapter,
11 that were in effect as of January 1, 1993, as modified by the
12 following provisions:

13 (1) WAC 296-306-060 (regarding personal protective equipment)
14 as filed March 5, 1993, and published in WSR 93-07-012.

15 (2) WAC 296-306-400 and 296-306-40003 (regarding pesticide
16 posting and records) as filed March 5, 1993, and published in WSR
17 93-07-012.

18 This section does not limit the authority of the director to
19 adopt rules that are specifically required by federal law, and only
20 to the extent specifically required, for the standards in this
21 section to be as effective as the standards adopted or recognized
22 by the United States secretary of labor under the authority of the
23 occupational safety and health act of 1970 (Public Law 91-596; 84
24 Stat. 1590).

25
26 **Sec. 2.** RCW 49.17.060 and 1973 c 80 ú 6 are each amended to
27 read as follows:

28 Each employer:

29 (1) Shall furnish to each of his employees a place of
30 employment free from recognized hazards that are causing or likely
31 to cause serious injury or death to his employees: PROVIDED, That

1 no citation or order assessing a penalty shall be issued to any
2 employer solely under the authority of this subsection except where
3 no applicable rule or regulation has been adopted by the department
4 covering the unsafe or unhealthful condition of employment at the
5 work place; and

6 (2) Shall comply with the rules, regulations, and orders
7 ((promulgated)) adopted under this chapter, or, in the case of
8 agricultural employers, comply with section 1 of this act and rules
9 adopted under section 1 of this act.

10
11 NEW SECTION. Sec. 3. A new section is added to chapter 17.21
12 RCW to read as follows:

13 (1) The director shall exercise the authority granted by RCW
14 17.21.030 to adopt as rules the worker protection standard for
15 agricultural workers and handlers of agricultural pesticides
16 adopted by the United States environmental protection agency in 40
17 C.F.R., part 170, as it exists on the effective date of this act.

18 (2) Subsection (1) of this section does not limit in any
19 manner the authority of the director to adopt rules under RCW
20 17.21.030 including, but not limited to, rules amending the rules
21 adopted under subsection (1) of this section.

22
23 NEW SECTION. Sec. 4. This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of
25 the state government and its existing public institutions, and
26 shall take effect immediately."

27
28 Correct the title.

EFFECT: The amendment: (1) adds safety provisions that were adopted after January 1, 1993, regarding personal protective equipment and pesticide posting and recordkeeping; (2) provides that the authority of the director of the Department of Labor and Industries to adopt rules relating to

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agricultural safety standards is limited to rules that are specifically required, and only to the extent specifically required, by federal law; and (3) clarifies that agricultural employers are subject to citation for violation of the standards referenced in the statute.