

2 **SHB 2703 - H AMD 171 ADOPTED 2-9-96**

3 By Representatives Clements and Romero

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

7 "NEW SECTION. Sec. 1. A new section is added to chapter 49.17 RCW
8 to read as follows:

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

14 (2) No rule adopted under this chapter may impose requirements that
15 make direct compliance with the federal worker protection standard
16 impractical. Rules establishing or altering safety standards with
17 regard to the activities governed by the federal worker protection
18 standard may be adopted by the department only as provided by this
19 subsection. No other provision of this chapter may be construed as
20 granting authority to establish or alter safety standards regarding the
21 activities.

22 With regard to the activities governed by the federal worker
23 protection standard: The department shall adopt by rule safety
24 standards that are at least as effective as the federal standard; and
25 standards adopted by the department under this subsection shall be
26 identical to standards adopted by the department of agriculture under
27 section 2(2) of this act.

28 (3) A violation of the federal worker protection standard or of a
29 rule adopted under subsection (2) of this section or section 2(2) of
30 this act may be investigated by the department or by the department of
31 agriculture, but may not be investigated by both agencies; however, an
32 investigation conducted by the department under Title 51 RCW solely
33 with regard to industrial insurance shall not be considered to be an
34 investigation by the department for this purpose. A citation for a
35 violation of the federal standard or of a rule adopted under subsection
36 (2) of this section or section 2(2) of this act may be issued by the
37 department or by the department of agriculture, but not by both

1 agencies. The department and the department of agriculture shall
2 jointly establish a formal agreement that identifies the roles of each
3 of the two agencies in conducting investigations of violations of the
4 federal worker protection standard and the rules.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 17.21 RCW
6 to read as follows:

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

12 (2) No rule adopted under this chapter may impose requirements that
13 make direct compliance with the federal worker protection standard
14 impractical. Rules establishing or altering safety standards with
15 regard to the activities governed by the federal worker protection
16 standard may be adopted by the department only as provided by this
17 subsection. No other provision of this chapter may be construed as
18 granting authority to establish or alter safety standards regarding the
19 activities.

20 With regard to the activities governed by the federal worker
21 protection standard: The department shall adopt by rule safety
22 standards that are at least as effective as the federal standard; and
23 standards adopted by the department under this subsection shall be
24 identical to standards adopted by the department of labor and
25 industries under section 1(2) of this act.

26 (3) A violation of the federal worker protection standard or of a
27 rule adopted under subsection (2) of this section or section 1(2) of
28 this act may be investigated by the department or by the department of
29 labor and industries, but may not be investigated by both agencies;
30 however, an investigation conducted by the department of labor and
31 industries under Title 51 RCW solely with regard to industrial
32 insurance shall not be considered to be an investigation by the
33 department of labor and industries for this purpose. A citation for a
34 violation of the federal standard or of a rule adopted under subsection
35 (2) of this section or section 1(2) of this act may be issued by the
36 department or by the department of labor and industries, but not by
37 both agencies. The department and the department of labor and
38 industries shall jointly establish a formal agreement that identifies

1 the roles of each of the two agencies in conducting investigations of
2 violations of the federal worker protection standard and the rules.

3 NEW SECTION. **Sec. 3.** RCW 49.70.117 and 1992 c 173 s 2 & 1989 c
4 380 s 76 are each repealed."

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