

2 **ESSB 5121** - H COMM AMD **NOT ADOPTED 4/12/95**

3 By Committee on Agriculture & Ecology

4

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

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

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

18 (3) WAC 296-306-120 (1) through (10), (11)(a), and (12) (aerial
19 manlift equipment), as filed October 19, 1994, and published in WSR 94-
20 21-099.

21 (4) WAC 296-306-165 (general requirements for all agricultural
22 equipment), as filed March 5, 1993, and published in WSR 93-07-012.

23 (5) WAC 296-306-170 (auger conveying equipment), as filed October
24 19, 1994, and published in WSR 94-21-099.

25 (6) WAC 296-306-08503 (general requirements for fire
26 extinguishers), as filed October 19, 1994, and published in WSR 94-21-
27 099.

28 (7) WAC 296-306-08507 (inspection, maintenance, and testing of fire
29 extinguishers), as filed October 19, 1994, and published in WSR 94-21-
30 099.

31 (8) WAC 296-306-14501 to 296-306-14511 (regarding electrical
32 protection) as filed February 28, 1994, (as emergency rules), and
33 published in WSR 94-06-044.

34 (9) WAC 296-306-061 to 296-306-06109 (regarding machine guarding)
35 as filed September 1, 1994, and published in WSR 94-18-067.

36 (10) WAC 296-306-090 (storage and handling of anhydrous ammonia),

1 as filed October 19, 1994, and published in WSR 94-21-099.

2 (11) WAC 296-306-09001(2) (liquefied petroleum gases
3 installations), as filed October 19, 1994, and published in WSR 94-21-
4 099.

5 (12) The following additional requirements shall apply:

6 (a) Hazardous materials must be stored in containers designed for
7 such storage and must be labelled according to WAC 296-62-05411. Each
8 employer must determine that compressed gas cylinders under his or her
9 control are in a safe condition to the extent that this can be
10 determined by visual inspection.

11 (b) Agricultural equipment employing open flames or equipment with
12 integral containers, such as flame cultivators, weed burners, and in
13 addition, tractors, shall be shut down during refueling.

14 (c) The employee or any part of agricultural aerial manlift
15 equipment shall not come within a radius of ten feet from energized
16 high voltage conductors, or into any part of the zone any distance
17 above such a radius (see WAC 296-306-14511, as in effect on March 1,
18 1994).

19 (d)(i) To insure safety and serviceability the following
20 precautions on the care of ladders shall be observed:

21 (A) Ladders shall be maintained in good condition at all times.
22 Joints between steps and side rails shall be tight. All hardware and
23 fittings shall be securely attached, and the moveable parts shall
24 operate freely without binding or undue play.

25 (B) Ladders shall be inspected prior to being used. Ladders which
26 have developed defects shall be withdrawn from service for repair or
27 destruction and tagged or marked as "dangerous, do not use."

28 (C) Complete ladder inspection shall be periodical. If a ladder is
29 involved in any of the following, immediate inspection is necessary:

30 (I) If ladders tip over, inspect ladder for side rails dents or
31 bends, or excessively dented rungs; check all rung-to-side-rail
32 connections; check hardware connections; check rivets for shear.

33 (II) If ladders are exposed to excessive heat as in the case of
34 fire, the ladder should be inspected visually for damage and tested for
35 deflection and strength characteristics. In doubtful cases, refer to
36 manufacturer.

37 (D) Ladders shall be stored in a manner designed to protect ladders
38 when not in use.

39 (E) Ropes or cables shall be inspected frequently and replaced if

1 defective.

2 (ii) The following safety precautions shall be observed in
3 connection with the use of ladders:

4 (A) Orchard ladders longer than sixteen feet shall not be used.

5 (B) Ladders shall be handled with care and not subject to
6 unnecessary dropping, jarring, or misuse. Ladders are designed for a
7 specific purpose or use; therefore, any variation from this use
8 constitutes a mishandling of the equipment.

9 (C) Employers shall not require or direct employees to stand on the
10 top two steps of the orchard ladder.

11 (D) Rungs shall be kept reasonably free of any substance which
12 would make them hazardous.

13 (E) Ladders carried on vehicles should be adequately supported to
14 avoid sagging and securely fastened in position to minimize chafing and
15 the effects of road shocks.

16 (F) Portable ladders shall be so placed that the side rails have a
17 secure footing. The top rest for portable rung and cleat ladders shall
18 be reasonably rigid and shall have ample strength to support the
19 applied load.

20 (G) Ladders shall not be placed in front of doors opening toward
21 the ladder unless the door is blocked open, locked, or guarded.

22 (H) Ladders shall not be placed on boxes, barrels, or other
23 unstable bases to obtain additional height.

24 (I) Ladders with broken or missing steps, rungs, or cleats, broken
25 side rails, or other faulty equipment shall not be used; improvised
26 repairs shall not be made.

27 (J) Ladders made by fastening cleats across a single rail shall not
28 be used.

29 (K) Stepladders shall not be used as single ladders.

30 (L) When working from a ladder over twenty-five feet from the
31 ground or floor, the ladder shall be secured at both top and bottom.

32 (M) No type of work shall be performed on a ladder over twenty-five
33 feet from the ground or floor that requires the use of both hands to
34 perform the work, unless a safety belt is worn and the safety lanyard
35 is secured to the ladder.

36 (N) The ladder base section must be placed with a secure footing.
37 Safety feet of good substantial design should be installed on all
38 ladders except orchard ladders. Where ladders with no safety shoes or
39 spikes are used on hard, slick surfaces, a foot-ladder board should be

1 employed.

2 (iii) Training and instruction on the use of ladders:

3 (A) At the beginning of employment, employers shall provide
4 employees with orientation and training on the proper use of ladders
5 including how to set a ladder and properly dismount with a full load.

6 (B) Employers shall instruct employees to not stand on the top two
7 steps (the top cap and the next step down) of the ladder.

8 (C) Employers shall instruct employees to not step off the ladder
9 onto branches of trees except onto the main crotch of the tree.

10 (D) Employers shall instruct employees to not overreach while
11 standing on the ladder to prevent ladder upset.

12 (E) Employers shall instruct employees that before climbing
13 ladders, shoes and/or boots shall be free and clean of greasy or
14 slippery substances.

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

21 **Sec. 2.** RCW 49.17.060 and 1973 c 80 s 6 are each amended to read
22 as follows:

23 Each employer:

24 (1) Shall furnish to each of his employees a place of employment
25 free from recognized hazards that are causing or likely to cause
26 serious injury or death to his employees: PROVIDED, That no citation
27 or order assessing a penalty shall be issued to any employer solely
28 under the authority of this subsection except where no applicable rule
29 or regulation has been adopted by the department covering the unsafe or
30 unhealthful condition of employment at the work place; and

31 (2) Shall comply with the rules, regulations, and orders
32 (~~promulgated~~) adopted under this chapter, or, in the case of
33 agricultural employers, comply with section 1 of this act and rules
34 adopted under section 1 of this act.

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

37 (1) The director shall exercise the authority granted by RCW

1 17.21.030 to adopt as rules the worker protection standard for
2 agricultural workers and handlers of agricultural pesticides adopted by
3 the United States environmental protection agency in 40 C.F.R., part
4 170, as it exists on the effective date of this act.

5 (2) Subsection (1) of this section does not limit in any manner the
6 authority of the director to adopt rules under RCW 17.21.030 including,
7 but not limited to, rules amending the rules adopted under subsection
8 (1) of this section.

9 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and shall take
12 effect immediately."

13 **ESSB 5121** - H COMM AMD
14 By Committee on Agriculture & Ecology

15

16 On page 1, line 1 of the title, after "standards;" strike the
17 remainder of the title and insert "amending RCW 49.17.060; adding a new
18 section to chapter 49.17 RCW; adding a new section to chapter 17.21
19 RCW; and declaring an emergency."

--- END ---