

2 **ESSB 5121** - H AMD
3 By Representative Chandler

4 ADOPTED AS AMENDED 4/12/95

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that:

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

11 (2) A reasonable level of safety regulation is needed to protect
12 workers; and

13 (3) The smaller but highly efficient farming operations would
14 benefit from safety rules that are easily referenced and agriculture-
15 specific to the extent possible.

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

18 (1) To afford the legislature an opportunity to examine more
19 closely the agricultural safety standards that should apply to the
20 agricultural industry, no rules adopted under this chapter amending or
21 establishing agricultural safety standards shall take effect during the
22 period beginning January 1, 1995, and ending January 15, 1996. This
23 subsection applies, but is not limited to applying, to a rule adopted
24 prior to January 1, 1995, but with an effective date which is during
25 the period beginning January 1, 1995, and ending January 15, 1996, and
26 to provisions of rules adopted prior to January 1, 1995, which
27 provisions are to become effective during the period beginning January
28 1, 1995, and ending January 15, 1996. This subsection does not apply
29 to provisions of rules that were in effect prior to January 1, 1995.

30 (2) Rollover protective structures shall not be required before
31 January 15, 1996, for any tractor that was manufactured before October
32 25, 1976. By December 15, 1995, the department shall prepare a list of
33 the rollover protective structures available to persons in this state
34 that fully satisfy the standards for such structures proposed for such
35 tractors by the department by rule before January 1, 1995. The list

1 shall include the name and address of the manufacturer of each
2 structure listed, the manufacturer's price of the structure, and
3 approximate delivery and installation costs. The department shall not
4 list a structure if it: Is not readily available; restricts or
5 eliminates a common use for the tractor for which it is designed; or
6 does not include all of the parts needed to install the structure on
7 the tractor for which it is designed in a manner that fully satisfies
8 the standards proposed for such structures by the department. The
9 department shall certify the accuracy of the information on the list
10 and submit the list to the committees of the senate and the house of
11 representatives with general jurisdiction over matters relating to
12 agriculture and those with general jurisdiction over matters relating
13 to labor.

14 (3) The following applies to rules for agricultural safety adopted
15 under this chapter. The rules shall:

16 (a) Establish, for agricultural employers, an agriculture safety
17 standard that includes agriculture-specific standards and specific
18 references to the general industry safety standard adopted under this
19 chapter; and

20 (b) Exempt agricultural employers from the general industry safety
21 standard adopted under this chapter for all requirements not
22 specifically referenced in the agriculture safety standard.

23 (4) The department shall publish in one volume all of the
24 occupational safety standards that apply to agricultural employers and
25 shall make this volume available to all agricultural employers before
26 February 15, 1996. This volume must be available in both English and
27 Spanish.

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

35 (6) Subsections (1) and (2) of this section do not limit the
36 authority of the director to adopt rules that are specifically required
37 by federal law, and only to the extent specifically required, for the
38 agricultural safety standards under this chapter to be as effective as
39 the standards adopted or recognized by the United States secretary of

1 labor under the authority of the occupational safety and health act of
2 1970 (P.L. 91-596; 84 Stat. 1590).

3 (7) Once the single volume of all of the rules setting agricultural
4 safety standards is first published as required by subsection (4) of
5 this section, no new rules regarding agricultural safety may be
6 established under this chapter except: As specifically required by
7 federal law, and only to the extent specifically required; or as
8 specifically authorized by the legislature by law enacted after the
9 effective date of this section.

10 NEW SECTION. **Sec. 3.** Section 2 (1) and (2) of this act are
11 remedial in nature and apply to rules and provisions of rules regarding
12 agricultural safety that would take effect after December 31, 1994."

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15 ADOPTED 4/12/95

16 On page 1, line 1 of the title, after "standards;" strike the
17 remainder of the title and insert "adding a new section to chapter
18 49.17 RCW; and creating new sections."

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