

2 **ESSB 5121 - H AMD 792 ADOPTED 4/12/95**

3 By Representative Chandler

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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.

23 (2) Rollover protective structures shall not be required before
24 January 15, 1996, for any tractor that was manufactured before October
25 25, 1976. By December 15, 1995, the department shall prepare a list of
26 the rollover protective structures available to persons in this state
27 that fully satisfy the standards for such structures proposed for such
28 tractors by the department by rule before January 1, 1995. The list
29 shall include the name and address of the manufacturer of each
30 structure listed, the manufacturer's price of the structure, and
31 approximate delivery and installation costs. The department shall not
32 list a structure if it: Is not readily available; restricts or
33 eliminates a common use for the tractor for which it is designed; or
34 does not include all of the parts needed to install the structure on
35 the tractor for which it is designed in a manner that fully satisfies

1 the standards proposed for such structures by the department. The
2 department shall certify the accuracy of the information on the list
3 and submit the list to the committees of the senate and the house of
4 representatives with general jurisdiction over matters relating to
5 agriculture and those with general jurisdiction over matters relating
6 to labor.

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

9 (a) Establish, for agricultural employers, an agriculture safety
10 standard that includes agriculture-specific standards and specific
11 references to the general industry safety standard adopted under this
12 chapter; and

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

16 (4) The department shall publish in one volume all of the
17 occupational safety standards that apply to agricultural employers and
18 shall make this volume available to all agricultural employers before
19 February 15, 1996. This volume must be available in both English and
20 Spanish.

21 (5) The department shall provide training, education, and enhanced
22 consultation services concerning its agricultural safety standards to
23 agricultural employers before the standards take effect. The training,
24 education, and consultation must continue throughout the winter of
25 1995-1996. Training and education programs must be provided throughout
26 the state and must be coordinated with agricultural associations in
27 order to meet their members' needs.

28 (6) Subsections (1) and (2) of this section do not limit the
29 authority of the director to adopt rules that are specifically required
30 by federal law, and only to the extent specifically required, for the
31 agricultural safety standards under this chapter to be as effective as
32 the standards adopted or recognized by the United States secretary of
33 labor under the authority of the occupational safety and health act of
34 1970 (P.L. 91-596; 84 Stat. 1590).

35 (7) Once the single volume of all of the rules setting agricultural
36 safety standards is first published as required by subsection (4) of
37 this section, no new rules regarding agricultural safety may be
38 established under this chapter except: As specifically required by
39 federal law, and only to the extent specifically required; or as

1 specifically authorized by the legislature by law enacted after the
2 effective date of this section.

3 NEW SECTION. **Sec. 3.** This act is remedial in nature and applies
4 to any rules regarding agricultural safety that would take effect
5 beginning January 1, 1995."

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9 On page 1, line 1 of the title, after "standards;" strike the
10 remainder of the title and insert "adding a new section to chapter
11 49.17 RCW; and creating new sections."

12 EFFECT: (1) Prohibits new agricultural safety rules from taking
13 effect until 1/1/96 except certain federally required rules;
14 (2) Requires the department to gather information regarding
15 rollover protective structures for certain tractors; and
16 (3) Restricts the circumstances under which future rules may be
17 adopted.

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