

2 **ESSB 5121 - H AMD 904 ADOPTED 4/20/95**

3 By Representative Chandler and others

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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 regulations is needed to protect
12 workers;

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; and

16 (4) There should be lead time between the adoption of agriculture
17 safety rules and their effective date in order to allow the department
18 of labor and industries to provide training, education, and enhanced
19 consultation services to family-owned and managed farms.

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

22 (1)(a) Except as provided in (b) of this subsection, no rules
23 adopted under this chapter amending or establishing agricultural safety
24 standards shall take effect during the period beginning January 1,
25 1995, and ending January 15, 1996. This subsection applies, but is not
26 limited to applying, to a rule adopted before January 1, 1995, but with
27 an effective date which is during the period beginning January 1, 1995,
28 and ending January 15, 1996, and to provisions of rules adopted prior
29 to January 1, 1995, which provisions are to become effective during the
30 period beginning January 1, 1995, and ending January 15, 1996.

31 (b) Subsection (1)(a) of this section does not apply to:
32 Provisions of rules that were in effect before January 1, 1995;
33 emergency rules adopted under RCW 34.05.350; or revisions to chapter
34 296-306 WAC regarding rollover protective structures that were adopted

1 in 1994 and effective March 1, 1995, and that are additionally revised
2 to refer to the variance process available under this chapter.

3 (2) The rules for agricultural safety adopted under this chapter
4 must:

5 (a) Establish, for agricultural employers, an agriculture safety
6 standard that includes agriculture-specific rules and specific
7 references to the general industry safety standard adopted under
8 chapter 49.17 RCW; and

9 (b) Exempt agricultural employers from the general industry safety
10 standard adopted under chapter 49.17 RCW for all rules not specifically
11 referenced in the agriculture safety standard.

12 (3) The department shall publish in one volume all of the
13 occupational safety rules that apply to agricultural employers and
14 shall make this volume available to all agricultural employers before
15 January 15, 1996. This volume must be available in both English and
16 Spanish.

17 (4) The department shall provide training, education, and enhanced
18 consultation services concerning its agricultural safety rules to
19 agricultural employers before the rules' effective dates. The
20 training, education, and consultation must continue throughout the
21 winter of 1995-1996. Training and education programs must be provided
22 throughout the state and must be coordinated with agricultural
23 associations in order to meet their members' needs.

24 (5) The department shall provide, for informational purposes, a
25 list of commercially available rollover protective structures for
26 tractors used in agricultural operations manufactured before October
27 25, 1976. The list must include the name and address of the
28 manufacturer and the approximate price of the structure. Included with
29 the list shall be a statement indicating that an employer may apply for
30 a variance from the rules requiring rollover protective structures
31 under this chapter and that variances may be granted in appropriate
32 circumstances on a case-by-case basis. The statement shall also
33 provide examples of circumstances under which a variance may be
34 granted. The list and statement shall be generally available to the
35 agricultural community before the department may take any action to
36 enforce rules requiring rollover protective structures for tractors
37 used in agricultural operations manufactured before October 25, 1976.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW
2 to read as follows:

3 Other than rules published under section 2(3) of this act, the
4 director may adopt, in accordance with chapter 34.05 RCW, rules
5 concerning agriculture safety, other than emergency rules, only:

6 (1) As specifically required by federal law, and only to the extent
7 specifically required; or

8 (2) As specifically authorized by statute enacted after the
9 effective date of this section.

10 NEW SECTION. **Sec. 4.** Section 2(1) of this act is remedial in
11 nature and applies to rules and provisions of rules regarding
12 agricultural safety that would take effect after December 31, 1994."

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14 By Representative

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

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