

ANALYSIS OF HB 1834

*House Agriculture & Ecology Committee
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BACKGROUND:

The Washington Industrial Safety and Health Act (WISHA) is administered by the Department of Labor and Industries (L&I). (Chapter 42.17 RCW.) Under WISHA, the Department has adopted safety standards for agriculture. (Chapter 296-306A.) The standards apply to all agricultural operations with one or more employees covered by the WISHA. These operations are defined by rule as being all operations necessary to farming and ranching, including equipment and machinery maintenance, planting, cultivating, growing or raising, keeping for sale, harvesting, or transporting on the farm or to the first place of processing any tree, plant, fruit, vegetable, animal, fowl, fish, or insects or products. These operations include, and the agricultural safety standards apply to, in-field processing operations directly related to agriculture. (WAC 296-306A-006(1).)

Where the agricultural safety standards conflict with other safety standards adopted by L&I, the agricultural standards prevail. (WAC 296-306A-006(2).) However, if an agricultural employer assigns employees to perform tasks other than those directly related to agricultural operations, other safety standards adopted by L&I apply. (WAC 296-306A-006(3).) The following examples are provided by the agricultural safety rules:

Employees working in fruit and vegetable packing houses are covered by the general safety and health standards in chapter 296-24 WAC. Employees working on logging and sawmill activities are covered by the appropriate chapter of Title 296 WAC.– (WAC 296-306A-006(3).)

SUMMARY:

To provide guidance in determining when operations related to agricultural products are to be regulated under WISHA as agricultural operations under agricultural safety standards, and when they are to be regulated as other activities, a definition of "agriculture" is provided by statute and is to be interpreted broadly. For this purpose, "agriculture" means farming in all its branches including: the cultivation and tillage of the soil and dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity (including a private sector cultured aquatic product); the raising of livestock, bees, fur-bearing animals, or poultry; and any practices, performed by a farmer or on a farm as an incident to or in

conjunction with such farming operations, including but not limited to preparation for market, and delivery to storage or to market or to carriers for transportation to market.

Activities performed by a farmer incident to or in conjunction with the farmer's farming activities are to be regulated as agricultural activities.