

ANALYSIS OF SB 5530

House Agriculture & Ecology Committee

March 20, 1997

BACKGROUND:

The Washington Industrial Safety and Health Act (WISHA) is administered by the Department of Labor and Industries (DLI). (Chapter 42.17 RCW.) Under WISHA, the DLI 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 DLI, 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 DLI 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. (Section 1.) For this purpose, "agriculture" means farming including: the cultivation and tillage of the soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; the raising of livestock, bees, fur-bearing animals, or poultry; and any practices, performed by a farmer or on a farm incident to or in conjunction with such farming operations, including but not limited to preparation for market, and delivery to storage or market, or to carriers for

transportation to market. (Section 2.)