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**SUBSTITUTE HOUSE BILL 1065**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Lisk, Mastin, Schoesler, McMorris, Robertson, Chappell, Delvin, Honeyford, Koster, Clements, Boldt, Foreman and Kremen)

Read first time 02/09/95.

1       AN ACT Relating to safety standards for agriculture; amending RCW  
2 49.17.050; adding a new section to chapter 17.21 RCW; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 49.17.050 and 1973 c 80 s 5 are each amended to read  
6 as follows:

7       (1) Except as otherwise provided in this chapter, in the adoption  
8 of rules (~~(and regulations)~~) under the authority of this chapter, the  
9 director shall:

10       (~~(1)~~) (a) Provide for the preparation, adoption, amendment, or  
11 repeal of rules (~~(and regulations)~~) of safety and health standards  
12 governing the conditions of employment of general and special  
13 application in all work places;

14       (~~(2)~~) (b) Provide for the adoption of occupational health and  
15 safety standards which are at least as effective as those adopted or  
16 recognized by the United States secretary of labor under the authority  
17 of the occupational safety and health act of 1970 (Public Law 91-596;  
18 84 Stat. 1590);

1        ~~((+3))~~ (c) Provide a method of encouraging employers and employees  
2 in their efforts to reduce the number of safety and health hazards at  
3 their work places and to stimulate employers and employees to institute  
4 new and to perfect existing programs for providing safe and healthful  
5 working conditions;

6        ~~((+4))~~ (d) Provide for the ~~((promulgation))~~ adoption of health and  
7 safety standards and the control of conditions in all work places  
8 concerning gases, vapors, dust, or other airborne particles, toxic  
9 materials, or harmful physical agents which shall set a standard which  
10 most adequately assures, to the extent feasible, on the basis of the  
11 best available evidence, that no employee will suffer material  
12 impairment of health or functional capacity even if such employee has  
13 regular exposure to the hazard dealt with by such standard for the  
14 period of his working life; any such standards shall require where  
15 appropriate the use of protective devices or equipment and for  
16 monitoring or measuring any such gases, vapors, dust, or other airborne  
17 particles, toxic materials, or harmful physical agents;

18        ~~((+5))~~ (e) Provide for appropriate reporting procedures by  
19 employers with respect to such information relating to conditions of  
20 employment which will assist in achieving the objectives of this  
21 chapter;

22        ~~((+6))~~ (f) Provide for the frequency, method, and manner of the  
23 making of inspections of work places without advance notice; ~~((and,~~

24        ~~+7))~~ (g) Provide for the publication and dissemination to  
25 employers, employees, and labor organizations and the posting where  
26 appropriate by employers of informational, education, or training  
27 materials calculated to aid and assist in achieving the objectives of  
28 this chapter;

29        ~~((+8))~~ (h) Provide for the establishment of new and the perfection  
30 and expansion of existing programs for occupational safety and health  
31 education for employers and employees, and, in addition institute  
32 methods and procedures for the establishment of a program for voluntary  
33 compliance solely through the use of advice and consultation with  
34 employers and employees with recommendations including recommendations  
35 of methods to abate violations relating to the requirements of this  
36 chapter and all applicable safety and health standards and rules ~~((and~~  
37 ~~regulations promulgated pursuant to the authority of))~~ adopted under  
38 this chapter;

1       (~~(9)~~) (i) Provide for the adoption of safety and health standards  
2 requiring the use of safeguards in trenches and excavations and around  
3 openings of hoistways, hatchways, elevators, stairways, and similar  
4 openings; and

5       (~~(10)~~) (j) Provide for the (~~promulgation~~) adoption of health  
6 and safety standards requiring the use of safeguards for all vats,  
7 pans, trimmers, cut off, gang edger, and other saws, planers, presses,  
8 formers, cogs, gearing, belting, shafting, coupling, set screws, live  
9 rollers, conveyors, mangles in laundries, and machinery of similar  
10 description, which can be effectively guarded with due regard to the  
11 ordinary use of such machinery and appliances and the danger to  
12 employees therefrom, and with which the employees of any such work  
13 place may come in contact while in the performance of their duties and  
14 prescribe methods, practices, or processes to be followed by employers  
15 which will enhance the health and safety of employees in the  
16 performance of their duties when in proximity to machinery or  
17 appliances mentioned in this subsection.

18       (2) The safety and health standards that apply under this chapter  
19 for the agricultural industry shall be the safety standards for  
20 agriculture, including the exemptions for the agricultural industry  
21 from other safety and health standards under this chapter, that were in  
22 effect as of January 1, 1993, except that the director may adopt  
23 amendments to the safety standards for agriculture that are no more  
24 than the minimum necessary for those standards to be as effective as  
25 the standards adopted or recognized by the United States secretary of  
26 labor under the authority of the occupational safety and health act of  
27 1970 (Public Law 91-596; 84 Stat. 1590).

28       NEW SECTION. Sec. 2. A new section is added to chapter 17.21 RCW  
29 to read as follows:

30       (1) The director shall exercise the authority granted by RCW  
31 17.21.030 to adopt as rules the worker protection standard for  
32 agricultural workers and handlers of agricultural pesticides adopted by  
33 the United States environmental protection agency in 40 C.F.R., part  
34 170, as it exists on the effective date of this act.

35       (2) Subsection (1) of this section does not limit in any manner the  
36 authority of the director to adopt rules under RCW 17.21.030 including,  
37 but not limited to, rules amending the rules adopted under subsection  
38 (1) of this section.

1        NEW SECTION.    **Sec. 3.**    This act is necessary for the immediate  
2 preservation of the public peace, health, or safety, or support of the  
3 state government and its existing public institutions, and shall take  
4 effect immediately.

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