

● WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973

STATUTORY CITATION: Wash. Rev. Code §§ 49.17.010 – 49.17.910

RELATED REGULATIONS: Wash. Admin. Code Ch. 296-307, Parts B, C, D, E, F

GENERAL SUMMARY: Under the Washington Industrial Safety and Health Act, employers are obligated to furnish their employees a place of employment free from recognized hazards which could cause serious injury or death, and to comply with the specific health and safety rules promulgated under the Act which apply to their respective places of employment. Using the Act's authority to develop and enforce workplace standards to protect the safety and health of the state's workforce, the state labor and industries director has adopted numerous standards explicitly applicable to all agricultural employers, workers and workplaces. Key provisions most relevant to farmworkers in the field are briefly summarized below.

SPECIFIC TERMS AND CONDITIONS

ACCIDENT PREVENTION AND FIRST AID — Agricultural employers are required to develop a written accident prevention program that includes, among other elements, (1) how, when and where to report injuries and illnesses, (2) how to report unsafe conditions and practices, (3) the use and care of personal protective equipment, (4) emergency procedures, and (5) identification of hazardous materials and how to use them safely. Employers must provide their workers with instruction in safe work practices at the beginning of their employment, and at least once a month employers must conduct a walk-around safety inspection of active job sites, materials, equipment, and operating procedures. A representative chosen by the workers must be invited and allowed to accompany the employer on the inspection.

In the absence of a nearby clinic or hospital to treat injured employees, a person must be adequately trained to render first aid. Appropriate first aid supplies must be on hand and easily accessible to all employees, and where there is potential for major exposure of a worker's body or eyes to corrosive materials or toxic chemicals, the employer must provide emergency washing facilities.

HAND TOOLS — The use of hoes with handles less than 4 feet long, or any hand tool used for weeding or thinning crops in a stooped position, is prohibited.

ORCHARD LADDERS — At the beginning of employment, employers who require workers to use ladders for tree maintenance or harvesting must provide workers with training on their proper use, including how to set them up and how to dismount with a full load. Ladders used for orchard harvesting must be checked regularly for defects, must be maintained in good condition at all times, and must be properly stored. Ladders longer than 16 feet are prohibited.

VEHICLES AND FARM FIELD EQUIPMENT — Tractors and other motor vehicles used on farms and adjacent highways must have prescribed lamps, reflectors and safety emblems, and must be equipped with guards and other safety features described in the regulations. Only qualified drivers who have a current motor vehicle operator's license may drive farm vehicles.

ROLLOVER PROTECTIVE STRUCTURES FOR TRACTORS — Agricultural tractors that were manufactured after October 25, 1976, and that are not exempted from this requirement must be equipped with protective structures intended to prevent worker injuries in the event of a rollover. Each such tractor is also required to have a seat belt, and drivers are required to use it. Tractor operators must be trained in proper operating practices at the time of their initial assignment and at least once a year thereafter.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Retaliation should be reported to the Department of Labor and Industries within 30 days after the violation occurs. If investigation confirms the occurrence of a retaliatory act, the agency may bring action in superior court to restrain the employer from further violation and require appropriate restitution.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233).* In response to an employee complaint or on the agency's own initiative, representatives of the Department are authorized to enter workplaces to inspect working conditions and equipment, question the employer and employees, and take other steps to determine compliance with the Act. If inspection or investigation reveals a violation, the Department may issue a citation, informing the employer of the nature of the infraction and setting a reasonable time for corrective action. Employers who violate the Act are subject to Department-imposed civil money penalties, while certain specified offenses may also lead to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*