

● **WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973 (*PESTICIDE SAFETY FOR WORKERS*)**

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

RELATED REGULATIONS: Wash. Admin. Code Ch. 296-307, Parts H and I

GENERAL SUMMARY: Under the Washington Industrial Safety and Health Act, the state labor and industries director has adopted numerous standards explicitly applicable to agricultural employers, workers and workplaces in the state. These rules include provisions relevant to pesticide safety, including the use of personal protective equipment and enforcement of pesticide-related worker protections.

SPECIFIC TERMS AND CONDITIONS

PERSONAL PROTECTIVE EQUIPMENT — Agricultural employers must ensure that field workers and other employees are protected from injury that might occur through absorption, inhalation or physical contact with pesticides and other toxic or hazardous materials. To help prevent that, employers must provide and maintain certain appropriate personal equipment such as protective clothing, respirators, shields, safety glasses and other devices that create a barrier between the source of the hazard and the worker's eyes, face, head and extremities. Employers are required to instruct the workers in the proper use of personal protective equipment.

Exception — Employers are not required to provide workers with long-sleeve shirts, long-legged pants, socks and other normal work clothing that may provide some protection against workplace hazards.

WORKER PROTECTION STANDARDS — Like the state agriculture department, the state labor and industries department has adopted and shares enforcement responsibility for state standards for the protection of field workers and pesticide handlers. The rules are virtually identical to the federal standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

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 and the associated regulations.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.