Overview of Federal & State Laws and Rules

Pesticide Application Safety WG
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Overview

- Federal laws – “as effective as” OSHA
- State laws – WISHA Act
- Agriculture-related rules
  - Chapter 296-307 Safety Standards for Agriculture
  - Worker Protection Standard
  - Pesticide Recordkeeping
  - Cholinesterase Monitoring
Federal OSHA law

- Requires states who have opted to administer own programs, “state plan states” to be “at least as effective” as OSHA.
- Regular monitoring to ensure standard is met.
- Funding authority restricts presence in Agriculture in most of U.S. (WA is an exception).
- Employer-employee relationship required.
Washington Industrial Safety and Health Act

- Requires:
  - Employers to provide safe worksites
  - Same employer-employee relationship
  - Access without delay to worksite at all reasonable times where work is performed by employees
  - At least as effective rules as OSHA
  - Unannounced inspections
  - Consultation and education services
L&I role in worker safety and health

- L&I’s Division of Occupational Safety & Health administers these laws for nearly all employers.
  - Establishes minimum rules for workplace safety and health.
  - Provides education and training; free consultations; compliance inspections; injury and fatality investigations.
  - Ensures identified hazards are fixed.
  - When necessary, takes enforcement action. May issue fines.

- Administers worker safety federal whistleblower program
DOSH Minimum Health & Safety Rules

- Ag safety and many health standards apply to all agricultural employers for their employees.
- Many hazards covered by specific rules.
  - Tractor safety, machine guarding safety
  - Heat stress
  - Water
  - Emergency washing, field sanitation
  - Chemicals, pesticides, respirators, PPE
- “Safe place” rule for serious work-related hazards that don’t have specific rules in WA.
Pesticide Worker Protection Standard  
(WAC 296-307, Part I)

- Notification
- Training
- Decontamination for:
  - Handlers, and
  - Workers
Pesticide Recordkeeping  
(WAC 296-307 Part I)

- Records are required.
- Must be updated and maintained.
- Readily accessible.
- New employees must be advised of availability.
- Penalties are provided for failure to maintain or provide access.
Cholinesterase Monitoring  
(WAC 296-307-148)

- Cholinesterase levels in blood which are “depressed” are a specific sign of certain pesticide exposures.

- Requires employers of agricultural pesticide handlers who use certain pesticides to:
  - Ensure employees are monitored for exposure
  - Maintain records
  - Investigate when exposure is indicated
  - Worker test reimbursement program
Staff contact

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