

General Obligations

In 1970 Congress passed the Occupational Safety and Health Act (OSHA) and authorized states to pass their own occupational safety laws, as long as the state laws were “at least as effective as” the federal act. Washington, through the Washington Industrial Safety and Health Act (WISHA), is one of approximately 20 states that have taken this approach. WISHA is enforced by the Division of Occupational Safety and Health (DOSH) at the Washington State Department of Labor and Industries.

DOSH enforces the workplace safety laws of Washington state through consultation and compliance programs. Its goal is to reduce injuries and illnesses arising out of conditions of employment by creating an industrial safety and health program.

Employers must take reasonable steps to make the workplace safe. You must have an accident prevention program in place, employees must be given and use proper personal protective equipment where needed, you must conduct safety meetings, you must inform workers of the special dangers of workplace chemicals, or motorized equipment, you must make reports of workplace accidents and you must keep records of accidents.

By law, the Department of Labor and Industries (L&I) is required to place all safety requirements for agricultural employers in one chapter of regulations. That chapter is WAC 296-307, the Safety Standards for Agriculture.

DOSH’s sole concern is the safety of workers who work in workplaces in Washington. DOSH is concerned with pesticide use by farm workers, but not by the farm owner. By contrast, the Washington State Department of Agriculture (WSDA) has jurisdiction over pesticide use by farmers and workers.

DOSH does not cover navigable waters, military reservations, most federal property, mining, and national forests. OSHA retains jurisdiction in these areas.

Workplace safety only works when workers are responsible and held accountable to help make the workplace safe. Accordingly, you should have a system in place to demand that employees exercise safe work practices, and there should be consequences for workers who disregard your policies in this area.

Finally, it is possible for a DOSH inspector to use the “general duty” clause of the statute to write a civil citation to an employer who does not maintain a safe workplace.