

# L&I Pesticide Inspection Process

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# Overview

- What triggers an L&I/DOSH inspection
- How L&I conducts an inspection
- What may be included in and result from an L&I/DOSH inspection

# L&I/DOSH Inspection Basics

- Employers are responsible for providing a safe and healthy worksite
- Complaints/referrals must allege both potential or actual worker exposure to hazard and the hazardous condition must have occurred within the last 6 months
- Complaints not under L&I/DOSH jurisdiction are referred to the appropriate regulator for their consideration

# Sources of information that may lead action

- L&I/DOSH may investigate due to:
  - Scheduled programmed inspection
  - Referral by other agencies
  - Worker or worker representative complaints
  - Workers' comp claims filed
  - Referral or non-worker representative/media complaints
  - Workplace amputations, injury-related hospitalizations or fatalities
  - Local or National Emphasis Programs

# Weekly Review of Workers' Comp Claims Filed

- L&I/DOSH staff review a weekly “Exposure Claims List”
  - includes potential work-related injuries and illnesses
  - may trigger a safety and health inspection or other action.
- If a decision to inspect is made, the inspection must be conducted as soon as possible:
  - No later than within 15 working days for complaints or referrals alleging serious hazards
  - No later than within 30 working days for complaints or referrals alleging general hazards

# L&I/DOSH jurisdiction with employer-employee relationship

- L&I/DOSH jurisdiction extends to an employer/employee relationship, not to non-workers or the public
- Specific to pesticides L&I/DOSH:
  - inspects where the employees are on the same farm/orchard where the spraying is taking place
  - does not inspect where employees are on a different or adjacent farm/orchard where the spraying is taking place

# Elements of an L&I/DOSH Inspection

- Opening Conference, request for worker representation
  - Union representation requested - if applicable
  - Employees acting as worker representatives are to be paid for this time during the inspection.
- Walk-around
  - Private employee interviews
    - held in language of employee
    - considered paid work time
  - Management interviews
  - Field Notes
  - Sampling (chemicals, noise, heat, cold)
  - Pictures
  - Assessments of possible hazards

# Elements of an L&I/DOSH Inspection

- Research, write-up, possible internal agency reviews
  - DOSH enforces standards out of the Washington Administrative Code (WAC) Title 296
  - Agriculture Safety and Health Standards are located in WAC 296-307
  - Worker safety and health requirements for pesticide use are found in the Worker Protection Standard (WPS) in the Agriculture Safety Standards, WAC 296-307, Part I
- Closing Conference
- Citation/letter issued within 6 months from opening conference



# L&I/DOSH Inspection Outcome Basics

- Any violations are issued to an employer in the Citation and Notice
- Citation and Notice must be posted until the abatement of all violations is complete, or a minimum of 3 days
- Penalties are issued for serious, willful, repeat, failure to abate hazards and certain statutory requirements; may range from \$100 to \$70,000 (penalty amounts will be updated per SHB 1953)
- Employers may appeal violations and penalties
- Workers/representatives may appeal the abatement dates
- Follow-up inspections may occur to ensure abatement may be conducted

## Staff contact

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