

WAC 296-17-31014 Farming and agriculture. (1) What is the classification approach for farming?

We classify farming and agricultural operations by the type of crop or livestock raised. Farmers and ranchers often have several basic classifications assigned to their account covering various types of crops or livestock.

Note: If we assign multiple classifications to your farm or agriculture business, take special care in maintaining the records required in the auditing and recordkeeping section of **WAC 296-17-35201 Recordkeeping and retention**. If you fail to keep the required records, we will assign all worker hours for which the records were not maintained to the highest-rated classification applicable to your business or the highest-rated classification a worker was exposed to.

(2) Who do the farming and agriculture rules apply to?

If we assign one or more of the following classifications to your business, this rule applies to you: 4802, 4803, 4804, 4805, 4808, 4809, 4810, 4811, 4812, 4813, 7301, 7302, and 7307.

(3) If I am involved in diversified farming, can I still have one classification assigned to my account to cover all of the farming I am involved in?

Yes, you can request assignment of a single classification to cover all of your farming operations by contacting your account manager.

(4) How will the department determine what single farming classification will be assigned to my business?

The approach used to assign a single classification to a farming business is similar to that used for construction contractors. We prorate based on the information you provide. We need you to estimate the number of hours to be worked by your employees by type of crop or livestock being cared for. We use this information to estimate the premium which would be paid using multiple classifications. The total premium is then divided by the total estimated hours to produce an average rate per hour. We then select the classification assigned to your business which carries the hourly premium rate which is the closest to the average rate determined by your estimated hours. However, classification 4806 is not to be assigned to any grower as the single farming classification. See **WAC 296-17A-4806**.

Note: See WAC 296-17-31013(4) for an example how single classifications are determined.

(5) How will I know what single farming classification you have assigned to my business?

We will send you a written notice of the basic classification that will apply to your entire operation.

(6) If I requested a single classification for my farming operation, can I change my mind and use multiple classifications?

Yes, but let your account manager know you decided against using the single classification and will report the work by type of crop or livestock. This will avoid any potential confusion if you are audited.

(7) I have workers who do not use or operate any tools or equipment; can I classify these workers separately?

The special exception classification 4806 is available to farms classified in 4802 or 4803. It is limited to harvesting operations where all of the workers pick or harvest by hand without the use of any:

- Cutting tools, such as knives or clippers;
- Machinery;
- Ladders, climbing equipment, or stools.

(8) What is a farm labor contractor?

A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as weeding,

planting, irrigating, and fertilizing. Generally, work involves manual labor tasks as opposed to machine operations.

(9) I am a farm labor contractor. How is my business classified?

If you are supplying only laborers to a farm, we will assign the same classification given to the farm for the work performed. However, if you supply both machine operators and the machinery to a farm, the machine operators are assigned to classification 4808-11, Custom farm services by contractor, since machinery work carries the same hazard regardless of the crop.

(10) Farm internship program. Who may participate in the farm internship program in RCW 49.12.470?

Small qualifying farms who meet the requirements in RCW 49.12.470 receive a special certification from the department to have three or less farm interns. Farm internship program risk classifications are: WAC 296-17A-4814, 296-17A-4815, and 296-17A-4816. The farm internship program is administered by the employment standards division of L&I.

[Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 23-23-155, § 296-17-31014, filed 11/21/23, effective 1/1/24; WSR 18-11-113, § 296-17-31014, filed 5/22/18, effective 7/1/18; WSR 16-14-085, § 296-17-31014, filed 7/5/16, effective 1/1/17; WSR 15-11-063, § 296-17-31014, filed 5/19/15, effective 7/1/15; WSR 14-18-079, § 296-17-31014, filed 9/3/14, effective 10/4/14. Statutory Authority: RCW 51.16.035, 51.16.100. WSR 10-17-028, § 296-17-31014, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 51.04.020 and 51.16.035. WSR 04-18-025, § 296-17-31014, filed 8/24/04, effective 10/1/04. Statutory Authority: RCW 51.16.035. WSR 98-18-042, § 296-17-31014, filed 8/28/98, effective 10/1/98.]