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Washington Farm Bureau  
Department of Labor & Industries  
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## **Farm Bureau, L&I Settle Lawsuit Over WISHA Inspections**

OLYMPIA - Washington Farm Bureau and the Department of Labor and Industries today (March 14) announced the settlement of a 3-year-old federal civil rights lawsuit involving the manner in which inspections of privately owned farms and other businesses are conducted under the Washington Industrial Safety and Health Act.

Farm Bureau filed suit in 2003, alleging that the existing law, which authorized entry without permission or a warrant, was unconstitutional. Farm Bureau also claimed that without changes to the law inspectors for L&I lacked the legal right to obtain search warrants if permission to enter private property was denied.

While L&I did not agree with Farm Bureau's legal arguments, both parties agreed to work cooperatively to develop and support legislation that could settle the lawsuit.

Under terms of the settlement, Farm Bureau agreed to dismiss its case after the Legislature approved legislation that requires inspectors to ask permission from the property owner, manager, operator or the onsite person in charge prior to conducting an inspection. The new law, signed today by Gov. Christine Gregoire, also allows inspectors to obtain a warrant if permission is denied.

The department will also pay \$215,000 to Farm Bureau as a partial reimbursement of its legal expenses.

"This is the first right of entry law which explicitly states that an agency will seek permission prior to entering private property," said Farm Bureau President Steve Appel. "It should become the model for the procedures of all other agencies."

"By removing any doubts as to the constitutionality of the department's right to enter and inspect workplaces and providing clear authority to obtain a warrant, we have assured the continuation of a robust workplace safety program, said L&I Director Gary Weeks.

Farm Bureau agreed. "We're pleased that we were able to work out an agreement with L&I that protects our members' rights under the Constitution and allows the agency to carry out safety inspections," Appel said. "It's a good outcome for all sides."

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