

AMENDED IN SENATE JUNE 18, 2008

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 26, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1530

Introduced by Assembly Member Lieber

February 23, 2007

An act to add Section 105206 to the Health and Safety Code, relating to pesticide poisoning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1530, as amended, Lieber. Pesticide poisoning.

Existing law establishes standards for the handling and use of pesticides and for determining the hazards posed by pesticides to worker safety. Existing law imposes various reporting requirements on physicians and local health officers when there are known or suspected instances of pesticide poisoning. Under existing law, worker reentry into areas treated by pesticides determined to be hazardous to worker safety may be restricted by whether pesticide residue levels on treated plants are determined by scientific analysis not to be a significant factor in cholinesterase depression or other health effects.

This bill would require *a any* laboratory that performs cholinesterase testing ~~on a specimen of human blood, with regard to determining pesticide residue levels for those purposes~~ *for an employer to enable the employer to satisfy his or her responsibilities for medical supervision of his or her employees who regularly handle pesticides pursuant to*

specified regulations or to respond to alleged exposure to cholinesterase inhibitors or known exposure to the inhibitors that resulted in illness, to electronically report specified information on every person tested to the Office of Environmental Health Hazard Assessment Department of Pesticide Regulation, which would be required to share the information in an electronic or hard-copy format with the Department of Pesticide Regulation and the Occupational Health Branch and the Environmental Health Laboratory Branch of the State Department of Public Health, the appropriate county agricultural commissioner, and the local health officer. The bill would authorize the appropriate local official to conduct followup investigations, as needed. The bill would also impose other related reporting requirements and would require the Office of Environmental Health Hazard Assessment to maintain this information as a reporting system. The bill would also require the office to prepare an annual report on the cholinesterase testing program Office of Environmental Health Hazard Assessment (OEHHA) and the State Department of Public Health on an ongoing basis for purposes of complying with other related reporting requirements, as specified. This bill would also require the Department of Pesticide Regulation to share the report with the local county agricultural commissioner for purposes of investigating the incidence of cholinesterase inhibitor-related illness.

Because this bill would increase the duties of local officials, this bill would impose a state-mandated local program.

This bill would authorize the State Department of Public health to assess a fine of up to \$200 per person per case against any laboratory that knowingly fails to meet the reporting requirements of the above provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 105206 is added to the Health and Safety
2 Code, to read:

3 105206. ~~(a) A laboratory that performs cholinesterase testing~~
4 ~~pursuant to Section 12981 of the Food and Agricultural Code or~~
5 ~~Section 6728 of Title 3 of the California Code of Regulations on~~
6 ~~a specimen of human blood drawn in California shall electronically~~
7 ~~report the information specified in subdivision (b) on every person~~
8 ~~tested to the Office of Environmental Health Hazard Assessment~~
9 ~~(OEHHA). OEHHA shall manage this reporting system in~~
10 ~~coordination with existing or evolving electronic reporting systems.~~
11 ~~Alternate reporting methods may be prescribed for smaller~~
12 ~~laboratories lacking the capability of electronic reporting. In these~~
13 ~~cases the same information shall be transmitted by paper reports~~
14 ~~to the receiving agency, which shall enter the data into the central~~
15 ~~database. OEHHA shall share this information, in an electronic or~~
16 ~~hard-copy format, as needed, with the Department of Pesticide~~
17 ~~Regulation, the Occupational Health Branch and the Environmental~~
18 ~~Health Laboratory Branch of the State Department of Public~~
19 ~~Health, the appropriate county agricultural commissioner, and the~~
20 ~~local health officer. The appropriate county agricultural~~
21 ~~commissioner and local health officer may conduct followup~~
22 ~~investigations on an as needed basis.~~

23 105206. *(a) The Legislature finds and declares all of the*
24 *following:*

25 *(1) California has been recognized as a leader in occupational*
26 *safety and public health by establishing pesticide illness*
27 *surveillance and cholinesterase medical monitoring programs in*
28 *the 1970's. The Department of Pesticide Regulation is the primary*
29 *agency responsible for implementing these programs, but it does*
30 *so in collaboration with the Office of Environmental Health Hazard*
31 *Assessment (OEHHA).*

32 *(2) Insecticides that inactivate the enzyme cholinesterase*
33 *constitute some of the most acutely hazardous pesticides used in*
34 *California.*

35 *(3) The Department of Pesticide Regulation has promulgated*
36 *regulations pursuant to Section 12981 of the Food and Agricultural*
37 *Code that require agricultural employers to provide periodic*

1 *cholinesterase testing for employees who regularly handle these*
2 *pesticides and are, therefore, at greatest risk of overexposure.*

3 *(4) Under Section 105200, physicians are required to file*
4 *pesticide illness reports with the local health officer when they*
5 *know, or have reasonable cause to believe, that patients may be*
6 *suffering from pesticide poisoning or any disease or condition*
7 *caused by a pesticide. Section 105200 requires each local health*
8 *officer to forward the reports to the Director of Pesticide*
9 *Regulation, the Director of Environmental Health Hazard*
10 *Assessment, and the Director of Industrial Relations.*

11 *(5) The Department of Pesticide Regulation has assisted the*
12 *OEHHA in its attempt to evaluate the functioning of cholinesterase*
13 *medical monitoring programs, using information from illness*
14 *surveillance programs, clinical laboratories, and surveys of doctors*
15 *and agriculturalists, but have found these data sources insufficient*
16 *to evaluate the effectiveness of cholinesterase medical monitoring*
17 *programs that are intended to protect California pesticide handlers*
18 *from overexposure to pesticides that inactivate cholinesterase.*

19 *(6) California workers would benefit by expanding illness*
20 *surveillance programs to include cholinesterase laboratory*
21 *reporting and establishing a framework for the Department of*
22 *Pesticide Regulation and the OEHHA to evaluate cholinesterase*
23 *medical monitoring programs.*

24 *(b) Any laboratory that performs cholinesterase testing on*
25 *human blood drawn in California for an employer to enable the*
26 *employer to satisfy his or her responsibilities for medical*
27 *supervision of his or her employees who regularly handle pesticides*
28 *pursuant to Section 6728 of Title 3 of the California Code of*
29 *Regulations or to respond to alleged exposure to cholinesterase*
30 *inhibitors or known exposure to cholinesterase inhibitors that*
31 *resulted in illness shall report the information specified in*
32 *subdivision (c) to the Department of Pesticide Regulation. Reports*
33 *shall be made electronically unless paper reporting is approved*
34 *by the Department of Pesticide Regulation for smaller laboratories*
35 *lacking the capability of electronic reporting. The Department of*
36 *Pesticide Regulation shall share information from cholinesterase*
37 *reports with the OEHHA and the State Department of Public*
38 *Health on an ongoing basis, in an electronic format, for the*
39 *purpose of meeting the reporting requirements of subdivisions (i),*
40 *(j), and (k).*

1 ~~(b)~~

2 (c) The testing laboratory shall report all of the following
3 information in complying with subdivision ~~(a)~~ (b):

4 (1) The test results in International Units per milliliter of sample
5 (IU/mL).

6 (2) The purpose of the test, *if that purpose is provided to the*
7 *testing laboratory by the supervising physician*, including, but not
8 limited to, baseline, 30-day ~~or~~, *or other* periodic testing, pursuant
9 to the requirements of Section 6728 of Title 3 of the California
10 Code of Regulations, or evaluation of suspected pesticide illness.

11 (3) The name and gender of the person tested.

12 (4) The name, address, and telephone number of the health care
13 provider or medical supervisor ~~that~~ *who* ordered the analysis.

14 (5) The name, address, and telephone number of the analyzing
15 laboratory.

16 (6) The accession number of the specimen.

17 (7) The time and date that the sample was collected from the
18 patient, and the time and date the analysis was performed.

19 ~~(e) In addition, the testing laboratory shall report to OEHHA~~

20 (8) *Any other information in its possession or that may come*
21 *into its possession that directly relates to the cholinesterase test or*
22 *to the identity, location, medical management, or environmental*
23 *management of the person tested.*

24 ~~(d) The employer of a person tested pursuant to Section 6728~~
25 ~~of Title 3 of the California Code of Regulations shall ensure that~~

26 (d) *The medical supervisor ordering the test for a person*
27 *pursuant to subdivision (b) shall ensure that the person receives*
28 *a copy of the cholinesterase test results or any recommendations*
29 *from the medical supervisor within 14 days of receiving the*
30 *information.*

31 (e) All information reported pursuant to this section shall be
32 confidential, as provided in Section 100330, except that *the*
33 ~~OEHHA may share the information only with each of the other~~
34 ~~departments and with local health officers for the purpose of~~
35 ~~surveillance, case, the Department of Pesticide Regulation, and~~
36 ~~the State Department of Public Health may share the information~~
37 ~~for the purpose of surveillance, case management, investigation,~~
38 ~~environmental assessment, environmental remediation, or~~
39 ~~abatement with the appropriate county agricultural commissioner~~
40 ~~and local health officer.~~

1 (f) ~~OEHHA~~ *The State Department of Public Health* may assess
2 a fine of up to two hundred dollars (\$200) per person per case
3 against any laboratory that knowingly fails to meet the reporting
4 requirements of this section.

5 (g) ~~OEHHA may~~ *The Department of Pesticide Regulation shall*
6 review the cholinesterase test results, ~~in consultation with the~~
7 ~~Department of Pesticide Regulation and the State Department of~~
8 ~~Public Health, and may provide an appropriate medical or~~
9 ~~toxicological consultation to the medical supervisor. OEHHA may~~
10 ~~request additional medical information relevant to the~~
11 ~~cholinesterase test results from the medical supervisor of the person~~
12 ~~tested.~~

13 (h) ~~OEHHA shall prepare an annual report on the cholinesterase~~
14 ~~testing program. The report may evaluate the program's~~
15 ~~effectiveness, assess program compliance and compliance with~~
16 ~~this section, make recommendations to the Legislature, and~~
17 ~~examine other issues it deems necessary. OEHHA shall make the~~
18 ~~report publicly available on its Internet Web site. and develop~~
19 ~~criteria to identify results to investigate as part of illness~~
20 ~~surveillance. The Department of Pesticide Regulation shall share~~
21 ~~reports with the local county agricultural commissioner for~~
22 ~~purposes of investigating the incidence of cholinesterase~~
23 ~~inhibitor-related illness.~~

24 (h) *The OEHHA may review the cholinesterase test results and*
25 *may provide an appropriate medical or toxicological consultation*
26 *to the medical supervisor.*

27 (i) *By December 31, 2013, the Department of Pesticide*
28 *Regulation, in consultation with the OEHHA and the State*
29 *Department of Public Health, shall prepare a report on the utility*
30 *of laboratory-based reporting of cholinesterase testing for illness*
31 *surveillance.*

32 (j) *By December 31, 2011, the Department of Pesticide*
33 *Regulation, in consultation with the OEHHA and the State*
34 *Department of Public Health, shall prepare a report on the*
35 *employer and employee aspects of the medical supervision*
36 *program. The report may evaluate the program's effectiveness,*
37 *make recommendations to the Legislature, and examine other*
38 *issues the Department of Pesticide Regulation deems necessary.*
39 *The Department of Pesticide Regulation shall make the report*
40 *available to the public on its Web site.*

1 (k) By December 31, 2011, the OEHHA, in consultation with
2 the Department of Pesticide Regulation and the State Department
3 of Public Health, shall prepare a report on the medical supervisor
4 aspects of the medical supervision program. The report may
5 evaluate the role of the medical supervisor, make recommendations
6 to the Legislature, and examine other issues the OEHHA deems
7 necessary. The OEHHA shall make the report publicly available
8 on its Web site.

9 SEC. 2. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.