

AMENDED IN SENATE JUNE 21, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1963**

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**Introduced by Assembly Member Nava**

February 17, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1963, as amended, Nava. 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 any laboratory that performs cholinesterase testing on human blood 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 in its possession on every

person tested to the Department of Pesticide Regulation, which would be required to share the information in an electronic format with the Office of Environmental Health Hazard Assessment (OEHHA) and the State Department of Public Health on an ongoing basis, as specified. This bill would require the OEHHA to review the cholinesterase test results.

~~This bill would authorize the State Department of Public Health to assess a fine of up to \$200 per person per case against a laboratory that knowingly fails to meet the reporting requirements of the above provisions. The bill would also require, by December 31, 2013 2015, the Department of Pesticide Regulation and the OEHHA, in consultation with the State Department of Public Health, to prepare a report, as specified, and to post that report on their Internet Web sites.~~

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

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) California has been recognized as a leader in occupational  
4 safety and public health by establishing pesticide illness  
5 surveillance and cholinesterase medical monitoring programs in  
6 the 1970s. The Department of Pesticide Regulation is the primary  
7 agency responsible for implementing these programs, and it does  
8 so in collaboration with the Office of Environmental Health Hazard  
9 Assessment (OEHHA).

10 (b) Insecticides that inhibit the enzyme cholinesterase constitute  
11 some of the most acutely hazardous pesticides used in California.

12 (c) Regulations adopted pursuant to Section 12981 of the Food  
13 and Agricultural Code require agricultural employers to provide  
14 periodic cholinesterase testing for employees who regularly handle  
15 cholinesterase inhibiting pesticides.

16 (d) Under Section 105200 of the *Health and Safety Code*,  
17 physicians are required to file pesticide illness reports with the  
18 local health officer when they know, or have reasonable cause to  
19 believe, that patients may be suffering from pesticide poisoning  
20 or any disease or condition caused by a pesticide. Section 105200  
21 of the *Health and Safety Code* requires each local health officer  
22 to forward the reports to the Director of Pesticide Regulation, the

1 Director of Environmental Health Hazard Assessment, and the  
2 Director of Industrial Relations.

3 (e) The Department of Pesticide Regulation and the OEHHA  
4 have reviewed the cholinesterase medical monitoring programs,  
5 using information from illness surveillance programs, clinical  
6 laboratories, and surveys of doctors and agriculturalists, but have  
7 found these data sources insufficient to evaluate the effectiveness  
8 of cholinesterase medical monitoring programs that are intended  
9 to protect California pesticide handlers from overexposure to  
10 pesticides that inactivate cholinesterase. An evaluation of the  
11 cholinesterase medical monitoring is essential to determine its  
12 effectiveness.

13 (f) California workers would benefit by expanding the  
14 cholinesterase monitoring program to include cholinesterase  
15 laboratory reporting and establishing a framework for the  
16 Department of Pesticide Regulation and the OEHHA to evaluate  
17 the program, identify issues of concern, and conduct studies  
18 deemed necessary to improve the medical monitoring program.

19 SEC. 2. Section 105206 is added to the Health and Safety Code,  
20 to read:

21 105206. (a) A laboratory that performs cholinesterase testing  
22 on human blood drawn in California for an employer to enable the  
23 employer to satisfy his or her responsibilities for medical  
24 supervision of his or her employees who regularly handle pesticides  
25 pursuant to Section 6728 of Title 3 of the California Code of  
26 Regulations or to respond to alleged exposure to cholinesterase  
27 inhibitors or known exposure to cholinesterase inhibitors that  
28 resulted in illness shall report the information specified in  
29 subdivision (b) to the Department of Pesticide Regulation. Reports  
30 shall be submitted to the Department of Pesticide Regulation on,  
31 at a minimum, a monthly basis. For the purpose of meeting the  
32 requirements in subdivision (d), the reports shall be submitted via  
33 electronic media and formatted in a manner approved by the  
34 director. The Department of Pesticide Regulation shall share  
35 information from cholinesterase reports with the OEHHA and the  
36 State Department of Public Health on an ongoing basis, in an  
37 electronic format, for the purpose of meeting the ~~reporting~~  
38 requirements of ~~subdivision (i)~~ subdivisions (e) and (f).

39 (b) The testing laboratory shall report all of the following  
40 information in its possession in complying with subdivision (a):

- 1 (1) The test results in International Units per milliliter of sample  
2 (IU/mL).
- 3 (2) The purpose of the test, including baseline or other periodic  
4 testing, pursuant to the requirements of Section 6728 of Title 3 of  
5 the California Code of Regulations, or evaluation of suspected  
6 pesticide illness.
- 7 (3) The name of the person tested.
- 8 (4) The name, address, and telephone number of the health care  
9 provider or medical supervisor who ordered the analysis.
- 10 (5) The name, address, and telephone number of the analyzing  
11 laboratory.
- 12 (6) The accession number of the specimen.
- 13 (7) The date that the sample was collected from the patient and  
14 the date the result was reported.
- 15 (8) Contact information for the person tested and his or her  
16 employer, if known and readily available.
- 17 (c) The medical supervisor ordering the test for a person  
18 pursuant to subdivision (a) shall note in the test order the purpose  
19 of the test, pursuant to paragraph (2) of subdivision (b), and ensure  
20 that the person tested receives a copy of the cholinesterase test  
21 results and any recommendations from the medical supervisor  
22 within 14 days of the medical supervisor receiving the results.
- 23 (d) All information reported pursuant to this section shall be  
24 confidential, as provided in Section 100330, except that the  
25 OEHHA, the Department of Pesticide Regulation, and the State  
26 Department of Public Health may share the information for the  
27 purpose of surveillance, case management, investigation,  
28 environmental remediation, or abatement with the appropriate  
29 county agricultural commissioner and local health officer.
- 30 ~~(e) The State Department of Public Health may assess a fine of~~  
31 ~~up to two hundred dollars (\$200) per person per case against a~~  
32 ~~laboratory that knowingly fails to meet the reporting requirements~~  
33 ~~of this section.~~
- 34 (f)
- 35 (e) The OEHHA shall review the cholinesterase test results and  
36 may provide an appropriate medical or toxicological consultation  
37 to the medical supervisor. In addition to the duties performed  
38 pursuant to Section ~~10510~~ 105210, the OEHHA, in consultation  
39 with the Department of Pesticide Regulation and the local health  
40 officer, may provide medical and toxicological consultation, as

1 appropriate, to the county agricultural commissioner to address  
2 medical issues related to the investigation of cholinesterase  
3 inhibitor-related illness.

4 ~~(g) By December 31, 2013,~~

5 *(f) By December 31, 2015,* the Department of Pesticide  
6 Regulation and the OEHHA, in consultation with the State  
7 Department of Public Health, shall prepare a report on the  
8 effectiveness of the medical supervision program and the utility  
9 of laboratory-based reporting of cholinesterase testing for illness  
10 surveillance and prevention. The joint report may include  
11 recommendations to the Legislature that the Department of  
12 Pesticide Regulation and the OEHHA deem necessary. The  
13 Department of Pesticide Regulation and the OEHHA shall make  
14 the report publicly available on their Internet Web sites.

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