

Assembly Bill No. 1963

Passed the Assembly August 24, 2010

Chief Clerk of the Assembly

Passed the Senate August 23, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1963, 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 require, by December 31, 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.

This bill would repeal its provisions on January 1, 2017.

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

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

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

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

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

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

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

(f) California workers would benefit by expanding the cholinesterase monitoring program to include cholinesterase laboratory reporting and establishing a framework for the Department of Pesticide Regulation and the OEHHA to evaluate

the program, identify issues of concern, and conduct studies deemed necessary to improve the medical monitoring program.

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

105206. (a) A laboratory that performs cholinesterase testing on human blood drawn in California 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 Section 6728 of Title 3 of the California Code of Regulations or to respond to alleged exposure to cholinesterase inhibitors or known exposure to cholinesterase inhibitors that resulted in illness shall report the information specified in subdivision (b) to the Department of Pesticide Regulation. Reports shall be submitted to the Department of Pesticide Regulation on, at a minimum, a monthly basis. For the purpose of meeting the requirements in subdivision (d), the reports shall be submitted via electronic media and formatted in a manner approved by the director. The Department of Pesticide Regulation shall share information from cholinesterase reports with the OEHHA and the State Department of Public Health on an ongoing basis, in an electronic format, for the purpose of meeting the requirements of subdivisions (e) and (f).

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

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

(2) The purpose of the test, including baseline or other periodic testing, pursuant to the requirements of Section 6728 of Title 3 of the California Code of Regulations, or evaluation of suspected pesticide illness.

(3) The name of the person tested.

(4) The date of birth of the person tested.

(5) The name, address, and telephone number of the health care provider or medical supervisor who ordered the analysis.

(6) The name, address, and telephone number of the analyzing laboratory.

(7) The accession number of the specimen.

(8) The date that the sample was collected from the patient and the date the result was reported.

(9) Contact information for the person tested and his or her employer, if known and readily available.

(c) The medical supervisor ordering the test for a person pursuant to subdivision (a) shall note in the test order the purpose of the test, pursuant to paragraph (2) of subdivision (b), and ensure that the person tested receives a copy of the cholinesterase test results and any recommendations from the medical supervisor within 14 days of the medical supervisor receiving the results.

(d) All information reported pursuant to this section shall be confidential, as provided in Section 100330, except that the OEHHA, the Department of Pesticide Regulation, and the State Department of Public Health may share the information for the purpose of surveillance, case management, investigation, environmental remediation, or abatement with the appropriate county agricultural commissioner and local health officer.

(e) The OEHHA shall review the cholinesterase test results and may provide an appropriate medical or toxicological consultation to the medical supervisor. In addition to the duties performed pursuant to Section 105210, the OEHHA, in consultation with the Department of Pesticide Regulation and the local health officer, may provide medical and toxicological consultation, as appropriate, to the county agricultural commissioner to address medical issues related to the investigation of cholinesterase inhibitor-related illness.

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

(g) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

Approved _____, 2010

Governor