

FINAL BILL REPORT

2SSB 6599

PARTIAL VETO

C 272 L 04

Synopsis as Enacted

Brief Description: Monitoring cholinesterase.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Honeyford, Swecker, Parlette, Haugen, Sheahan and Rasmussen).

Senate Committee on Agriculture

Senate Committee on Ways & Means

House Committee on Commerce & Labor

Background: The Department of Labor and Industries (L&I) has adopted a new regulation that requires agricultural employers to provide blood testing for workers who handle toxicity class I or II organophosphate or N-methyl-carbamate pesticides. L&I began this rule-making last year as the result of a Washington State Supreme Court decision (*Rios v. L&I*). The rule was adopted December 3 and became effective February 1, 2004. The rule generally requires certain agricultural employers to evaluate their pesticide worker protection program and make preventative corrections if significant cholinesterase depression is identified in an employee.

Cholinesterase is a human enzyme that serves as the nervous system's "off switch." It is essential to normal nervous system function. Exposure to organophosphate or N-methyl-carbamate pesticides may reduce the activity of cholinesterase. The purpose for monitoring cholinesterase levels in the blood is to detect cholinesterase depression prior to the onset of serious illness.

The rule requires employers of agricultural pesticide handlers who use covered pesticides to: record the number of hours employees handle these pesticides; implement a medical monitoring program for workers who could meet or exceed the handling threshold of 50 or more hours in any consecutive 30-day period in 2004; identify a medical provider for medical monitoring services; make baseline and periodic cholinesterase testing available to employees who could meet or exceed the handling threshold; investigate work practices when a handler's red blood cell (RBC) or plasma cholinesterase level drops more than 20 percent below the employee's personal baseline; remove employees from handling and other exposures to organophosphate and N-methyl-carbamate pesticides when recommended by the health care provider; provide training to covered employees; and maintain medical monitoring and other records for seven years.

With input from stakeholder and science advisory groups, L&I will analyze the 2004 data and determine whether the rule's default change—from a 50 hour per month testing threshold in 2004 to a 30 hour per month testing threshold in 2005—is warranted.

Summary: Employers are required to submit monthly records to L&I indicating the name of each worker tested for cholinesterase depression and the number of hours handling covered

pesticides over both the past 30 days and the current calendar year. L&I and the Department of Health must work together to correlate data on hours exposed and employee test results.

Beginning no later than January 1, 2005, L&I must require employers to report this data to the appropriate health care professional and laboratory when each employee's cholinesterase test is taken. Employers must provide a tested employee with access to and copies of specified reports and records upon request.

L&I must make reasonable reimbursements on a quarterly basis as specified in the 2003-05 operating budget.

L&I must report results to appropriate legislative committees and identify technical issues regarding cholinesterase testing or administration.

Votes on Final Passage:

Senate	30	19	
House	95	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: April 1, 2004

Partial Veto Summary: The veto of section 3 removes the requirement that L&I reimburse agricultural employers on a quarterly basis. This gives L&I flexibility in setting the reimbursement schedule. Section 214 of the 2004 supplemental operating budget (ESHB 2459) includes appropriations to cover testing and data management costs and to reimburse employers for training, travel, and record-keeping costs related to compliance with the cholinesterase monitoring rule.