
SECOND SUBSTITUTE SENATE BILL 6599

State of Washington

58th Legislature

2004 Regular Session

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

READ FIRST TIME 02/10/04.

1 AN ACT Relating to required elements of cholinesterase monitoring
2 programs for certain pesticide handlers; adding new sections to chapter
3 49.17 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW
6 to read as follows:

7 (1) In implementing any rules adopted pursuant to RCW 49.17.050(4)
8 that require agricultural employers to implement a monitoring program
9 for employees who handle category I or II organophosphate or N-methyl-
10 carbamate pesticides, the department must collect and analyze data to
11 determine whether mandatory testing is warranted and, if so, what
12 thresholds of exposure to pesticides should trigger mandatory testing.
13 The department shall develop or contract the development of a data base
14 to help in assessing the efficacy of the monitoring program. The data
15 collected and entered into the data base must include, at a minimum:
16 (a) The number of employees that are tested; (b) the number of baseline
17 tests that are performed; (c) the number of periodic tests that are
18 performed for each of the employees; (d) the number of investigations
19 of employee work practices that are required; (e) the number of medical

1 removals from pesticide handling and other work exposures to pesticides
2 that are required; (f) the number of investigations of employee work
3 practices required for which depressed cholinesterase levels are not
4 positively correlated to pesticide handling or other workplace
5 exposures; (g) the number of medical removals required for which
6 depressed cholinesterase levels are not positively correlated to
7 pesticide handling or other workplace exposures; and (h) for each
8 employee with a substantially depressed cholinesterase level, the
9 relationship between his or her depressed cholinesterase level and the
10 number of hours he or she spent handling category I or II
11 organophosphate or N-methyl-carbamate pesticides.

12 (2) For each employee tested during 2004 and 2005, the department
13 shall ensure that each cholinesterase test measurement is correlated
14 with documented hours handling category I or II organophosphate or N-
15 methyl-carbamate pesticides since the employee's last cholinesterase
16 test. For each test that requires action by the employer, the
17 department shall determine whether the depression was subsequently
18 determined to be caused by factors that are unrelated to workplace
19 exposure.

20 (3) Upon receiving a report of a test showing actionable levels of
21 cholinesterase depression, the department may contact the employer and
22 offer assistance by means of a voluntary and nonpunitive consultation
23 focused solely on pesticide workplace safety. Before conducting such
24 consultation, the department will obtain a determination from the
25 treating physician as to whether the physician has concluded that the
26 depression is due to workplace exposure. The department shall notify
27 the employer if the physician was unable to determine that the
28 depression was due to workplace exposure.

29 (4) By December 1st of each year, the department shall report the
30 results of this data collection and analysis to the house of
31 representatives committees on agriculture and natural resources, and
32 commerce and labor, or their successor committees, and the senate
33 committees on agriculture, and commerce and trade, or their successor
34 committees. The department's report shall also identify any technical
35 problems regarding testing or the administration of cholinesterase
36 monitoring. Recommendations regarding legislation needed to resolve
37 identified problems shall be presented in bill form.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW
2 to read as follows:

3 (1) Within the appropriations from the medical aid fund provided
4 for administering this chapter, the department shall pay approved
5 health care facilities and licensed health care professionals directly
6 for all costs of services related to baseline and periodic
7 cholinesterase tests and interpretations of such tests during calendar
8 years 2004, 2005, and 2006. These health care facilities and
9 professionals include, but are not limited to, approved laboratories
10 and clinics, and licensed physicians. These services include, but are
11 not limited to, taking, shipping, and testing blood samples,
12 interpreting blood tests, and counseling employees who handle category
13 I or II organophosphate or N-methyl-carbamate pesticides.

14 (2) Any rules adopted pursuant to RCW 49.17.050(4) that require
15 agricultural employers to implement a monitoring program for employees
16 who handle category I or II organophosphate or N-methyl-carbamate
17 pesticides shall allow agricultural employers to seek reimbursement
18 from the accident fund for the costs they incur in complying with such
19 rules during calendar years 2004, 2005, and 2006. These costs are the
20 probable central compliance costs specified in the benefit-cost
21 determination for such rules, which shall include the costs of training
22 and paying wages and benefits to employees for time traveling to
23 approved laboratories or clinics. Reimbursement rates for these costs
24 shall be consistent with probable compliance costs specified in the
25 benefit-cost determination for such rules. Requests for reimbursement
26 for a calendar quarter must be submitted to the department no later
27 than the day immediately following the last day of the first month
28 following that calendar quarter. The department shall reimburse
29 employers making timely requests for reimbursement. Payments of
30 reimbursements for a calendar quarter must be made no later than the
31 day immediately following the last day of the second month following
32 that calendar quarter.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW
34 to read as follows:

35 Any rules adopted pursuant to RCW 49.17.050(4) that require
36 agricultural employers to implement a monitoring program for employees
37 who handle category I or II organophosphate or N-methyl-carbamate

1 pesticides shall allow agricultural employers to seek reimbursement
2 from the accident fund for the recordkeeping costs they incur in
3 complying with such rules during calendar years 2004, 2005, and 2006.
4 With regard to recordkeeping reimbursement rates and the procedures,
5 requirements, and deadlines for recordkeeping reimbursement requests
6 and payments, the provisions of section 2(2) of this act apply.

7 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

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