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AB-2892 Pesticide poisoning. (2015-2016)

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Assembly Bill No. 2892

CHAPTER 475

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

[Approved by Governor September 22, 2016. Filed with Secretary of State September 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2892, Committee on Environmental Safety and Toxic Materials. Pesticide poisoning.

Existing law, until January 1, 2017, requires, among other things, 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. The department is 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 extend these requirements until January 1, 2021. The bill would require that an employer satisfying his or her responsibilities for medical supervision of employees who regularly handle pesticides contract with a medical supervisor registered with the OEHHA. The bill would require the OEHHA to establish a procedure for registering and deregistering medical supervisors and to establish requirements for their performance. The bill would additionally make specified changes to the information a laboratory is required to report to the Department of Pesticide Regulation.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 105206 of the Health and Safety Code is amended to read:

105206. (a) In order for an 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, the employer shall contract with a medical supervisor registered with the Office of Environmental Health Hazard Assessment (OEHHA).

(b) A laboratory that performs tests ordered by a medical supervisor shall report the information specified in subdivision (c) 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 (e), 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 Office of Environmental Health Hazard Assessment (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 (f) and (g).

(c) The 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, as indicated by the medical supervisor, as a cholinesterase test requested for an agricultural worker under medical supervision, and, if so, whether it is for a baseline, followup, or recovery test ordered to meet the requirements of Section 6728 of Title 3 of the California Code of Regulations or for the 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 medical supervisor who ordered the analysis.
- (6) The name, address, and telephone number of the laboratory.
- (7) The date that the sample was collected from the person and the date the result was reported.
- (8) Contact information for the person tested and his or her employer, if known and readily available.

(d) The registered medical supervisor ordering a cholinesterase test for a person pursuant to subdivision (a) shall note in the test order the name of the medical supervisor and the purpose of the test, pursuant to paragraph (2) of subdivision (c), and ensure that the person tested and the employer receive a copy of the cholinesterase test results and any recommendations from the medical supervisor based upon those results within 14 days of the medical supervisor's receipt of the results. The medical supervisor shall report any worker with cholinesterase depression indicating pesticide exposure to the local health officer pursuant to Section 105200.

(e) 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.

(f) The OEHHA shall establish a procedure for registering and deregistering medical supervisors for the purposes of outreach and training and may establish reasonable requirements for performance. 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.

(g) The Department of Pesticide Regulation and the OEHHA shall prepare and publicly post an update on the effectiveness of the medical supervision program and the utility of laboratory-based reporting of cholinesterase testing for illness surveillance and prevention by January 1, 2021.

(h) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.