

SENATE BILL REPORT

2SSB 5890

As Passed Senate, March 18, 2003

Title: An act relating to a pilot project by the department of labor and industries to determine the feasibility and benefits for medical monitoring of agricultural workers.

Brief Description: Initiating a pilot project to determine the feasibility and benefits for medical monitoring of agricultural workers.

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

Brief History:

Committee Activity: Agriculture: 2/25/03, 3/4/03 [DPS-WM, DNP].

Ways & Means: 3/7/03, 3/10/03 [DP2S, DNP].

Passed Senate: 3/18/03, 32-17.

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Minority Report: Do not pass.

Signed by Senator Jacobsen.

Staff: Evan Sheffels (786-7486)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5890 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

Minority Report: Do not pass.

Signed by Senators Brown, Fairley, Fraser, Poulsen and Regala.

Staff: Brian Sims (786-7431)

Background: In response to a recent Washington State Supreme Court decision, the Department of Labor and Industries has initiated rule-making on cholinesterase monitoring.

Summary of Bill: The Department of Labor and Industries is directed to initiate a pilot project in order to determine whether mandatory cholinesterase monitoring is a feasible,

practical, and beneficial way to promote the safety of agricultural workers who mix, load or apply certain pesticides.

The department is authorized to adopt emergency rules necessary to protect farmworker health and safety.

Appropriation: None.

Fiscal Note: Available for original bill.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Clinical monitoring is unlikely to reliably detect cholinesterase enzyme levels. Current EPA data does not support mandatory monitoring. The focus of Labor and Industries should be on the enforcement of the more stringent 1994 requirements for personal protective equipment to be worn. Since 1994, the likelihood of exposure has gone down dramatically, but decisions are still being inappropriately based on pre-1994 data. The Rios court looked at an old report based on old data when it required Labor and Industries to initiate rule-making. Labor and Industries needs to look at current data to determine if monitoring is feasible and reliable, or if other alternatives exist.

Testimony Against: This pilot project is justice delayed and denied. The current personal protective equipment rules are not adequate to protect worker health. Tracking cholinesterase will help prevent long-term damage to workers. This should not be funded out of current allocations of the occupational and environmental research facility at the University of Washington.

Testified: Alan Felsot, PhD., WSU (pro); Steven Smith, MD, MPH, Biosh (pro); Dan Fazio, Charlie Brown, WA State Potato Commission (pro); Tom Dent, Tom Dent Aviation (pro); Erik Nicholson, VFW (con); Ann Wick, WDSA (con); Todd True, Earth Justice (con); Chris Cheney, WA Growers League, Hop Growers of WA (pro); Jeff Johnson, WA State Labor Council AFL-CIO (con); Dick Thompson, UW (con).

House Amendment(s): Provisions directing the Department of Labor and Industries to initiate a pilot project on mandatory medical monitoring for certain cholinesterase-inhibiting pesticides are removed. The Legislature's interest in tracking the rule-making process for mandatory medical monitoring is expressed. The department and stakeholders representing agricultural employers and employees must report to legislative committees on the status of rule development and implementation by September 1, 2003, and December 1, 2003.