
HOUSE BILL 2865

State of Washington

58th Legislature

2004 Regular Session

By Representatives Condotta, Grant, Chandler, Kessler, Newhouse, McMorris, Armstrong, Hinkle, Sump and Crouse

Read first time 01/21/2004. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to required elements of cholinesterase monitoring
2 programs for certain pesticide handlers; adding a new section to
3 chapter 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 data must include: (a) The number of employees that are tested;
14 (b) the number of baseline tests that are performed; (c) the number of
15 periodic tests that are performed for each of the employees; (d) the
16 number of investigations of employee work practices that are required;
17 (e) the number of medical removals from pesticide handling and other
18 work exposures to pesticides that are required; (f) the number of
19 investigations of employee work practices required for which depressed

1 cholinesterase levels are not positively correlated to pesticide
2 handling or other workplace exposures; (g) the number of medical
3 removals required for which depressed cholinesterase levels are not
4 positively correlated to pesticide handling or other workplace
5 exposures; and (h) for each employee with a substantially depressed
6 cholinesterase level, the relationship between his or her depressed
7 cholinesterase level and the number of hours he or she spent handling
8 category I or II organophosphate or N-methyl-carbamate pesticides. By
9 December 1st of each year, the department shall report the results of
10 this data collection and analysis to the house of representatives
11 committees on agriculture and natural resources, and commerce and
12 labor, or their successor committees, and the senate committees on
13 agriculture, and commerce and trade, or their successor committees.

14 (2) Within the appropriations from the medical aid fund provided
15 for administering this chapter, the department shall pay approved
16 health care facilities and licensed health care professionals directly
17 for all costs of services related to baseline and periodic
18 cholinesterase tests and interpretations of such tests. These health
19 care facilities and professionals include, but are not limited to,
20 approved laboratories and clinics, and licensed physicians. These
21 services include, but are not limited to, taking, shipping, and testing
22 blood samples, interpreting blood tests, and counseling employees who
23 handle category I or II organophosphate or N-methyl-carbamate
24 pesticides.

25 (3) Any rules adopted pursuant to RCW 49.17.050(4) that require
26 agricultural employers to implement a monitoring program for employees
27 who handle category I or II organophosphate or N-methyl-carbamate
28 pesticides shall allow agricultural employers to seek reimbursement
29 from the accident fund for the costs they incur in complying with such
30 rules. These costs are the probable central compliance costs specified
31 in the benefit-cost determination for such rules, which shall include
32 the costs of recordkeeping, training, paying wages and benefits to
33 employees for time traveling to approved laboratories or clinics, and
34 paying wages and benefits to employees receiving medical removal
35 protection benefits due to depressed cholinesterase levels.
36 Reimbursement rates for these costs shall be consistent with probable
37 compliance costs specified in the benefit-cost determination for such
38 rules. Requests for reimbursement for a calendar quarter must be

1 submitted to the department no later than the day immediately following
2 the last day of the first month following that calendar quarter.
3 Payments of reimbursements for a calendar quarter must be made no later
4 than the day immediately following the last day of the second month
5 following that calendar quarter.

6 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

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