

Appendix A: Background

5. Comparison of Washington and California's Cholinesterase Results Reporting Program

Both California and Washington have a ChE test results reporting requirement and comparisons are inevitable. Although Washington's program was patterned after California's Medical Supervision program, there are some inherent differences in the ChE results reporting structure of the two states:

- California's ChE results reporting program is governed by the DPR and data is shared with the OEHHA. Washington's program is under the Department of Labor and Industries, Division of Occupational Safety and Health (DOSH).
- In California, any worker who regularly handles (more than six days in a 30-day period) organophosphate or carbamate pesticides with the signal word "DANGER" or "WARNING" is required to be part of the medical supervision program. Employees who work only with closed systems are required, at a minimum, to have a baseline ChE determination. In Washington, the handling threshold is 30 or more hours in any 30-day period. Hours spent mixing/loading using closed systems are not considered when calculating the handling threshold for the purposes of periodic monitoring. Employers are not required to offer ChE testing to workers who only handle carbamates.
- Washington conducted extensive outreach and training with a) healthcare providers, b) employers and c) employees prior to the actual implementation of the program.
- Washington allows workers to decline participation in their medical supervision program only after they have been trained on the program and they have consulted with a medical provider. An employer who discourages participation in ChE monitoring, or in any way interferes with an employee's decision to continue with the program may represent unlawful discrimination under Washington state regulations.
- Washington's employers are reimbursed by DOSH for testing services and administrative costs.
- Washington does not hold healthcare providers responsible for ensuring employer and employee compliance with the rule, but may cite employers for non-compliance of the rule in accordance with state regulations. (Furman, 2010).
- In California, covered employees are required to have baseline red blood cell (RBC) and plasma ChE determinations which are verified every two years. Washington requires that the baseline be determined annually.
- Currently, there are six laboratories in California approved to perform ChE analysis for occupational health surveillance. In Washington, all specimen samples are sent to one laboratory. This laboratory assesses the adequacy of the sample upon receipt, and notifies the provider if the sample is not adequate. A quantitative enzymatic assay is used to measure ChE activity which includes the Ellman standard for RBC and plasma (<http://etd.paml.com/etd/display.php?id=504>).

- In California, employers who have an employee who regularly handles cholinesterase-inhibiting pesticides are required to have a written agreement signed by a physician, and the employer responsible for the employees. The agreement should state that the physician has agreed to provide medical supervision. The employer submits a copy of this agreement to their County Agricultural Commissioner no later than when an employee begins to regularly handle pesticides. In Washington, the Department of Labor and Industries maintains an online list of registered healthcare providers who can serve as medical supervisor.
- California regulations require that an employer maintains records of his employee's blood test results, and medical supervisor's advice for 3 years (3CCR §6728 Section (c)(3)), while Washington requires that employers maintain medical monitoring and other records for 7 years (WAC 296-307-14835).
- The responsibilities of the employer in California's Medical Supervision Program include keeping a record of the written agreement with a physician for medical supervision, posting the name, address and phone number of the medical supervisor in a prominent place, keeping the medical supervisor's recommendations on record, following the recommendations of medical supervisor, investigating the work practices of employees whose ChE levels fall below 80%, relieving an employee from his pesticide handling duties if ChE levels are below the action levels, and maintaining the records of investigation/changes made. In addition to these responsibilities, Washington requires that employers report the number of hours an employee handled pesticides to the medical provider with each periodic test.
- Although California's HSC §105206 states that the medical supervisor should ensure that the person tested receives a copy of the ChE test results and any recommendations from the medical supervisor within 14 days of the medical supervisor receiving the results, 3CCR §6728 does not specify how information transfer occurs other than the "employer shall follow the recommendations of the medical supervisor concerning matters of occupational health." On the other hand, in addition to sending the test results to DOSH, Washington specifies that test results go to the doctor who interprets the results and provides his recommendations to the employer (Washington Department of Labor and Industries (a), 2006). In 2006, the rule was amended to require employers to obtain a written recommendation from the healthcare provider for each employee test (including the baselines) and evaluation, and provide a copy of the recommendation to the employee, either directly or through the health care provider, within 5 days of receipt (Washington Department of Labor and Industries (b), 2006). In their "Information for Farm Workers" fact sheet, it also states the doctor will send a report to a worker's employer telling him that the worker has had a test, and what the results mean. The employer is responsible for making sure that the worker receives a copy of the doctor's report, and if a worker's ChE level drops more than 20%, the employer will review the worker's work activities to determine the problem. If needed, the worker is removed from working with ChE-inhibiting pesticides (Washington Department of Labor and Industries (c), 2006).