

AMENDATORY SECTION (Amending WSR 03-24-105, filed 12/3/03, effective 2/1/04)

WAC 296-307-14805 Maintain handling records for covered pesticides.

You must:

✎ Maintain accurate records of all time that each employee spends handling category I or II organophosphate or N-methyl-carbamate pesticides (this includes employees who do not meet the handling hour thresholds in ~~((Table 1))~~ WAC 296-307-14810).

✎ Provide a completed CHOLINESTERASE MONITORING HANDLING HOURS REPORT (F413-065-000) to the physician or licensed health care professional (LHCP) for each employee receiving a periodic cholinesterase blood test and make sure the report is submitted to the laboratory with each periodic cholinesterase test.

✎ Provide the employee with:

- A copy of the CHOLINESTERASE MONITORING HANDLING HOURS REPORT upon request.

- Access to the employee's pesticide handling records.

✎ Retain pesticide handling records for seven years.

✎ Make sure that pesticide-handling records are readily accessible to employees, their designated representatives, and treating health care professionals.

AMENDATORY SECTION (Amending WSR 03-24-105, filed 12/3/03, effective 2/1/04)

WAC 296-307-14810 Implement a medical monitoring program.

You must:

✎ Implement a medical monitoring program for your employees who handle, or will be expected to handle, category I or II organophosphate or N-methyl-carbamate pesticides (according to the schedule in Table 1) for thirty or more hours in any consecutive thirty-day period.

**((Table 1
Implementation Schedule**

Provide medical monitoring for each employee who handles organophosphate or N-methyl-carbamate pesticides for:	Beginning
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Fifty or more hours in any consecutive thirty day period	February 1, 2004
Thirty or more hours in any consecutive thirty day period	February 1, 2005))

Note: (~~The department will adjust the threshold for medical monitoring of employees under this rule on February 1, 2005, if the data collected during 2004 clearly demonstrates that the threshold should be either lower or higher than thirty hours.~~) ~~You do not need to count time spent mixing and loading using closed systems (as defined in WAC 296-307-13045 (4)(d)) in determining the need for periodic testing. Time using closed systems is still counted for purposes of establishing coverage under this rule and determining the need for obtaining baseline cholinesterase levels. Closed cabs are not "closed systems."~~
~~The first thirty consecutive day period begins on the first day of handling organophosphate or N-methyl-carbamate pesticides after obtaining the baseline cholinesterase test.~~
~~There is nothing in this rule that prohibits employers from providing cholinesterase monitoring to employees who handle organophosphate or N-methyl-carbamate pesticides for fewer ((hours)) than ((specified in Table 1)) thirty hours in any consecutive thirty-day period.~~

AMENDATORY SECTION (Amending WSR 03-24-105, filed 12/3/03, effective 2/1/04)

WAC 296-307-14815 Identify a physician or licensed health care professional.

You must:

~~Identify a physician or other licensed health care professional (LHCP) who will:~~

~~- Provide baseline and periodic cholinesterase testing through ((the department of health public health laboratory, or beginning in 2006, through)) any laboratory approved by the department of labor and industries.~~

~~- Interpret tests.~~

~~((Provide you with written recommendations and opinions that:~~

~~Identify employees with periodic test results requiring a work practice evaluation.~~

~~Identify employees with periodic test results indicating they must be removed from handling and other exposure to organophosphate and N methyl carbamate pesticides.))~~

~~Obtain the LHCP's written opinion for each employee's blood test and evaluation (including baseline tests) and give a copy of this opinion to the employee within five business days after you receive the opinion.~~

~~Make sure the written opinion is limited to the following information:~~

~~- The employee's cholinesterase status based on the LHCP's evaluation.~~

~~Identify changes in cholinesterase levels requiring a work practice evaluation for the employee.~~

~~✂~~ Identify changes in cholinesterase levels requiring the employee to be removed from handling and other exposure to organophosphate and N-methyl-carbamate pesticides.

~~((✂ Provide))~~ - Guidance on medical monitoring.

~~((✂ Include))~~ - Any other relevant information concerning an employee's workplace exposure to organophosphate and N-methyl-carbamate pesticides.

Note: All testing for an employee should, whenever possible, be conducted through the same laboratory. This will allow for the most accurate comparison between baseline and periodic tests.

You must:

 Instruct the physician or other licensed health care professional (LHCP) to **NOT** reveal in writing or in any other communication with you ~~((~~7~~))~~ any other personally identifiable medical information ~~((~~, other than laboratory test results, for any employee~~))~~.

 Make sure the physician or LHCP is familiar with the requirements of this rule (for example, by providing a copy of the rule or by confirming that the provider has attended training on the rule).

 Post the name, address, and telephone number of the medical provider you have identified at the locations where employees usually start their work day.

 Make sure ~~((copies of employee test results and))~~ written recommendations from the physician or LHCP are maintained for seven years.

Note: You may only obtain the employee's actual test results if the employee provides written consent.

AMENDATORY SECTION (Amending WSR 03-24-105, filed 12/3/03, effective 2/1/04)

WAC 296-307-14820 Make cholinesterase testing available.

You must:

 Make medical monitoring available to employees who will meet the exposure thresholds in ~~((Table 1))~~ WAC 296-307-14810, at no cost and at a reasonable time and place, as follows:

- Provide annual baseline red blood cell (RBC) and plasma cholinesterase tests that are taken at least thirty days after the employee last handled organophosphate or N-methyl-carbamate pesticides.

- Provide periodic RBC and plasma cholinesterase testing:

~~✂~~ Within three days after the end of each thirty-day period where the employee meets the handling levels in ~~((Table 1))~~ WAC 296-307-14810; however, testing is not required more often than every thirty days;

OR

✂ At least every thirty days for those employees who may meet the handling levels in ((~~Table 1~~)) WAC 296-307-14810.

✎ Arrange to obtain a "working baseline" as soon as possible for employees who initially decline cholinesterase testing and later choose to participate in testing.

((~~Follow the recommendations of the physician or LHCP regarding continued employee pesticide handling or removal from handling until a thirty-day exposure free baseline can be established.~~))

Exemption: You do not need to provide baseline or periodic testing for those employees whose work exposure is limited to handling only N-methyl-carbamate pesticides.

Note: ((~~You do not need to count time spent mixing and loading using closed systems (as defined in WAC 296-307-13045 (4)(d)) in determining the need for periodic testing. Time using closed systems is still counted for purposes of establishing coverage under this rule and determining the need for obtaining baseline cholinesterase levels.~~)) ✎ For employees who have had exposure to organophosphate or N-methyl-carbamate pesticides in the thirty days prior to the test obtain a working baseline. For example, a worker who initially declines cholinesterase testing and later chooses to participate in testing would obtain a "working baseline."
✎ For new employees, the medical provider may accept previous baselines, if they are obtained according to this rule.
((~~The first thirty consecutive day period begins on the first day of handling organophosphate or N-methyl-carbamate pesticides after obtaining the baseline cholinesterase test.~~))

You must:

✎ Obtain a signed declination statement from the physician or LHCP for each employee((~~s~~)) who declines cholinesterase testing.

- Employees may decline cholinesterase testing only after they receive training about cholinesterase inhibiting pesticides and discuss the risks and benefits of participation with the physician or LHCP.

- An employee may change his or her mind and elect to participate or decline to continue participation in the program at any time.

✎ Make sure the employee receives a copy of the signed declination statement within five business days after receipt from the LHCP.

Note: If employers discourage participation in cholinesterase monitoring, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing, instituting proceedings, or testifying prohibited--Procedure--Remedy.

AMENDATORY SECTION (Amending WSR 03-24-105, filed 12/3/03, effective 2/1/04)

WAC 296-307-14825 Respond to depressed cholinesterase levels.

You must:

✎ Respond to an employee's depressed cholinesterase levels by:

- Taking the actions required in Table ((~~2~~)) 1;

An employee's plasma cholinesterase level falls forty percent or more from the baseline	Evaluate the employee's work practices to identify and correct potential sources of pesticide exposure	 <u>Provide salary and benefits as if employee was continuing pesticide application activities</u>
A removed employee's cholinesterase levels return to twenty percent or less below baseline	The employee may return to handling class I and II organophosphate and N-methyl-carbamate pesticides	Continue periodic cholinesterase monitoring

AMENDATORY SECTION (Amending WSR 03-24-105, filed 12/3/03, effective 2/1/04)

WAC 296-307-14830 Provide medical removal protection benefits.

You must:

 Provide medical removal protection benefits for a maximum of three months on each occasion:

- An employee is temporarily removed from work due to depressed cholinesterase levels;

OR

- Assigned to other duties due to depressed cholinesterase levels.

 Provide medical removal protection benefits that include maintenance of the same pay, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to organophosphate or N-methyl-carbamate pesticides or otherwise limited.

Note: Determine the employee's pay using the number of pesticide handling hours and pay rate the employee would have received if they had **not** been removed from handling organophosphate or N-methyl-carbamate pesticides. Some examples:

 A removed worker is assigned to work eight hours a day but the employer's pesticide handlers are working ten hours a day. The removed worker would be paid for ten hours at the handler's pay rate.

 The farmer pays workers two dollars more per hour when they are handling organophosphate or N-methyl-carbamate pesticides. The removed worker will be paid the additional two dollars per hour when the pesticides are being handled on the farm; however, the worker will be paid at their usual pay rate when the pesticides are not being handled on the farm.