
THIRD READING

Bill No: AB 1440
Author: Committee on Environmental Safety and Toxic Materials
Introduced: 2/21/25
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 8-0, 7/2/25
AYES: Blakespear, Valladares, Dahle, Gonzalez, Hurtado, Menjivar, Padilla,
Pérez

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 79-0, 6/2/25 - See last page for vote

SUBJECT: Pesticide testing

SOURCE: Author

DIGEST: This bill extends the sunset, from January 1, 2027, to January 1, 2029, on the data reporting and medical supervisor registration requirements of the agricultural pesticide worker protection program known as the California Medical Supervision Program.

ANALYSIS:

Existing law:

- 1) Requires employers with workers who regularly handle Toxicity Category 1 or Category 2 organophosphate or carbamate pesticides (OP/CB pesticides) to contract with a physician registered as a medical supervisor with the Office of Environmental Health Hazard Assessment (OEHHA) to provide medical supervision of the employee (California Code of Regulations (CCR), Title 3, § 6728 (b)).

- 2) Sets the employer's responsibilities for medical supervision of employees who regularly handle OP/CB pesticides, including requiring baseline cholinesterase tests and follow-up tests after the employee has handled OP/CB pesticides. Requires the employer to follow the recommendations of the medical supervisor concerning matters of occupational health (CCR, Title 3, § 6728 (c)).
- 3) Requires an employer to investigate the work practices of any employee whose cholinesterase level falls below 80% of the baseline, and remove an employee from exposure to OP/CB pesticides if the employee's cholinesterase level falls below 60% of the baseline (CCR, Title 3, § 6728 (d-e)).
- 4) Requires any physician and surgeon who knows, or has reasonable cause to believe, a patient is suffering from pesticide poisoning or any disease or condition caused by a pesticide to report it to the local health officer (Health and Safety Code (HSC) § 105200).
- 5) Requires an employer, to satisfy their responsibilities for medical supervision of employees who regularly handle OP/CB pesticides, to contract with a medical supervisor registered with OEHHA (HSC § 105206 (a)).
- 6) Requires a laboratory that performs tests ordered by a medical supervisor to report certain information, including cholinesterase test results, to the Department of Pesticide Regulation (DPR), which then shares this information with OEHHA and the Department of Public Health (DPH) (HSC § 105206 (b)).
- 7) Requires OEHHA to establish a procedure for registering and deregistering medical supervisors and authorizes OEHHA to establish reasonable performance requirements (HSC § 105206 (f)).
- 8) Requires OEHHA to review the cholinesterase test results submitted as part of the California Medical Supervision Program (CMSP). Authorizes OEHHA to provide an appropriate medical or toxicological consultation to the medical supervisor and, in consultation with DPR and the local health officer, to provide medical and toxicological consultation to the county agricultural commissioner to address medical issues related to the investigation of cholinesterase inhibitor-related illness (HSC § 105206 (f)).
- 9) Requires DPR and OEHHA to prepare and publicly post an update on the effectiveness of the CMSP and the utility of laboratory-based reporting of cholinesterase testing for illness surveillance and prevention by January 1, 2021 (HSC § 105206 (g)).

10) Sunsets the data reporting and medical supervisor registration provisions of the CMSP on January 1, 2027 (HSC §105206 (h)).

This bill extends the sunset, from January 1, 2027, to January 1, 2029, on the data reporting and medical supervisor registration requirements of the CMSP.

Background

Organophosphate and Carbamate (OP/CB) Pesticide Exposure. According to DPR, OPs and CBs work as pesticides by inhibiting the nerve enzyme cholinesterase, which breaks down the neurotransmitter acetylcholine, leading to the death of an insect.

OPs/CBs also inhibit cholinesterase in people and high exposure to them can cause a variety of acute symptoms of neurological poisoning, including blurred vision, diarrhea, increased respiratory secretions, tremors, seizures, loss of consciousness, and death. The acute symptoms of OP/CB overexposure can sometimes mimic other illnesses and people can suffer from neurological poisoning without showing major acute symptoms. As a result, tests for cholinesterase inhibition due to overexposure to OPs/CBs are essential for identifying potential overexposure.

Toxicity Category 1 and Category 2 OP/CB Pesticides. The United States Environmental Protection Agency (U.S. EPA) determines pesticide toxicity categories based on the effects of consumption of, inhalation of, or skin contact with a pesticide. The degree of toxicity determines which precautions and signal word must appear on the pesticide label.

Toxicity Category 1 pesticides are highly toxic and severely irritating, and must prominently display the signal word "DANGER" on product labels.

Toxicity Category 2 pesticides are moderately toxic and moderately irritating, and must prominently display the signal word "WARNING" on product labels.

While the use of Toxicity Category 1 and Category 2 OP/CB pesticides in California has declined 90% since 1995, growers still applied an average of 1.8 million pounds per year of these cholinesterase-inhibiting pesticides from 2014 to 2023. Entities that employ people who handle Toxicity Category 1 and Category 2 OP/ CB pesticides are required to monitor their employees' cholinesterase levels under the CMSP.

California Medical Supervision Program (CMSP). Established in 1974, the CMSP is intended to protect pesticide handlers from excessive exposure to Toxicity Category 1 and Category 2 OP/CB pesticides.

Under the CMSP, employers must contract with a licensed physician as a “medical supervisor” to test the blood cholinesterase level of workers who regularly handle these pesticides. To monitor each employee, the medical supervisor establishes baseline values of cholinesterase during non-exposure periods, and then periodically measure cholinesterase activity levels while the worker handles OPs/CBs. If the employee's cholinesterase drops below certain levels, the employer must take certain actions immediately, such as promptly retesting the employee, evaluating the employee’s work practices, or immediately removing the employee from further exposure to pesticides.

Report Card – 2015. DPR and OEHHA submitted a statutorily-required report to the Legislature in December 2015, which found overall, the CMSP appeared effective at protecting agricultural workers who handle cholinesterase-inhibiting pesticides.

The report did find, however, that based on the data submitted from 2011-2013, the usefulness of the data analysis was hampered by including thousands of records from people not in the CMSP (e.g., those tested for other reasons). Plus, many tests didn’t include information about the physician or the employee being tested, which DPR needs to identify individual workers and to track and compare an individual employee’s cholinesterase activity level after handling pesticides to their pre-exposure levels.

DPR and OEHHA laid out specific actions to improve the CMSP and asked the Legislature to both extend the cholinesterase reporting mandate through December 31, 2018, and transfer reporting responsibilities from the laboratories to the medical supervisors.

The Legislature, through AB 2892 (Assembly Environmental & Toxic Materials Committee, Chapter 475, Statutes of 2016):

- a) Extended the reporting requirement through January 1, 2021;
- b) Updated the information required to be reported;

- c) Transferred some of the responsibility of reporting cholinesterase test results and related information from laboratories to medical supervisors;
- d) Required OEHHA to establish a procedure for registering and deregistering medical supervisors and to establish performance requirements;
- e) Codified the requirement that employers of workers who regularly handle OPs/CB pesticides must contract with a medical supervisor registered with OEHHA; and
- f) Required DPR and OEHHA to 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.

Subsequent CMSP Extensions & A 2022 Report Card. AB 3220 (Assembly Environmental & Toxic Materials Committee, Chapter 296, Statutes of 2020) again extended the sunset on the data reporting requirements and the medical supervisor registration provisions of the CMSP, this time to January 1, 2023.

Then in January 2022, DPR and OEHHA reported the CMSP still appeared effective in protecting agricultural workers who are handling cholinesterase-inhibiting pesticides. However, the utility of the data analysis was still hampered by including test records from people not in the CMSP and by missing information about the purpose of the test, the physician's name, and information about the patient.

Another Extension & CMSP Improvements. Following the release of the 2022 report, AB 1787 (Quirk, Chapter 108, Statutes of 2022) was enacted to:

- a) Require reporting laboratories to submit additional identifying information for the patient and medical supervisor so DPR can better identify, track, and protect the health of workers in the CMSP; and
- b) Extend the sunset on the data reporting and medical supervisor registration requirements of the CMSP from January 1, 2023, to January 1, 2027.

Comments

Purpose of Bill. According to the author, “The California Medical Supervision Program (Program) is designed to protect agricultural workers who regularly mix, load, or apply organophosphate and carbamate pesticides (OPs/CBs), which are well-known for their severe toxicity to the nervous system. Under the Program, employers must contract with a medical supervisor to monitor their workers for overexposure to OP/CB pesticides.

“In order for the state to ensure that the Program is protecting pesticide workers, the Office of Environmental Health Hazard Assessment (OEHHA) registers and consults with medical supervisors overseeing the workers' cases, and testing laboratories must transmit workers' nerve enzyme (cholinesterase or ChE) test results to the Department of Pesticide Regulation (DPR). These reporting and registration requirements sunset on January 1, 2027. AB 1440 extends the sunset on the ChE test reporting and medical supervisor registration requirements of the Program from January 1, 2027 to January 1, 2029.”

Why Not Just Eliminate The Sunset Entirely? The CMSP provides a valuable service to help determine if workers are being exposed to Toxicity Category 1 and Category 2 OP/CB pesticides that may endanger their health and even their lives.

Since the program was created more than 40 years ago, the sunset date on the CMSP's data reporting and medical supervisor registration requirements has been extended a number of times, generally accompanied by other reforms to the program.

On the one hand, having a sunset provision attached to a program does generally prompt the Legislature to look at its effectiveness as a part of reviewing proposals to extend or re-authorize it.

On the other hand, having a program in danger of ceasing to exist absent legislative action could lead to a lack of certainty and effectiveness.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- Annual costs in the low hundreds of thousands of dollars for 2027 and 2028 (Department of Pesticide Regulation Fund) for the Department of Pesticide Regulation (DPR) and the Office of Environmental Health Hazard Assessment (OEHHA) to continue administering program requirements for two years when they would have otherwise sunset absent this bill

SUPPORT: (Verified 8/30/25)

American College of Obstetricians & Gynecologists - District IX

OPPOSITION: (Verified 8/30/25)

None received

ASSEMBLY FLOOR: 79-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

Prepared by: Evan Goldberg / E.Q. / (916) 651-4108
8/30/25 18:40:55

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