

2001 LNI Pesticide-Related Inspection and Claims Data

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Overview

- Inspection Data Summary for the 2003 PIRT Report (2001 data)
- Claims Data Summary for the 2003 PIRT Report (2001 data)
- Cases where Definite, Probable, and Possible DOH evaluations are associated with rejected claims in 2001

2001 Pesticide-Related Inspections

- 27 inspections total in 2001
 - 14 in orchards
 - 7 in other farm (i.e. berries, potatoes)
 - 2 in landscape maintenance
 - 2 in vineyards
 - 1 in a nursery
 - 1 in an agricultural chemical supplier
- 21 of these were conducted in Eastern Washington, 6 in Western Washington

2001 Pesticide-Related Inspections

- What initiated these inspections?
 - 11 referrals from state agencies, health care providers and others
 - 8 were complaints from employees or employee representatives
 - 6 were programmed inspections
 - 2 were follow-up inspections

2001 Pesticide-Related Inspections

- In 14 of 27 inspections involved monetary penalties (form \$ 150 to \$28,400/ inspection)
- In these 14 inspections there were 53 serious violations
- In one inspection, there were repeat-serious violations

2001 Violations in Pesticide-Related Inspections

Most Frequently-cited violations

1. Decontamination-related

Lack of soap, water, towels, change of clothes, other decontamination supplies/ equipment

2. Respirator-related

No medical evaluation for respirator use, no respirator fit-testing, inadequate respirator training, no respirator training

3. Hazard Communication

No written hazard communication program, no hazard communication training, no list of hazardous chemicals, no material safety data sheet

2001 Violations in Pesticide-Related Inspections

Other violations

- ☐ Lack of eyewash
- ☐ No pesticide safety training
- ☐ Personal protective equipment not used according to label requirements

Most Notable Inspection

- Initiated by a complaint from an employee in an orchard where Lorsban and Guthion were used, among other chemicals. The employer had been previously inspected and failed to abate the following items:
 - Lack of decontamination supplies/ equipment
 - Lack of a change of clothes at the mixing site
 - Lack of plumbed and portable eyewash equipment
- Total penalties : \$28,400 (included repeat serious violations)

2001 Pesticide-Related Claims

- Pesticide-related claims overview
- Reasons why claims are rejected
- Cases where DOH evaluate a claim as Possible, Probable or Definite and LNI rejects the claim

Criteria for Allowance of a Pesticide-Related Claim

1. The attending physician diagnoses an injury or illness; AND
2. The attending physician provides an occupational history that includes pesticide exposure; AND
3. The attending physician determines that the claimant's symptoms are, ***more probably than not***, associated with pesticide exposure in the workplace; AND
4. Medical references establish a relationship between the pesticide exposure and the claimant's symptoms; i.e., symptoms exhibited are consistent with the toxicology of the product involved in the exposure, if known.

2001 Pesticide-Related Claims Statistics

- There were 129 claims processed by L & I's Insurance Services Division that were pesticide-related in 2001
- 83 were allowed (as "Medical Only/ Non-Compensable" or as "Time Loss/ Compensable")
- Only eight of the allowed claims involved time loss
- Initial medical visits were paid in 99 percent of the claims
- DOH classified 59 of the 129 claims as Definite, Probable or Possible with respect to pesticide exposure

LNI Claims Processing and DOH Pesticide Exposure Investigations have Different Criteria, Different Objectives

- It is possible to LNI to allow a claim as “work-related” but for DOH to evaluate the same claim as “unrelated to pesticide exposure”. One example would be an eye injury caused by an agent other than a pesticide.
- It is also possible for LNI to reject a claim that DOH evaluates as Definite, Probable or Possible (DPP). We’ll take a closer look at this.

Reasons why claims associated with DOH investigations with DPP Outcomes may be rejected by LNI

- Objective evidence is lacking to relate the symptoms to the workplace exposure. The objective evidence has to be more than possible for a claim to be allowed, it has to be **probable**, i.e. ***more probably than not***, so it should not be surprising that DOH cases evaluated as possible can be associated with rejected claims.

Reasons why claims associated with DOH investigations with DPP Outcomes may be rejected by LNI

- Symptoms have resolved by the time the claimant is examined
- There is no objective evidence of injury
- Exposure cannot be confirmed or documented

Rejected Claims

- A rejected status prevents the worker from reopening a claim based on original symptoms
- Costs of the initial medical visit are usually paid.

Rejected Claims and Cases Evaluated by DOH as Possible, Probable, or Definite in 2001

- 3 cases
- 2 cases that were evaluated by DOH as “possible” and were not involving agricultural employees. One of these employees was an office worker who claimed exposure from a pesticide sprayed in a parking lot, and the other employee was a janitor who claimed exposure from a fogging insecticide.

Rejected Claims and Cases Evaluated by DOH as Possible, Probable, or Definite in 2001

- One case was evaluated as “probable” by DOH and involved an applicator who experienced an episode of hives after spraying.
- The reason why the claim was rejected is that the attending physician was uncooperative in providing information to the claims manager, to the extent that the claims manager ordered an independent medical exam that did not confirm the first diagnosis. For that reason, the claim was denied.



QUESTIONS?



For More Information

- About WISHA

<http://www.lni.wa.gov/Safety/default.asp>

- About the Claims process

<http://www.lni.wa.gov/ClaimsInsurance/default.asp>

- About the Pesticide Incident Reporting and Tracking (PIRT) Panel

<http://www.doh.wa.gov/ehp/ts/PIRT.HTM>