

January 30, 2003

Re: Employer and Physician Responsibilities for Lead-Exposed Workers
requiring Medical Removal Protection

Dear Employer/Physician:

The Department of Industrial Relations, Division of Workers' Compensation, in conjunction with the California Department of Health Services' Occupational Lead Poisoning Prevention Program, wish to remind all employers and physicians of their responsibility for filing Forms 5020 (Employer's Report of Occupational Injury or Illness) and 5021 (Doctor's First Report of Occupational Injury or Illness [DFR]), respectively, in cases of workers with elevated blood lead levels who require Medical Removal Protection (MRP) under the Cal/OSHA lead standards.¹

The California Department of Health Services' Occupational Lead Poisoning Prevention Program has found that some employers and physicians are not filing Forms 5020 and 5021, respectively, in cases of lead-exposed workers who require Medical Removal Protection under the Cal/OSHA lead standards.

This statement will serve notice that the Department of Industrial Relations interprets the California Labor Code² as requiring Forms 5020 and 5021 to be filed in cases requiring MRP due to:

- 1) A blood lead level (BLL), or multiple BLLs, high enough to trigger MRP as set forth in the lead standards, or
- 2) An employee with any BLL having signs and/or symptoms consistent with lead toxicity which the treating physician suspects as work-related illness.

Employers and physicians known to be out of compliance with these requirements may be referred to the local District Attorney and/or Cal/OSHA.

The California Department of Health Services' Occupational Lead Poisoning Prevention Program is available to answer questions from workers, employers and health care providers regarding lead in the workplace. Please call (510) 622-4332 with any questions.

¹ California General Industry Lead Standard [Title 8 CCR §5189 (k)] and California Construction Lead Standard [Title 8 CCR §1532.1 (k)]

² California Labor Code 6409.1 (employers) and California Labor Code 6409(a) (physicians)