



*Advancing public policy to
improve the health and safety
of workers and the community.*

May 19, 2015

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Re: Title 8, California Code of Regulations, Subchapter 7. General Industry Safety Orders Group 16. Control of Hazardous Substances, Article 109. Hazardous Substances, Section 5193.1, Sexually Transmitted Infections

Dear Members of the Standards Board,

The California Industrial Hygiene Council (CIHC) respectfully submits the following comments regarding the proposed new section Title 8 California code of Regulations Section 5193.1, Sexually Transmitted Infections. CIHC believes the regulation has merit in California and we applaud Cal/OSHA for its continued effort in the prevention of work-related illnesses. Below are our comments specific to this new proposed standard:

We support the efforts of the Aids Health Foundation (AHF) to have Cal/OSHA include language regarding the use of condoms in the adult film industry. The use of condoms is the primary personal protective equipment (PPE) that can be used in the adult film industry to attempt to control the spread of sexually transmitted diseases between the actors.

If this were any other industry and the use of a simple piece of PPE could not only prevent the spread of occupational diseases (in this instance syphilis, chlamydia, gonorrhea, etc.), but a disease that has the ability to completely destroy the immune system and kill anyone infected (i.e., acquired immune deficiency syndrome or AIDS), we suspect that there would be a thunderous public outcry if the industry was not regulated to protect their employees and subcontractors (and potentially the public) from the spread of these diseases. For example, there are regulations addressing the control of exposure to tuberculosis (TB) through the requirement that workers wear respiratory protection. Another example is the requirement that lead exposure be controlled through the wearing of protective clothing and respirators if engineering controls are not sufficient to control worker exposure.

The spread of sexually transmitted diseases in the adult film industry is an industrial hygiene issue. As industrial hygienists, we are trained in the anticipation, recognition, evaluation, and control of occupational and environmental stressors and diseases. The hierarchy of controls of occupational stressors and diseases starts with engineering the hazard out of the job, then the use administrative controls to reduce the exposure to levels below occupational exposure limits (OELs), and if all else fails, the use of PPE. Since it is not possible to engineer out the hazard in this instance, and since medical testing has not been successful in controlling the spread of these

diseases in the adult film industry, PPE appears to be the only method available to protect the workers/actors and the public from the spread of these diseases.

Founded in 1990, CIHC represents the occupational and environmental health profession in California and is affiliated with the American Industrial Hygiene Association (AIHA), a 10,000 member national organization, as well as the International Occupational Hygiene Association (IOHA), which represents the global community of Occupational Hygiene organizations in over 34 countries. Please refer to www.cihonline.com for further information about CIHC.

We appreciate the opportunity to comment. Should you have any questions concerning the above, please contact Joel I. Berman, CIH, CSP, CAC, CIAQM, CDPH LST, Vice President of Health Science Associates (HAS) at (714) 220-3922 or jberman@healthscience.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward J. Klinenberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward J. Klinenberg, Ph.D., CIH
President, CIHC