

CALIFORNIA INDUSTRIAL HYGIENE COUNCIL

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

November 1, 2021
Via email: rs@dir.ca.gov

DOSH Research and Standards
ATD Advisory Committee Meeting
Via Zoom meeting on October 14, 2021

Subject: Proposed Changes to California Code of Regulations, Title 8, Section 5199,
Aerosol Transmissible Diseases

Dear Sir/Madam:

The California Industrial Hygiene Council (CIHC) appreciates the opportunity to participate with the 5199 ATD Advisory Committee. One of CIHC's Board members, Joel Berman, participated on behalf of CIHC during the October 14, 2021 meeting. CIHC represents OHS professionals in CA and works to enhance their professional practice. CIHC's mission is to provide sound scientific and technological input to the regulatory and legislative processes, and establish a legislative presence in the state Capitol through professional representation.

CIHC supports the proposed changes to the ATD standard; however, we have a few comments related to the specific proposed changes as detailed below:

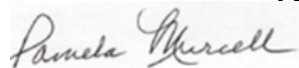
Section 5199(c)(2) – We recognize that “and in other facilities, services, and operations to the extent reasonably practicable” is defined in 5199(a)(3)(A), but a reminder of this definition would be helpful in subsection (c)(2) by adding language such as “as included in (a)(3)(A)....”.

Section 5199(c)(6)(D) – This provision uses the term “providing” COVID-19 vaccine in relation to employer responsibility to establish procedures, whereas in (h)(10) the employer is to make vaccinations available. It would be clearer if the same wording is used in both subsections; specifically, recommend using the words “making available” instead of “providing” in (c)(6)(D).

Appendix E: Aerosol Transmissible Disease Vaccination Recommendations for Susceptible Health Care Workers (Mandatory) – It is confusing to use the terms “recommendations” and “mandatory” in relation to the implementation of this appendix. We understand what is meant by a regulatory appendix being mandatory; basically, following a mandatory appendix is required for an employer's compliance with the regulation's provisions. However, when the title of the appendix says recommendations, there appears to be room for individual employers to make decisions as to whether they will comply with a “mandatory” appendix. We recommend that DOSH work on clarifying the intent of this appendix.

CIHC appreciates the opportunity to be involved with the regulatory process. Please contact me on behalf of the CIHC at (916) 712-4547 or kwa-sacramento@att.net.

Very truly yours,
California Industrial Hygiene Council



Pamela Murcell, MS, CIH
President, CIHC