

Cal/OSHA Standards on Aerosol Transmissible Diseases: Roles & Responsibilities of the Local Health Officer

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“Every employer shall furnish employment and a place of employment that is safe and healthful for the employees therein.”

California Labor Code Section 6400

The Cal/OSHA Program

- 1970 Occupational Safety and Health Act established OSHA and NIOSH
 - State plans must be as effective as federal OSHA, but may be more protective
- 1973 California OSH Act established Cal/OSHA from existing programs.
 - 26 state plans, 4 only cover public sector.
 - Cal/OSHA is the Division of Occupational Safety and Health in the Department of Industrial Relations
- OSH Act established a regulatory framework similar to wages/hours

The Cal/OSHA Program

- Enforcement
- Public Safety Programs
- Consultation Service: (800) 963-9424
- Standards Board
- Appeals Board

For more information on the Cal/OSHA Program:

http://www.dir.ca.gov/dosh/dosh_publications/osha_userguide.pdf#zoom=100

Cal/OSHA and Aerosol Transmissible Diseases

- Regulations are in Title 8
- ATD regulations were adopted in 2009
 - Section 5199: exposures in health care, emergency response and laboratories
<http://www.dir.ca.gov/Title8/5199.html>
 - Section 5199.1: exposures to animals (zoonotics)
<http://www.dir.ca.gov/Title8/5199-1.html>
- Cal/OSHA primarily does administrative enforcement of regulations

A-T-D Defined

- Aerosol – solid particle or liquid droplet in air
- Transmissible – disease can be transmitted by:
 - Inhaling particles/droplets or
 - Direct contact between particles/droplets and mucous membranes in respiratory tract or eyes
- Which diseases/pathogens are ATDs/ATPs?
 - Diseases for which airborne infection isolation or droplet precautions are required (5199 Appendix A)
 - Biosafety level 3 laboratory pathogens (Appendix D)
 - Zoonotic: transmissible from animals to humans by aerosol

Work Settings Covered by the ATD Standard

- Applies in health care, such as:
 - Hospitals
 - Long term health care facilities
 - Primary care
 - Emergency medical
- Applies in other identified environments
 - Corrections
 - Homeless shelters
 - Drug treatment programs
 - First receiver
 - Laboratories
 - Certain public health operations, based on activity

Public Health Employers

- Contact tracing
- Case management
- TB/infectious disease clinics
- Laboratories
- Others?



Mobile TB clinic Ontario
Canada 1950's

Which Employees are Covered: “Occupational Exposure”

- Exposure from work activity/conditions reasonably anticipated to create elevated risk of contracting any disease caused by ATPs or ATPs-L if protective measures are not in place.
- “Elevated” means higher than what is considered ordinary for employees having direct contact with the general public outside of the facilities, service categories, and operations listed in subsection (a)(1).

Occupational Exposure (cont.)

- In each included work setting covered by the standard, it is presumed that some employees have occupational exposure.
 - For a particular employee it depends on tasks, activities, environment.
 - In corrections, homeless shelter & drug tx programs, employees who have contact with facility pop'ns are considered to have occupational exposure.
- Includes contact with, or being within exposure range of, cases or suspected cases of ATD.
- Employers must ID employees with occupational exposure in order to take protective measures.

Requirements Triggered by Occupational Exposure

- Employer adopts appropriate control measures and written procedures
 - Control measures depend on type of facility
- Training and communication
- Respirators and PPE as necessary
- Medical services, including:
 - flu shots, other immunizations for health care workers and PH workers, TB assessment, follow-up for exposure incidents
- Employee participation in review of plan/procedures
- Recordkeeping

Local Health Officer Roles in ATD Standards

- As an employer of exposed employees
- As referenced in the Health and Safety Code and Title 17 to protect the public health from communicable diseases
- As the source of a complaint or referral regarding a hazard to employees

Local Health Dept. as Employer of Exposed Employees

- Review scope of 8 CCR 5199 & 5199.1
 - Identify covered facilities, services, or operations where you have employees
- Identify employees with occupational exposure
- Address ATD requirements to protect workers
 - ATD exposure control plan, infection control procedures, or Injury & Illness Prevention Program
- Ensure written procedures are implemented
 - Evaluate them regularly with employee input

Title 17 Role in the ATD Standard

- Receive reports of suspected or confirmed ATD cases among residents
 - Employer of health care provider must ensure that reporting takes place
- Report ATD cases to CDPH (Title 17, not ATD)
- Be informed by CDFA or CDPH of zoonotic disease risks/outbreaks
- Investigate, respond as appropriate
 - Consider referral to Cal/OSHA if employee health and safety impacted
 - May request consultation/assistance from CDPH

Title 17 Role

- Provide advice and assistance regarding:
 - Infection control measures where a TB or other case requiring airborne infection isolation cannot be immediately isolated
 - Identifying a facility with appropriate isolation facilities

Title 17 Role

- Receive reports from employers or HC providers
 - Consider reminding reporter they must:
 - Notify any other employer whose employees may have been exposed to that case, within 72 hrs
 - Conduct an exposure scenario analysis to determine which employees had significant exposure
 - Provide post-exposure follow-up to those employees
- LHO may:
 - Consult with employer regarding follow-up
 - Review employer's exposure scenario analysis
 - Recommend "precautionary removal" of exposed employee(s) from the workplace

Title 17 Role

- LHO may:
 - Issue enforceable guidance on a disease requiring airborne infection isolation or droplet precautions (e.g., novel pathogen)
 - Recommend other infection control measures for employers to take
 - Recommend more frequent than annual TB assessment for employees w/occupational exposure
 - Issue public alert regarding a detected zoonotic hazard
 - Act as a resource to local gov't and community employers on ATD issues

Title 17 Role: Laboratory Exposure Incidents

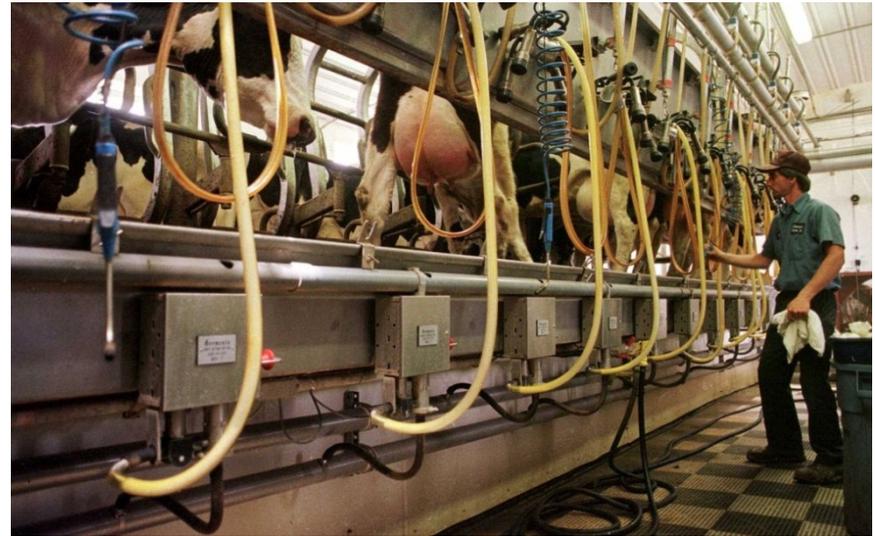
- Employers must have emergency plans for addressing:
 - Uncontrolled aerosol transmissible pathogen releases within lab or
 - Untreated ATP releases outside lab
- Laboratories must report incidents to LHO

Title 17 Role: Zoonotic Diseases

- May make recommendations regarding medical services for any employees exposed to infectious animals related to wildlife zoonotic disease alert, or related to agricultural quarantine order or other movement restriction
 - e.g., surveillance, vaccinations, prophylaxis, follow-up medical exams

Recent ATD Cases & Work Settings

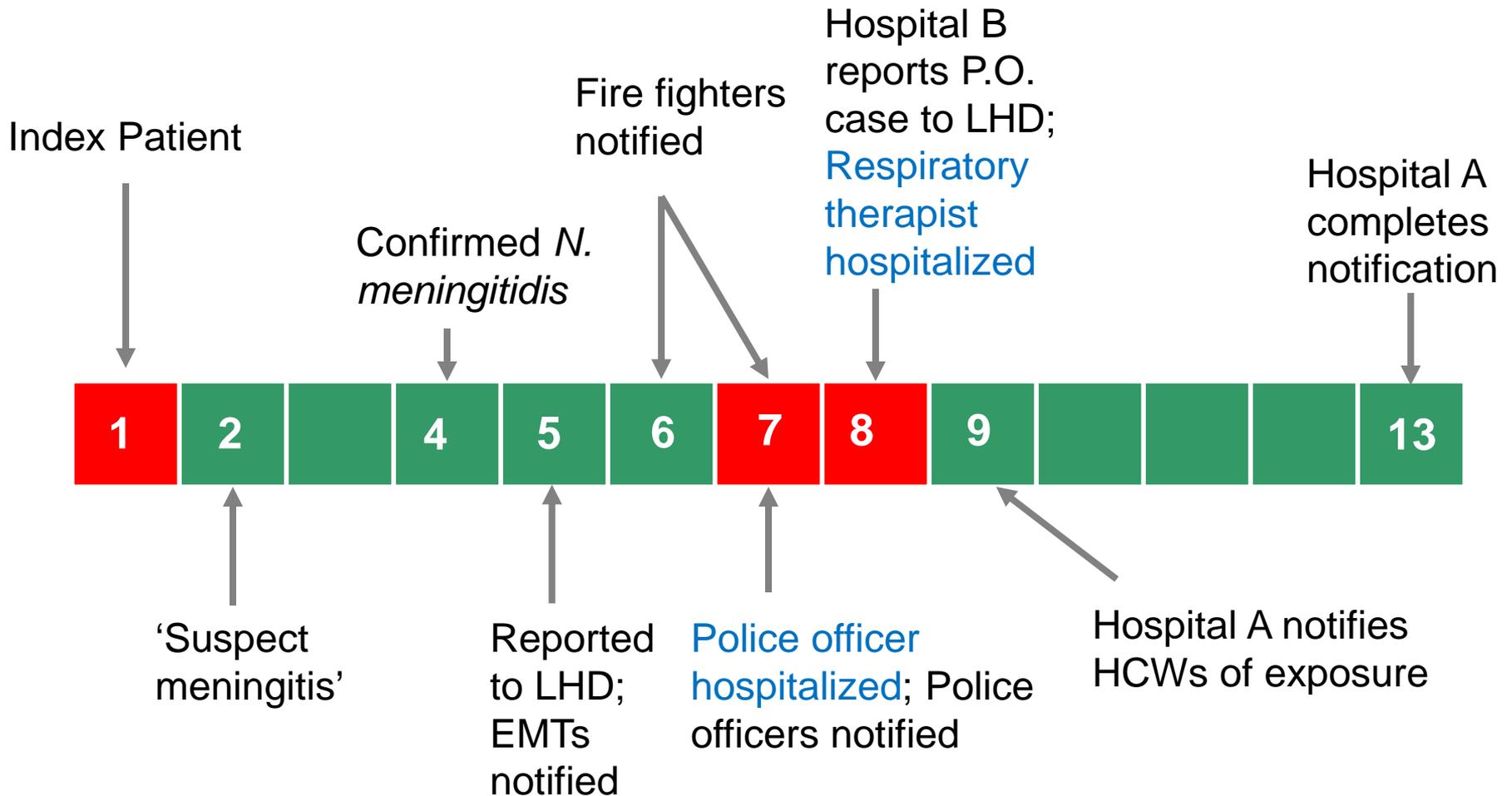
- Bovine TB – dairies
- Meningitis –
 - research lab;
 - police/EMS, hospital emergency dept.
- Psittacosis – turkey farm
- Measles – physician office & hospital



Case Study: Occupational Transmission of *N. meningitidis*

- Joint investigation by Cal/OSHA and CDPH, involving several employers
- Multiple citations issued
- CDC. MMWR 2010; 59(45):1480-1483

Timeline: Occupational Transmission of *N. meningitidis*



Summary: What Went Wrong?

- Failure to immediately:
 - Report suspected case to LHD (& confirmed case)
 - Notify other employers with affected employees
 - Initiate exposure analysis
 - Provide prophylaxis to exposed employees

“Some diseases, such as meningococcal disease, require prompt prophylaxis of exposed individuals to prevent disease.” (note to 5199(h)(6)(B))

- Inadequate infection control practices, including use of personal protective equipment

New Tools for Health Departments

- Requires employers with identified at-risk environments to:
 - Have infection control procedures
 - Provide certain medical services
 - Follow public health guidelines, including LHO or CDPH recommendations regarding ATDs not specifically mentioned in Appendix A of the standard

Employer Required to Pay for Medical Services

The employer shall provide all safeguards required by this section, including provision of personal protective equipment, respirators, training, and medical services, at no cost to the employee, at a reasonable time and place for the employee, and during the employee's working hours (5199(a)(4))

Exposure Incidents

- Enforceable requirement to timely report a reportable ATD case to LHO per Title 17
 - In hospital meningitis outbreak, hospital was cited for failure to notify the LHO as required
- If reportable case diagnosed, employer required to:
 - notify other identified employers with exposed employees
 - initiate a timely exposure investigation
 - provide vaccination, prophylaxis per public health recommendations
- Paid precautionary removal from workplace if recommended by PLHCP or LHO

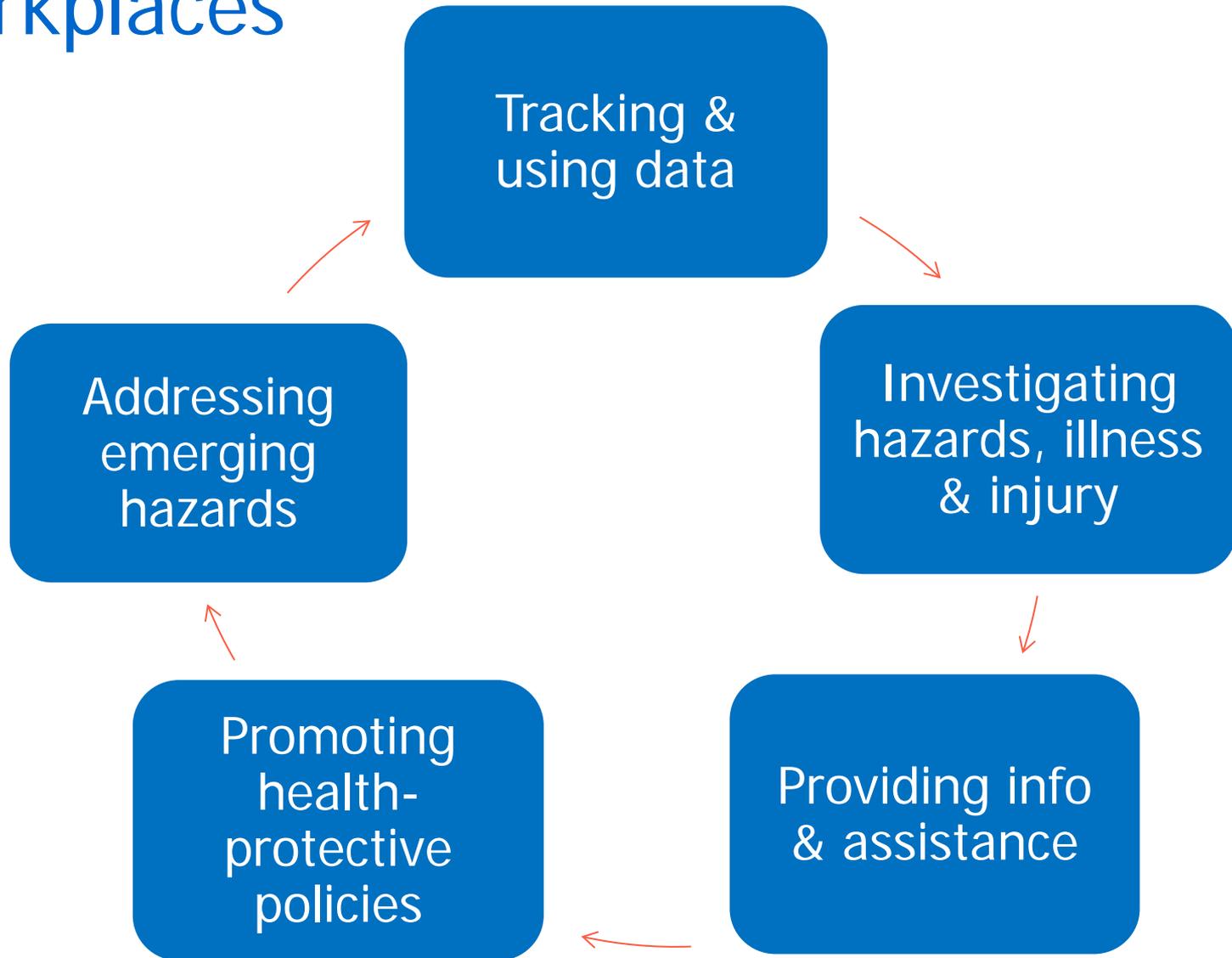
Zoonotics

- Employers must provide the medical services recommended by Local Health Officers or CDPH to:
 - Employees in work operations involving infected animals or their wastes, and
 - Employees who work in an establishment under a quarantine or movement restriction

More Tools

- Cal/OSHA can issue an “order to take special action” to require an employer not specifically included in the scope to comply
 - e.g., TB testing as part of contact investigation in a retail establishment or card club
 - LHO referral would be basis for order
- All records required by the ATD standards must be made available to the LHO

CDPH OHB: Promoting safe & healthy workplaces



How CDPH OHB can help

- Technical assistance/consultation to you or employers
 - Occupational medicine, industrial hygiene, health education, workers' compensation issues
 - Assist employers in identifying service providers
- Respond to inquiries you get
 - Refer to OHB Workplace Hazard Helpline, (866) 282-5516
- Participate in talking w/employers, all parties
- Possibly: onsite field assistance

Resources

Cal/OSHA Aerosol Transmissible Diseases Standard (8 CCR 5199) & Appendices

<http://www.cdph.ca.gov/programs/ohb/Pages/ATDStd.aspx>

(page links directly to official Cal/OSHA pages including

<http://www.dir.ca.gov/title8/5199.html>)

Cal/OSHA ATD-Zoonotic Standard (8 CCR 5199.1)

<http://www.dir.ca.gov/title8/5199-1.html>

CDPH web page: Respiratory Protection for Health Care

<http://www.cdph.ca.gov/programs/ohb/Pages/HCResp.aspx>

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OHB Web site: www.cdph.ca.gov/programs/ohb

OHB Workplace Hazards Helpline:

(866) 282-5516 toll-free in CA

We are working on a written document for CCLHO based on this talk;
please email us with any suggestions you may have.

Questions & Discussion

