



# Cal/OSHA

## Avian Influenza (Bird Flu) & Worker Protection Select requirements

Title 8 Section 5199.1 Aerosol  
Transmissible Diseases – Zoonotic

# Cal/OSHA

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- Cal/OSHA protects the health and safety of all workers in California by:
  - Creating and enforcing safety and health regulations for workers
  - Providing outreach, education, and assistance
- Cal/OSHA protects all workers in California regardless of immigration status
- Cal/OSHA does not ask about a worker's immigration status
- Cal/OSHA does not enforce immigration laws and will not report anyone to US Immigrations and Customs Enforcement (ICE)

# Title 8 Section 5199.1

## Aerosol Transmissible Disease – Zoonotic

**5199.1 is the law that protects workers from diseases that:**

- Come from animals (zoonotic), and
- Can infect persons through splashes or through the air (aerosol)

The law applies in most workplaces where there are animals or unprocessed animal products, such as:

- Animal farms, dairies, slaughterhouses, zoos, veterinary clinics, jobs that handle wildlife, etc.

# Base Requirements of 5199.1

## Requirements for employers:

- Have written instructions and rules for protecting employees from diseases that come from animals
- Instructions and rules must include sanitation, illness investigation, training, biosecurity, and use of personal protective equipment (PPE)
  - Employer must provide employee training that covers these topics
  - Employer must maintain records of how they comply with the law

# Additional Requirements of 5199.1

## Additional requirements for dairies and animal farms with:

- **5199.1(c):** USDA or CDFA quarantine order, movement restrictions, or infection control order  
and
- **5199.1(d):** Infected animals & wastes, and areas used to contain infected animals and wastes

**Part (c) can apply even if there are no infected animals**

**Both requirements (c) and (d) apply to cattle herds, poultry farms, and any other farms/ranches with infected animals**

# Requirements – USDA or CDFA quarantine or infection control order

Even if there are no infected animals

## Employers must:

- Have detailed written instructions and rules on how to work safely
- Set up restricted areas where exposure to animal diseases could occur
- Post signs at all entrances to restricted areas. Signs must:
  - Identify areas as restricted areas
  - Be in all languages spoken by workers

# Requirements – USDA or CDFA quarantine or infection control order

Even if there are no infected animals

## In restricted areas

- A supervisor knowledgeable in the dairy's written safety instructions and rules must oversee employees in restricted areas
- In restricted areas, the employer must provide and ensure use of personal protective equipment and clothing (PPE):
  - Full-body coveralls, head coverings, gloves, mouth/nose protection, rubber boots
  - Eye protection
  - Respirators indoors or other enclosed areas where there are potentially infectious aerosols (splashes, droplets, mists, dust, tiny particles, etc.)
- The employer must provide and ensure access to change rooms, shower rooms, restrooms, and drinking water



**5199.1(c)**



# Requirements – USDA or CDFA quarantine or infection control order

Even if there are no infected animals

## In restricted areas:

- Employers must provide employees who enter these areas with:
  - Medical services, health checks, vaccinations, medications – as recommended by CDC, CDPH, or Local Health Officer
  - Training – animal disease hazards, protective measures, PPE, respirators, decontamination, medical services, health checks, vaccinations, medications
    - Training must be appropriate for employees' level of education, literacy, and language

**5199.1(c)**





# 5199.1(d) Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

**More protective & detailed than 5199(c)**

Applies to:

- Handling, culling, transporting, killing, eradicating, or disposing of infected animals
- Cleaning & disinfecting of areas used, or previously used, to contain infected animals and their wastes
- **Cattle herds/dairies & poultry farms with infected animals**

**5199.1(d)**



# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Written Safety Plan. Employers must:

- Have written safety instructions and rules
  - Make available to employees onsite
- Have a Workplan that includes:
  - Risk assessment for biological, chemical, physical, and safety hazards
  - Description of protective measures
  - Designate restricted areas
- List all jobs, tasks with employee exposure

**5199.1(d)**

# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Written instructions – methods to protect employees:

1. Protective measures (engineering controls, work practice controls)
2. Instructions and rules for safe handling of hazardous chemicals
3. Respiratory protection
4. Personal protective equipment and clothing (PPE)
5. Decontamination instructions and rules

**5199.1(d)**

# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

**Written instructions** – methods to protect employees:

6. Disposal of animal waste and contaminated PPE
7. Medical services
8. Training
9. Recordkeeping

**5199.1(d)**

# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Supervision:

- Person knowledgeable of employer's safety instructions and rules must supervise and enforce rules in the restricted area
- Ensure only trained persons enter restricted area
- Record name, entry time, and exit time for each person who enters and/or exits restricted area
- Ensure correct PPE and respirators are used

**5199.1(d)**

# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Respiratory protection:

- Required in restricted areas
  - **Enclosed areas:** Use elastomeric (rubbery) respirators or powered air purifying respirators (PAPRs)
  - **Outdoors:** Use N95 or better respirator

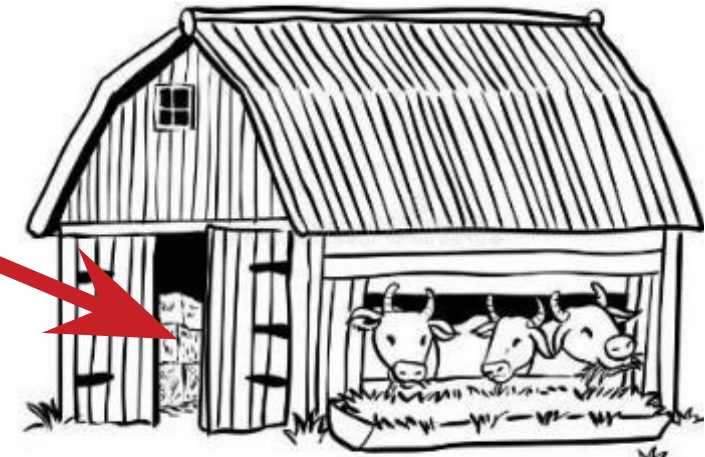
**5199.1(d)**

# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Respiratory Protection:

- Respirators for enclosed areas – Use elastomeric or PAPR



5199.1(d)

# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Respiratory Protection:

- Enclosed areas – Exception: N95s are okay if employer can show through objective evidence that better respirators are not needed to protect employees



**5199.1(d)**

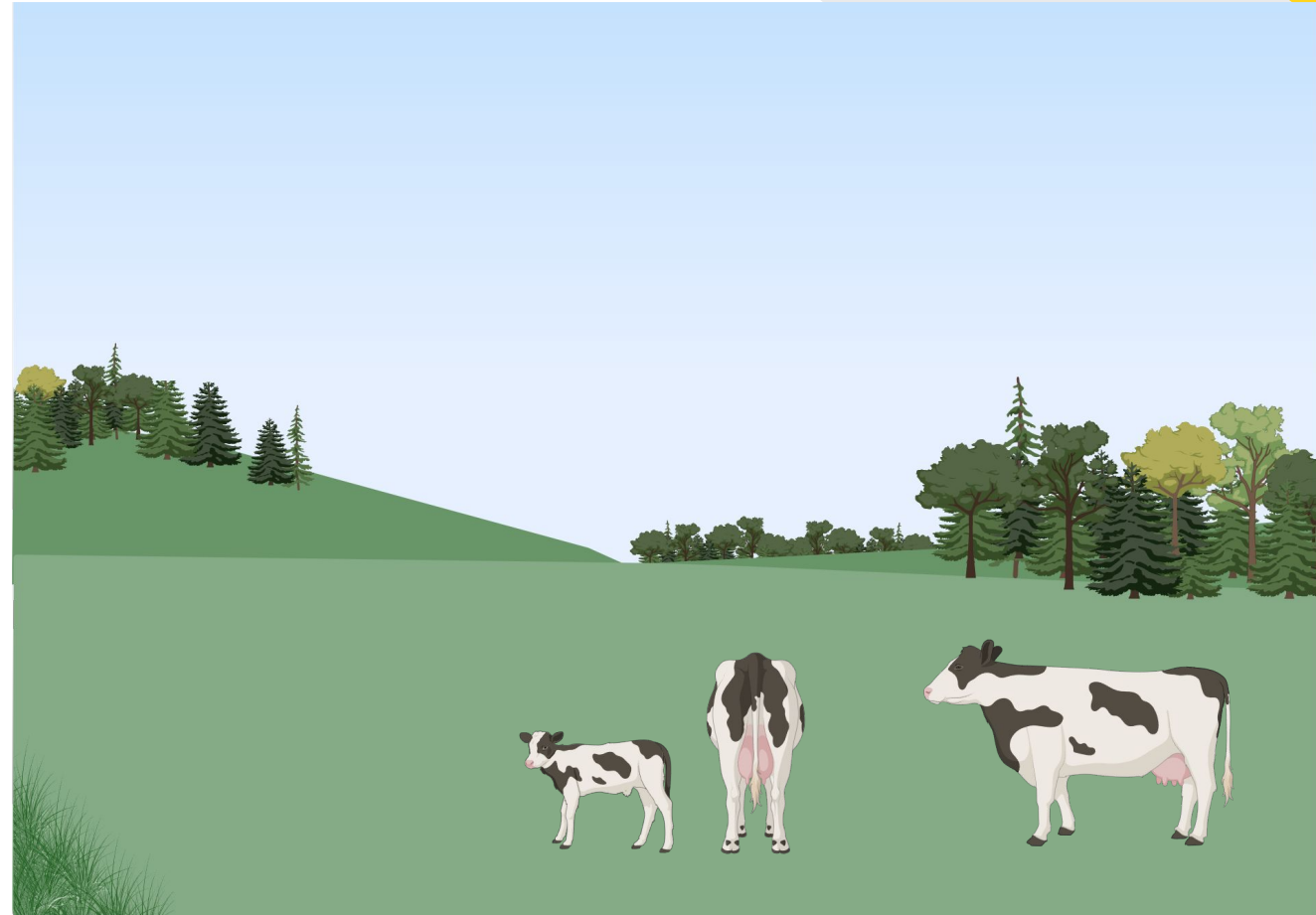


# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Respiratory Protection:

Use N95s or better outdoors



5199.1(d)

# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Decontamination:

- Employers must ensure:
  - Employees properly decontaminate when leaving restricted areas
  - Contaminated clothing and equipment are decontaminated or disposed of
- Decontamination facilities must include change rooms and shower facilities

**5199.1(d)**



# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Medical Services:

- Employers must have a medical services program for employees who enter restricted areas:
  - Employers must consult with a physician or other licensed healthcare professional (PLHCP) knowledgeable about animal disease and chemical hazards
  - The program must maintain medical confidentiality

**5199.1(d)**



# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Additional medical services:

- For each employee, employer must provide:
  - Initial medical evaluation prior to entry into restricted area
  - All vaccinations, medications, and health checks recommended by PLHCP, CDC, CDPH, or local health officer
  - Follow-up medical evaluations as recommended by PLHCP, CDC, CDPH, or local health officer

**5199.1(d)**



# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Additional Medical Services:

- PLHCP (doctor/nurse) prepares written report to employer for each employee with only:
  - Respirator medical evaluation
  - Whether employee received exams, vaccines, and/or medicines
  - Authorization for employee to work in restricted area

**5199.1(d)**

# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Training:

- When to provide:
  - Upon Initial assignment
  - When site conditions change substantially
  - When new hazards are introduced or recognized
- Must be appropriate for employees' level of education, literacy, and language

**5199.1(d)**



# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Training Content:

- Identification, description, signs, and symptoms of animal diseases
- Instructions and rules for working restricted areas and when handling infected animals and their waste

**5199.1(d)**

# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Training Content (continued):

- Employer's safety program:
  - Control measures
  - Use of respiratory protection and PPE
  - Cleaning and decontamination instructions

**5199.1(d)**



# Handling infected animals

And cleaning and disinfecting areas that contained infected animals or wastes

## Training Content (continued):

- Access to sanitation facilities and drinking water
- Meaning of signs
- Hazard communications – chemicals
- Employer's medical services program

**5199.1(d)**



# Resources

## Cal/OSHA Guidance on Avian Flu

- Protection from avian influenza webpage with info for employers and workers: [www.dir.ca.gov/dosh/avian-flu/](http://www.dir.ca.gov/dosh/avian-flu/)



SCAN ME

# Resources

## Cal/OSHA Guidance on Avian Flu

- Workplace safety and health guide on zoonotic aerosol transmissible disease standard:

[www.dir.ca.gov/dosh/dosh\\_publications/Zoonotic-ATD-Hazards.pdf](http://www.dir.ca.gov/dosh/dosh_publications/Zoonotic-ATD-Hazards.pdf)



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# Resources

## Cal/OSHA Guidance on Avian Flu

- Model injury and illness prevention program to address zoonotic hazards for employers:

[www.dir.ca.gov/dosh/dosh\\_publications/Model-IPP-Zoonotic-Flu.pdf](http://www.dir.ca.gov/dosh/dosh_publications/Model-IPP-Zoonotic-Flu.pdf)



SCAN ME

# Cal/OSHA Consultation Services

- **Free** for employers
- **No fines, penalties, or citations** issued
- Consultation **does not share** with Cal/OSHA Enforcement
- The consultation is confidential
- Employer receives a **written report** summarizing the consultation evaluation
  - The written report is not a citation
- More information: Call **1-800-963-9424** or visit us online at [www.dir.ca.gov/dosh/consultation.html](http://www.dir.ca.gov/dosh/consultation.html)



SCAN ME

# Workers' Compensation

Employers must provide workers' compensation benefits for workers who get bird flu on the job

- Unlikely to get bird flu from another person
- Employees exposed to animals on the job can likely prove that their illness is from work, unless they were exposed to bird flu away from work

Workers' compensation benefits include:

- Medical Care – employer pays all reasonable and necessary treatment
- Temporary Disability Benefits – employer pays portion of lost wages if employee misses 3 or more days of work because of the illness
- Permanent disability benefits – if illness causes permanent impairment

# Workers' Compensation

For more information:

- Division of Worker Compensation: 1-800-736-7401
- FAQs: [https://www.dir.ca.gov/dwc/DWC\\_FAQ.htm](https://www.dir.ca.gov/dwc/DWC_FAQ.htm) (in English and Spanish)



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# Paid Sick Leave

## Employers are required to provide paid sick leave

- Employers must allow an employee to use up to 40 hours or five days, whichever is more, of earned paid sick leave in a 12-month period
- To qualify for paid sick leave, employees must:
  - Work at least 30 days for the same employer in a year
  - Work a total of 90 days for the same employer

More information:

<https://www.dir.ca.gov/dlse/California-Paid-Sick-Leave.html>  
(available in English and Spanish)

