

Bird Flu Information for Employers

Bird flu, also known as avian influenza, is an illness that primarily infects birds and animals but can also infect people.

Workers who have contact with birds, animals, or dairy cows infected with the bird flu are at risk of becoming infected with bird flu.

Symptoms of human infections can include:

- Eye redness or discharge
- Fever (100 °F or higher)
- Fatigue
- Cough
- Muscle or body aches
- Sore throat
- Nausea and vomiting
- Diarrhea
- Stuffy or runny nose
- Headaches
- Shortness of breath or trouble breathing
- Pneumonia

Employers are responsible for ensuring a safe and healthy workplace for their employees. This includes protecting workers from the hazards posed by occupational exposure to bird flu.

The following is an overview of some of the California Code of Regulations, Title 8, sections applicable to bird flu prevention and exposure that employers must comply with.

Required Programs

Employers must develop, implement, and maintain the following effective written program requirements:

- **Section 5199.1:** Ensure that:
 - The workplace Injury and Illness Prevention Program (IIPP) addresses



effective procedures for preventing worker exposure to zoonotic aerosol transmissible diseases (ATDs). These are animal diseases that can infect persons through splashes, or through tiny invisible particles and droplets that float in the air.

- Additional worker exposure control measures are required when the workplace is subject to quarantine measures or other infection control orders even if there are no infected animals.
- Where there are infected animals or their wastes, much more stringent and protective measures for workers are required. For example, this would apply when workers are in contact with bird flu-infected dairy cows, unpasteurized milk from infected cows, infected poultry, or infected wild animals. Raw milk from infected cows has a high level of bird flu virus.
- **Section 3203:** Establish, implement, and maintain an effective, written workplace injury and illness prevention program (IIPP).
- **Section 5144:** Develop and implement an effective respiratory protection program with worksite-specific procedures and elements for required respirator use.

Protective Equipment and Control Measures

- **Sections 3380 through 3387 and 5199.1:** Provide workers with personal protective equipment (PPE) that is suitable for the risks (chemical, biological, physical, or safety hazards) they are exposed to:
 - Head
 - Eye and face
 - Nose and mouth
 - Body
 - Hand
 - Foot
- **Section 5141 and 5199.1:** Control harmful worker exposures to substances capable of producing adverse health effects.
- **Section 5192 and 5199.1:** Ensure adequate training and exposure control measures for workers who handle and dispose of dead animals or their wastes.
- **Sections 5221 through 5223 and 5199.1:** Provide effective training and exposure control measures for workers involved in fumigation.

Sanitation

- **Sections 3360 through 3368 and 5199.1:** Where required, provide workers with suitable:
 - Water supplies for drinking
 - Hand washing
 - Toilets
 - Change rooms
 - Showers
 - Areas for consumption of food and beverages



Reporting and Recording Requirements

- **Section 342:** Report work-connected worker fatalities and serious injuries. Employers have a legal responsibility to immediately report to Cal/OSHA any serious injury or illness or death (including any due to bird flu) of an employee occurring in a place of employment or in connection with any employment. Employers also have responsibilities to control workers' exposure to hazardous materials and zoonotic aerosol transmissible diseases.
- Zoonotic diseases are those that are able to be transmitted between animals and humans.
- Aerosol transmissible diseases are those that are able to be transmitted through splashes or through tiny invisible particles and droplets that float in the air.
- **Section 14300:** Ensure all recordable workplace injuries are documented according to Form 300, 300A, and 301 requirements.

What Should Employers Do to Prevent Bird Flu Infection Among Workers?

Employers must establish, implement, and maintain effective written procedures for preventing worker exposure to zoonotic aerosol transmissible diseases in accordance with Section 5199.1 and 3203. These procedures must include:

- Sanitation.
- Investigation of occupational injuries and illnesses.

- Training that covers the employer's exposure control procedures and is appropriate in content and vocabulary for the education level, literacy, and language of their employees.
- Where applicable - biosecurity and the use of personal protective equipment.

Use additional protections if your worksite is under a quarantine order, movement restrictions, or other infection control order even if there are no infected animals. If there are infected animals, more stringent and protective requirements apply.

Adopt written procedures, controls, and work practices that reduce workers' exposure, which may include:

- Use of PPE
 - Eye protection
 - Respiratory protection (use in compliance with [section 5144](#))
 - Coveralls
 - Aprons
 - Gloves
 - Head coverings
 - Shoe covers
- Safe work practices, such as:
 - Modifying tasks to minimize production of aerosols (splashes and small particles or droplets of respiratory secretions or other body fluids that may contain the bird flu virus).
 - Proper disposal of dead animals.
- Engineering controls, such as:
 - Installation of screens on enclosed animal areas to prevent infected wildlife and rodents from entering.
 - Appropriate ventilation equipment to remove pathogens from employee work areas.
 - Enclosed ventilated cabinets.
 - Isolating healthy animals from infected animals
 - Wetting down dry dirt, straw, wastes, etc., to reduce airborne dust.

- Wetting down areas when cleaning animal areas (e.g., cleaning bird droppings or animal pens) to prevent dried material from getting into the air.
- Sanitation and Biosecurity
 - Frequently washing hands and not touching the eyes, nose, or mouth.
 - Confining animals to certain areas.
 - Using boot washes and shoe coverings when entering and exiting animal areas.
 - Providing change rooms and requiring the use of showers to enter and exit animal areas.
 - Controlling traffic into, out of, and within the facility.
- Employer's Medical Services Program
 - Employers must consult with a physician or other health care professional (PLHCP), and
 - Provide medical evaluations, vaccinations, medications, health checks as recommended by the employer's PLHCP and national, state, and local health authorities.
- Communication and Training
 - Employee training on implementing the zoonotic ATD plan.
 - How to recognize signs of animal disease, such as an increase in the number of animal deaths and changes in their eating patterns or behaviors.
 - The safety equipment that the employer provides to protect employees from zoonotic ATD hazards, including control measures, PPE, and respiratory protective equipment.
 - Work practices that employees can use to protect themselves, such as frequent handwashing, decontamination procedures, and other sanitation procedures.
 - The employer's occupational injury and illness investigation procedures.
 - Employer's biosecurity procedures, if applicable.

(continued on next page)

- Employer's medical services program illness investigations consistent with the employer's Injury and Illness Prevention Program.

For more requirements for protecting workers from bird flu and other zoonotic aerosol transmissible diseases, please see the full regulation, section **5199.1**.

What Should Employers Do If a Worker Reports Bird Flu Symptoms?

- Immediately contact your PLHCP who administers your medical services program and your local public health department's communicable disease controller or public health nurse to request help in getting the worker tested for bird flu. Testing is needed to diagnose bird flu. The local health department (LHD) will work with you, your PLHCP, and/or the employee to arrange for testing at an appropriate location. Testing may only be possible at a public health laboratory (not a commercial lab). The employer's PLHCP must provide appropriate care, treatment, and referrals as needed. The LHD may also be able to provide additional information about accessing appropriate care and treatment. Contact information for the LHD can be found at CDPH **LHD Communicable Disease Contact List**.
- After connecting the LHD to the health care provider, send the worker to a workers' compensation healthcare provider or occupational medicine clinic whose staff is knowledgeable about bird flu. Physicians must submit a **"Doctor's First Report of Occupational Injury or Illness" (Form 5021)** for each employee evaluated for occupational illness.

Report all hospitalized cases and deaths to Cal/OSHA. Complete the **"Employer's Report of Occupational Injury or Illness" (Form 5020)** for each suspected occupational bird flu illness. **Record all cases** on the Cal/OSHA Log 300.

Workers' Compensation

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

- Workers are 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:

- **Medical Care** – employer pays all reasonable and necessary treatment.
- **Temporary Disability Benefits** – employer pays portion of lost wages if employees misses three or more days of work because of the illness.
- **Permanent Disability Benefits** – if illness causes permanent impairment.

Paid Sick Leave

Employers are required to provide employees paid sick leave.

Employers must allow employees to use up to 40 hours or 5 days, whichever is more, of earned paid sick leave in a 12-month period.

To qualify, employees must have:

- Worked at least 30 days for the same employer in a year.

An employee is entitled to use what they have earned on the 90th day of employment, although an employer can lend paid sick leave in advance of accrual.

Retaliation is Illegal

All workers in California are protected by labor laws, including retaliation protections, regardless of immigration status. It is illegal for employers to fire, reduce the pay or work hours, or otherwise punish workers for following California laws or threaten to report a worker to immigration authorities for following California laws.

Some of the many activities that are protected from retaliation under California law include speaking up about unsafe conditions or unpaid wages, refusing to work in unsafe conditions, or reporting an unsafe workplace or labor violation.

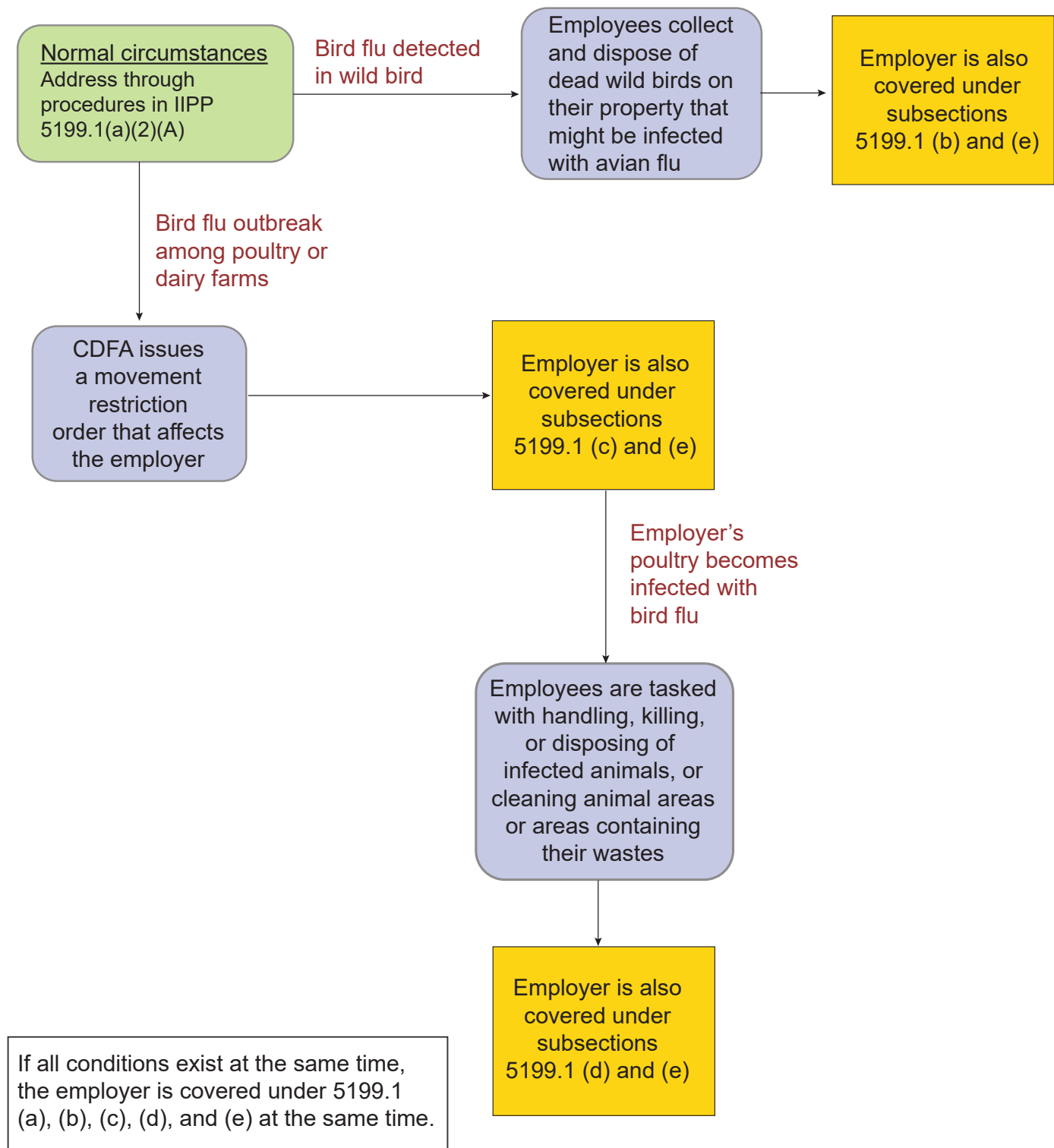
Employers who commit retaliation may be required to reinstate the employee, pay back wages and pay penalties.

Workers who believe they have experienced retaliation can get more information at www.wagetheftisacrime.com, file a retaliation complaint online at www.dir.ca.gov/dlse/dlseRetaliation.html, or call the Labor Commissioner's Office at 1-833-526-4636.

Resources for Employers

- Cal/OSHA
 - [Cal/OSHA Consultation](#)
 - [Cal/OSHA Publications](#)
 - [Protection from Avian Influenza](#)
 - [Exposure to Zoonotic Aerosol Transmissible Disease Hazards](#)
 - [Model Injury and Illness Prevention Program to Address Zoonotic Aerosol Transmissible Disease Hazards](#)
- CDC Influenza (flu)
 - [H5N1 Bird Flu: Current Situation Summary](#)
 - [Information on Bird Flu](#)
 - [Interim Guidance for Employers to Reduce the Risk of Novel Influenza A for People Working with or Exposed to Animals](#)
- California Department of Public Health
 - [CDPH Human Avian Influenza A\(H5N1\) Quicksheet](#)
 - [How to Request Personal Protective Equipment \(PPE\) for Farmworkers to Protect Against Avian Influenza](#)
 - [Current Bird Flu Situation](#)
- California Department of Food and Agriculture
 - [Avian Flu Updates](#)
 - [Commercial Poultry Biosecurity](#)
 - [Highly Pathogenic Avian Influenza \(HPAI\) H5N1 Virus in Livestock](#)
- UC Davis Western Center for Agricultural Health and Safety
 - [Limiting Farmworker Exposure to Bird Flu](#)

Example of How a Single Employer's Requirements Under the Zoonotic Aerosol Transmissible Diseases Standard, California Code of Regulations, Title 8, Section 5199.1, May Change



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This document is available with active links at www.dir.ca.gov/dosh/dosh_publications
For assistance regarding this subject matter, employers may contact
Cal/OSHA Consultation Services at 1-800-963-9424 or InfoCons@dir.ca.gov
www.dir.ca.gov/dosh/consultation.html

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