STATEMENT TO THE CalOSHA ADVISORY COMMITTEE BY THE
LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH
29 JUNE 2010

The Los Angeles County Department of Public Health (DPH) strongly supports the decision of Division of Occupational Safety and Health (Division) to convene an advisory committee to consider the possible amendment of California Code of Regulations, Title 8, Section 5193.

The DPH believes that the Section 5193 should be amended to add a new subsection that would clarify required protections for workers in the adult film industry (AFI) to limit their exposure to bloodborne pathogens, other potentially infectious material (OPIM), fecal pathogens and sexually transmitted diseases(STD), including HIV.

The DPH is increasingly aware of the hazards to workers in the AFI and that STDs among AFI workers is endemic. The AFI, knowing the health risks to workers, has not taken measures to adequately protect its workers from the reproductive and life-threatening occupational health risks they face. The underlying health risk stems from the basic work practices in the industry, in which performers have multiple sex partners over short periods, with whom they engage in frequent, often prolonged, and unprotected sex acts. The risk of infection is further increased by the infrequent use of barrier methods (condoms) to prevent exposure to infectious body fluids, which is of particular concern when internal ejaculation and other high-risk practices, such as double-anal penetration, are performed.

The DPH considers that AFI workers are part of an occupational sexual network with high endemic levels of STDs and that these workers are repeatedly exposed to sexually transmitted pathogens through occupational sexual contacts and with other members their personal sexual networks.

The high endemic rate of STDs in AFI workers is maintained by the frequent and repeated contact of a relatively small number of first generation sexual partners that, when infected, rapidly extends to second and third generations of sexual partners and their social sexual network. Frequent reinfection rates in AFI workers are likely the result of exposure to partners that are asymptomatic and who serve as an infected reservoir via anatomic sites (oral pharyngeal cavity and rectum) that are infected with STDs, are not always screened, and may serve as a source for repeated re-infection.

The DPH has consistently recommended the following measures be taken to protect workers in this industry:

(1) Mandatory condom use for all penetrative sex acts, including oral sex;

(2) Routine screening of performers for HIV infection and other STDs;

(3) Universal vaccination of non-immune performers against hepatitis A and B, (and now HPV vaccination);

(4) Mandatory education and training for all AFI performers on work-related health and safety hazards in this industry; and

(5) Medical monitoring by periodic screening at all appropriate anatomic sites for HIV infection and other STDs.

In addition, the DPH recommends that:

- Any ambiguity around the worker employment status, i.e., employee versus contractor should be resolved and that any person working in the industry should be protected to the same standard;

- Production companies that make or buy adult films, i.e., primary or secondary producers, should maintain and produce upon demand any and all information necessary to enable local health departments to investigate and control occupational exposures to infectious pathogens; and

- Any person, clinic or non-profit organization that provides testing services or refers performers to employment in the adult film industry (talent agents or agencies) should also be required to maintain and produce upon demand any and all information necessary to enable local health departments to investigate and control occupational exposures to infectious pathogens.

This industry has not fully implemented their responsibilities under Section 5193 to develop, maintain and enforce a workplace exposure control plan. This plan should include provisions to: minimize or eliminate exposure using engineering, work practices and protective equipment (through the use of condoms, simulation of sexual contact); provide hepatitis vaccinations; conduct and document exposure incident evaluations; communicate hazard information in the form of training, signs and labels; and maintain medical and training records.

The DPH urges CalOSHA to take immediate measures to reduce the risks to the health of workers and minimize spread of infectious disease to others in the general population.