

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950614; 4014)  
1515 Clay Street, Room 1301  
Oakland, CA 94612

**Inspection Number:** 312358732  
**Inspection Dates:** 01/13/2010-04/15/2010  
**Issuance Date:** 04/19/2010  
**CSHO ID:** J4167  
**Optional Inspection Nbr:** 010-10



Phone (510) 622-2916 Fax (510) 622-2908

**Citation and Notification of Penalty**

**Company Name:** City of Oakland Fire Department  
**Inspection Site:** 66 Fairmount Avenue, #419, Oakland, CA 94611

**Citation 1 Item 1** Type of Violation: **General**

T8 CCR 5199 (d) - Aerosol Transmissible Diseases Exposure Control Plan.

(1) The employer shall establish, implement, and maintain an effective, written ATD Exposure Control Plan (Plan) which is specific to the work place or operation(s), and which contains all of the elements in subsection (d)(2).

(2) The Plan shall contain all of the following elements:

(A) The name(s) or title(s) of the person(s) responsible for administering the Plan. This person shall be knowledgeable in infection control principles and practices as they apply to the facility, service or operation.

(B) A list of all job classifications in which employees have occupational exposure.

(C) A list of all high hazard procedures performed in the facility, service or operation, and the job classifications and operations in which employees are exposed to those procedures.

(D) A list of all assignments or tasks requiring personal or respiratory protection.

(E) The methods of implementation of subsections (e), (g), (h), (i) and (j) as they apply to that facility, service or work operation. Specific control measures shall be listed for each operation or work area in which occupational exposure occurs. These measures shall include applicable engineering and work practice controls, cleaning and decontamination procedures, and personal protective equipment and respiratory protection. In establishments where the Plan pertains to laboratory operations, it also shall contain the methods of implementation for subsection (f), unless those operations are included in a Biosafety Plan.

(F) A description of the source control measures to be implemented in the facility, service or operation, and the method of informing people entering the work setting of the source control measures.

(G) The procedures the employer will use to identify, temporarily isolate, and refer or transfer AirID cases or suspected cases to AII rooms, areas or facilities. These procedures shall include the methods the employer will use to limit employee exposure to these persons during periods when they are not in airborne infection isolation

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rooms or areas. These procedures shall also include the methods the employer will use to document medical decisions not to transfer patients in need of AII in accordance with subsection (e)(5)(B).

(H) The procedures the employer will use to provide medical services, including recommended vaccinations and follow-up, as required in subsection (h). This shall include the procedures the employer will use to document the lack of availability of a recommended vaccine.

(I) The procedures for employees and supervisors to follow in the event of an exposure incident, including how the employer will determine which employees had a significant exposure, in accordance with subsections (h)(6) through (h)(9).

(J) The procedures the employer will use to evaluate each exposure incident, to determine the cause, and to revise existing procedures to prevent future incidents.

(K) The procedures the employer will use to communicate with its employees and other employers regarding the suspected or confirmed infectious disease status of persons to whom employees are exposed in the course of their duties, in accordance with subsection (h).

(L) The procedures the employer will use to communicate with other employers regarding exposure incidents, including procedures for providing or receiving notification to and from health care providers about the disease status of referred or transferred patients, in accordance with subsection (h).

(M) The procedures the employer will use to ensure that there is an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to ATPs, in normal operations and in foreseeable emergencies.

(N) The procedures the employer will use to provide initial and annual training in accordance with subsection (i) to employees in job categories identified in subsection (d)(2)(B).

(O) The procedures the employer will use for recordkeeping, in accordance with subsection (j).

(P) An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed in their respective work areas or departments in accordance with subsection (d)(3).

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(Q) Surge procedures. Employers of employees who are designated to provide services in surge conditions, and employers of employees who are designated to provide services to persons who have been contaminated as the result of a release of a biological agent as described in subsection (a)(1)(B), shall include procedures for these activities in the plan. The plan shall include work practices, decontamination facilities, and appropriate personal protective equipment and respiratory protection for such events. The procedures shall include how respiratory and personal protective equipment will be stockpiled, accessed or procured, and how the facility or operation will interact with the local and regional emergency plan.

At 66 Fairmount Avenue, Oakland, CA: The employer has fire fighters and paramedics who interact with members of the public carrying aerosol transmissible diseases, including those listed in Appendix A of Section 5199. On December 3, 2009, three Oakland Fire Department (OFD) fire fighters and paramedics were exposed to a person with bacterial meningitis. The employer had not established and implemented a written Aerosol Transmissible Diseases Exposure Control Plan containing all required components on the day of the exposure (12/3/09), or on the day this inspection was opened (1/13/10).

Date By Which Violation Must be Abated: 05/22/2010  
Proposed Penalty: \$ 560.00

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**Citation and Notification of Penalty**

**Company Name:** City of Oakland Fire Department  
**Inspection Site:** 66 Fairmount Avenue, #419, Oakland, CA 94611

**Citation 1 Item 2 Type of Violation: **General****

T8 CCR 5199 (i) - Training.

- (1) Employers shall ensure that all employees with occupational exposure participate in a training program.
- (2) Employers shall provide training as follows:
  - (A) At the time of initial assignment to tasks where occupational exposure may take place;
  - (B) At least annually thereafter, not to exceed 12 months from the previous training;
  - (C) For employees who have received training on aerosol transmissible diseases in the year preceding the effective date of the standard, only training with respect to the provisions of the standard that were not included previously need to be provided.
  - (D) When changes, such as introduction of new engineering or work practice controls, modification of tasks or procedures or institution of new tasks or procedures, affect the employee's occupational exposure or control measures. The additional training may be limited to addressing the new exposures or control measures.
- (4) The training program shall contain at a minimum the following elements:
  - (A) An accessible copy of the regulatory text of this standard and an explanation of its contents.
  - (B) A general explanation of ATDs including the signs and symptoms of ATDs that require further medical evaluation.
  - (C) An explanation of the modes of transmission of ATPs or ATPs-L and applicable source control procedures.
  - (D) An explanation of the employer's ATD Exposure Control Plan and/or Biosafety Plan, and the means by which the employee can obtain a copy of the written plan and how they can provide input as to its effectiveness.

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**Company Name:** City of Oakland Fire Department  
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(E) An explanation of the appropriate methods for recognizing tasks and other activities that may expose the employee to ATPs or ATPs-L.

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure to ATPs or ATPs-L including appropriate engineering and work practice controls, decontamination and disinfection procedures, and personal and respiratory protective equipment.

(G) An explanation of the basis for selection of personal protective equipment, its uses and limitations, and the types, proper use, location, removal, handling, cleaning, decontamination and disposal of the items of personal protective equipment employees will use.

(H) A description of the employer's TB surveillance procedures, including the information that persons who are immune-compromised may have a false negative test for LTBI.

Exception: Research and production laboratories do not need to include training on surveillance for LTBI if M. tuberculosis containing materials are not reasonably anticipated to be present in the laboratory.

(I) Training meeting the requirements of Section 5144(k) of these orders for employees whose assignment includes the use of a respirator.

(J) Information on the vaccines made available by the employer, including information on their efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.

(K) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident, the medical follow-up that will be made available, and post-exposure evaluation.

(L) Information on the employer's surge plan as it pertains to the duties that employees will perform. As applicable, this training shall cover the plan for surge receiving and treatment of patients, patient isolation procedures, surge procedures for handling of specimens, including specimens from persons who may have been contaminated as the result of a release of a biological agent, how to access supplies needed for the response including personal protective equipment and respirators, decontamination facilities and procedures, and how to coordinate with emergency response personnel from other agencies.

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**Citation and Notification of Penalty**

**Company Name:** City of Oakland Fire Department  
**Inspection Site:** 66 Fairmount Avenue, #419, Oakland, CA 94611

At 66 Fairmount Avenue, Oakland, CA: The employer has fire fighters and paramedics who interact with members of the public carrying aerosol transmissible diseases, including those list in Appendix A of Section 5199. On December 3, 2009, three Oakland Fire Department (OFD) firefighters and paramedics were exposed to a person with bacterial meningitis.

The employer had not conducted and documented employee training covering all required topics specified in the subsection, either prior to the day of the exposure (12/3/09) or before the day this inspection was opened (1/13/10). Previous employee training had covered some of the 13 specified topics, but no training had been done on, at least, the subjects listed in subsections (A), (D), (H) and (L) above.

**Date By Which Violation Must be Abated:** 05/22/2010  
**Proposed Penalty:** \$ 560.00

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**Citation and Notification of Penalty**

**Company Name:** City of Oakland Fire Department  
**Inspection Site:** 66 Fairmount Avenue, #419, Oakland, CA 94611

**Citation 1 Item 3 Type of Violation: **General****

T8 CCR 5199 (h) - Medical Services.

(6) Exposure Incidents.

(B) In addition to the report required in subsection (h)(6)(A), the employer in the facility, service or operation that originates the report shall determine, to the extent that the information is available in the employer's records, whether the employee(s) of any other employer(s) may have had contact with the case or suspected case while performing activities within the scope of this section. The employer shall notify the other employer(s) within a timeframe that will both provide reasonable assurance that there will be adequate time for the employee to receive effective medical intervention to prevent disease or mitigate the disease course, and will also permit the prompt initiation of an investigation to identify exposed employees. In no case, shall the notification be longer than 72 hours after the report to the local health officer. The notification shall include the date, time, and nature of the potential exposure, and provide any other information that is necessary for the other employer(s) to evaluate the potential exposure of his or her employees. The notifying employer shall not provide the identity of the source patient to the other employers.

Note 1 to subsection (h)(6)(B): These employees may include, but are not limited to, paramedics, emergency medical technicians, emergency responders, home health care personnel, homeless shelter personnel, personnel at referring health care facilities or agencies, and corrections personnel.

Note 2 to subsection (h)(6)(B): Some diseases, such as meningococcal disease, require prompt prophylaxis of exposed individuals to prevent disease. Some diseases, such as varicella, have a limited window in which to administer vaccine to non-immune contacts. Exposure to some diseases may create a need to temporarily remove an employee from certain duties during a potential period of communicability. For other diseases such as tuberculosis there may not be a need for immediate medical intervention, however prompt follow up is important to the success of identifying exposed employees.

At 66 Fairmount Avenue, Oakland, CA: The employer has fire fighters and paramedics who interact with members of the public carrying aerosol transmissible diseases. including those listed in Appendix A of Section 5199. On December 3, 2009, three Oakland Fire Department (OFD) fire fighters and paramedics were exposed to a person with bacterial meningitis.

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**Citation and Notification of Penalty**

**Company Name:** City of Oakland Fire Department  
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On December 9, 2009, the employer was notified by the Alameda County Public Health Department that OFD employees had been exposed to a patient with confirmed bacterial meningitis. The Oakland Fire Department did not then notify the other employers present at the exposure site -- the Oakland Police Department and AMR ambulance service -- whose employees were known to the OFD to have had identical exposure to bacterial meningitis.

Date By Which Violation Must be Abated: 04/23/2010  
Proposed Penalty: \$ 750.00

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### Citation and Notification of Penalty

**Company Name:** City of Oakland Fire Department  
**Inspection Site:** 66 Fairmount Avenue, #419, Oakland, CA 94611

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#### Citation 1 Item 4 Type of Violation: **General**

T8 CCR 5199 (h) - Medical Services.

(7) Information provided to the Physician or Other Licensed Health Care Professional.

(A) Each employer shall ensure that all PLHCPs responsible for making determinations and performing procedures as part of the medical services program are provided a copy of this standard and applicable public health guidelines. For respirator medical evaluations, the employer shall provide information regarding the type of respiratory protection used, a description of the work effort required, any special environmental conditions that exist (e.g., heat, confined space entry), additional requirements for protective clothing and equipment, and the duration and frequency of respirator use.

(B) Each employer shall ensure that the PLHCP who evaluates an employee after an exposure incident is provided the following information:

1. A description of the exposed employee's duties as they relate to the exposure incident;
2. The circumstances under which the exposure incident occurred;
3. Any available diagnostic test results, including drug susceptibility pattern or other information relating to the source of exposure that could assist in the medical management of the employee; and
4. All of the employer's medical records for the employee that are relevant to the management of the employee, including tuberculin skin test results and other relevant tests for ATP infections, vaccination status, and determinations of immunity.

At 66 Fairmount Avenue, Oakland, CA: The employer has fire fighters and paramedics who interact with members of the public carrying aerosol transmissible diseases, including those listed in Appendix A of Section 5199. On December 3, 2009, three Oakland Fire Department (OFD) fire fighters and paramedics were exposed to a person with bacterial meningitis.

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**Citation and Notification of Penalty**

**Company Name:** City of Oakland Fire Department  
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On December 9, 2009, the employer was notified by the Alameda County Public Health Department that the employees had been exposed to confirmed bacterial meningitis. The employer sent the exposed employees to the City Physician (Concentra) for evaluation and medical treatment on 12/9/2009. The employer did not provide the evaluating and treating physician at Concentra with the information and documents specified by the subsection.

Date By Which Violation Must be Abated: 04/23/2010  
Proposed Penalty: \$ 420.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation and Notification of Penalty**

**Company Name:** City of Oakland Fire Department  
**Inspection Site:** 66 Fairmount Avenue, #419, Oakland, CA 94611

**Citation 1 Item 5 Type of Violation: **General****

T8 CCR 5199 (h) - Medical Services.

(9) Written opinion from the physician or other licensed health care professional.

(A) Each employer shall obtain, and provide the employee with a copy of, the written opinion of the PLHCP within 15 working days of the completion of all medical evaluations required by this section.

(B) For respirator use, the physician's opinion shall have the content required by Section 5144(e)(6) of these orders.

(C) For TB conversions and all RATD and ATP-L exposure incidents, the written opinion shall be limited to the following information:

1. The employee's TB test status or applicable RATD test status for the exposure of concern;
2. The employee's infectivity status;
3. A statement that the employee has been informed of the results of the medical evaluation and has been offered any applicable vaccinations, prophylaxis, or treatment;
4. A statement that the employee has been told about any medical conditions resulting from exposure to TB, other RATD, or ATP-L that require further evaluation or treatment and that the employee has been informed of treatment options; and
5. Any recommendations for precautionary removal from the employee's regular assignment.

(D) All other findings or diagnoses shall remain confidential and shall not be included in the written report.

At 66 Fairmount Avenue, Oakland, CA: The employer has fire fighters and paramedics who interact with members of the public carrying aerosol transmissible diseases, including those listed in Appendix A of Section

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**Citation and Notification of Penalty**

**Company Name:** City of Oakland Fire Department  
**Inspection Site:** 66 Fairmount Avenue, #419, Oakland, CA 94611

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5199. On December 3, 2009, three Oakland Fire Department (OFD) fire fighters and paramedics were exposed to a person with bacterial meningitis.

The employer sent the exposed employees to the City Physician (Concentra) for evaluation and medical treatment on December 9, 2009. The employer did not obtain and provide to the exposed employees a copy of the treating physician's written opinion, as required by the subsection.

**Date By Which Violation Must be Abated:** 05/10/2010  
**Proposed Penalty:** \$ 420.00

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Enforcement Officer/Nicholas Gleiter, District Manager

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State of California  
Division of Occupational Safety and Health  
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Telephone: (510) 622-2916

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** City of Oakland Fire Department  
**Inspection Site:** 66 Fairmount Avenue, #419, Oakland, CA 94611  
**Mailing Address:** 150 Frank Ogawa Plaza, Second floor, Oakland, CA 94612

**Issuance Date:** 04/19/2010

**Reporting ID:** 0950614  
**Index Code:** 4014

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### Summary of Penalties for Inspection Number 312358732

<b>Citation 1, General</b>	= \$	<b>2710.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>2710.00</b>

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Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

**If you are paying by credit card (MasterCard and Visa):** Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

**If you are paying by check:** Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

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