

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 107, Section 5144
of the General Industry Safety Orders

*Fit-Testing for M. Tuberculosis***MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

**Summary and Response to Oral and Written Comments received at the December 16, 2004,
Public Hearing:****Comment No. 1:**

Ms. Marian McDonald, representing the California Association for Infection Control Practitioners (APIC) and the California members of the Association of Occupational Health Professionals in Healthcare. (Written comment read into record.)

The groups Ms. McDonald represents support the proposed change to section 5144. The permanent acceptance of the medical evaluations conducted prior to October 18, 2004, for the use of filtering facepiece respirators as protection against exposures to M. tuberculosis will avoid the unnecessary repetition of medical evaluations for approximately 119, 000 healthcare workers statewide. The evaluations conducted before October 18, 2004, were adequate for this specific purpose. Reevaluating these employees would negatively impact institutional resources and individual staff time.

Response:

The Board thanks Ms. McDonald for expressing support of the proposed amendment and concurs that the existing initial medical evaluations were adequate for the specific use of respiratory protective equipment described in this amendment.

Comment No. 2:

Mr. Roger Richter, California Healthcare Association (CHA).

The CHA supports the proposed amendment to section 5144 as a responsible approach that does not apply to high-risk employees. He noted that the amendment sunsets on January 18, 2005, and expressed appreciation for the staff efforts that were made to develop the proposal.

Response:

The Board thanks Mr. Richter for expressing support of the proposed amendment and concurs that the approach is sound within the limits of its context. The Board also thanks Mr. Richter for his expression of appreciation to the staff involved. The Board notes that the date for expiration of the emergency rule was February 5, 2005, which provided for the acceptance of medical evaluations conducted prior to October 18, 2004. (The January 18 date refers to the implementation of annual fit-test requirements for non-high risk employees that was part of the emergency rulemaking adopted on September 23, 2004, and which will expire on February 5, 2005).

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.