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AB-203 Occupational safety and health: Valley Fever. (2019-2020)

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Assembly Bill No. 203

CHAPTER 712

An act to add Section 6709 to the Labor Code, relating to occupational safety and health.

[Approved by Governor October 10, 2019. Filed with Secretary of State October 10, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 203, Salas. Occupational safety and health: Valley Fever.

The California Occupational Safety and Health Act of 1973 provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over all employment and places of employment necessary to enforce and administer all occupational health and safety laws and standards and to protect employees. The act establishes various safety provisions applicable to certain construction activities. A violation of the act under specific circumstances is a crime.

This bill would require construction employers engaging in specified work activities or vehicle operation in counties where Valley Fever is highly endemic, as defined, to provide effective awareness training on Valley Fever to all employees annually and before an employee begins work that is reasonably anticipated to cause substantial dust disturbance. The bill would require the training to cover specific topics and would authorize the training to be included in the employer's injury and illness prevention program training or as a standalone training program. The bill would provide that the training is not required during the first year that the county is listed as highly endemic, but would be required in subsequent years. By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6709 is added to the Labor Code, to read:

6709. (a) The Legislature finds and declares that Valley Fever is caused by a microscopic fungus known as *Coccidioides immitis*, which lives in the top 2 to 12 inches of soil in many parts of the state. When soil is disturbed by activities such as digging, grading, driving, or is disturbed by environmental conditions such as or high winds, fungal spores can become airborne and can potentially be inhaled.

(b) This section applies to a construction employer with employees working at worksites in counties where Valley Fever is highly endemic, including, but not limited to, the Counties of Fresno, Kern, Kings, Madera, Merced, Monterey, San Joaquin, San Luis Obispo, Santa Barbara, Tulare, and Ventura, where work activities disturb the soil, including, but not limited to, digging, grading, or other earth moving operations, or vehicle operation on dirt roads, or high winds. Highly endemic means that the annual incidence rate of Valley Fever is greater than 20 cases per 100,000 persons per year.

(c) An employer subject to this section pursuant to subdivision (b) shall provide effective awareness training on Valley Fever to all employees by May 1, 2020, and annually by that date thereafter, and before an employee begins work that is reasonably anticipated to cause exposure to substantial dust disturbance. Substantial dust disturbance means visible airborne dust for a total duration of one hour or more on any day. The training may be included in the employer's injury and illness prevention program training or as a standalone training program. The training shall include all of the following topics:

(1) What Valley Fever is and how it is contracted.

(2) High risk areas and types of work and environmental conditions during which the risk of contracting Valley Fever is highest.

(3) Personal risk factors that may create a higher risk for some individuals, including pregnancy, diabetes, having a compromised immune system due to causes including, but not limited to, human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS), having received an organ transplant, or taking immunosuppressant drugs such as corticosteroids or tumor necrosis factor inhibitors.

(4) Personal and environmental exposure prevention methods that may include, but are not limited to, water-based dust suppression, good hygiene when skin and clothing is soiled by dust, limiting contamination of drinks and food, working upwind from dusty areas when feasible, wet cleaning dusty equipment when feasible, and wearing a respirator when exposure to dust cannot be avoided.

(5) The importance of early detection, diagnosis, and treatment to help prevent the disease from progressing. Early diagnosis and treatment are important because the effectiveness of medication is greatest in early stages of the disease.

(6) Recognizing common signs and symptoms of Valley Fever, which include fatigue, cough, fever, shortness of breath, headache, muscle aches or joint pain, rash on upper body or legs, and symptoms similar to influenza that linger longer than usual.

(7) The importance of reporting symptoms to the employer and seeking medical attention from a physician and surgeon for appropriate diagnosis and treatment.

(8) Common treatment and prognosis for Valley Fever.

(d) Training materials may include existing material on Valley Fever developed by a federal, state, or local agency, including, but not limited to, the federal Centers for Disease Control and Prevention, the State Department of Public Health, or a local health department.

(e) In the event that a county which has not been previously identified as being highly endemic is determined to be highly endemic per the annual report published by the State Department of Public Health, this section shall not apply in the initial year of that county's listing in the report. However, this section shall begin to apply to employers in that county in the year subsequent to the department's publication that initially identified the county as being highly endemic.

(f) This section shall apply to an employer whenever employment exists in connection with the construction, alteration, painting, repairing, construction maintenance, renovation, removal, or wrecking of any fixed structure or its parts.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.