

Screeching Wheels Get Oiled...

Adult Film Industry Remains Under Attack by AIDS Activists

An advisory committee has been authorized by Cal/OSH Standards Board to study a potential standard regulating the adult film industry. After years of debate and a vote killing the issue, the regulation of the adult film industry is again being regurgitated at the insistence of AIDS activists and with the assistance of an internal Cal/OSHA LGBT group.

Public comments made at the August meeting prompted the board to caution attendees to refrain from making denigrating comments.

"This is a continuing waste of taxpayer dollars. It takes time and staff attention away from other far more positive and important actions Cal/OSHA could be doing," says one industry expert who asked not to be identified.

The Free Speech Coalition, (FSC), which represents producers and performers, says it is open to being regulated by Cal/OSHA, but will not accept a requirement that barrier protection – condoms – be part of a standard. FSC's bitter rivals, the AIDS Healthcare Foundation, insists that condoms are necessary to prevent the spread of HIV and other sexually transmitted diseases.

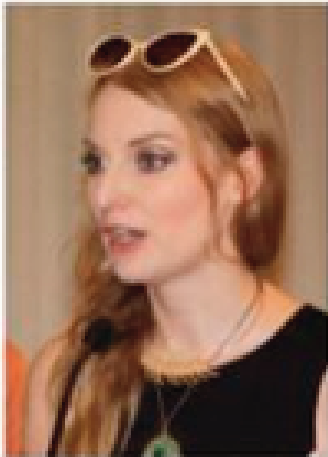
FSC favors testing and "pre-exposure prophylaxis" with the drug Truvada. Condoms should be optional, the coalition argues. The Standards Board disagrees. Board Chair Dave Thomas told the dozens of industry activists at the meeting that the requirement for barrier protection as part of the state's bloodborne pathogens standard is firmly established by the Appeals Board.

"You have to get over it," he said. "It's already the law."

FSC also sought to have AHF removed as a participant in the advisory committee process, but the board rejected that too. The committee will not parse the petitions, but look at the issues "in their entirety," Executive Officer Marley Hart said.

Performer after performer urged the board to let them make their own decisions about which form of protection they should use. But board management representative Barbara Smisko noted that there is an important safety principle at stake. "Employees are not allowed to take risks with their health just because they are comfortable with doing that," she said. For instance, an employee cannot refuse to wear a hard hat or a respirator.

An individual does not have to wear a hard hat or fall protection while working on one's own roof, use a respirator while wood-working on their own project, or wear a condom in private life.



Ella Darling of the Adult Performers Advocacy Committee asks the Standards Board to exclude the AIDS Healthcare Foundation.

The incidence of AIDS transmission during filming has been minimal according to FSC. Many precautions are currently required by producers and used by actors including active testing.

So it's back to the drawing board for this divisive issue, which started with an AHF petition in 2009. The board convened six advisory committee meetings between 2010 and 2011. The adult film industry insists that it was not treated fairly through the process.

Industry representatives and aids activists packed the meetings, and both were vocal. There's no doubt that both will be equally vocal in the new talks.

Publishers Note: Cal/OSHA Reporter agrees with much of its constituency and regrets having to cover this issue. However, providing coverage of Cal/OSHA is our job, and to the extent this is happening we keep everyone advised. Informing you about how the government spends its time and your tax dollars is part of our job.

Silica Rules

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on the proposal until the court challenges to OSHA's federal standard are resolved."

Construction: Protect Current Rules

A sizable group of California construction organizations opposes the "Horcher" adoption of the federal rule. Horcher is the streamlined process for approving Fed-OSHA regulations verbatim. The coalition has concerns about several provisions of the standard that could undercut existing California requirements, CSO §1530.1.

"In many ways, California is much more stringent than Fed-OSHA."
Vince Hundley, AGC-San Diego

The existing regulation "has worked for eight years," says Bruce Wick, risk manager for the California Professional Association of Specialty Contractors, which is a coalition leader.

One of the main bones of contention for this group is that the federal rules mandate wet-cutting of silica-containing materials in some instances. "In most of these instances, there are vacuum saws that allow dry-cutting of material," he says. "Both wet cutting and dry/vacuum cutting should be allowed, as they are in the current California standard. In construction, we'd much rather cut dry."



Vince Hundley: California shouldn't "mimic" federal rules.