

110TH CONGRESS
1ST SESSION

S. 2526

To protect health care workers and first responders, including police, firefighters, emergency medical personnel, and other workers at risk of workplace exposure to infectious agents and drug resistant infections, such as MRSA and pandemic influenza.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2007

Mr. MENENDEZ (for himself, Mr. DURBIN, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To protect health care workers and first responders, including police, firefighters, emergency medical personnel, and other workers at risk of workplace exposure to infectious agents and drug resistant infections, such as MRSA and pandemic influenza.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Worker Infection Pro-
5 tection Act”.

1 **SEC. 2. PROTECTING WORKERS FROM INFECTIONS.**

2 (a) IN GENERAL.—The Secretary of Labor and the
3 Secretary of Health and Human Services shall jointly de-
4 velop and issue workplace standards, recommendations,
5 and plans to protect health care workers and first respond-
6 ers, including police, firefighters, emergency medical per-
7 sonnel, and other workers at risk of workplace exposure
8 to infectious agents and drug resistant infections, such as
9 Methicillin-resistant *Staphylococcus aureus* (referred to in
10 this Act as “MRSA”) and pandemic influenza.

11 (b) WORKPLACE SAFETY AND HEALTH STAND-
12 ARDS.—

13 (1) TEMPORARY STANDARD.—Not later than 6
14 months after the date of the enactment of this Act,
15 the Secretary of Labor, in consultation with the Di-
16 rector of the National Institute for Occupational
17 Safety and Health, pursuant to section 6(c) of the
18 Occupational Safety and Health Act of 1970 (29
19 U.S.C. 655(c)), shall develop and issue an emer-
20 gency temporary standard for the protection of
21 health care workers and first responders and other
22 workers at risk of exposure, to prevent occupational
23 exposure to infectious agents and toxins, such as
24 MRSA and pandemic influenza.

25 (2) PERMANENT STANDARD.—Not later than 6
26 months after the issuance of the emergency tem-

1 porary standard under paragraph (1), the Secretary
2 of Labor shall issue a final permanent standard for
3 occupational exposure to infectious agents and tox-
4 ins, including MRSA and pandemic influenza, under
5 section 6(b) of the Occupational Safety and Health
6 Act of 1970 (29 U.S.C. 655(B)).

7 (3) REQUIREMENTS.—The emergency tem-
8 porary standard and final permanent standard
9 under paragraphs (1) and (2) shall, at a minimum,
10 provide for the following:

11 (A) The development and implementation
12 of an exposure control plan to protect workers
13 from airborne and contact hazards in accord-
14 ance with the Guideline for Protecting Workers
15 Against Avian Flu issued by the Occupational
16 Safety and Health Administration (March
17 2004), the Centers for Disease Control and
18 Prevention Interim Recommendations for Infec-
19 tion Control in Health Care Facilities Caring
20 for Patients with Known or Suspected Avian
21 Influenza (issued May 21, 2004), and the
22 World Health Organization (WHO) Global In-
23 fluenza Preparedness Plan (issued April 2005).

24 (B) Personal protective equipment, in ac-
25 cordance with the requirements of sections

1 1910.134 and 1910.132 of title 29, Code of
2 Federal Regulations.

3 (C) Training and information in accord-
4 ance with the Occupational Safety and Health
5 Administration Bloodborne Pathogens standard
6 under section 1910.1030(g) of title 29, Code of
7 Federal Regulations.

8 (D) Appropriate medical surveillance for
9 workers exposed to infections agents, including
10 MRSA or pandemic influenza.

11 (E) Immunization against the pandemic
12 influenza virus, if such a vaccine has been ap-
13 proved by the Food and Drug Administration
14 and is available.

15 (4) EFFECTIVE DATE.—The temporary emer-
16 gency standard issued under paragraph (1) shall
17 take effect not later than 90 days after the promul-
18 gation of such standard, except that the effective
19 date for any requirements for engineering controls
20 shall go into effect not later than 90 days after the
21 promulgation of the permanent standard under
22 paragraph (2). The provisions of the emergency tem-
23 porary standard under paragraph (1) shall remain in
24 effect until the permanent standard takes effect
25 under paragraph (2).

1 (c) PANDEMIC INFLUENZA PREPAREDNESS PLAN
2 REVISIONS.—

3 (1) MINIMAL REQUIREMENTS.—Not later than
4 30 days after the date of the enactment of this Act,
5 the Secretary of Health and Human Services shall
6 revise the provisions of the pandemic influenza plan
7 of the Department of Health and Human Services to
8 conform with the minimal worker protection require-
9 ments described in subsection (b)(3).

10 (2) FINAL STANDARDS.—Not later than 30
11 days after the promulgation of a permanent stand-
12 ard under subsection (b)(2), the Secretary of Health
13 and Human Services shall modify the pandemic in-
14 fluenza plan of the Department of Health and
15 Human Services to conform with the provisions of
16 the occupational safety and health standard issued
17 by the Secretary of Labor under such subsection.

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