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PLAINTIFF'S EXHIBIT

SH-684

TITLE 25. HEALTH SERVICES Part I. Texas Department of Health Chapter 99. Occupational Diseases Reporting - ASBESTOSIS 25 TAC SECTION 99.1*

The Texas Department of Health adopts new §99.1, with changes to the proposed text published in the July 26, 1985, issue of the *Texas Register* (10 Texas Register 2399).

The new section implements the requirements of House Bill 2091, Article 19, §3, 69th Legislature, 1985, which authorizes the Texas Board of Health to adopt sections covering the reporting of occupational diseases.

The new section covers definitions, reporting requirements, confidentiality of reports, general control measures for reportable occupational diseases, and the list of reportable occupational diseases. In addition to the occupational diseases listed in House Bill 2091, 69th Legislature, 1985, this new section also contains the occupational disease of acute occupational pesticide poisoning.

The new section is adopted under Texas Civil Statutes, Article 5182c, §3, which authorizes the Texas Board of Health to adopt rules covering the reporting of occupational diseases.

99.1 General Provisions.

(a) **Purpose.** This section implements the Texas Occupational Disease Reporting Act, House Bill 2091, 69th Legislature, 1985, which authorizes the Texas Board of Health to adopt rules concerning the reporting and control of occupational diseases.

(b) **Definitions.** The following words and terms, when used in these sections, shall have the following meanings unless the context clearly indicates otherwise.

(1) **Case**—A person in whom an occupational disease is diagnosed by a physician based upon clinical evaluation, interpretation of laboratory and/or roentgenographic findings, and an appropriate occupational history.

(2) **Commissioner**—The commissioner of health.

(3) **Department**—The Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(4) **Local health authority**—The chief administrative officer of a public health district or a local health department, or the physician who is to administer state and local laws relating to public health.

(5) **Occupational diseases**—Those diseases and abnormal health conditions that are caused by or are related to conditions in the workplace.

(6) **Reportable occupational disease**—Any occupational disease or condition for which an official report is required. See subsection (d) of this section.

(7) **Report of an occupational disease**—The notification to the appropriate authority of the occurrence of a specific occupational disease in a human, including all information required by the procedures established by the Board of Health.

*Adapted from: Texas Register, September 27, 1985, 10 Tex Reg 3766-7.

(c) Reporting requirements.

(2) It is the duty of every person who is in charge of a clinical or hospital laboratory, blood bank, mobile unit, or other facility in which a laboratory examination of any specimen derived from a human body yields microscopical, cultural, serological, chemical, or other evidence suggestive of a reportable disease to report promptly that information to the local health authority.

(4) The local health authority shall collect the reports and transmit the information at weekly intervals to the Bureau of Epidemiology, Texas Department of Health. Transmission may be made by mail, courier, or electronic transfer.

(B) If by electronic transmission, including facsimile transmission by telephone, it shall be in a manner and form authorized by the commissioner or his or her designee in each instance. Any electronic transmission of the reports must provide at least the same degree of protection against unauthorized disclosure as those of mail or courier transmission. The commissioner or his or her designee shall, before authorizing such transmission, establish guidelines for establishing and conducting such transmission.

(d) List of reportable occupational diseases. Occupational diseases reportable by name, address, age, sex, race/ethnicity, method of diagnosis, and relevant occupation(s) and employer(s) of the case, and identity of the reporter are: asbestosis, silicosis, blood lead levels at or above 40 micrograms lead/100 milliliters of blood in persons 15 years of age or older, and acute occupational pesticide poisoning.

(1) investigation shall be made for the purpose of verifying the diagnosis, ascertaining the source of the causative agent, obtaining an occupational and employment history and discovering unreported cases;

(2) collection of specimens of the body tissues, fluids, or discharges and of materials directly or indirectly associated with the case, as may be necessary in confirmation of the diagnosis, and their submission to a laboratory for examination;

(3) obtaining samples of air or materials from the current or former business or place of employment of a case, as may be necessary to ascertain if a public health hazard exists. If a hazard is found, the commissioner or his/her designee shall make appropriate recommendations concerning the hazard.

(f) Confidential nature of case reporting.

(1) All case reports received by the local health authority or the Texas Department of Health are confidential records and not public records. These records will be held in a secure location and accessed only by authorized personnel.

(2) The department may use information obtained from reports or health records for statistical and epidemiological studies which may be public information as long as an individual is not identifiable.

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