

Chapter ILHR 35

INFECTIOUS AGENTS

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ILHR 35.001 Purpose. The purpose of this chapter is to identify, by administrative rules, those infectious agents relevant to the Employees' Right to Know Law, ss. 101.58 to 101.599, Stats.

History: Cr. Register, September, 1983, No. 333, eff. 10-1-83.

ILHR 35.01 Definitions. In this chapter:

(1) "Department" means the department of industry, labor and human relations.

(2) "Infectious agents" has the meaning set forth in s. 101.58 (2) (f), Stats.

Note: The statutory definition for infectious agents reads:

"Infectious agent" means a bacterial, mycoplasmal, fungal, parasitic or viral agent identified by the department by rule as causing illness in humans or human fetuses or both, which is introduced by an employer to be used, studied or produced in the workplace. "Infectious agent" does not include such an agent in or on the body of a person who is present in the workplace for diagnosis or treatment.

History: Cr. Register, September, 1983, No. 333, eff. 10-1-83.

ILHR 35.02 Infectious agents. Pursuant to ss. 101.58 (2) (f) and 101.598 (1), Stats., the bacterial, mycoplasmal, fungal, parasitic and viral agents and arboviruses specified in Tables 35.02-1, 35.02-2, 35.02-3, 35.02-4, 35.02-5, respectively, are designated as infectious agents.

TABLE 35.02-1

BACTERIAL AND MYCOPLASMA AGENTS

Bacillus anthracis	Mycobacterium asiaticum
Brucella abortus ^a	Mycobacterium avium complex
Brucella canis	Mycobacterium bovis ^a
Brucella melitensis ^a	Mycobacterium chelonae
Brucella suis ^a	Mycobacterium fortuitum
Campylobacter fetus	Mycobacterium kansasii
subspecies jejuni	Mycobacterium leprae ^a
Chlamydia psittaci ^a	Mycobacterium malmoense
Chlamydia trachomatis	Mycobacterium marinum
Clostridium botulinum	Mycobacterium scrofulaceum
Clostridium tetani	Mycobacterium simiae
Corynebacterium diphtheriae	Mycobacterium szulgai
Francisella tularensis	Mycobacterium tuberculosis ^a
Legionella pneumophila	Mycobacterium ulcerans
Legionella-like organisms	Mycobacterium xenopi
Leptospira interrogans — all serovars ^a	Neisseria gonorrhoeae
Mycobacterium africanum	Neisseria meningitidis

Salmonella enteritidis (all serotypes)	Treponema pallidum
Salmonella typhi	Vibrio cholerae
Shigella spp. ^a	Vibrio parahaemolyticus
	Yersinia pestis

^aAgents of high virulence or contagion requiring special handling procedures.

TABLE 35.02-2

FUNGAL AGENTS

Blastomyces dermatitidis ^a	Histoplasma capsulatum ^a
Coccidioides immitis ^a	Microsporium spp
Cryptococcus neoformans	Sporothrix schenkii
Epidermophyton spp	Trichophyton spp

^aAgents of high virulence or contagion requiring special handling procedures.

TABLE 35.02-3

PARASITIC AGENTS

Ancylostoma spp — hookworm	Leishmania spp
Ascaris spp	Necator spp — hookworm
Coccidia spp	Naegleria fowleri
Cysticercus cellulosae	Plasmodium spp
Echinococcus granulosus	Sarcocystis spp
Entamoeba spp	Schistosoma spp
Enterobius spp	Strongyloides spp
Fasciola spp	Taenia solium
Giardia spp	Toxoplasma spp ^b
Hymenolepis nana	Trypanosoma spp

^bSpecial risk for pregnant females.

TABLE 35.02-4

VIRAL AND RICKETTSIAL AGENTS

Hepatitis Viruses; A, B, NonA-NonB ^a	Herpesvirus simiae ^a
Herpesvirus group	Varicella virus
Herpesvirus hominis	Human immunodeficiency viruses ^c
Cytomegalovirus ^b	Influenza viruses
Epstein-Barr virus	Poliovirus

Poxviruses	Creutzfeld-Jacob agent
Cowpox virus	Kuru agent
Molluscum contagiosum virus	Rickettsial Agents
Monkeypox virus	Coxiella burnetii
Orf virus	Rickettsia akari
Paravaccinia virus	Rickettsia canada
Tanapox virus	Rickettsia conori
Vaccinia virus	Rickettsia montana
Variola major virus ^a	Rickettsia mooseri
Variola minor virus ^a	Rickettsia prowazekii ^a
Whitepox virus	Rickettsia rickettsii ^a
Yabopox virus	Rickettsia sennetsu
Rabies Virus ^a	Rickettsia tsutsugamushi
Rubella virus ^b	Rochalimae quintana
Spongiform Encephalopathy Viruses	Rochalimae vinsonii
	Vesicular Stomatitis Virus

^aAgents of high virulence or contagion requiring special handling procedures.

^bSpecial risk for pregnant females.

^cIncludes the virus HTLV-III, the virus which causes AIDS, Acquired Immuno-Deficiency Syndrome.

TABLE 35.02-5

ARBOVIRUSES

Absettarov	Arumowot
Abu Hammad	Aura
Acado	Avalon
Acara	Bagaza
African Horsesickness	Bahig
African Swine Fever	Bakau
Aguacate	Baku
Aino	Bandia
Akabane	Bangoran
Alenquer	Bangui
Alfuy	Banui
Almpiwar	Banzi
Amapari	Barmah Forest
Ananindeua	Batai
Anhanga	Batama
Anhemi	Batken
Anopheles A.	Bauline
Anopheles B	Bebaru
Apeu	Belem
Apoi	Belmont
Araguari	Benevides
Aride	Benfica
Arkonam	Bertioga
Aruac	Bhanja
	Bimbo

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Bimiti	Edge Hill
Birao	Entebbe Bat
Bluetongue-Indigenous	Ep. Hem. Dis.
Bluetongue-Exotic	Eubenangee
Bobaya	Everglades
Bobia	Eyach
Bocas	Flanders
Boraceia	Fort Morgan
Botambi	Frijoles
Boteke	Gamboa
Bouboui	Gan Gan
Bovine Ephemeral Fever	Garba
Bujaru	Germiston
Bunyamwera	Getah
Burg el Arab	Gomoka
Bushbush	Gordil
Bussuquara	Gossas
Buttonwillow	Grand Arbaud
Bwamba	Gray Lodge
Cabassou	Great Island
Cacao	Guajara
Cache Valley	Guama
Caimito	Guaratuba
California Encephalitis ^c	Guaroa
Calovo	Gumbo Limbo
Candiru	Hanzalova
Cape Wrath	Hart Park
Capim	Hazara
Caraparu	Huacho
Catu	Hughes
Chaco	Hypr
Chagres	Ibaraki
Chandipura	Icoaraci
Changuinola	Ieri
Charleville	Ilesha
Chenuda	Ilheus
Chikungunya	Ingwavuma
Chilibre	Inhangapi
Chim	Inini
Chobar Gorge	Inkoo
Clo Mor	Ippy
Cocal	Irituia
Colorado Tick Fever ^c	Israhan
Congo-Crimean Hemorrhagic Fever	Israel Turkey Meningitis
Corriparta	Issyk-Kul
Cotia	Itaituba
D'Aguilar	Itaporanga
Dakar Bat	Itaqui
Dengue-2	Jamestown Canyon ^c
Dengue-3	Japanese Encephalitis
Dengue-4	Japunaut
Dera Ghazi Khan	Jerry Slough
Dhori	Johnston Atoll
Dugbe	Joinjakaka
Ebola	Juan Diaz
	Jugra

Junin	Malakal
Jurona	Manawa
Jutiapa	Manzanilla
Kadam	Mapputta
Kaeng Khoi	Maprik
Kaikalur	Marburg
Kairi	Marco
Kaisodi	Marituba
Kamese	Matariya
Kammavanpettai	Matruh
Kannamangalam	Matucare
Kao Shuan	Mayaro
Karimabad	Melao
Karshi	Mermet
Kasba	Middleburg
Kemerovo	Minatitlan
Kern Canyon	Minnal
Ketapang	Mirim
Keterah	Mitchell River
Keuraliba	Modoc
Keystone	Moju
Khasan	Mono Lake
Klamath	Montana Myotis Leukemia
Kokobera	Moriche
Kolongo	Mosqueiro
Koongol	Mossuril
Korean Hemorrhagic Fever	Mount Elgon Bat
Koutango	M'Poko
Kowanyama	Mucambo
Kumlinge	Murray Valley Encephalitis
Kunjin	Murutucu
Kununurra	Nariva
Kwatta	Navarro
Kyasanur Forest Disease	Ndumu
Kyzylgach	Negishi
La Crosse	Nepuyo
Lagos Bat	New Minto
La Joya	Ngaingan
Landjia	Nique
Langat	Nkolbisson
Lanjan	Nodamura
Lassa	Nola
Latino	Northway
Lebombo	Ntaya
Le Dantec	Nugget
Lipovnik	Nyamanini
Llano Seco	Nyando
Lokern	Okhotskiy
Lone Star	Okola
Louping Ill	Olifantsvlei
Lukuni	Omsk Hemorrhagic Fever
Machupo	O'Nyong Nyong
Madrid	Oriboca
Maguari	Oropouche
Mahogany Hammock	Orungo
Main Drain	Ossa

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Ouango	Serra Do Navio
Oubangui	Shamonda
Pacora	Shark River
Pacui	Shuni
Pahayokee	Silverwater
Palyam	Simbu
Paramushir	Simian Hem. Fev.
Parana	Sindbis
Paroo River	Sixgun City
Pata	Slovakia
Pathum Thani	Snowshoe Hare
Patois	Sokoluk
Phnon-Penh Bat	Soldado
Pichinde	Sororoca
Picola	Spondweni
Piry	St. Louis Encephalitis
Pixuna	Stratford
Pongola	Sunday Canyon Tacaiuma
Ponteves	Tacaribe
Powassan	Taggart
Pretoria	Tahyna
Puchong	Tamdy
Punta Salinas	Tamiami
Punta Toro	Tanga
Qalyub	Tanjong Rabok
Quaranfil	Tataguine
Razdan	Telok Forest
Restan	Tembe
Rift Valley Fever	Tembusu
Rio Bravo	Tensaw
Rio Grande	Termeil
Rochambeau	Tete
Rocio	Tettnang
Ross River	Thimiri
Royal Farm	Thogoto
Russian Spring-Summer Encephalitis	Thottapalayam
Sabo Saboya	Tilligerry
Sagiyama	Timbo
Sakhalin	Timboteua
Sakpa	Tlacotalpan
Salanga	Tonate
Salehabad	Toure
Sandfly F. (Naples)	Tribec
Sandfly F. (Sicilian)	Trinita
Sandjimba	Trivittatus ^c
Sango	Trubanaman
Santa Rosa	Tsuruse
Sathuperi	Turlock
Saumarez Reef	Tyuleny
Sawgrass	Uganda S
Sebokele	Umatilla
Seletar	Umbre
Sembalam	Una
Semliki Forest	Upolu
Sepik	Urucuri
	Usutu

Utinga	Wongal
Uukuniemi	Wongorr
VEE (TC83)	Wyeomyia
Vellore	Yacaaba
Venezuelan Equine Encephalitis	Yaquina Head
Venkatapuram	Yata
VS-Alagoas	Yellow Fever
Wad-Medani	Yellow Fever (17D)
Wallal	Yogue
Wanowrie	Zaliv Terpeniya
Warrego	Zegla
Wesselsbron	Zika
Western Equine Encephalitis	Zinga
West Nile	Zingilamo
Whataroa	Zirqa
Witwatersrand	

^cAgents with a higher probability of possible contact within the state.

Note: All communicable diseases as designated by ch. HSS 145 are to be reported in accordance with the rules of ch. HSS 145.

History: Cr. Register, September, 1983, No. 333, eff. 10-1-83; am. table 35.02-4, Register, November, 1986, No. 371, eff. 12-1-86.

APPENDIX

Exerpts From the Employes' Right to Know Law
ss. 101.58 to 101.599, Stats.

101.58 (2) DEFINITIONS. (c) "Employee" means any person whose services are currently or were formerly engaged by an employer or an agricultural employer, or any applicant at the time an employer or agricultural employer offers to engage his or her services.

(d) "Employee representative" means an individual or organization to whom an employe gives written authorization to exercise his or her rights to request information under s. 101.583, 101.585, or 101.586, a parent of a minor employe or a recognized or certified collective bargaining agent.

(e) "Employer" means any person, except an agricultural employer, with control or custody of any employment or workplace who engages the services of any employe. "Employer" includes the state and its political subdivisions. If any employe is present at the workplace of an employer under an agreement between that employer and another employer or agricultural employer, "employer" means the employer with control or custody of a toxic substance or infectious agent. An employer who engages some employes to perform agricultural labor and other employes for other purposes is only considered an employer with respect to the employes engaged for other purposes.

(f) "Infectious agent" means a bacterial, mycoplasmal, fungal, parasitic or viral agent identified by the department by rule as causing illness in humans or human fetuses or both, which is introduced by an employer to be used, studied or produced in the workplace. "Infectious agent" does not include such an agent in or on the body of a person who is present in the workplace for diagnosis or treatment.

(h) "Overexposure" means any chronic or acute exposure to a toxic substance or infectious agent which results in illness or injury.

(k) "Workplace" means any location where an employe performs a work-related duty in the course of his or her employment, except a personal residence.

101.581 Notice requirements. (1) EMPLOYER. An employer who uses, studies or produces a toxic substance, infectious agent or pesticide shall post in every workplace at the location where notices to employes are usually posted a sign which informs employes that the employer is required, upon request, to provide an employe or employe representative with all of the following:

(a) The identity of any toxic substance or infectious agent which an employe works with or is likely to be exposed to.

(b) A description of any hazardous effect of the toxic substance or infectious agent.

(c) Information regarding precautions to be taken when handling the toxic substance or infectious agent.

(d) Information regarding procedures for emergency treatment in the event of overexposure to the toxic substance or infectious agent.

(e) Access to the information contained on the label of any pesticide with which the employe works or to which the employe is likely to be exposed.

101.585 Infectious agent information requirements; employer to employe.

(1) Except as provided in s. 101.589 (1) and (3), within 72 hours after a written request by an employe or employe representative, exclusive of weekends and legal holidays, an employer shall provide in writing to the employe or employe representative the following information regarding any infectious agent which the employe works with or is likely to be exposed to if the infectious agent is present in the workplace when the request is made or at any time during the 30 days immediately preceding the request.

(a) The name and any commonly used synonym of the infectious agent.

(b) Any method or route of transmission of the infectious agent.

(c) Any symptom or effect of infection, emergency and first aid procedures and a telephone number to be called in an emergency.

(d) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the infectious agent.

(e) Procedures for handling, cleanup and disposal of infectious agents leaked or spilled.

(2) An employer is not required to provide information regarding an infectious agent under sub. (1) if the employe or employe representative making the request has requested information about the infectious agent under sub. (1) within the preceding 12 months, unless the employe's job assignment has changed or there is new information available concerning any of the subjects about which information is required to be provided.

History: 1981 c. 364.

101.589 Extended time periods; exceptions. (1) If an employer has not obtained the information required to be provided under made under ss. 101.583 (2) (a) and 101.585 (1), at the time of a request made under s. 101.583 (2) (a) or 101.585 (1), the employer shall provide the information within 30 days after the request, exclusive of weekends and legal holidays.

(2) If a toxic substance was present in the workplace at any time on or after December 1, 1982, but is not present in the workplace when a request is made under s. 101.583 (2) (a), the employer shall provide the information within 30 days after the request, exclusive of weekends and legal holidays.

(3) An employer who has requested from the manufacturer or supplier of a toxic substance or from the supplier of an infectious agent any information required to be provided under s. 101.583 (2) (a) or 101.585 (1), but who has not received and does not already have that information, is not required to provide the information but shall notify

any requesting employe or employe representative that the employer has requested, has not received and does not otherwise have the information.

History: 1981 c. 364; 1981 c. 391 s. 210.

101.59 Manufacturer, supplier; requirements. Within 15 days, exclusive of weekends and legal holidays, after receipt of a request from an employer, any manufacturer or supplier of a toxic substance transported or sold for use in this state, or any supplier of an infectious agent transported or sold for use in this state, shall provide to that employer the information the employer is required to provide employes under s. 101.583 (2) (a) or 101.585 (1).

History: 1981 c. 364.

101.592 Confidential information. (1) A manufacturer or supplier of a toxic substance, a supplier of an infectious agent or an employer may declare that information required to be provided under s. 101.583, 101.585, 101.59 or 101.597, except information described in ss. 101.583 (2) (a) 7 to 11, 101.585 (1) (b) to (e) and 101.597 (5) (a) 2 to 7 and (b) 2 and 3, relates to a process or production technique which is unique to, or is information the disclosure of which would adversely affect the competitive position of, the manufacturer, supplier or employer. If an employer, employe or employe representative requests information under s. 101.583, 101.585 or 101.59 that is confidential, the manufacturer, supplier or employer shall inform the requester that part of the requested information is confidential, but shall provide any part of the requested information that is not confidential or that, under this subsection, may not be declared confidential. When a manufacturer, supplier or employer declares information confidential, it shall notify the department and shall state the general use of the toxic substance or infectious agent and the items of information which it did and did not provide to the requester.

(2) Notwithstanding sub. (1), a manufacturer, supplier or employer shall provide the information specified in s. 101.583 (2) (a) 1 and 2 or 101.585 (1) (a) upon a request from an employe's authorized physician stating that the information is necessary for medical treatment of the employe. No physician receiving information under this subsection may disclose it to any person without the written consent of the patient and of the manufacturer, supplier or employer.

History: 1981 c. 364; 1983 a. 392 s. 20.

101.595 Employe rights. (1) NOT TO WORK WITH TOXIC SUBSTANCE, INFECTION AGENT OR PESTICIDE. Except as provided in ss. 101.589 (3) and 101.592, if an employe has requested information about a toxic substance, infectious agent or pesticide under s. 101.583, 101.585 or 101.586 and has not received the information required to be provided under s. 101.583, 101.585, 101.586 or 101.589 (1) or (2), the employe may refuse to work with or be exposed to the toxic substance, infectious agent or pesticide until such time as the employer or agricultural employer supplies the information under s. 101.583, 101.585 or 101.586 to the employe who has made the request.

(2) RETALIATION PROHIBITED. No employer or agricultural employer may discharge or otherwise discipline or discriminate against any employe because the employe has exercised any rights under ss. 101.58 to

101.599 or has testified or is about to testify in any proceeding related to those sections.

(3) **WAIVER PROHIBITED.** No person may request or require any employe to waive any rights under ss. 101.58 to 101.599.

History: 1981 c. 364; 1983 a. 392.

101.597 Education and training programs. (1) **BY EMPLOYER; TOXIC SUBSTANCE, INFECTIOUS AGENT OR PESTICIDE.** Except as provided in sub. (5) (b), prior to an employe's initial assignment to a workplace where the employe may be routinely exposed to any toxic substance, infectious agent or pesticide, an employer shall provide the employe with an education or training program under sub. (5) (a) or (c). The employer shall provide additional instruction whenever the employe may be routinely exposed to any additional toxic substance or infectious agent.

(2) **BY AGRICULTURAL EMPLOYER; PESTICIDE.** Prior to an agricultural employe's initial assignment to a workplace where the employe may be routinely exposed to a pesticide, an agricultural employer shall provide the employe with an education or training program under sub. (5) (c). The agricultural employer shall provide additional instruction whenever the employe may be routinely exposed to any additional pesticide.

(3) **BY DEPARTMENT.** The department shall inform manufacturers, suppliers, employers, agricultural employers and employes of their duties and rights under ss. 101.58 to 101.599. As part of this program, the department shall cooperate with the departments of development and revenue to notify any employer commencing operations on or after May 8, 1982, of that employer's duties and rights.

(4) **DEFINITION.** In this section, "routinely exposed to any toxic substance" means exposure of at least 30 days per year at exposure levels exceeding 50% of the permissible exposure level established by the federal occupational safety and health administration, or any exposure exceeding 100% of the permissible exposure level, regardless of the exposure period.

(5) **PROGRAM CONTENTS.** (a) *Toxic substances and infectious agents.* For each toxic substance or infectious agent to which the employe may be routinely exposed, the education or training program shall include:

1. a. For a toxic substance, the trade name, generic or chemical name and any commonly used synonym for the toxic substance and the trade name, generic or chemical name and any commonly used synonym for its major components.

b. For an infectious agent, its name and any commonly used synonym.

2. The location of the toxic substance or infectious agent.

3. Any symptom of acute or chronic effect of overexposure to the toxic substance or infectious agent.

4. For a toxic substance, the potential for flammability, explosion and reactivity.

5. Proper conditions for safe use of and exposure to the toxic substance or infectious agent.

6. Special precautions to be taken and personal protective equipment to be worn or used, if any, when handling or coming into contact with the toxic substance or infectious agent.

7. Procedures for handling, cleanup and disposal of toxic substances or infectious agents leaked or spilled.

(b) *Toxic substances and infectious agents; exception.* In an area where employes usually work with a large number of toxic substances or infectious agents which are received in packages of one kilogram or less and no more than 10 kilograms of which are used or purchased per year, the employer may provide a general education or training program in lieu of the education or training program described in par. (a). The general training program shall be provided prior to an employe's initial assignment to the area and shall include:

1. The information specified in par. (a) 1 and 2.
2. The nature of the hazards posed by the toxic substances or infectious agents or both.
3. General precautions to be taken when handling or coming into contact with the toxic substances or infectious agents.

(c) *Pesticides.* For each pesticide to which the employe may be routinely exposed the education or training program shall include:

1. The trade name, generic or chemical name and any commonly used synonym for the pesticide and the trade name, generic or chemical name and any commonly used synonym for its major ingredients.
2. The location of the pesticide and the location where it used.
3. Any symptom of acute or chronic effect of overexposure to the pesticide.
4. Proper conditions for safe use of and exposure to the pesticide.
5. Special precautions to be taken and personal protective equipment to be worn or used, if any, when handling or coming into contact with the pesticide.
6. Procedures for handling, cleanup and disposal of leaks or spills of the pesticide.

History: 1981 c. 364, 391; 1983 a. 392.

101.599 Remedies; civil forfeitures. (1) **COMPLAINT.** An employe or employe representative who has not been afforded his or her rights by an employer or agricultural employer in violation of s. 101.583, 101-585, 101.586, 101.595 or 101.597 (1) or (2) may, within 30 days after the violation occurs or the employe or employe representative first obtains knowledge of the violation, whichever is later, file a complaint with the department alleging the violation. The department shall investigate the complaint and shall attempt to resolve the complaint by conference, conciliation or persuasion. If the complaint is not resolved and the department finds probable cause to believe a violation has occurred, the department shall proceed with notice and a hearing on the complaint as provided in ch. 227. The hearing shall be held within 60 days after receipt by the department of the complaint.

(2) **REMEDIES.** The department shall issue its decision and order within 30 days after the hearing. If the department finds that an employer or agricultural employer has violated s. 101.583, 101.585, 101.586, 101.595 or 101.597 (1) or (2), it may order the employer or agricultural employer to take such action as will remedy the effects of the violation, including instituting an education or training program, providing the requested information, reinstating an employe or providing back pay to an employe.

(3) **CIVIL FORFEITURE.** (a) Except as provided in par. (b), any person who violates ss. 101.58 to 101.599 or an order of the department issued under ss. 101.58 to 101.599 shall forfeit not more than \$1,000 for each violation.

(b) Any person who wilfully violates or exhibits a pattern of violation of ss. 101.58 to 101.599 or an order of the department issued under ss. 101.58 to 101.599 shall forfeit not more than \$10,000 for each violation.

History: 1981 c. 364; 1981 c. 391 ss. 101.102; 1983 a-392.