Promotion of Adult Film Industry Performer Safety by the UCLA Reproductive Health Interest Group
Adam Carl Cohen, MPH, Mark Roy McGrath, MPH, Rebecca Butler, AB, Paula Tavrow, PhD

Presentation Outline

**Background:** Since 1989, adult film production has been legal in California. However, the vast majority of films are produced in ways that are hazardous to employees and lead to workplace-acquired infections and injuries. Injury prevention plans are mandated under current California state law. However, many adult film producers have chosen to produce adult film content in violation of this law because enforcement is spotty and fines are limited. The UCLA Reproductive Health Interest Group (RHIG) has been working since 2006 to address the issue of occupational hazards in the adult film industry.

**RHIG has promoted performer safety mainly through:**

**Strategy Symposia**
- Started a new wave of dialogue pertaining to best practices in the adult film industry, which ultimately inspired prominent nonprofit organizations to prioritize adult performer health and safety as a central component of their advocacy agenda.
- Brought the issues of workplace-acquired infections and injuries to the attention of government policy-makers and regulators.

**Health and Safety Discussion Panels at UCLA**
- Created a platform to allow the airing of diverse and divergent perspectives, including those of performers, directors, producers, lawyers, and health officials.
- Informed and framed the issue to a stakeholder population comprised of public health practitioners, government regulators, adult film producers and performers, and UCLA faculty and students.
- Gained insight into the normalization of hazardous workplace practices by producers and performers.

**Occupational Health Board Meeting Presentations**
- **State level:** Provided comments to the Cal/OSHA Standards Board throughout the advisory council process on adult film practices, as well as on the consequences of potential modifications of the Bloodborne Pathogens standard to make it more applicable to the adult film industry.
- **City level:** Challenged the Los Angeles City Attorney’s report on the film-permitting process for adult films, and provided a listed of easy mechanisms to better promote healthful workplaces.

As a result, RHIG has helped to convince Cal/OSHA to draft a proposed set of detailed rules pertaining to the Bloodborne Pathogens standard for this sex worker population, a first in California history.

**Next Steps:**
- Support activities of nonprofits, including the newly-formed Adult Performers Association, in developing and implementing strategies to improve health and safety of performers.
- Lobby the California governor’s office regarding three Standards Board seats that need to be filled, and keep the matter central to the Board until they vote.
- Educate future public health students and train new leadership on the issue.
- Solicit support and assistance from traditional labor advocacy groups, which have been resistant.
- Convince more organizations to sign on as supporters as we advocate for adult film industry worker health and safety.

**Five Lessons Learned:**
- It is important to learn the jargon of the population of interest and to be able to “translate” terms from one group to another. For example, “fecal-oral transmission” is a standard public health term, but “ass-to-mouth” is how the concept is expressed in the adult industry.
- Outspoken and visible individuals do not necessarily represent the majority of stakeholders; the silent majority may be reluctant to speak out and must be actively sought.
- Industry performers may have different priorities than public health officials who wish to protect them. A performer may be mostly concerned with issues of privacy, wages, and ability to work, while public health officials may focus on STI prevention. All parties must be aware of each others’ priorities to negotiate an acceptable compromise.
- Traditional labor advocacy groups have a myopic view of what constitutes a valid worker class and have been slow to respond to the needs of this de facto workforce.
- A graduate student group can be an influential actor in occupational health issues, particularly if it can gain the trust and cooperation of different groups and improve communication and understanding among them.
**Adult Film Industry Health and Safety Discussion Panels at UCLA**

**Condoms in the Adult Film Industry**

**Condom Use in the Adult Film Industry**

- **Panelists:**
  - Derrick Burts, former performer, "patient zeta"
  - Brian Chase, assistant general counsel, AIDS Healthcare Foundation
  - Kevin Riley, director, research programs, UCLA Losh
  - Shelley Lubben, former performer, executive director, Pink Cross Foundation
  - April Garris, former performer, executive assistant, Pink Cross Foundation
  - Moderated by Pete Greatshock, coordinator, Socal Cash

**Details:**
- Thursday, November 18, 11:30am-1pm
- UCLA School of Law, Room 1457
- Panel Speakers:
  - Peter Kennett, MD, Director, STD Program
  - LA County Department of Public Health
  - Marcie, Adult Film Performer
  - Mornase.com
  - Whitney Engram-Chorova, Director, Public Health Division
  - AIDS Healthcare Foundation
  - Shelley Lubben, Executive Director
  - Pink Cross Foundation
- Moderated by Pete Greatshock, Coordinator, Southern California Coalition for Occupational Safety and Health

**Join us for a panel discussion followed by Q&A**

★ LUNCH WILL BE PROVIDED ★

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**Condom Use in the Adult Film Industry**

- **Part III: Gay Porn**
  - Derrick Burts
  - Former performer

- Trent Pace (aka Trent Austin)
  - Former performer

- Adam Russo
  - Performer, model, director, and producer

- Rob Romoni
  - Performer, model, and producer

- Jan Milstead (aka Chris Steele)
  - Performer, writer, director, and producer

- Brian Chase
  - Assistant General Counsel, AIDS Healthcare Foundation

**Panelists:**
- Ela Darling, Danny Wylde, Nica Noelle, January Seraph, & Brittany St. Jordan

**Health & Safety in the Adult Film Industry**

- **Part IV: The Performer Perspective**

**Details:**
- Thursday, April 14, 2011, 12-2pm
- UCLA School of Public Health, (16-059 CHS)
- Lunch will be served -- Latecomers Welcome!
Acronyms:

ACLU  American Civil Liberties Union
AFI    Adult Film Industry
AHF    AIDS Healthcare Foundation (aidshealth.org)
AIM    Adult Industry Medical
AMA    American Medical Association (ama-assn.org)
APHA   American Public Health Association (apha.org)
ASHA   American Social Health Association (ashastd.org)
Cal/OSHA California Occupational Safety and Health Administration, which protects the public and workers from safety hazards and enforces the California's occupational and public safety laws (dir.ca.gov)
CCLAD  California Conference of Local AIDS Directors (cclad.org)
CMA    California Medical Association (cmanet.org)
CSTDCA California STD Controllers Association (stdhivtraining.org)
FSC    Free Speech Coalition, an adult film industry lobbying association (freespeechcoalition.com)
HIV    Human Immunodeficiency Virus
IIPP   Injury and Illness Prevention Plan
LA     Los Angeles
LACDPH Los Angeles County Department of Public Health (publichealth.lacounty.gov)
LA Times Los Angeles Times, a daily newspaper published in Los Angeles, California (latimes.com)
NCSD   National Coalition of STD Directors (ncsddc.org)
NIOSH  National Institute for Occupational Safety and Health, a research agency focusing on occupational health and safety (cdc.gov/niosh)
OSHA   Occupational Safety and Health Administration, a research agency designed to prevent work-related injuries, illnesses, and occupational fatality by issuing and enforcing standards for workplace safety and health (osha.gov)
RHIG   Reproductive Health Interest Group, a UCLA graduate student organization (bixby.ucla.edu)
STI/STD Sexually transmitted infection/disease
UCLA   University of California, Los Angeles (ucla.edu)
USC    University of Southern California (usc.edu)
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<tr>
<th>Year</th>
<th>Month</th>
<th>Event</th>
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<tbody>
<tr>
<td>1971</td>
<td>Dec</td>
<td>OSHA and NIOSH established by Congress of the United States under the Occupational Safety and Health Act, signed by President Richard Nixon.</td>
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<tr>
<td>1973</td>
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<td>Cal/OSHA established.</td>
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<td>1987</td>
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<td>Harold Freeman, a producer and director of pornographic films, was arrested and criminally prosecuted for hiring adult actors, which the prosecution interpreted as pimping. The case became known as <em>California v. Freeman</em>.</td>
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<td>1989</td>
<td>Feb</td>
<td>The prosecution's interpretation in <em>California v. Freeman</em> was ultimately rejected on appeal by the California Supreme Court. As a result of this precedent, the making of pornography was effectively legalized in California.</td>
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<td>1989</td>
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<td>AIM founded by former AFI performer Sharon Mitchell with the purpose of reducing disease transmission through HIV testing of adult film performers every 30 days, and relaying their results to producers.</td>
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<td>1995</td>
<td></td>
<td>Documented transmission of occupationally-acquired HIV infection within the AFI.</td>
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<td></td>
<td>Documented transmission of occupationally-acquired HIV infection within the AFI.</td>
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<tr>
<td>1998</td>
<td>Jan</td>
<td>Six cases of documented transmission of occupationally-acquired HIV infection within the AFI.</td>
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<td>AIM founded by former AFI performer Sharon Mitchell with the purpose of reducing disease transmission through HIV testing of adult film performers every 30 days, and relaying their results to producers.</td>
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<td>1999</td>
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<td>LACDPH STD Program starts a pilot collaboration with AIM to offer routine screening for syphilis, chlamydia and gonorrhea for AFI performers.</td>
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<td>2003</td>
<td>Jan</td>
<td>LA Times staff writer PJ Huffstutter reports on the increasing incidence of HIV and other STIs among AFI performers.</td>
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<td>2003</td>
<td>Feb</td>
<td>LA County Board of Supervisors requests Cal/OSHA to:</td>
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<td>- Review the applicability of the Bloodborne Pathogens standard (California Code of Regulations, Title 8, Section 5193)</td>
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<td>- Review the need for a new standard to protect AFI performers from occupational exposure to STIs and other health risks</td>
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<td>- Require a written IIPP for worker health and safety</td>
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<td>LACDPH STD Program begins work on a model IIPP regulation and Exposure Control Plan for the AFI.</td>
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<td>2004</td>
<td>Apr</td>
<td>AIM diagnoses 16 cases of HIV infection within the AFI since 1998.</td>
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<td>2004</td>
<td>Apr</td>
<td>Four cases of documented transmission of occupationally-acquired HIV infection are discovered within the AFI in California. AFI in California closes temporarily as a result. LACDPH STD Program and Cal/OSHA initiate investigation into the outbreak.</td>
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<td>2004</td>
<td>May</td>
<td>Vivid Entertainment Group implements a condom-only policy based on the April HIV outbreak.</td>
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<td>2004</td>
<td>May</td>
<td>Assemblyman Tim Leslie (R-Tahoe City) introduces AB 2798, which would require testing within two weeks before production, a shorter time frame than the current industry practice of monthly screenings.</td>
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<td>2004</td>
<td>Jun</td>
<td>Chair of the Assembly Labor and Employment Committee, Paul Koretz (D-West Hollywood), conducts an informational hearing on worker health and safety in the AFI in response to the HIV outbreak. Assemblyman Koretz sends a letter to the AFI urging them to voluntarily require performers to use condoms for all non-oral sexual intercourse and require twice monthly testing for HIV and monthly testing for gonorrhea, chlamydia, and syphilis or face legislation mandating condom use.</td>
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<td>2004</td>
<td>Jun</td>
<td>Cal/OSHA creates website for AFI performers and employees to promote industry compliance. It states that</td>
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Cal/OSHA standards are applicable to AFI, specifically the Bloodborne Pathogens and IIPP standards.

Cal/OSHA issues four citations each to two production companies at $30,560 per company for failure to:
- Comply with Bloodborne Pathogens standard
- Report serious work-related illness
- Record injuries and illnesses
- Prepare and follow written IIPP

Sep
Director of LACDPH sends a letter to 760 AFI production company custodians of record recommending:
- Use of condoms for all sex acts
- Routine periodic HIV/STI screening
- Hepatitis A and B vaccination
- Provide worker training

2005
1,349 STI infections reported among 1,116 individuals testing at AIM since 2003.  

2006
Feb
Vivid Entertainment Group changes policy from condom-only to condom-optional for its workers.

Dec
Cal/OSHA assesses final fine of $18,560 for one violation to Evasive Angles for:
- Serious accident-related violation of the Bloodborne Pathogens standard
- Failure to record occupational injuries and illnesses
- Failure to develop, implement and maintain written IIPP

Mar
Publication: de Cesare M. (2006). Resolving the problem of performer health and safety in the adult film industry. Southern California Law Review, 79: 667-710. This article discusses the legal reasons why AFI performers should be considered employees and not independent contractors.

Apr
Publication: Brooks JT et al. (2006). Molecular analysis of HIV strains from a cluster of worker infections in the adult film industry, Los Angeles 2004. AIDS, 20(6): 923-928. This article helps to prove that HIV infection was transmitted in the creation of adult films in LA.

Oct
UCLA Bixby Program and RHIG convene day-long “think tank” at the UCLA campus on health and safety issues, as well as legislative options, for the AFI. Meeting included 55 individuals representing AFI producers and performers, public health agencies, lawyers, academics, and city, county, and federal officials.

2007
Jan
Publication: Taylor MM et al. (2007). Epidemiologic investigation of a cluster of workplace HIV infections in the adult film industry: Los Angeles, California, 2004. Clinical Infectious Diseases, 44(2): 301-305. This article demonstrates that current testing methods may shorten the HIV infection diagnosis window period but fail to prevent transmission of occupationally-acquired HIV.

Jun
Publication: Grudzen CR et al. (2007). The Adult Film Industry: Time to Regulate? Public Library of Science, 4(6): 993-996. This article proposes policy changes in order to improve health and safety in the AFI.

Cal/OSHA issues citations to five adult production companies for failure to:
- Implement an IIPP
- Implement exposure control plan
- Provide employee training
- Provide personal protective equipment (condoms) on the set

2008
2,175 chlamydia and 1,294 gonorrhea infections are reported among AFI performers since 2004. Seventy-three percent are among female performers. Incidences of STIs are significantly higher compared to other at-risk groups, and one in four workers diagnosed with chlamydia or gonorrhea are re-infected within one year.

LA County and AHF drafted a bill with the help of RHIG to decrease the risk of occupationally-acquired HIV and STI infection among AFI workers through:
- Consistent use of condoms and lubricant among performers during filming of penetrative acts
- Requiring production companies to provide and pay for HIV/STI testing for all performers
- Provide written health and safety programs to performers at every AFI worksite
The Joint Public Policy Committee of the LA County Commission on HIV Health Services sponsors public hearing on condom use in the adult film industry with presentations from the LACDPH and Cal/OSHA.

RHIG, LACDPH and CAL/OSHA host a panel presentation at APHA annual conference in San Diego entitled, “Business as Usual”: Unaddressed Worker Health and Safety Issues in the Adult Film Industry. About 100 people attend.  

### 2009

**Oct** The House of Delegates of the CMA adopts Resolution 727-09 calling for mandatory condom use in the AFI throughout the United States.

**Apr** Publication: Grudzen CR et al. (2009). Condom use and high-risk sexual acts in adult films: A comparison of heterosexual and homosexual films. American Public Health Association, 99(S1): S152-S156. This article concludes that heterosexual films portrayed condom use less often than homosexual films, which raises concerns about STI and HIV transmission among performers in the heterosexual AFI.

**Jun** Documented transmission of occupationally-acquired HIV infection of a female performer within the AFI, tested at AIM.

AHF files lawsuit against LACDPH to compel the LA County to mandate that all AFI performers use condoms in the making of hardcore pornography.

ACLU files lawsuit against AIM and Cal/OSHA on behalf of the female performer, “Patient Zero”, who tested positive for HIV to prevent AIM from disclosing medical records and information to Cal/OSHA.

**Dec** RHIG hosts a one-day “strategy symposium” at the UCLA campus on improving statewide health and safety of AFI performers at the School of Public Affairs. Seventy students, public health professionals, industry personnel, and sex worker advocates attend.

**Dec** Cal/OSHA issues seven citations to AIM Healthcare for failure to maintain an IIPP, failure to insure proper health worker vaccinations, and others.

### 2010

**Mar** ASHA publishes “Statement on Worker Health and Safety in the Adult Film Industry”.

**Apr** AMA publishes resolution “Adult Film Industry Worker Safety and Health”, supporting mandatory condom use legislation.

**Aug** Cal/OSHA convenes a subcommittee to discuss control issues in the adult film industry. The subcommittee includes representatives from LACDPH, AHF, RHIG and others. AHF petitions the Cal/OSHA Standards Board to revise the California Code of Regulations, Section 5193 “Bloodborne Pathogens” specifically for the AFI.

**Sep** RHIG organizes panel discussion addressing various aspects of occupational risks within sex worker populations, held at the UCLA School of Law.

**Oct** NCSD publishes “Policy Statement on Worker Health and Safety in the Adult Film Industry”. This statement calls to reduce STI infection in the AFI through federal and state mandates, as well as OSHA enforcement.

**Oct** LA Times publishes editorial calling for “Safe Sex on the Set” in which the paper argues for mandatory condom use.  

**Oct** Documented transmission of occupationally-acquired HIV infection within the AFI.

**Nov** APHA passes resolution on “Prevention and Control of Sexually Transmitted Infections and HIV among Performers in the Adult Film Industry”.

**Nov** CSTDCA publishes position statement, “Worker Health and Safety in the Adult Film Industry”. This statement calls for state and federal regulation of the AFI.
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<td>Dec</td>
<td>LACDPH issues AIM a cease and desist order for operating without a clinical license.</td>
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<td>AHF petitions Cal/OSHA to amend regulations, explicitly requiring condoms in porn.</td>
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| 2011  | **Jan**  
|       | RHIG organizes panel discussion addressing various aspects of occupational risks within sex worker populations, held at UCLA School of Public Health.                                                            |
|       | **Feb**  
|       | CCLAD publishes “Position Statement: Worker Health and Safety in the Adult Film Industry”. This position statement supports regulations that decrease the transmission of STIs and HIV. |
|       | **Feb**  
|       | The LA City Council votes unanimously to request that the LA City Attorney report back within 60 days on the mechanisms necessary to enforce occupational health and safety through the city’s film permitting process (known as Film LA). |
|       | **Mar**  
|       | The LA City Attorney reports back to the LA City Council that they are preempted from acting because Cal/OSHA has jurisdiction.                                                                            |
|       | **Apr**  
|       | RHIG organizes panel discussion addressing various aspects of occupational risks within gay sex worker populations, held at UCLA School of Public Health.                                                  |
|       | **Apr**  
|       | AIM database breached and protected health information of thousands of performers gets posted online.                                                                                                       |
|       | **Apr**  
|       | The LA City Council unanimously passes a resolution requesting Cal/OSHA and the LACDPH to work together to improve occupational health and safety in the AFI.                                                  |
|       | **May**  
|       | AIM declares bankruptcy and closes.                                                                                                                                                                        |
|       | **May**  
|       | Report of the Chief Legislative Analysis writes a report regarding how to get Cal/OSHA and LACDPH to work together and improve occupational health and safety of AFI performers.                              |
|       | **Jun**  
|       | Cal/OSHA advisory panel presents proposed rules and changes to the Bloodborne Pathogens standard tailored for the AFI. FSC reaction is very negative.                                                          |
|       | **Jun**  
|       | Court rules that the compelled release of HIV test records of adult film performers to state investigators would violate state and federal privacy guarantees (Patient Zero case).                                    |
|       | **Jul**  
|       | Publication: Goldstein BY et al. (2011). High chlamydia and gonorrhea incidence and re-infection among performers in the adult film industry. Sexually Transmitted Diseases, 38(7): 644-648. This article demonstrates that chlamydia and gonorrhea infections are common and recurrent among AFI performers. |
|       | **Jul**  
|       | Publication: Klausner JD et al. (2011). Occupational health and the adult film industry: Time for a happy ending. Sexually Transmitted Diseases, 38(7): 649-650. This article calls for occupational health standards in the AFI. |
|       | **Jul**  
|       | Cal/OSHA responds to the LA City Attorney report, stating that the city can and in fact should institute mechanisms necessary to enforce occupational health and safety through the city’s film permitting process. |
|       | **Aug**  
|       | HIV scare shuts down industry, but turns out to be a false positive.                                                                                                                                      |
Works Cited:

7. http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5437a3.htm