Joint Letter From Mark Leno and Scott Wiener

The California Occupational Safety and Health Standards Board (OSHSB) is holding a public meeting on May 21 to consider regulations mandating condoms in adult films. This joint letter opposes such regulations.

The mission of OSHSB is to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers.

May 20, 2015

Scott Wiener

Mark Leno

California Occupational Safety & Health Standards Board
David Thomas, Chair
William Jackson
Laura Stock
David Harrison
Patricia Quinlan
Barbara Smisko
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

Re: Proposed Regulations of Adult Film Industry

Dear Chair Thomas and Board Members:

We write to you as members of the California State Senate and the San Francisco Board of Supervisors to urge you to reject the proposed regulations of the adult film industry, unless amended. These regulations are not based on sound public health principles, will not reduce HIV infections, and will do nothing more than drive the adult film industry out of California or underground.

We represent the Castro and a number of other neighborhoods that have been ground zero for the

HIV/AIDS epidemic. These areas include a large population of HIV-positive residents, as well as many residents at risk of infection. As long-term residents of the area, we have both been deeply involved with the health-related issues facing our community and have lost friends and loved ones to the virus. HIV prevention is both a personal and professional passion for each of us.

In our roles, a key focus of our work is ensuring that we make smart, science-based approaches to HIV prevention. San Francisco has long been at the cutting edge of HIV prevention, and our efforts have resulted in a dramatic reduction in new infections. San Francisco's approach to HIV prevention is about meeting people where they are, as opposed to demanding that people order their sexual lives the way we might want them to. Our approach recognizes the reality of people's sexual practices and tailors prevention to how people are actually living their lives.

The proposed regulations are not science-based, and we join a broad coalition of public health advocates in asking you to reject them, unless amended. The proposal assumes that barriers such as condoms are the only real approach to HIV prevention. While condoms continue to be an important prevention tool and one we embrace in San Francisco, they are not the only such tool, and it is inconsistent with modern prevention approaches to suggest they are.

Robust testing and pre-exposure prophylaxis (PrEP) are also key tools. Unfortunately, the proposed regulations do not recognize that reality, by mandating use of condoms and other barriers.

The regulations will not increase condom usage in adult films and will not reduce HIV infections. Rather, they will cause the adult film industry — and the thousands of California jobs it produces — to leave the state or go underground. Indeed, since Los Angeles County's passage of a ballot measure mandating condoms in adult films, combined with failed legislation in Sacramento and this rule-making process, we've already seen the start of an exodus of the industry to other states.

As long as there is demand for adult films without condoms and other barriers — and that demand exists and is significant — films without condoms and other barriers will be produced. For more than 30 years, our dominant approach to HIV prevention was to urge people to use condoms. While condoms played a crucial role in reducing HIV infections, even after 30 years, 85 percent of gay men did not consistently use condoms, and new HIV infections persisted. That is why we have broadened our HIV prevention approach to include not just condoms but also testing, PrEP and quickly connecting newly infected individuals to antiretroviral therapy in order to suppress their viral loads.

Unfortunately, adopting the proposed regulations will not improve public health, reduce infections or change how adult films are made. Sadly, regulations may achieve the opposite effect by pushing more filming underground and to states that do not have the strong public health infrastructure we have in California.

We urge you to reject these regulations and to insist on a science-based approach to any future proposed regulations. Thank you very much for your consideration.

Sincerely,

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