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Bloodborne Pathogens Requirements Tightened

By Jane Garland, C.I.H.

The Occupational Safety and Health Administration (OSHA) recently issued a revised compliance directive for the Bloodborne Pathogens Standard, 29 CFR 1910.1030. The updated directive, CPL 2-2.44D, reflects seven years of new technology, treatments and interpretations. OSHA Compliance Directives, or CPLs, guide the enforcement of a standard and are useful tools for employers.

The major updates involve the following: multi-employer worksites; the requirements of the exposure control plan; engineering and work practice controls; the Hepatitis B vaccination (HBV) and post exposure follow-up; worker training and education; and new and updated appendices developed as tools and references for employers and employees.

In the section on multi-employer worksites, OSHA attempts to identify the “employer,” the individual(s) who is accountable for the health and safety of the employee. Employment agencies, those agencies which refer applicants to an employer and are responsible for only those workers on the agency’s payroll, are not the “employer.” The using employer (e.g., a hospital) is the “employer” and is responsible for the provisions of the standard. Personnel services which employ and pay staff and assign them work at health care facilities, have a dual responsibility. The health care facility exercises day-to-day supervision over the workers, and as the host employer must ensure that the personnel service firm provides: Hepatitis B vaccination, post-exposure evaluation and follow-up, recordkeeping, and generic training. The personnel services firm is also responsible for violations of OSHA standards at the health care facility which the firm knew about but did not try to correct, as well as any serious violations the firm should have known about.

Home Health Services which provide services in private homes are not responsible for the site-dependent provisions of the standard. These include housekeeping, the handling and disposal of regulated waste, ensuring the use of personal protective equipment (PPE), ensuring that work specific practices are followed, and ensuring the use of engineering controls. The home health service provider is responsible for non site-specific requirements (including the exposure control plan, Hepatitis B vaccinations, post exposure evaluation and follow-up, recordkeeping, and generic training) and must supply appropriate PPE.

The exposure control plan requires employers to identify exposed or potentially exposed employees; employees who need training, PPE, and vaccination; and

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situations where engineering controls would eliminate or minimize exposure. This plan must be reviewed and updated at least annually to reflect changes in technology that eliminate or reduce employee exposure. The plan MUST document consideration and implementation of appropriate, commercially available and effective engineering controls. For more information, see Appendix D of the standard, Sample Exposure Control Plan.

The exposure control plan must actively address the issue of engineering controls. The new directive emphasizes that the employer must use engineering and work practice controls as the primary means of eliminating exposure or reducing it to the lowest feasible extent. If engineering and work practice controls do not eliminate exposure, PPE must be used. An employer who does not use engineering and work practice controls to minimize exposures must document in the exposure control plan why such controls cannot be used. Appendix B of the standard contains Engineering Control Evaluation Forms.

If PPE is used, it must be provided at no cost to employees. The employer must train employees in the proper use of PPE and provide hypoallergenic gloves if necessary.

The section on Hepatitis B vaccination and post-exposure evaluation and follow-up has been revised to reflect changes in the Center for Disease Control (CDC) guidelines. The Hepatitis B vaccine must be made available to all occupationally exposed employees within 10 working days of initial assignment, after training. The employer must document any exceptions, which may include: first aiders if their primary job is not rendering first aid; if first aid is rendered only as a collateral duty; and Good Samaritan assistance if voluntarily performed. Employees expected to receive first aid in the course of their work on a regular basis must be offered the vaccine.

The employer's exposure control plan must document how the vaccine and follow-up will be provided to all unvaccinated first aid providers if an exposure incident occurs. The employer must also make available a confidential medical evaluation and follow-up after any exposure incident, documenting the circumstances surrounding the incident. The employer must use this information to make effective decisions about engineering controls and work practices in order to reduce future exposures and risks. More information may be found in Appendices E, F, and G of the standard and the CDC guidelines.

All employees with occupational exposure (including temporary and part-time employees) must receive initial and annual training as well as additional training whenever procedures or tasks change. This requirement is very important, because the ongoing development of safer engineering controls introduces a variety of new techniques and practices into the workplace. Manufacturers market passive safety features, active devices, integrated safety designs, and accessory safety devices, all of which require training and education. Hands-on training is particularly useful. Employee participation in the selection of new devices, which plays a major part in their acceptance and use, is encouraged, but not required.

The OSHA website www.osha.gov provides access to the CPL as well as related documents. This page will also direct you to a number of additional resources regarding effective engineering controls, the CDC guidelines, and vaccine safety. Maine employers are invited to call SafetyWorks! at 1-877-SAFE-345 for help understanding and implementing the standard and new directive.

Jane Garland is a Certified Industrial Hygienist (C.I.H.) with SafetyWorks!

Notice Something Missing?
Starting with this issue, the SafetyWorks! Newsletter will no longer include an insert listing upcoming safety and health classes offered by other organizations. The list simply became too long. We will, however, continue to post the list on our website at http://janus.state.me.us/labor/bls/upsafcl.htm
If you would like us to send you a copy of the list, call SafetyWorks! at 1-877-SAFE-345 and ask for the list of upcoming classes.

Visit our website at http://janus@state.me.us/labor/blsmain.htm
Notes from the Field

What are OSHA’s Local Emphasis Programs?

Local Emphasis Programs (LEPs) allow OSHA to direct resources to the industries that statistics show have the most injuries and illnesses. OSHA schedules companies in the selected industries for enforcement visits. OSHA also recommends that the companies request voluntary consultation assistance from SafetyWorks!

Current LEPs in Maine focus on shipyards and ready-mix concrete plants. In the near future OSHA will devote its resources to inspecting Maine lumber and wood products manufacturers.

New Plain Language OSHA Poster

Tired of the small print and complicated wording of the OSHA poster? OSHA now has a Plain Language poster, which will be phased in to replace the current poster.

Private sector workplaces must display a poster explaining the OSHA protections in a conspicuous place where employees and applicants for employment can see it. Employers may, but do not need to, replace current posters with the new poster.

To order or download a Plain Language poster, go to http://www.osha.gov/oshpubs/poster.html

Recall of First Alert® Fire Extinguishers

In cooperation with the U.S. Consumer Product Safety Commission, BRK Brands Inc., of Aurora, Ill., is voluntarily recalling about 600,000 First Alert® household fire extinguishers. The extinguishers can fail to discharge when the trigger is activated, failing to put out a fire, which puts consumers at risk of fire-related injuries.

Fire extinguishers covered under the recall...
- Are First Alert® model FE1A10G with serial numbers starting with RH, RK, RL, RP, RT, RU or RW, and
- Do not have a “100% Quality Tested” sticker attached to the label, and
- Were purchased after September 1, 1999.

If your fire extinguisher meets these criteria, call 1-866-669-2736 toll-free for recall details.

Do not delay replacing a defective extinguisher!!

Symposium Sparks Discussion of Research Needs for Maine

The Bureau of Labor Standards (BLS) hosted 135 guests at the First Maine Occupational Safety and Health Research Symposium on August 7 & 8, 2000. Thirty-five presentations—including workshops, poster sessions, and seminars—covered topics including ergonomics, injury and illness data, economic impact of occupational injuries and illnesses, workplace violence, chemical safety, and many others.

Speakers from universities, businesses, and government presented varied aspects of formal and informal research on how best to solve workplace safety and health problems. Presenters from the National Institute for Occupational Safety and Health (NIOSH), which partially funded the Symposium, noted that the event succeeded in bringing together diverse individuals and groups, indicating a strong base of support for workplace issues.

The Symposium achieved its objectives of promoting networking and beginning the discussion of priority areas for occupational safety and health research in Maine. A designated research agenda will promote more effective use of the limited state and federal resources available to pursue our shared goal of reducing workplace injuries and illnesses.

BLS will convene a meeting in November to develop a research agenda and facilitate ongoing networking. If you would like to be involved, please call Lynne Lamstein at 624-6465. For a copy of the Symposium proceedings, go to http://janus.state.me.us/labor/symp.htm.

Visit our website at http://janus@state.me.us/labor/blsmain.htm

Articles for SafetyWorks! are written by individual authors and are not necessarily products of the Bureau of Labor Standards (BLS) or its editors. Information contained in the articles should not be seen as a substitute for policy or for regulations.

The editors are Lynne Lamstein, director of outreach and education and Jonathan Lepoff, staff development coordinator. You may reach them by calling 624-6400. For more information about SafetyWorks!, use our toll-free number: 1-877-SAFE-345.

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Visit our website at http://janus@state.me.us/labor/blsmain.htm
Michael Frett joined the Maine Department of Labor as Director of the Bureau Labor Standards (BLS) on September 5, 2000. Michael comes to BLS from New York City, where he was a deputy district attorney and administrative law judge. He brings to the director’s office a wealth of experience administering public organizations and forming working partnerships among diverse groups. The staff of SafetyWorks! looks forward to working with Michael.