

Bloodborne Pathogens Exposure Control Plan For Altoona School District

GBED-R

The superintendent, elementary principal, middle school principal, and high school principal are responsible for implementation and review of the Exposure Control Plan.

In accordance with the Occupational Safety and Health Administration (OSHA) Bloodborne Pathogens Standard, 29 CFR 1910.1030 (see Appendix A), the following exposure control plan has been developed. Pursuant to Wis. Stat. 101.055 (see Appendix B), the Wisconsin Department of Commerce Safety and Buildings Division is required to adopt and enforce health and safety standards equal to those offered private employees as administered by OSHA. (Definitions relating to the exposure control plan are found in Appendix C.)

I. Exposure Determination

Each school district must determine which of its employees could be exposed to blood or other potentially infectious materials (OPIM) in the course of their work assignment. These employees, for the purposes of compliance with this standard, may be described as:

1) designated first aid providers (those whose primary job assignment would include rendering first aid); and 2) those employees who might render first aid *only as a collateral duty*. It is recommended that a committee be formed to make this determination. The committee membership could include: administrative representatives, bargaining unit representatives, a district medical advisor, a school nurse and/or health professional from the local health department or infection control department of the local hospital. Volunteers and students are covered under this plan if they receive pay or another form of remuneration (meals, uniforms, and so forth).

A. Job Classifications

The district has identified the following job classifications as those in which employees of the district could be exposed to bloodborne pathogens in the course of fulfilling their job requirements. Appendix D, *Job Classification Exposure Determination Form*, contains a list of job classifications in this district with potential exposure.

B. Tasks and Procedures

A list of tasks and procedures performed by employees in the above job classifications in which exposure to bloodborne pathogens may occur is required. This exposure determination shall be made without regard to the use of personal protective equipment (See Appendix E). Tasks/procedures may include but not be limited to

1. care of minor injuries that occur within a school setting (such as bloody nose, scrape, minor cut);
2. initial care of injuries that require medical or dental assistance (such as damaged teeth, broken bone protruding through the skin, severe laceration);
3. care of students with medical needs (such as tracheotomy, colostomy, injections);
4. care of students who need assistance in daily living skills (such as toileting, dressing, hand-washing, feeding, menstrual needs);
5. care of students who exhibit behaviors that may injure themselves or others (such as biting, hitting, scratching);
6. care of an injured person in laboratory settings, technical education settings, or art classes;

7. care of an injured person during a sport activity;
8. care of students who receive training or therapy in a home-based setting; and/or
9. cleaning tasks associated with body fluid spills.

II. Method of Compliance

All of the following methods of compliance are mandated by the standard and must be incorporated into the school district exposure control plan. A committee to determine district guidelines for annual review of engineering controls, cleaning, decontamination, and waste disposal procedures needs to be established. In addition, employers are required to document how they received input from nonmanagement employees regarding the identification, evaluation, and selection of effective engineering controls, including safer medical devices. Once guidelines are written, they need to be posted in appropriate locations and the content included in the training program. It may be desirable to request assistance from staff of the local health department or infection control unit of the local hospital.

A. Universal Precautions

In this district, universal precautions shall be observed in order to prevent contact with blood or other potentially infectious materials (OPIM). All blood or other potentially contaminated body fluids shall be considered to be infectious. Under circumstances in which differentiation among body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

B. Engineering and Work-Practice Controls

Engineering and work-practice controls are designed to eliminate or minimize employee exposure. Engineering controls are examined and maintained or replaced when an exposure incident occurs in this district and at least annually. The annual review must include and take into account new innovations in technology, particularly devices that reduce needle-sticks.

1. Hand washing

- a. This district shall provide hand-washing facilities, which are readily accessible to employees, or when provision for hand-washing facilities is not feasible, this district shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes.
- b. Employees shall wash hands or any other skin with soap and water or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.
- c. Employees shall wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment. When antiseptic hand cleaners or towelettes are used, hands shall be washed with soap and running water as soon as feasible. ***Do not reuse disposable gloves.***

2. Housekeeping and Waste Procedures

- a. This district shall ensure that the work-site is maintained in a clean and sanitary condition. This district shall follow the cleaning program as set forth in the Hillyard CAPs (Cleaning Analysis Program) manual maintained in each of the custodial areas throughout the district.
- b. All equipment, materials, and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
 - i. Contaminated work surfaces and reusable equipment shall be decontaminated with an appropriate disinfectant immediately after completion of a procedures/task/therapy and/or at the end of the school day if the surface may have become contaminated since the last cleaning. The surface shall be cleaned as soon as feasible when overtly contaminated or after any spill of blood or other potentially infectious materials. If bleach is used as a disinfectant, it must be prepared daily at a 1:10 dilution. The solution is only stable for 24 hours. For a list of disinfectants, refer to the CDC web site at <http://www.cdc.gov>.

- ii. Protective covering, such as plastic wrap, aluminum foil, or imperviously backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become contaminated with blood or OPIM, or at the end of the school day if they have become contaminated since the last cleaning.
- c. Items such as paper towels, gauze squares, or clothing used in the treatment of blood or OPIM spills that are blood-saturated or caked with blood shall be soaked in a 1:10 bleach water solution and disposed of in the regular trash.

On the advice of the Department of Health and Family Services, biohazardous waste for this standard's purposes shall only include items that are blood-soaked, caked with blood, or contain liquid blood that could be wrung out of the item. This would also include items such as sharps, broken glass, or plastic on which there is fresh blood.

- d. The custodian shall respond immediately to any major blood or OPIM (Other Potentially Infectious Material) incident so that it can be cleaned, decontaminated, and/or removed immediately.
- e. In this district, there shall be a marked biohazard container in the custodial area for the containment of all individual biohazard designated bags. Appropriate disposal of the contents of this container is as follows:

All regulated waste will be disposed of at an approved facility.

- f. In the event that regulated waste leaks from a bag or container, the waste shall be placed in a second container, and the area shall be cleaned and decontaminated.
- g. Broken glass contaminated with blood or OPIM shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dustpan, tongs, or forceps. Broken glass shall be containerized. The custodian shall be notified immediately through verbal or written notification before scheduled cleaning.
- h. **Contaminated** sharps, broken glass, plastic, or other sharp objects shall be placed into appropriate sharps containers. In this district, the sharps containers shall be able to be closed, puncture resistant, labeled with a biohazard label, and leak proof. Containers shall be maintained in an upright position. Containers shall be easily accessible to staff and located as close as feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (for example, the art department, classrooms where dissections occur, and the nurse's station). If an incident occurs in which there is contaminated material that is too large for a sharps container, the custodian shall be contacted immediately to obtain an appropriate biohazard container for this material.
 - i. Reusable sharps that are contaminated with blood or OPIM shall not be stored or processed in a manner that requires employees to reach into the containers where these sharps have been placed.
 - ii. In this district, the employee shall notify the maintenance/custodial supervisor when sharp containers become 2/3 full so that they can be disposed of properly. (The local hospital or district health department may provide assistance in determining appropriate disposal.)
 - iii. Contaminated needles shall not be bent, recapped, removed, sheared, or purposely broken. The only exception to this is if a medically necessary procedure would require that the contaminated needle be recapped or removed and no alternative is feasible. If such action is required, the recapping or removal of the needle must be done by the use of a one-handed technique.
- i. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, splattering, and generating droplets of these substances. (See Appendix E – Safe Work Practices.)

- j. Equipment that may become contaminated with blood or OPIM must be examined prior to servicing and shipping and must be decontaminated, if feasible. If not feasible, a readily observable biohazard label stating which portions are contaminated must be affixed to the equipment. This information must be conveyed to all affected employees, the service representative, and/or manufacturer, as appropriate, prior to handling, servicing, or shipping. Equipment to consider: student's communication device, vocational equipment needing repair after an exposure incident.
- k. Contaminated laundry shall be soaked in a 1:10 bleach solution and laundered separately. Any regulated waste shall be bagged, tied, and placed in a red biohazard bag and the medical advisor shall be notified for instruction regarding disposal location.

C. Personal Protective Equipment

- 1. Where occupation exposure remains after institution of engineering and work controls, personal protective equipment shall be used. Forms of personal protection equipment available in this district are gloves, goggles, and face shields.
 - a. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin and when handling or touching contaminated items or surfaces.
 - b. Disposable gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when the ability to function as a barrier is compromised. Disposable gloves shall not be washed or decontaminated for re-use. (Contaminated disposable gloves do not meet the DNR definition of infectious waste and do not need to be disposed of in red or specially labeled bags.)
 - c. Hypoallergenic gloves (by definition, this means latex free), glove liners, powderless gloves, or other similar alternatives shall be readily accessible to employees who are allergic to the gloves normally provided.
 - d. Face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated (for example, a custodian cleaning a clogged toilet or nurses/aides who are performing suctioning).
 - e. Appropriate protective clothing shall be worn in occupational exposure situations. The type and characteristics shall depend upon the task, location, and degree of exposure anticipated.
 - f. Employees expected to perform CPR must have appropriate resuscitator devices readily available and accessible.
 - g. Safer needle and needleless devices will be provided for employees who give injections or use lancets.
- 2. This district shall ensure that appropriate personal protective equipment is readily accessible at the work-site or is issued to its employees. Personal protective equipment is available in the following locations:

School offices and custodial work areas

Personal protective equipment shall be given to:

Custodians and Administrative Assistants

- a. This district shall clean, launder, and/or dispose of personal protective equipment at no cost to the employee.
- b. This district shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

3. All personal protective equipment shall be removed prior to leaving the work area. When personal protective equipment/supplies are removed, they shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.
4. If blood or other potentially infectious materials penetrate a garment, the garment shall be removed immediately or as soon as feasible.
5. This district shall ensure that the employees use appropriate personal protective equipment. If an employee temporarily declines to use personal protective equipment, feeling that it would pose an increased hazard to the employee or others, this district shall investigate the circumstances in order to determine whether changes can be instituted to prevent such occurrences in the future. The investigation shall be included as a part of the annual review of the plan.

III. Hepatitis B Vaccination

A. Covered Employees

1. This district shall make the hepatitis B vaccination series available to all employees who have occupational exposure after the employee(s) have been given information on the hepatitis B vaccine, including information on its efficacy, safety, and method of administration as well as the benefits of being vaccinated.
2. This district shall make the hepatitis B vaccination series available after the training and within 10 working days of initial assignment to all employees who have occupation exposure.
3. The vaccine and vaccinations shall be offered free of charge, made available to the employee at a reasonable time and place, and performed by or under the supervision of a licensed physician, according to the most current recommendations of the U.S. Public Health Service. This district ensures that an accredited laboratory then conducts the laboratory titer if required. A record of the vaccination shall be maintained in the employee's personnel file (see Appendix G for a sample vaccination record).
4. This district shall not make participation in a pre-employment screening program a prerequisite for receiving the hepatitis B vaccine.
5. If an employee initially declines the hepatitis B vaccination series, but at a later date and while still covered under the standard decides to accept the vaccination, this district shall make available the hepatitis B vaccine at that time.
6. This district shall ensure that employees who decline to accept the hepatitis B vaccine offered by this district sign the declination statement established under the standard (see Appendix H).
7. If the U.S. Public Health Service recommends a routine booster dose of hepatitis B vaccine at a future date, such booster dose(s) shall be made available at no charge to the employee.
8. Records regarding HBV vaccinations or declinations are to be kept by the school nurse.
9. This district shall ensure that the health-care professional responsible for administering the employee's hepatitis B vaccination is provided with a copy of this regulation.
10. Health-care employees that have on-going contact with blood or OPIM and are at risk for injuries with sharp instruments or needle-sticks must be tested for antibody to hepatitis B surface antigen one to two months after the completion of the three-dose vaccination series. Employees who do not respond to the primary vaccination series must be revaccinated with a second three-dose vaccine series and retested. Non-responders must be medically evaluated.

B. First Aid as Collateral Duty

1. This district shall provide the hepatitis B vaccine or vaccination series to those unvaccinated employees whose primary job assignment is not the rendering of first aid *only* in the case that they render assistance in any situation involving the presence of blood or OPIM.
2. The full hepatitis B vaccination series shall be made available as soon as possible, but in no event later than 24 hours, to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood OPIM regardless of whether or not a specific "exposure incident," as defined by the standard, has occurred.
3. The hepatitis B vaccination record or declination statement shall be completed. All other pertinent conditions shall also be followed as written for those persons who receive the pre-exposure hepatitis B vaccine.
4. This reporting procedure shall be included in the training program.

IV. Post-Exposure Evaluation and Follow-up

A. Definition of an Exposure Incident

1. An exposure incident is defined as contact with blood or other potentially infectious materials on an employee's nonintact skin, eye, mouth, or other mucous membrane or by piercing the skin or mucous membrane through such events as needle-sticks. A physician ultimately must determine and certify in writing that a significant exposure has occurred.
2. *All* first aid incidents involving the presence of blood or OPIM shall be reported to this school district's designee, the superintendent by the end of the workday on which the incident occurred.
3. A *School Exposure Incident Investigation Form* must be used to report first aid incidents involving blood or OPIM to determine the nature and scope of the situation (see Appendix I for a sample form). The incident description must include a determination of whether or not an "exposure incident," as defined by the standard, occurred in addition to the presence of blood or other potentially infected materials This form shall be readily available to all employees.
4. Once a significant exposure is suspected, a *Medical Management of Individuals Exposed to Blood/Body Fluids* form shall be completed. For purposes of Worker's Compensation, exposure must be documented on a form developed by the Wisconsin Department of Workforce Development (DWD). This form is for Worker's Compensation purposes and is not a record of medical treatment. It is also not intended to be used for billing purposes (see Appendix J for information on ordering the DWD form).

B. Needle-Stick Injury

In the event of a needle-stick or sharps injury, this district will maintain a separate log that includes the description of the incident, the type and brand of device involved, and the location (work area) where the incident took place (see Appendix K for a sample needle-stick log).

C. Exposure Incident Follow-up

Following a report of an exposure incident, this district shall make immediately available to the exposed employee a confidential medical examination from a health-care provider knowledgeable about the current management of Post Exposure Prophylaxis (PEP) in the first 24 hours following exposure. Minimal follow-up shall include the following:

1. This district shall document the route(s) of exposure and the circumstances under which the exposure incident occurred.
2. This district shall identify and document the source individual, if possible, unless this district can establish that identification is not feasible or prohibited by state or local law.

- a. The source individual's blood shall be tested *as soon as feasible* and *after consent is obtained* in order to determine HIV, HBV, and HCV infectivity. If consent is not obtained, this district shall establish that legally required consent cannot be obtained. If the source individual is already known to be HIV, HBV, and/or HCV positive, new testing need not be performed.
 - b. Results of the source individual's testing shall be made available to the exposed employee *only after consent is obtained*, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
3. The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained. If the employee consents to baseline blood collection but does not consent at that time for HIV, HBV, and HCV serological testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.
 4. For post-exposure prophylaxis, this district shall follow the recommendations established by the U.S. Public Health Service listed on the *Medical Management of Individuals Exposed to Blood/Body Fluids* (found in Appendix I). The employee must be made aware of the 2-24 hour window of efficacy of chemical prophylaxis. The evaluation must include assessment for hepatitis C virus.
 5. Counseling shall be made available by this district at no cost to employees and their families on the implications of testing and post-exposure prophylaxis.
 6. There shall be an evaluation of reported illnesses.

D. Medical Follow-up

1. This district shall ensure that all medical evaluations and procedures, including prophylaxis, are made available at no cost and at a reasonable time and place to the employee.
2. All medical evaluations and procedures shall be conducted by or under the supervision of a licensed physician knowledgeable about the current management of post-exposure prophylaxis.
3. Laboratory tests shall be conducted in accredited laboratories.
4. Information provided to the health-care professional that evaluates the employee shall include:
 - a. a copy of the Department of Commerce Health and Safety Standard, Wis. Stat. 101.055;
 - b. a description of the employee's duties as they relate to the exposure incident;
 - c. documentation of the route of exposure and circumstances under which exposure occurred;
 - d. results of the source individual's blood test, if consent was given and results are available; and
 - e. a copy of all medical records relevant to the appropriate treatment of the employee, including vaccination status.

E. Employee Information

1. This district shall obtain and provide the employee with a copy of the evaluating health-care professional's written opinion within 15 days of the completion of the evaluation.
2. The health-care professional's written opinion regarding hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee and if the employee has received such vaccination.
3. The health-care professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:
 - a. the affected employee has been informed of the results of the evaluation; and

- b. the affected employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation and/or treatment.
4. All other findings or diagnoses shall remain confidential and shall not be included in the written report.

V. Communication About Hazards to Employees

A. Warning Labels

1. Warning labels shall be affixed to containers of regulated waste; refrigerators and freezers containing blood or other potentially infectious materials; and other containers used to store, transport, or ship blood or other potentially infectious materials. Exception: red bags or red containers may be substituted for labels.
2. Labels required by this section shall include the following legend:



3. Labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color.
4. Labels shall be an integral part of the container or shall be affixed as close as feasible to the container by string, wire, adhesive, or other methods that prevent their loss or unintentional removal.
5. Labels for contaminated equipment must follow the same labeling requirements; in addition, the labels shall also state which portions of the equipment remain contaminated.

B. Information and Training

Employer shall ensure that all employees with occupational exposure participate in a training program, which must be provided at no cost to the employee and during working hours.

Training shall be provided as follows:

- (A) At the time of initial assignment to tasks where occupational exposure may take place;
- (B) Within 90 days after the effective date of the standard; and
- (C) At least annually thereafter.

The training program shall contain at a minimum the following elements:

- (A) An accessible copy of the regulatory text of this standard and an explanation of its contents;
- (B) A general explanation of the epidemiology and symptoms of bloodborne diseases;
- (C) An explanation of the modes of transmission of bloodborne pathogens;
- (D) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;
- (E) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
- (F) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;
- (G) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;

- (H) An explanation of the basis for selection of personal protective equipment;
- (I) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
- (J) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;
- (K) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
- (L) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;
- (M) An explanation of the signs and labels and/or color coding required by paragraph (g)(1); and
- (N) An opportunity for interactive questions and answers with the person conducting the training session.

VI. Recordkeeping

A. Medical Records

1. This district shall establish and maintain an accurate medical record for each employee with occupational exposure. This record shall include (see Appendix M for a checklist):
 - a. Each employee's name and social security number
 - b. A copy of each employee's hepatitis B vaccination record or declination form and any additional medical records relative to hepatitis B
 - c. If exposure incident(s) have occurred, a copy of all results of examinations, medical testing, and follow-up procedures
 - d. If exposure incident(s) have occurred, the district's copy of the health-care professional's written opinion
 - e. If exposure incident(s) have occurred, the district's copy of information provided to the health-care professional: exposure incident investigation form; the results of the source individual's blood testing, if available; and the consent obtained for release
2. This district shall ensure that each employee's medical records are kept confidential and are *not* disclosed or reported without the employee's expressed written consent to any person within or outside of this district, except as required by law. These medical records shall be kept separate from other personnel records.
3. These medical records shall be maintained for the duration of employment plus 30 years.
4. Records do not have to be maintained if the employee was employed for less than one year and is provided with the record at the time of termination.

B. Training Records

1. Training records shall include:
 - a. training sessions date(s)
 - b. contents or summaries of training sessions
 - c. names and qualifications of persons conducting training sessions
 - d. names and job titles of all persons attending training sessions
2. Training records shall be maintained for three years from the date the training occurred.

C. Annual Review of Plan

This district shall annually review the exposure control plan (see Appendix N for a sample form). The review shall include:

1. a list of new tasks that affect occupational exposure
2. modifications of tasks and procedures
3. evaluation of available engineering controls including engineered-safer needle devices
4. a list of new employee positions with potential for occupational exposure

D. Availability of Records

1. This district shall ensure:
 - a. all records required to be maintained by this standard shall be made available upon request to the Department of Commerce (or designee) for examination and copying.
 - b. employee training records required by this standard shall be provided upon request for examination and copying to employees, to employee representatives, and to the Department of Commerce (or designee).
 - c. employee medical records required by this standard shall be provided upon request for examination and copying to the subject employee and/or designee, to anyone having written consent of the subject employee, and to the Department of Commerce (or designee).
 - d. a log of needle-stick/sharps injuries shall be kept for a minimum of five years.
2. This district shall comply with the requirements involving the transfer of records set forth in this standard.

E. OSHA Recordkeeping

1. An exposure incident is evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 CFR 1904).
 - a. OSHA-reportable exposure incidents, including splashes to mucous membranes, eyes, or nonintact skin, shall be entered as injuries on the OSHA 300 Log.
 - b. This determination and the recording activities are done by the district nurse or designated health-care provider and are then forwarded to the person completing the OSHA 300 log.
2. A sharps injury log must be maintained in a manner that protects the privacy of employees. At minimum, the log will contain the following:
 - a. location of the incident
 - b. brand or type of sharp
 - c. description of incident

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Revised: 01/04/08 (as per Susen Trail, CIH, Industrial Hygienist, Div of Safety and Building, Dept. of Commerce, 715-571-4540)

exercised to obtain the best possible testing equipment.

[41 FR 46784, Oct. 22, 1976, as amended at 42 FR 3304, Jan. 18, 1977; 45 FR 35283, May 23, 1980; 50 FR 37353, 37354, Sept. 13, 1985; 54 FR 24334, June 7, 1989; 61 FR 5508, Feb. 13, 1996; 63 FR 1290, Jan. 8, 1998; 63 FR 33468, June 18, 1998]

EFFECTIVE DATE NOTE: At 63 FR 33468, June 18, 1998, appendix B to §1910.1029 was amended by revising paragraph A of section II and removing the paragraphs entitled "C. Sputum Cytology" from section II, effective Aug. 17, 1998. For the convenience of the user, the superseded text is set forth as follows:

APPENDIX B TO §1910.1029—INDUSTRIAL
HYGIENE AND MEDICAL SURVEIL-
LANCE GUIDELINES

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II. Medical Surveillance Guidelines * * *

A. General.

The minimum requirements for the medical examination for coke oven workers are given in paragraph (j) of the standard.

The initial examination is to be provided to all coke oven workers who work at least 30 days in the regulated area. The examination includes at 14" X 17" posterior-anterior chest x-ray and a ILO/UC rating to assure some standardization of x-ray reading, pulmonary function tests (FVC and FEV 1.0), weight, urinalysis, skin examination and a sputum and urinary cytologic examination. These tests need serve as the baseline for comparing the employee's future test results. Periodic exams include all the elements of the initial exams except that the cytologic tests are to be performed only on those employees who are 45 years of age or older or who have worked for 5 or more years in the regulated area; periodic exams are to be performed semiannually for this group instead of annually. The examination contents are minimum requirements, additional tests such as lateral and oblique x-rays or additional pulmonary function tests may be performed if deemed necessary.

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C. Sputum cytology.

Sputum can be collected by aerosol inhalation during the medical exam or by spontaneous early morning cough at home. Sputum is induced by transoral inhalation of an aerosolized solution of eight percent (8%) sodium chloride in water. After inhaling as few as three to five breaths the subject usually yields an adequate sputum specimen. A minimum of three samples should be collected by the subject at home. All sputum should be

collected directly into sixty percent (60%) alcohol.

Scientific evidence suggests that chest x-rays and sputum cytology should be used together as screening tests for lung cancer in high risk populations, such as coke oven workers. The tests are to be performed every six months on workers who are 45 years of age or older or have worked in the regulated area for 5 or more years. Since the tests seem to be complementary, it may be advantageous to alternate the test procedures. For instance, chest x-rays could be obtained in June and December and sputum cytologies could be obtained in March and September. Facilities for providing necessary diagnostic investigation should be readily available as well as chest physicians, surgeons, radiologists, pathologists and immunotherapists to provide any necessary treatment services.

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§ 1910.1030 Bloodborne pathogens.

(a) *Scope and Application.* This section applies to all occupational exposure to blood or other potentially infectious materials as defined by paragraph (b) of this section.

(b) *Definitions.* For purposes of this section, the following shall apply:

Assistant Secretary means the Assistant Secretary of Labor for Occupational Safety and Health, or designated representative.

Blood means human blood, human blood components, and products made from human blood.

Bloodborne Pathogens means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Clinical Laboratory means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

Contaminated means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated Laundry means laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

Contaminated Sharps means any contaminated object that can penetrate the skin including, but not limited to,

dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by paragraph (f)(2);

(C) A copy of all results of examinations, medical testing, and follow-up procedures as required by paragraph (f)(3);

(D) The employer's copy of the healthcare professional's written opinion as required by paragraph (f)(5); and

(E) A copy of the information provided to the healthcare professional as required by paragraphs (f)(4)(ii)(B)(C) and (D).

(iii) Confidentiality. The employer shall ensure that employee medical records required by paragraph (h)(1) are:

(A) Kept confidential; and

(B) Not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

(iv) The employer shall maintain the records required by paragraph (h) for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.20.

(2) *Training Records.* (i) Training records shall include the following information:

(A) The dates of the training sessions;

(B) The contents or a summary of the training sessions;

(C) The names and qualifications of persons conducting the training; and

(D) The names and job titles of all persons attending the training sessions.

(ii) Training records shall be maintained for 3 years from the date on which the training occurred.

(3) *Availability.* (i) The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying.

(ii) Employee training records required by this paragraph shall be provided upon request for examination and copying to employees, to employee representatives, to the Director, and to the Assistant Secretary.

(iii) Employee medical records required by this paragraph shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the Director, and to the Assistant Secretary in accordance with 29 CFR 1910.20.

(4) *Transfer of Records.* (i) The employer shall comply with the requirements involving transfer of records set forth in 29 CFR 1910.20(h).

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the Director, at least three months prior to their disposal and transmit them to the Director, if required by the Director to do so, within that three month period.

(i) *Dates—(1) Effective Date.* The standard shall become effective on March 6, 1992.

(2) The Exposure Control Plan required by paragraph (c) of this section shall be completed on or before May 5, 1992.

(3) Paragraph (g)(2) Information and Training and (h) Recordkeeping shall take effect on or before June 4, 1992.

(4) Paragraphs (d)(2) Engineering and Work Practice Controls, (d)(3) Personal Protective Equipment, (d)(4) Housekeeping, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up, and (g) (1) Labels and Signs, shall take effect July 6, 1992.

APPENDIX A TO SECTION 1910.1030—HEPATITIS B VACCINE DECLINATION (MANDATORY)

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated

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with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

[56 FR 64175, Dec. 6, 1991, as amended at 57 FR 12717, Apr. 13, 1992; 57 FR 29206, July 1, 1992; 61 FR 5508, Feb. 13, 1996]

§ 1910.1043 Cotton dust.

(a) *Scope and application.* (1) This section, in its entirety, applies to the control of employee exposure to cotton dust in all workplaces where employees engage in yarn manufacturing, engage in slashing and weaving operations, or work in waste houses for textile operations.

(2) This section does not apply to the handling or processing of woven or knitted materials; to maritime operations covered by 29 CFR Parts 1915 and 1918; to harvesting or ginning of cotton; or to the construction industry.

(3) Only paragraphs (h) Medical surveillance, (k)(2) through (4) Record-keeping—Medical Records, and Appendices B, C and D of this section apply in all work places where employees exposed to cotton dust engage in cottonseed processing or waste processing operations.

(4) This section applies to yarn manufacturing and slashing and weaving operations exclusively using washed cotton (as defined by paragraph (n) of this section) only to the extent specified by paragraph (n) of this section.

(5) This section, in its entirety, applies to the control of all employees exposure to the cotton dust generated in the preparation of washed cotton from opening until the cotton is thoroughly wetted.

(6) This section does not apply to knitting, classing or warehousing operations except that employers with these operations, if requested by NIOSH, shall grant NIOSH access to their employees and workplaces for exposure monitoring and medical examinations for purposes of a health study to be performed by NIOSH on a sampling basis.

(b) *Definitions.* For the purpose of this section:

Assistant Secretary means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee;

Blow down means the general cleaning of a room or a part of a room by the use of compressed air.

Blow off means the use of compressed air for cleaning of short duration and usually for a specific machine or any portion of a machine.

Cotton dust means dust present in the air during the handling or processing of cotton, which may contain a mixture of many substances including ground up plant matter, fiber, bacteria, fungi, soil, pesticides, non-cotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods. Any dust present during the handling and processing of cotton through the weaving or knitting of fabrics, and dust present in other operations or manufacturing processes using raw or waste cotton fibers or cotton fiber byproducts from textile mills are considered cotton dust within this definition. Lubricating oil mist associated with weaving operations is not considered cotton dust.

Director means the Director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, or designee.

Equivalent Instrument means a cotton dust sampling device that meets the vertical elutriator equivalency requirements as described in paragraph (d)(1)(iii) of this section.

Lint-free respirable cotton dust means particles of cotton dust of approximately 15 micrometers or less aerodynamic equivalent diameter;

Vertical elutriator cotton dust sampler or *vertical elutriator* means a dust sampler which has a particle size cut-off at approximately 15 micrometers aerodynamic equivalent diameter when operating at the flow rate of 7.4 ± 0.2 liters of air per minute;

Waste processing means waste recycling (sorting, blending, cleaning and willowing) and garnetting.

Yarn manufacturing means all textile mill operations from opening to, but not including, slashing and weaving.

(c) *Permissible exposure limits and action levels*—(1) *Permissible exposure limits (PEL).* (i) The employer shall assure that no employee who is exposed to

(2) A bed and breakfast establishment, as defined under s. 254.61 (1), is not subject to building codes adopted by the department under this subchapter.

(3) No standard, rule, code or regulation of the department under this subchapter applies to construction undertaken by the state for the purpose of renovation of the state capitol building.

(4) No standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter applies to a rural school building if all of the following are satisfied:

(a) The school building consists of one classroom.

(b) The school building is used as a school that is operated by and for members of a bona fide religious denomination in accordance with the teachings and beliefs of the denomination.

(c) The teachings and beliefs of the bona fide religious denomination that operates the school prohibit the use of certain products, devices or designs that are necessary to comply with a standard, rule, order, code or regulation adopted, promulgated, enforced or administered by the department under this chapter.

History: 1971 c. 329; 1983 a. 163; 1983 a. 538 s. 271; 1989 a. 31, 354; 1993 a. 27, 117; 1995 a. 27; 1999 a. 135.

101.055 Public employee safety and health. (1) INTENT. It is the intent of this section to give employees of the state, of any agency and of any political subdivision of this state rights and protections relating to occupational safety and health equivalent to those granted to employees in the private sector under the occupational safety and health act of 1970 (5 USC 5108, 5314, 5315 and 7902; 15 USC 633 and 636; 18 USC 1114; 29 USC 553 and 651 to 678; 42 USC 3142-1 and 49 USC 1421).

(2) **DEFINITIONS.** In this section, unless the context requires otherwise:

(a) "Agency" means an office, department, independent agency, authority, institution, association, society or other body in state government created or authorized to be created by the constitution or any law, and includes the legislature and the courts.

(b) "Public employee" or "employee" means any employee of the state, of any agency or of any political subdivision of the state.

(c) "Public employee representative" or "employee representative" means an authorized collective bargaining agent, an employee who is a member of a workplace safety committee or any person chosen by one or more public employees to represent those employees.

(d) "Public employer" or "employer" means the state, any agency or any political subdivision of the state.

(3) **STANDARDS.** (a) The department shall adopt, by administrative rule, standards to protect the safety and health of public employees. The standards shall provide protection at least equal to that provided to private sector employees under standards promulgated by the federal occupational safety and health administration, but no rule may be adopted by the department which defines a substance as a "toxic substance" solely because it is listed in the latest printed edition of the national institute for occupational safety and health registry of toxic effects of chemical substances. The department shall revise the safety and health standards adopted for public employees as necessary to provide protection at least equal to that provided to private sector employees under federal occupational safety and health administration standards, except as otherwise provided in this paragraph. Notwithstanding ss. 35.93 and 227.21, if the standards adopted by the department are identical to regulations adopted by a federal agency, the standards need not be duplicated as provided in ss. 35.93 and 227.21 if the identical federal regulations are made available to the public at a reasonable cost, promulgated in accordance with ch. 227, except s. 227.21, and distributed in accordance with s. 35.84.

(b) Standards adopted by the department shall contain appropriate provisions for informing employees about hazards in the workplace, precautions to be taken and emergency treatment

practices to be used in the event of an accident or overexposure to a toxic substance. Standards shall include provisions for providing information to employees through posting, labeling or other suitable means. Where appropriate, standards adopted by the department shall contain provisions for the use of protective equipment and technological procedures to control hazards.

(c) Standards adopted by the department relating to toxic substances or harmful physical agents, such as noise, temperature extremes and radiation, shall assure to the extent feasible that no employee will suffer material impairment of health or functional capacity through regular exposure. Where appropriate, standards adopted by the department relating to toxic substances and physical agents shall require the monitoring and measuring of employees' exposure to the substance or agent.

(d) No standards adopted under this subsection may require a member of a volunteer or paid fire department maintained by a political subdivision of this state to complete more than 60 hours of training prior to participating in structural fire fighting.

(4) **VARIANCES.** (a) *Procedure.* A public employer may apply to the department for a temporary variance under par. (b), an experimental variance under par. (c) or a permanent variance under par. (d) to any standard adopted under sub. (3) by filing a petition with the department specifying the standard for which the public employer seeks a variance and the reasons for which the variance is sought. In addition, the public employer seeking the variance shall provide a copy of the application to the appropriate public employee representatives and post a statement at the place where notices to employees are normally posted. The posted statement shall summarize the application, specify a place where employees may examine the application and inform employees of their right to request a hearing. Upon receipt of a written request by the employer, an affected employee or a public employee representative, the department shall hold a hearing on the application for a variance and may make further investigations. If a hearing has been requested, the department may not issue a variance until a hearing has been held. A variance issued under par. (b), (c) or (d) shall prescribe the methods and conditions which the employer must adopt and maintain while the variance is in effect.

(b) *Temporary variance.* The department may grant a temporary variance before a standard goes into effect if the public employer complies with par. (a) and establishes that it is unable to comply with a standard by the standard's effective date because of unavailability of professional or technical personnel or of necessary materials or equipment or because necessary construction or alteration of facilities cannot be completed by the effective date. The employer shall also show that it is taking all available steps to safeguard employees against the hazard covered by the standard from which the variance is sought and shall possess and describe a program for coming into compliance with the standard as quickly as possible. If a hearing is requested, the department may state in writing that noncompliance with the standard is permitted for 180 days or until a decision is made after the hearing, whichever is earlier. A temporary variance shall be in effect for the period of time needed by the employer to achieve compliance with the standard or for one year, whichever is shorter. A temporary variance may be renewed no more than twice, and only if the public employer files an application for renewal at least 90 days before expiration of the temporary variance and complies with this paragraph and par. (a).

(c) *Experimental variance.* The department may grant an experimental variance if the public employer complies with par. (a) and the department determines that the variance is necessary to permit the employer to participate in an experiment approved by the department to demonstrate or validate new or improved techniques to safeguard the health or safety of employees.

(d) *Permanent variance.* The department may grant a permanent variance if the public employer complies with par. (a) and the department finds the employer has demonstrated by a preponderance of the evidence that the conditions and methods the employer uses or proposes to use provide employment or a place of employ-

ment which is as safe and healthful as that provided under the standard from which the employer seeks a permanent variance. A permanent variance may be modified or revoked upon application by the employer, an affected employee, a public employee representative or the department and after opportunity for a hearing, but not sooner than 6 months after issuance of the permanent variance.

(5) **INSPECTIONS.** (a) A public employee or public employee representative who believes that a safety or health standard or variance is being violated, or that a situation exists which poses a recognized hazard likely to cause death or serious physical harm, may request the department to conduct an inspection. The department shall provide forms which may be used to make a request for an inspection. If the employee or public employee representative requesting the inspection so designates, that person's name shall not be disclosed to the employer or any other person, including any agency except the department. If the department decides not to make an inspection, it shall notify in writing any employee or public employee representative making a written request. A decision by the department not to make an inspection in response to a request under this subsection is reviewable by the department under sub. (6) (a) 3. and is subject to judicial review under sub. (6) (a) 4.

(b) An authorized representative of the department may enter the place of employment of a public employer at reasonable times, within reasonable limits and in a reasonable manner to determine whether that employer is complying with safety and health standards and variances adopted under subs. (3) and (4) or to investigate any situation which poses a recognized hazard likely to cause death or serious physical harm to a public employee regardless of whether a standard is being violated. No public employer may refuse to allow a representative of the department to inspect a place of employment. If an employer attempts to prevent a representative of the department from conducting an inspection, the department may obtain an inspection warrant under s. 66.0119. No notice may be given before conducting an inspection under this paragraph unless that notice is expressly authorized by the secretary or is necessary to enhance the effectiveness of the inspection.

(c) A representative of the employer and a public employee representative shall be permitted to accompany a representative of the department on an inspection made under this subsection to aid in the inspection and to notify the inspector of any possible violation of a safety and health standard or variance or of any situation which poses a recognized hazard likely to cause death or serious physical harm to a public employee. The public employee representative accompanying the representative of the department on an inspection shall, with respect to payment received or withheld for time spent accompanying the department representative, receive treatment equal to that afforded to any representative of the employer who is present during an inspection, except that a public employer may choose to allow only one public employee representative at a time to accompany the department representative on an inspection without a reduction in pay. If a representative of the employer does not accompany the representative of the department on an inspection, at least one public employee representative shall be allowed to accompany the representative of the department on the inspection without a loss of pay. Where no public employee representative accompanies the representative of the department on an inspection, the representative of the department shall consult with a reasonable number of employees concerning matters of employee safety and health. The department shall keep a written record of the name of any person accompanying the department representative during the inspection, the name of any employee consulted and the name of any authorized collective bargaining agent notified of the inspection by the public employer under sub. (7) (e).

(d) When making an inspection, a representative of the department may question privately any public employer or employee. No public employee shall suffer a loss in wages for time spent responding to any questions under this paragraph.

(e) A representative of the department shall have access to the records required under sub. (7) (a) and (b) and to any other records maintained by a public employer which are related to the purpose of the inspection.

(6) **ENFORCEMENT.** (a) *Orders.* 1. 'Issuance.' If, as a result of inspection, the department finds a violation of a safety and health standard or variance or a condition which poses a recognized hazard likely to cause death or serious physical harm to a public employee, the department shall issue an order to the employer. A public employer who is in compliance with any standards or variances is deemed to be in compliance to the extent of the condition, practice, means, method, operation or process covered by that standard. The order shall describe the nature of the violation and the period of time within which the employer shall correct the violation. The department shall send a copy of the order to the top elected official of the political subdivision of which the public employer is a part and to the appropriate collective bargaining agent for the employees affected by the violation cited in the order, if a collective bargaining agent exists. If the order is issued as a result of an inspection requested by an employee or public employee representative, the department shall also send a copy of the order to that employee or public employee representative. Upon receipt of an order, the employer shall post the order at or near the site of violation for 3 days, or until the violation is abated, whichever is longer. The order shall be posted regardless of whether there has been a petition for a variance under sub. (4) or for a hearing under sub. 3. The employer shall ensure that the order is not altered, defaced or covered by other materials.

2. 'Decision not to issue.' If the department decides not to issue an order in response to a request for inspection filed under sub. (5) (a), it shall mail written notice of that decision to the public employee or public employee representative who requested the investigation. A decision under this subdivision is reviewable by the department under subd. 3.

3. 'Review by department.' A public employer or employee affected by an order or decision issued by the department under subd. 1. or 2. or sub. (5) (a) may obtain review of the order or decision by filing with the department a petition requesting a hearing and specifying the modification or change desired in the order or decision. A petition for a hearing must be filed with the department not later than 30 days after the order is issued or the written notification is mailed. If the department denies the request for a hearing, the denial shall be in writing and shall state the reasons for denial. If the department holds a hearing, it shall issue an order affirming, vacating or modifying the order or decision under subd. 1. or 2. or sub. (5) (a), within 30 days after the close of the hearing.

4. 'Judicial review.' Orders and denials of requests for hearings under subd. 3. are subject to judicial review under ch. 227.

(b) *Injunction.* Whenever a hazard exists in a public employer's place of employment which could reasonably be expected to cause death or serious physical harm before other procedures under this section can be carried out, the department may seek relief through an injunction or an action for mandamus as provided in chs. 783 and 813. If the department seeks an injunction or an action for mandamus, it shall notify the affected public employer and public employees of the hazard for which relief is being sought.

(7) **EMPLOYER OBLIGATIONS FOR RECORD KEEPING AND NOTIFICATION.** (a) A public employer shall maintain records of work-related injuries and illnesses and shall make reports of these injuries and illnesses to the department at time intervals specified by rule of the department. These records shall be available to the department, the employer's employees and the employees' representatives. This paragraph does not authorize disclosure of patient health care records except as provided in ss. 146.82 and 146.83.

(b) A public employer shall maintain records of employee exposures to toxic materials and harmful physical agents which are required by safety and health standards adopted under sub. (3)

to be monitored or measured. A representative of the department and any affected public employee and his or her public employee representative shall be permitted to observe the monitoring and measuring and shall have access to the employer's records of the monitoring and measuring. This paragraph does not authorize disclosure of patient health care records except as provided in ss. 146.82 and 146.83.

(c) A public employer shall promptly notify a public employee who has been or is being exposed to any toxic material or harmful physical agent at a level which exceeds that prescribed by the safety and health standards of the department and shall inform that public employee of any corrective action being taken.

(d) A public employer shall notify its employees of their protections and rights under this section by posting a summary of these protections and rights in the place of employment where notices to employees are usually posted.

(e) When a representative of the department enters a public employer's place of employment to make an inspection, the employer shall notify an appropriate representative of any collective bargaining unit which represents the employer's employees. The employer shall give the name of the collective bargaining unit representatives notified of the inspection to the department representative making the inspection.

(8) PROTECTION OF PUBLIC EMPLOYEES EXERCISING THEIR RIGHTS. (ag) In this subsection, "division of equal rights" means the division of equal rights in the department of workforce development acting under the authority provided in s. 106.54 (4).

(ar) No public employer may discharge or otherwise discriminate against any public employee it employs because the public employee filed a request with the department, instituted or caused to be instituted any action or proceeding relating to occupational safety and health matters under this section, testified or will testify in such a proceeding, reasonably refused to perform a task which represents a danger of serious injury or death or exercised any other right related to occupational safety and health which is afforded by this section.

(b) A state employee who believes that he or she has been discharged or otherwise discriminated against by a public employer in violation of par. (ar) may file a complaint with the personnel commission alleging discrimination or discharge, within 30 days after the employee received knowledge of the discrimination or discharge. A public employee other than a state employee who believes that he or she has been discharged or otherwise discriminated against by a public employer in violation of par. (ar) may file a complaint with the division of equal rights alleging discrimination or discharge, within 30 days after the employee received knowledge of the discrimination or discharge.

(c) Upon receipt of a complaint, the personnel commission or the division of equal rights, whichever is applicable, shall, except as provided in s. 230.45 (1m), investigate the complaint and determine whether there is probable cause to believe that a violation of par. (ar) has occurred. If the personnel commission or the division of equal rights finds probable cause it shall attempt to resolve the complaint by conference, conciliation or persuasion. If the complaint is not resolved, the personnel commission or the division of equal rights shall hold a hearing on the complaint within 60 days after receipt of the complaint unless both parties to the proceeding agree otherwise. Within 30 days after the close of the hearing, the personnel commission or the division of equal rights shall issue its decision. If the personnel commission or the division of equal rights determines that a violation of par. (ar) has occurred, it shall order appropriate relief for the employee, including restoration of the employee to his or her former position with back pay, and shall order any action necessary to ensure that no further discrimination occurs. If the personnel commission or the division of equal rights determines that there has been no violation of par. (ar), it shall issue an order dismissing the complaint.

(d) Orders of the personnel commission and the division of equal rights under this subsection are subject to judicial review under ch. 227.

(9) COORDINATION OF STATE SAFETY AND HEALTH PROGRAMS. The department shall coordinate state safety and health programs and shall plan and conduct comprehensive safety and health loss prevention programs for state employees and facilities.

(10) EXCEPTION FOR CERTAIN POLITICAL SUBDIVISIONS. The department is not required to expend any resources to enforce this section in political subdivisions having 10 or less employees unless it has received a complaint.

History: 1981 c. 360, 391; 1985 a. 182 s. 57; 1991 a. 39; 1995 a. 27 ss. 3652 to 3659, 9130 (4); 1995 a. 342; 1997 a. 3; 1999 a. 82; 1999 a. 150 s. 672.

This section extends the coverage of OSHA to government employees. OSHA was meant to address tangible, measurable workplace hazards. The threat of on-the-job violence to a campus police officer is too abstract to be within the coverage afforded. The denial of a request for a hearing on a complaint seeking to require the provision of firearms to officers was proper. *West v. Department of Commerce*, 230 Wis. 2d 71, 601 N.W.2d 307 (Ct. App. 1999).

101.07 Flushing devices for urinals. The department shall not promulgate any rules which either directly or indirectly prohibit the use of manual flushing devices for urinals. The department shall take steps to encourage the use of manual flushing devices for urinals.

History: 1977 c. 418.

101.09 Storage of flammable, combustible and hazardous liquids. (1) DEFINITIONS. In this section:

(a) "Combustible liquid" means a liquid having a flash point at or above 100 degrees fahrenheit and below 200 degrees fahrenheit.

(am) "Federally regulated hazardous substance" means a hazardous substance, as defined in 42 USC 9601 (14).

(b) "Flammable liquid" means a liquid having a flash point below 100 degrees fahrenheit.

(c) "Flash point" means the minimum temperature at which a flammable or combustible liquid will give off sufficient flammable vapors to form an ignitable mixture with air near the surface of the liquid or within the vessel which contains the liquid.

(d) "Waters of the state" has the meaning specified under s. 281.01 (18).

(2) STORAGE TANKS. (a) Except as provided under pars. (b) to (d), every person who constructs, owns or controls a tank for the storage, handling or use of liquid that is flammable or combustible or a federally regulated hazardous substance shall comply with the standards adopted under sub. (3).

(b) This section does not apply to storage tanks which require a hazardous waste license under s. 291.25.

(c) This section does not apply to storage tanks which are installed above ground level and which are less than 5,000 gallons in capacity.

(cm) Any rules promulgated under sub. (3) requiring an owner to test the ability of a storage tank, connected piping or ancillary equipment to prevent an inadvertent release of a stored substance do not apply to storage tanks that satisfy all of the following:

1. Are installed before October 29, 1999.
2. Have a capacity of less than 1,100 gallons.
3. Are used to store heating oil for residential, consumptive use on the premises where stored.

(d) This section does not apply to a pressurized natural gas pipeline system regulated under 49 CFR 192 and 193.

(3) RULES. (a) The department shall promulgate by rule construction, maintenance and abandonment standards applicable to tanks for the storage, handling or use of liquids that are flammable or combustible or are federally regulated hazardous substances, and to the property and facilities where the tanks are located, for the purpose of protecting the waters of the state from

Amniotic fluid — the fluid surrounding the embryo in the mother's womb.

Antibody — a substance produced in the blood of an individual which is capable of producing a specific immunity to a specific germ or virus.

Antigen — any substance which stimulates the formation of an antibody.

Assistant Secretary — the Assistant Secretary of Labor for Occupational Safety and Health, or designated representative.

Biohazard label — a label affixed to containers of regulated waste, refrigerators/freezers, and other containers used to store, transport, or ship blood and other potentially infectious materials. The label must be fluorescent orange-red in color with the biohazard symbol and the word biohazard on the lower part of the label.

Blood — human blood, human blood components, and products made from human blood.

Bloodborne pathogens — pathogenic (disease producing) microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Bulk blood and body fluids — bulk quantities (dripping, pourable) or items saturated with whole blood and blood components, blood specimens, semen, vaginal secretions, cerebrospinal fluid (CSF), synovial fluid, amniotic fluid, peritoneal fluid, peritoneal dialysate, pericardial fluid, pleural fluid, and other body fluids visibly contaminated with blood. Collection devices or reservoirs not emptied prior to disposal should also be treated as infectious waste.

Cerebrospinal fluid — a clear, colorless fluid surrounding the brain and spinal cord. It can be withdrawn by performing a spinal puncture.

Clinical laboratory — a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

Contaminated — the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated laundry — laundry which has been soiled with blood or other potentially infected materials or may contain sharps.

Contaminated sharp — any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, capillary tubes, and the exposed ends of dental wires.

Decontamination — the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Engineering controls — include all control measures that isolate or remove a hazard from the workplace, such as sharps disposal containers and self-sheathing needles.

Exposure control plan — a written program developed and implemented by the employer which sets forth procedures, engineering controls, personal protective equipment, work practices, and other methods that are capable of protecting employees from exposure to bloodborne pathogens and meets the requirements spelled out by the OSHA Bloodborne Pathogens Standard.

Exposure determination — how and when occupational exposure occurs and which job classification and/or individuals are at risk of exposure without regard to the use of personal protective equipment.

Exposure incident — a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

Handwashing facilities — a facility providing an adequate supply of running potable water, soap, and single-use towels, medicated towelettes, or hot air drying machines.

HBV— hepatitis B virus

HCV — hepatitis C virus

HIV — human immunodeficiency virus.

Human tissue — recognizable human tissue. It must be buried, incinerated, or rendered completely unrecognizable. Nonhuman tissues are only considered infectious if they are known or suspected to contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible human host could result in an infectious disease.

Infectious waste — solid waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. The following are *not* included in the definition of infectious waste but should be placed in containers such as a plastic bag prior to disposal to contain the waste.

- 1) items soiled (not saturated) with body fluids (for example, bandages, tampons, sanitary napkins)
- 2) items soiled with body fluids not included in the definition of infectious waste (for example, diapers)
- 3) intravenous tubing with needles detached

Licensed health-care professional — persons whose legally permitted scope and practice allows them to independently perform the activities required by paragraph (f) of the standard: hepatitis B vaccination and post-exposure evaluation and follow-up. *In Wisconsin only a licensed physician meets this definition.*

Medical consultation — a consultation which takes place between an employee and a licensed health-care professional for the purpose of determining the employee's medical condition resulting from exposure to blood or other potentially infectious materials as well as any further evaluation or treatment that is required.

Microbiological lab wastes — cultures and lab equipment that have come in contact with infectious agents.

Mucous membranes — a surface membrane composed of cells that secrete various forms of mucus, as in the lining of the respiratory tract and the gastrointestinal tract.

Mucus — a thick liquid secreted by glands lining the nasal passages, the stomach and intestines, the vagina, and so forth.

Needleless systems — devices which provide an alternative to needles for various procedures to reduce the risk of injury involving contaminated sharps. Examples include IV medication systems

which administer medication or fluids through a catheter port using non-needle connections and jet injection systems which deliver liquid medication beneath the skin or through a muscle.

Occupational exposure — a reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

OSHA — the Occupational Safety and Health Administration of the U.S. Department of Labor; the federal agency with safety and health regulatory and enforcement authority for most U.S. industry and business.

Other potentially infectious materials (OPIM) — (1) the following human body fluids: semen, vaginal secretions, menstrual blood, vomit, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid visibly contaminated with blood, and all body fluids in situations in which it is difficult or impossible to differentiate between body fluids; (2) any unfixed tissue or organ (other than intact skin) from a human (living or dead); and (3) HIV-containing cell or tissue cultures; organ cultures; HIV-or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Parenteral — piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

Pathogen — a bacteria or virus capable of causing infection or disease.

Pericardial fluid — fluid from around the heart.

Pericardium — the sheath of tissue encasing the heart.

Peritoneal fluid — the clear straw-colored serous fluid secreted by the cells of the peritoneum.

Peritoneum — the lining membrane of the abdominal (peritoneal) cavity, composed of a thin layer of cells.

Personal protective equipment— specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment. Personal protective equipment may include, but is not limited to, gloves; gowns; laboratory coats; face shields or masks and eye protection equipment; and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment can be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membrane under normal conditions of use and for the duration of time which the protective equipment is used.

Pleural — the membrane lining the chest cavity and covering the lungs, made up of a thin sheet of cells.

Pleural fluid — fluid from the pleural cavity.

Production facility — a facility engaged in industrial-scale, large-volume, or high-concentration production of HIV or HBV.

Prophylaxis — the measure carried out to prevent diseases.

Regulated waste — liquid or semi-liquid blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

Research laboratory — a laboratory producing or using research laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

Serous fluids — liquids of the body, similar to blood serum, which are in part secreted by serous membranes.

Sharps — medical or laboratory articles, including those that are potentially infectious and that may cause punctures or cuts. Examples include, but are not limited to, hypodermic needles, syringes, pasteur pipettes, and scalpel blades.

Sharps with engineered sharps injury protections — include non-needle sharps or needle devices containing built-in safety features that are used for collecting fluids or administering medications or other fluids, as well as other procedures involving a risk of sharps injury.

Source individual — any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to an employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

Sterilize — the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Synovial fluid — the clear amber fluid usually present in small quantities in a joint of the body (for example, the knee or elbow).

Universal precautions — an approach to infection control. According to the concept, all human blood and certain human body fluids are treated as if we know them to be infectious for HIV, HBV, and other bloodborne pathogens.

Vascular — pertaining to or composed of blood vessels.

Work practice controls — controls that reduce the likelihood of exposure by altering the manner in which the task is performed. An example would be prohibiting the recapping of needles using a two-handed technique.

Bloodborne Pathogens Job Classification Exposure Determination Form Altoona School District

Job Classification	All Have Exposure	Some Have Exposure: List Person/Job Title	None Have Exposure
Central Office Administrators			X
Building Administrators			X
Secretaries			X
Regular Education Teachers		<u>Special Ed</u>	X
Special Education Teachers		<u>Teachers:</u>	
Substitute Teachers		Georgia Mollerud,	X
School Nurse	X	Susan Hintgen	
Custodians	X		
Other Maintenance Personnel:			X

Instructional Aides/Paraprofessionals		<u>Special Ed Aides:</u>	
Coaches/Asst. Coaches		Early childhood	X
Athletic Trainers		aides (new),	n/a
Athletic Director		Betsy Brenizer,	X
Food Service Personnel		Kim Yarrington	X
Lunchroom Aides		Deb Thill	X
Physical Therapist (PT)		Vckie Brunner	X
PT Assistants		Karen Hoeft	n/a
Occupational Therapist (OT)		Marilyn Burback	X
OT Assistants			n/a
Recreational Therapists			n/a
Health-care Aides			n/a
Bus Drivers			X
Transportation Aides			X
Guidance Counselors			X
School Psychologists			X
School Social Workers			n/a
Substitutes			x
Librarians			x
Library Aides			x
<i>Health Room Volunteers</i>			n/a
<i>Other Volunteers</i>			n/a
Other:			

Bloodborne Pathogens Tasks and Procedures Record

School District of Altoona

Task/Procedure	Type of Bodily Fluid/Substance to Which Exposure is Likely						Protective Procedures	Protective Barriers			
	Blood	Semen	Vagina Secretions	Menstrual Fluid	Nonintact Skin	Vomit feces, urine, and saliva		Disinfectant	Gloves	Gown/ Apron	Mask/ CPR barrier
Job Classification: Custodial Employees							Disinfectant	Gloves	Gown/ Apron	Mask/ CPR barrier	Eye Wear
Bloody Nose/ cover nose and any spills with paper towels and disinfect.	X						Use bleach solution with a 10:1 ratio	X			
Minor cuts or scrapes/ cover any blood with paper towels and disinfect.	X						Use bleach solution with a 10:1 ratio.	X			
Clogged toilet/ cover toilet bowl with plastic bag to reduce any splashing, remove clog through small hole in bag / disinfect toilet						X	Use bleach solution with a 10:1 ratio	X			Face shield
Throw-up/ cover vomit with appropriate material to dry it up. Clean vomit up and disinfect.						X	Use appropriate disinfectant or bleach solution with 10:1 solution	X			
Feces on classroom floor/ teacher to isolate students from feces and call custodian for clean up. Cover and remove feces from classroom. Disinfect area						X	Cover and remove feces/ disinfect with bleach solution 10:1 ratio				

The following is an example of a written procedure for handling contaminated laundry in a school setting.

Soiled Laundry—All Departments

1. Personnel handling contaminated laundry will wear gloves.
2. All soiled linens will be placed immediately in a red plastic bag and securely tied. All soiled linen bags will be placed in plastic-lined linen carts in various work units.
3. Classroom personnel will be responsible for transporting soiled linen bags to the laundry cart location.
4. Bags containing linen heavily soiled with blood, feces, or other highly contaminated material will be labeled as such. If the outside of the red bag is contaminated, that bag should be “double-bagged” into another red bag.

See Model Plan, page 3, II.B.2, Housekeeping and Waste Procedures for an explanation of the standard requirements for cleaning and decontamination of work surfaces, waste containers, contaminated equipment and sharps as well as laundry.

Hepatitis B Vaccination Record Altoona School District

I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, and benefits of being vaccinated, and I understand that the vaccine and vaccination will be offered free of charge.

I, _____, have completed the following inoculations using:

Recombivax—HB Vaccine or Enerix -B Vaccine

Inoculation 1—Date	Given at
Inoculation 2—Date	Given at
Inoculation 3—Date	Given at

If a health-care worker has on-going contact with blood or OPIM and is at on-going risk for injuries with sharp instruments or needlesticks, then s/he must be tested for the antibody to hepatitis B surface antigen one to two months after the completion of the above three-dose vaccination series.

Titer Measurement	Date	Drawn at
-------------------	------	----------

Need for repeat of series: Yes No

Hepatitis B Vaccine Declination

Altoona School District

I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Name *Please Print*

Employee Signature	Date Signed
➤	

School Exposure Incident Investigation Form Altoona School District

Date of incident	Time of incident
Location	Person(s) involved

Potentially Infectious Materials Involved	
Type	Source
Circumstances (what was occurring at the time of the incident)	
How the incident was caused (accident, equipment malfunction, and so forth; list any tool, machine, or equipment involved)	
Personal protective equipment and engineering controls being used at the time of the incident	
Actions taken (decontamination, clean-up, reporting, and so forth)	
Training of employee	
Recommendations for avoiding repetition of the incident, including any recommended changes to the ECP (Exposure Control Plan)	

Documentation of Significant Exposure to HIV

The Wisconsin statutory definition of "significant exposure" refers to an exposure which carries the potential for transmission of HIV (AIDS virus). For purposes of Worker's Compensation, a physician must certify that a significant exposure has occurred. This certification must be documented on a form developed by the Wisconsin Department of Workforce Development (DWD). Since other infectious diseases can also be transmitted by significant exposure to blood or body fluids, this form may be used to document any such exposure. (The order identification of this form is WKC-8165.)

Information on ordering WKC-8165 is available from the Bureau of Document Services, Wisconsin Department of Administration, at (608) 266-3358. Email is docsales@doa.state.wi.us or you can visit their web address at <http://www.doa.state.wi.us/dsas/docserv/docsales>

Completion instructions, including the definition of "significant exposure," are written on the form. For additional questions regarding this form, please call your local public health agency or infection control practitioner at the receiving facility where testing will be conducted.

Needle-Stick/Sharps Injury Log

2007/08

School District of Altoona

Date of Injury	Employee Job Title/Category	Location of Incident Work Area	Brand/Type of Sharp	Description of Incident

**Information and Training of Employees with
Potential Exposure to Bloodborne Pathogens**
School District of Altoona

Training Dates

Trainer's Name(s) and Qualifications

Names and job titles of all employees attending this training: (Attached)

Agenda and/or materials presented to training participants include:

- an accessible copy of the text of the Wisconsin Statutes 101.055 and 29 CFR 1910.1030
- a general explanation of the epidemiology and symptoms of bloodborne diseases including hcv
- an explanation of the modes of transmission of bloodborne pathogens
- an explanation of the exposure control plan and the means by which employees can obtain a copy of the written plan
- an explanation of the appropriate methods for recognizing tasks/activities that may involve exposure to blood and other potentially infectious materials
- an explanation of the use and limitations of methods that will prevent or reduce exposure (engineering controls, work practices, and personal protective equipment, including safer needles and needless devices)
- information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment or other contaminated items
- an explanation of the basis for selection of personal protective equipment
- information on the HBV vaccine, its efficacy, safety, method of administration, benefits of vaccination, and provision at no cost to the employee
- information on the appropriate actions to take and persons to contact in an emergency involving blood and other potentially infectious materials
- an explanation of the procedure to follow if an exposure incident occurs, the method of reporting, and the medical follow-up that is available
- information on the post-exposure evaluation and follow-up that is provided
- an explanation of the signs, symbols, and color-coding of biohazards
- a question and answer session between the trainer(s) and employee(s)
- list of school district and health community contacts that can be resources to employees if they have questions after training

Signature of Training Coordinator

➤

Date Signed

Employee Medical Record Checklist

School District of Altoona

Employee name: _____

Social security number: ____ - ____ - _____

Building: _____

Job classification: _____

- Copy of employee's hepatitis B vaccination record or declination form (see appendixes G and H). Attach any additional medical records relative to hepatitis B.

- Brief description of exposure incident:

- Log and attach this district's copy of information provided to the healthcare professional:

- Accident report (see appendix F)

- Results of the source individual's blood testing, if available and if consent for release has been obtained

- Log and attach this district's copy of the health-care professional's written opinion.

Annual Review of Exposure Control Plan School District of Altoona

The Exposure Control Plan has been reviewed on this date: _____

Reviewed by _____

Name

Position

Name

Position

Name

Position

New tasks and procedures which affect occupational exposure:

Annual evaluation of available engineering controls, including engineered safer needle devices:

Modification of former tasks and procedures which affect occupational exposure:

New or revised employee positions with occupational exposure:

General Information

Terry Moen, Chief, Occupational Health Section
Bureau of Public Health
Wisconsin Department of Health and Family Services
(608) 266-8579

Jeff Flatness
Environmental Hygienist
CESA 10
(715) 720-2077

Education and Training

Local hospital infection control manager:

Local public health agency:

Linda Caldart-Olson, School Nursing and Health Services Consultant
Student Services/Prevention and Wellness Team
Wisconsin Department of Public Instruction
(608) 266-8857

Marlene Kippley, Program Assistant
Safety and Buildings
Wisconsin Department of Commerce
608-266-2780

Infectious Waste Disposal

Local waste disposal service company:

Local hospital:

Local public health agency:

Medical Waste Coordinator
Wisconsin Department of Natural Resources
(608) 266-2111

Internet Resources

Centers for Disease Control (CDC):

General site: <http://www.cdc.gov>

Hepatitis B Virus (HBV): <http://www.cdc.gov/epo/mmwr>

Hepatitis C Virus (HCV): <http://www.cdc.gov/epo/mmwr>

Occupational Safety and Health Administration (OSHA):

Appendix O

General site: <http://www.osha.gov>

OSHA Regulations & Compliance links: <http://www.osha.gov/comp-links.html>

Federal Register: <http://www.access.gpo.gov/nara/index.html>

Wisconsin statutes: <http://www.legis.state.wi.us/>