

## How to Determine if the Bloodborne Pathogen (BBP) Standard Applies

The Bloodborne Pathogen standard VOSHA 1910.1030 requires each employer to make an exposure determination that considers whether employees are reasonably anticipated to have workplace exposure to blood or other potentially infectious materials (OPIM). For municipal public safety employees such as police, EMS and some firefighters, the answer is a clear yes.

For those in public works, the answer may not be so clear. This document will review some common public works exposures, consider OSHA interpretations and first-aid requirements to provide logic that will help your municipality determine whether these employees do have occupational exposure to blood or OPIM and are thus subject to the requirements of the BBP standard.

1. In general, most highway maintenance personnel do not have any duties that routinely expose them to blood or body fluids. As such, they would typically not be covered by the BBP standard.
2. There may be some situations where highway maintenance (or Parks/Recreation Department) employees encounter discarded sharps from IV drug users. If they are expected to handle these materials, then there is reasonably anticipated occupational exposure to blood or OPIM, and the standard would apply. Oftentimes, this task can be assigned to a single person so as to limit the application of the standard and the training and Hepatitis B vaccination requirements. Of course, this is up to the municipality to make that decision.
3. VOSHA has a requirement that when formal medical services are not in near proximity to operations, that the employer must provide a person or person who are adequately trained in first aid. Federal OSHA has commonly interpreted near proximity as providing treatment within a 3-4 minute window" for most exposures. For operations that pose a lower risk of serious injuries (such as an office setting), OSHA has increased the time window to 15 minutes. The requirement can be met by relying on professional medical services either from EMS, fire or a local clinic or hospital emergency room if they are within the timeframes outlined above.
4. For municipalities that have operations that do not have such readily available emergency medical services, they must have at least one first-aid trained person on staff at all times. This applies to both general industry (Parks & Rec) and construction operations (which often includes highway maintenance work). For these first-aid trained employees who are fulfilling a regulatory requirement to provide first aid as part of their duties, they would be covered by the BBP standard. In most cases, volunteer fire departments are unable to meet the response times outlined by OSHA guidance.

In summary, for highway and parks/rec employees who periodically encounter and must handle (even with tools) discarded sharps, they are covered by the BBP standard. If highway or parks/rec employees fulfill a first-aid role as part of their job, then they are also covered by the BBP standard. There is flexibility to limit application of the standard, as the employer can make operational choices about who will fulfill these roles.

In cases where a member of the highway crew is also on the VFD and is covered by their BBP Exposure Control Plan, it should be feasible to use the Hep B vaccination documentation and training documentation that the department might have to fulfill those requirements; however it does not relieve the municipality from providing PPE, completing the Exposure Control Plan, or any of the standard's other requirements.