



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 2-02-029

**EFFECTIVE DATE:** October 1, 2014

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**SUBJECT:** Regional Emphasis Program for Health Hazards in the Healthcare Industry

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**REGIONAL IDENTIFIER:** Region VI

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## ABSTRACT

- Purpose:** This notice establishes a Regional Emphasis Program (REP) for programmed, comprehensive health inspections in certain segments of the Healthcare Industry.
- Scope:** This Notice applies to all worksites in Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico that are under Federal OSHA jurisdiction.
- References:**
- OSHA Instruction CPL 02-00-150
  - OSHA Instruction CPL 04-00-001 (CPL 2-0.102A)
  - OSHA Instruction CPL 02-00-025I (CPL 2.25I)
  - OSHA Instruction CPL 02-02-069 (CPL 2-2.69)
  - OSHA Instruction CPL 02-00-051 (CPL 2-0.51J)
  - 29 CFR 1910.1030, Bloodborne Pathogens
  - 29 CFR 1910.1047, Ethylene Oxide
  - 29 CFR 1910.95, Occupational Noise Exposure
- Enforcement Exemptions and Limitations under the Appropriations Act
- OSHA Hospital eTool Heliport and Laundry modules
- Cancellations:** None.
- State Impact:** Region VI 21(d) Consultation Project Offices in Arkansas, Louisiana, Oklahoma, New Mexico and Texas will provide outreach, consultation services, and training to affected employers as requested.

**Action Offices:** Region VI Area and District Offices  
Region VI Consultation Project Offices  
Dallas Regional Office

**Information Office** New Mexico Occupational Health and Safety Bureau

**Originating Office:** Dallas Regional Office

**Contact:** Assistant Regional Administrator for  
Enforcement Programs  
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Dallas, Texas 75202-5007  
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By and Under the Authority of

  
JOHN M. HERMANSON  
Regional Administrator

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- I. **Purpose.** This notice establishes an REP for hazards in the Healthcare Industry at Free-Standing Ambulatory Surgical Centers and Urgent Care Centers (NAICS 621493) within the jurisdiction of Region VI.
- II. **Scope.** This Notice applies to all Area Offices in Region VI and those worksites in New Mexico that are under Federal Jurisdiction.
- III. **References.**
- A. CPL 02-00-150, Field Operations Manual (FOM)
  - B. CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs)
  - C. CPL 02-00-025, Scheduling System for Programmed Inspections
  - D. CPL 02-02-069, Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens
  - E. 29 CFR 1910.1030, Bloodborne Pathogens
  - F. 29 CFR 1910.1047, Ethylene Oxide
  - G. Enforcement Exemptions and Limitations under the Appropriations Act;
  - F. OSHA Hospital eTool Heliport and Laundry modules
- IV. **Expiration.** This notice expires on September 30, 2015, but may be renewed as necessary.
- V. **Action.** OSHA compliance personnel shall ensure that the procedures contained in this directive are followed when conducting inspections under this REP.
- VI. **Background:**
- 1. According to a Bureau of Labor Statistics report released in November, 2013, the healthcare industry leads the nation with 580,000 nonfatal occupational injuries and illnesses by private industry sector in 2012.
  - 2. In March 2000, the Centers for Disease Control and Prevention estimated that more than 380,000 percutaneous injuries from contaminated sharps occur annually among health care workers in United States hospital settings. Estimates for all health care settings are that 600,000 to 800,000 needlestick and other percutaneous injuries occur among health care workers annually. Such injuries can involve needles or other sharps contaminated with bloodborne pathogens, such as HIV, HBV, or HCV. These injuries

are costly in many ways. The bloodborne pathogen standard (29 CFR 1910.1030) requires the use of sharps with engineered sharps injury protection. The bloodborne pathogen standard revisions were published on January 18, 2001, and became effective on April 18, 2001.

3. Nationwide, since January 2011 OSHA has conducted 133 inspections of facilities within NAICS 621493. More than 70% of the inspections resulted in the issuance of citations totaling 263 violations.

During normal operations at certain healthcare facilities employees could be exposed to hazards involving any of the following:

- a. **Bloodborne Pathogens:** Hazards associated with infectious agents transmitted via blood are found throughout most segments of the Healthcare Industry.
  - b. **Ethylene Oxide, Gluteraldehyde, and other cold disinfectants:** Employee exposure to ethylene oxide resulted in healthcare establishments receiving the highest number of citations issued for violations of the OSHA ethylene oxide standard (1910.1047) as compared to all other industries in Federal OSHA during fiscal years 2008 thru 2012. Since the source of exposure is its use as a cold disinfectant, exposure to ethylene oxide can be expected to occur at Ambulatory Surgical Centers and Urgent Care Centers.
4. A review of local and national inspection history revealed that several health hazards are prevalent within healthcare facilities. A wide variety of health hazards are found in Ambulatory Surgical Centers and Urgent Care Centers, needlestick injuries and other sharps-related injuries which expose workers to bloodborne pathogens continues to be an important workplace health concern. Workers are at risk of exposure to bloodborne pathogens, including Hepatitis B, Hepatitis C, and HIV/AIDS.

## **VII. Enforcement.**

A. Hazard: Exposure to bloodborne pathogens, Ethylene Oxide, Gluteraldehyde and other cleaning chemicals, and Ionizing Radiation (x-rays).

B. Scheduling of Inspections:

1. **REP Inspection List.** The Office of Statistical Analysis will compile a list of establishments based on the NAICS 621493 and classified as ambulatory surgical care centers, freestanding emergency care clinics and urgent medical care clinics: Adjustments to the list for additions and

deletions will follow the guidelines in CPL 02-00-025 Scheduling Systems for Programmed Inspections, with the exception that all employers will be included regardless of size.

2. Inspection Order. Establishments within a cycle may be inspected in any order so that Area Office resources are efficiently used. Once a cycle is begun, all establishments in the cycle are to be inspected before a new cycle is started, except that carryovers will be allowed as provided for in OSHA Instruction CPL 02-00-025.
3. Cycle size will be based on area office resources not to exceed ten facilities per cycle. Once a cycle is begun it must be finished. Within a cycle, the establishments may be scheduled and inspected in any order that makes efficient use of available resources. All establishments in a cycle must have inspections initiated before any establishments in a new cycle may be inspected. There will be one cycle per year.
4. Establishments with ten or fewer employees will be included in this program unless the establishment's NAICS is listed in the most recent Appendix A of OSHA Instruction CPL 02-00-51, Exemptions and Limitations under the Current Appropriations Act. Establishments in exempt NAICS will be deleted from the establishment list..
5. Relationship to Other Programs. Reports of imminent danger, fatality/catastrophe, complaints and referrals shall be scheduled as unprogrammed inspections and shall be inspected in accordance with the applicable provisions of the FOM, OSHA Instruction CPL 02-00-150. This does not, however, limit the Area Office's authority to conduct an inspection in accordance with this REP of any establishment selected for inspection pursuant to this REP. If an unprogrammed inspection is to be conducted at a facility that is also included in the current inspection cycle under this REP, the Area Office may conduct the inspections concurrently.
6. All Site Specific Targeting (SST) sites will be handled according to the most current OSHA Notice CPL 02, which outlines procedures for conducting programmed inspections based on site specific targeting information.
7. If an employer refuses to allow the compliance officer to complete any part of the inspection, a warrant shall be sought in accordance with procedures in the current FOM for handling such refusals.
8. The CSHO shall avoid all direct contact with potentially contaminated needles and other sharp instruments. The CSHO must establish the

existence of hazards and adequacy of work practices through employee interviews and shall observe operations at a safe distance.

9. The privacy of clients must be respected. Photos must not show client faces, readable identification bracelets or any other image that could be used to reveal client identity.

C. Specific Inspection Procedures: Inspections conducted under this Regional Emphasis Program will be conducted pursuant to the following procedures:

1. Upon entering the facility, the CSHO will verify the NAICS code of the establishment. If the NAICS code is not within the scope of this REP, the CSHO will exit the facility and code the OSHA Inspection Activity as 'No Inspection.'
2. If the establishment has no employees, such as a sole proprietorship with no workers, the CSHO will exit the facility and code the OSHA-1 as a 'No Inspection.' Although establishments with 10 or fewer employees will be inspected, the CSHO shall be familiar with the restrictions contained in CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*, concerning safety hazards at establishments with less than ten employees in specific NAICS codes.
3. If the establishment is within the specified NAICS and the establishment has employees, the CSHO will proceed with a Comprehensive Health inspection.
4. The CSHO will request the OSHA 300 Logs and OSHA300A Forms for the three most current years; review the employer's PPE hazard assessment to ensure CSHO is equipped with the appropriate PPE; follow the procedures outlined in the FOM for conducting an opening conference; then proceed as quickly as possible with the walk around portion of the inspection. Unusual circumstances shall be handled in accordance with the FOM.
5. During the walk around, the CSHO shall identify all processes, both major and minor, that have potential to expose employees to health hazards. Such identification may consist of observation, screening samples, review of the chemical inventory list and material safety data sheets, and brief interviews with employees.
6. All observed safety hazards shall be addressed by the CSHO or will

be referred, unless exempted by CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*.

7. Once the health hazards are identified, the CSHO shall evaluate the employer's industrial hygiene and infection control programs to determine the extent to which the employer has evaluated, addressed, and controlled these hazards. The CSHO shall also evaluate the employer's overall safety and health management system, in accordance with the FOM.

**VIII. Recording in IMIS.**

The OIS identifier code to be used in the Inspection Activity will be 'HLTHCARE6.' All inspections conducted shall be recorded as being 'Comprehensive.'

- IX. Evaluation.** An evaluation of this program will be submitted by the Area Directors to the Regional Office no later than October 15, 2015. Elements to be considered in the evaluation are contained in OSHA Instruction CPL 04-00-001.

**A. Activity Measures**

1. Number of inspections conducted
2. Number, type and classification of violations related to bloodborne pathogen, ionizing radiation, and ethylene oxide hazards.
3. Number of overexposures to noise and air contaminants documented.

**B. Outcome Measures**

1. Number of employers who implemented bloodborne pathogen programs as a result of outreach component.
2. Number of employees removed from overexposures.

- X. Outreach.** Outreach will be performed to both trade groups and employee organizations by the Compliance Assistant Specialist (CAS).

Distribution: Regional and Area Offices  
Regional Solicitor  
Directorate of Enforcement Programs