

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**PROPOSED DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
REGARDING PETITION FILE NO. 569****INTRODUCTION**

On February 16, 2018, a proposal was submitted to the Occupational Safety and Health Standards Board (Board or OSHSB) by Michael H. Schaffer, DMD (Petitioner). The submission proposes revision of engineered sharps injury protection provisions of the Title 8, Section 5193, Bloodborne Pathogens regulation.

Labor Code Section 142.2 permits interested persons to propose new or revised regulations concerning occupational safety and health, and requires the Board to consider such proposals and to render its decision no later than six months following their receipt.

In accordance with Labor Code Section 142.2, the submission has been assigned OSHSB Petition File No. 569, and duly considered by the Board.

SUMMARY

The Petitioner seeks to add a prescriptive requirement to Section 5193 mandating that non-integral safety devices be used where needleless systems or medical devices with engineered sharps injury protection are not used.

It is the position of the Division and Board staff that a prescriptive requirement for non-integral safety devices is not necessary for reasons including:

- Using a non-integral safety device will increase risks to employees who can promptly dispose of sharps in a sharps container that is within easy reach.
- Non-integral safety devices are not needed to protect employees from the contents of sharps containers.
- Engineering controls are already required by Section 5193, to the extent they would reduce risks to employees.

DISCUSSION

Employee handling of unprotected contaminated sharps should be eliminated wherever possible or minimized in situations where sharps must be used. The best method to reduce exposure when sharps are used is to activate the engineered sharps injury protection as soon as an employee has finished using a sharp.

When engineered sharps injury protection cannot be used on a disposable sharp, exposure is best minimized by immediately disposing of the sharp in a sharps container located next to the employee.

To require employees to use a non-integral safety device prior to sharp disposal introduces additional handling of a contaminated sharp and increases the likelihood that an employee will be cut or stuck with the sharp. Additionally, adding extra steps for disposing of sharps unnecessarily complicates the process.

The Petitioner contends that "non-integral" safety devices are needed to protect employees from the contents of sharp containers. However, existing requirements already ensure that employees are not exposed to such contents.

Board staff observed correctly that the Board approaches with particular caution, any proposed occupational safety and health standard which may affect the feasibility of established methods chosen by health care professionals to deliver optimum patient care. A clear showing must be made that any proposed method of assuring occupational safety and health be wholly compatible with well-established professional methods assuring optimum health care outcomes. With respect to the present Petition, that showing has not been made, even with the benefit of supplemental research and analysis undertaken by Board staff and Division industrial hygienists and safety engineers in an effort to give it thorough consideration.

It is worth noting that the regulatory exception to which the Petitioner takes issue does not preclude health care professionals from utilizing the proposed technology to the extent it may supplement existing safety order requirements. In this respect, the existing exemption allows for the sort of safety technology advocated by the Petitioner.

DECISION

Having considered Petition File No. 569, and associated analyses and recommendations of the Division and Board staff, the Board hereby DENIES the Petition.