**ENFORCEMENT AND INSPECTION**

**Protect Leased and Temporary Workers from BBP Exposure**

[Enforcement and Inspection](http://ehsdailyadvisor.blr.com/category/enforcement-and-inspection/) Jennifer Busick Monday - December 11, 2017

In recent years, employers have moved to cut costs and improve flexibility by using leased and temporary workers. In response, the Occupational Safety and Health Administration (OSHA) has created and enforced policies requiring employers to ensure that those workers receive the same protection from occupational hazards as their permanently employed counterparts. A New York recycler found out just how serious OSHA is about its new policies when some of its workers complained about exposure to used needles while sorting recyclable bottles and cans.

*[](http://news.blr.com/app/uploads/sites/2/2017/12/EHSDA_121117.jpg)*

*BanksPhotos / E+ / Getty Images*

Tomra NY Recycling operates four facilities in the state. Some of its workers, including leased and temporary workers, perform manual sorting of bottles and cans. In 2016, OSHA inspected both Tomra’s Farmington, New York, and Syracuse, New York, facilities after workers reported being stuck by used hypodermic needles. The problem, OSHA discovered, was that the safety of leased and temporary workers was not being addressed under the employer’s bloodborne pathogens (BBP) program in the same way as permanent employees.

**Preventing BBP Exposures**

When OSHA inspected Tomra’s Farmington and Syracuse facilities, it found that the employer had not taken appropriate precautions to identify all at-risk workers and to prevent BBP exposures and infections. In particular, temporary and leased employees who manually sorted recyclable bottles and cans were not covered by the employer’s BBP program.

Tomra was cited for two violations of OSHA’s BBP standard (29 CFR 1910.1030) at each facility, including:

* Failing to prepare an exposure determination for employees who manually sorted recyclable bottles and cans who might have occupational exposure to blood or other potentially infectious materials; *and*
* Failing to offer hepatitis B (HBV) vaccination to potentially exposed workers who manually sorted recyclable bottles and cans.

Although there were only two violations, they had an impact on the employer’s whole BBP program. As a result of failing to conduct an exposure determination and make HBV vaccinations available to just one small group of workers, the employer agreed to make corporatewide changes to its BBP program. Tomra is required under the settlement agreement to:

* Revise the exposure control plan and exposure determination at all four of its facilities to reflect that all employees, including temporary and leased employees, who manually sort recyclable bottles and cans have occupational exposure to BBP.
* Provide its revised exposure control plan and exposure determination to OSHA.
* Ensure that all employees with occupational exposure receive annual BBP training; coordinate training with staffing agencies; and inform the staffing agencies when it has provided training to temporary or leased workers.
* Provide to all occupationally exposed employees appropriate personal protective equipment (PPE), including puncture-resistant gloves, and ensure that they use it.
* Provide engineering controls, such as tongs, to employees with occupational exposure.
* Ensure that HBV vaccination is offered to all employees with occupational exposure.