

-----  
INFORMATIONAL LETTER

TRANSMITTAL: 95 INF-27

TO: Commissioners of  
 Social Services  
 Registered and Licensed  
 Child Care Providers  
 Child Care Resource  
 and Referral Agencies

DIVISION: Services and  
 Community  
 Development

DATE: August 16, 1995

SUBJECT: Federal OSHA Regulations on Bloodborne Pathogens

SUGGESTED  
 DISTRIBUTION: Directors of Services  
 Staff Development Coordinators

CONTACT PERSON: Bureau of Early Childhood Services Regional Offices:  
 Region I - Buffalo - (716) 847-3828  
 Region II - Rochester - (716) 238-8531  
 Region III - Syracuse - (315) 423-1204  
 Region IV - Albany - (518) 432-2763  
 Region V - New York City - (212) 383-1825  
 Region VI - Yonkers - (914) 376-8810  
 Region VII - Hempstead - (516) 564-4980

ATTACHMENTS: 1) Material on Prevention of Lyme Disease (not  
 available on-line); and,  
 2) Brochure on Early Intervention Program (not availa  
 ble on-line); both from the New York State Dept.  
 of Health

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		Part 418	SSL 390		
		Part 417			
		Part 416	29 CFR		
		Part 414	1910.1030		

## Introduction

The purpose of this Informational Letter (INF) is to clarify whether or not the federal Occupational Safety and Health Administration's (OSHA) rules on occupational exposure to bloodborne pathogens apply to day care providers. In addition, this INF provides information on where to obtain resources for assistance on compliance with the OSHA rules, and the enclosures provide information on promoting and protecting the health of children in child care programs.

## Summary of the OSHA rules

The OSHA rules apply to all employers that operate businesses in which an employee might come into contact with blood or infectious body fluids as a result of their job duties. Thus, any day care provider that employs one or more people in direct child care duties should examine the OSHA rules to see how they apply to their program. According to the Federal regulations Bloodborne Pathogen Standard 29 CFR 1910.1030, there are two main sets of standards that apply; child care providers are typically subject to the less stringent set of requirements.

- 1) The more stringent requirements apply to jobs in which potential blood exposure is more likely because the position's primary job duties involve more potential exposure to blood and infectious body fluids. This would include doctors, nurses, nurse's aids, emergency medical technicians or other such health care or emergency care professions. This may apply to child care providers that employ nurses who are likely to come into contact with blood as a result of their job duties. This set of standards includes such elements as training on universal precautions, developing an exposure plan, providing protective equipment such as gloves, and offering the hepatitis B vaccine free of charge to all employee who are likely to come into contact with blood as a result of their job duties.
- 2) The less stringent requirements apply to job positions in which an employee might come into contact with blood or infectious body fluids as a collateral or secondary job responsibility. This would include employees that have first aid duties as a part of their job, such as coaches, office workers, industrial plant personnel or child care providers. This set of standards includes such elements as training on universal precautions, providing protective equipment such as gloves, developing an exposure control plan and offering the hepatitis B vaccine free of charge to employees when they have an actual exposure to blood or infectious body fluids as a result of their job duties.

Available Resources for Providers

The New York State Department of Labor is responsible for enforcement of OSHA standards for public employers, and the Federal Government is responsible for enforcement with private sector employers. However, the New York State Department of Labor consultants are available to consult with both private sector and public sector employers to assist them in complying with the OSHA regulations.

The New York State Department of Labor has published a guide to assist employers in complying with the OSHA bloodborne pathogens standard rules Employer Guide and Model Exposure Control Plan, that is available free to New York State employers. For a copy of this publication, further information or for free consultation, contact your nearest local New York State Department of Labor regional office, as listed below:

For Private Sector Employers write:

Consultation Program,  
Division of Safety and Health  
New York State Department of Labor  
Building # 12, Room 457  
W. Averell Harriman State Office Building Campus  
Albany, New York, 12240

or call:

Albany, Binghamton, Utica areas  
Vic Fiano (518) 457-2810

White Plains, Hempstead areas  
Bruce Washienko (914) 997-9527

Syracuse, Buffalo, Rochester areas  
Greg Conrad (716) 847-7166

New York City  
Ralph Cugno (718) 797-7653

Public employers, such as state, county or local municipalities should write to:

Maureen Cox  
Division of Safety and Health  
New York State Department of Labor  
Building # 12, Room 457  
Albany, NY 12240  
(518) 457-1263

or call:

Albany area (518) 457-5508

Binghamton area (607) 773-7236

Buffalo area (716) 847-7134

Hempstead area	(516) 485-4408
New York City	(718) 797-7671
Rochester area	(716) 258-4570
Syracuse area	(315) 479-3212
Utica area	(315) 793-2258
White Plains	(914) 997-9514

In keeping with our commitment to ensure coordination and efficiency across state agencies, you will find materials recently released from the New York State Department of Health that are relevant to your work as a child care provider. These materials have information on how to protect children from Lyme Disease, including a handout to use in educating children. Also enclosed is a brochure that you may use to inform parents on the Early Intervention Program, a program offering services to children under three who are developmentally delayed.

If you have further questions, please contact your Bureau of Early Childhood Services' regional office licensing representative. Thank you for your continued commitment to serving the children and families of New York State.

---

Suzanne Zafonte Sennett, Director,  
Bureau of Early Childhood Services,  
Division of Services and Community  
Development