



INTEROFFICE MEMORANDUM

Oregon Occupational Safety & Health Division

Date: August 13, 2004
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TO: All OR-OSHA Staff

FROM: Marilyn K. Schuster
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SUBJECT: Bloodborne Pathogens

At a recent IH Consultant's meeting, the issue came up of how Bloodborne Pathogens(1910.1030) applies when an employer designates employees as first-aid providers, but does not require those employees to provide that first aid.

First off, there was some discussion of whether this would be Good Samaritan or collateral duty. These two concepts do not interface in this manner. "Good Samaritan" describes whether or not 1910.1030 applies; "collateral duty" describes how 1910.1030 applies.

If an employer has employees who are expected to provide first aid, then 1910.1030 applies. If first aid is a rare event, then the employer can follow the provisions of the collateral duty clause.

If, on the other hand, an employer has employees who are trained in first aid, but those employees are not expected to render aid, then any action is considered Good Samaritan.

A related question came up during the discussion of Good Samaritan: what does OSHA expect in the event of an exposure incident during a Good Samaritan act?

Nothing in 1910.1030 applies when the incident is purely Good Samaritan. There was some discussion about using the Medical & First Aid rules to enforce employer action in these cases, but that is not appropriate because none of our rules apply to someone providing first aid as a Good Samaritan. Essentially, during a Good Samaritan response, the responder is considered a member of the general public for the duration of the response. If there is an exposure incident, the employer is not required to do anything under any of our rules, so there is no evaluation, medical aid, or recordkeeping requirements in relation to that exposure incident.

As always, we strongly encourage the employer to do a post-exposure evaluation in the event a Good Samaritan act results in an exposure incident, but it is not required.

A secondary question came up about when Oregon OSHA rules require first aid providers or equipment. Does this mean that 1910.1030 applies automatically? The answer is no. No where in our rules about first aid does it specifically require those employees to render first aid. That decision belongs to the employer. If the employer mandates they render aid, then 1910.1030 applies. If it is solely up to the responder to render aid, then it is Good Samaritan.

Please contact the Oregon OSHA's Technical Section at (800)922-2689 if you have questions.