



TOSHA INSTRUCTION

TENNESSEE DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY & HEALTH

DIRECTIVE NUMBER: CPL-TN 04-00-007

EFFECTIVE DATE: October 1, 2017

SUBJECT: Local Emphasis Program – Offices of Dentists (NAICS 621210)

- A. **PURPOSE:** This instruction implements a local emphasis program (LEP) for programmed inspections of offices of dentist [NAICS 621210 (formerly SIC code 8021-Offices and Clinics of Dentists)]
- B. **DOCUMENTS REFERENCED:**
1. TOSHA Field Operations Manual (FOM), Tennessee Occupational Safety and Health Plan – Part V, (April 1, 2016).
 2. OSHA Instruction TED 1-0.15A; January 20, 1999; OSHA Technical Manual (Adopted by TOSHA Instruction TED 1-0.15A).
 3. OSHA Instruction CSP 02-00-003; November 19, 2015; Consultation Policies and Procedure Manual (CPPM)
- C. **BACKGROUND:**
1. A review of Integrated Management Information System (IMIS) data over a 10 year period spanning October 1, 2004 through September 30, 2014 revealed 30 total inspections of workplaces with Standard Industrial Classification code 8021, Offices of Dentists (excluding monitoring and follow up inspections). Of the 30 workplaces inspected, 27 were observed to have employee exposure to 319 hazards, for an average of 11.8 hazards per facility where hazards were observed. This contrasts with 5.6 hazards per workplace where hazards were observed at all combined workplaces over the same period.
 2. This NEP will focus primarily on the hazards that are prevalent in dental care facilities, specifically, exposure to blood and other potentially infectious materials and exposure to hazardous chemicals.
 3. Hazards other than those selected as the target of this Instruction are likely to exist in dental care facilities. For example hazards associated with medical waste gases. As detailed in the FOM, when additional hazards come to the attention of

the compliance officer, the scope of the inspection may be expanded to include those hazards.

4. Outreach and training efforts in these settings should include information on commonly recognized hazards (e.g., TB and MDRO exposures) for the purpose of advancing awareness of those hazards

D. INSPECTION SITE SELECTION:

1. Inspections conducted under this NEP will focus on establishments classified within NAICS code 621210. The TOSHA Central Office will utilize all available resources, such as the OIS database, IMIS database, other Department of Labor and Workforce Development information systems and Tennessee Department of Health databases to develop a list of establishments to be targeted by this instruction. This master list will be randomized following procedures outlined in CPL-TN 02-00-025 and made available to Area Supervisors. Establishments with fewer than 10 employees shall be included in this LEP.
 - (a) Each year of this directive, area offices will be expected to inspect at least five (5) facilities under this LEP.
 - (b) If an AO initiates an unprogrammed inspection (e.g., complaint or referral) in a facility within the covered NAICS, then the procedures set forth in this Instruction must be followed and the inspection may be coded under this LEP.
2. Formal complaints, safety and health agency referrals, and media reports shall be scheduled as unprogrammed inspections and conducted as described in the relevant chapters of the Field Operations Manual (FOM). Where information of previous interventions indicates no need to inspect, this should be documented in the case file.
3. When an inspection is not conducted because consent has not been obtained, a warrant normally shall be sought in accordance with the current procedure for handling such cases.

E. INSPECTION PROCEDURES: The following procedures shall be followed during all inspections conducted under this instruction.

1. Inspections shall be conducted in accordance with the FOM.
2. During the opening conference the employer will be informed of the Offices of Dentists LEP. The scope of all inspections will include an evaluation of exposure to bloodborne pathogens and hazardous chemicals. The employer will be informed of this during the opening conference.

F. RECORDING IN THE OIS:

All enforcement activities (inspections, complaints, and referrals) and compliance assistance interventions conducted under this LEP must be coded with the SEP code, "DENTAL" entered in the appropriate OIS field on the OIS form.

The majority of inspections conducted under this LEP will be coded as "Health (H)" inspections. When an inspection under this LEP is conducted in conjunction with an SST inspection (or other safety-related inspections), "H," the appropriate SST year (e.g., "SSTARG__"), along with the SEP code "DENTAL" must be entered in the appropriate OIS fields on the OIS form.

Whenever a consultation request/visit is made in response to this LEP, the SEP code "DENTAL" must be recorded in the appropriate field on the Consultation request/visit forms.

G. FULL-SERVICE PROGRAM SUPPORT:

1. The Training Section will develop outreach programs that will support the enforcement effort:
 - (a) To increase the coverage of the LEP, Health Compliance Officers will be trained in the identification of hazards associated with dental practices.
 - (b) Seminars will be developed and conducted statewide to assist dental offices in understanding the Bloodborne Pathogen Standard, the Hazard Communication Standard, and other relevant standards as well as methods in which such offices may comply with these standards.
 - (c) The TOSHA website will have a special section devoted to Local Emphasis Programs. This should provide the public access to assistance in understanding written programs, methods of compliance, and a means to seek assistance via e-mail or telephone.
2. The Consultation Section will develop outreach programs that will supplement the enforcement effort:
 - (a) Consultation Resources will conduct Correction Assistance visits where the employer has been cited for violations of Tennessee OSHA standards and has requested assistance, in writing, to correct those hazards.
 - (b) Consultation will conduct targeted solicitations, outreach and promotion of consultative assistance using strategies outlined in Chapter 3 of the current Consultation Policies and Procedures Manual (CPPM) for sites covered by the LEP in NAICS 621210.

H. EVALUATION:

1. Compliance and Consultation data will be evaluated monthly.
2. An evaluation report will be completed monthly by the Operations Manager. This report will be provided to the Administrator and Managers.
3. An evaluation will be performed in May 2022 to evaluate the LEP for its effectiveness, impact upon the workplace, and its continuation.

I. ACTION: Managers and Supervisors shall insure that the procedures set forth in this instruction for the TOSHA LEP on Offices of Dentists are followed.

J. EFFECTIVE/EXPIRATION DATES: This instruction is effective October 1, 2017 and shall remain in effect until cancelled or superseded.