



## FLASH REPORT!

### Cal/OSHA Tags Wal-Mart in Bloodborne Pathogens Case

A case of Hepatitis B contracted by an employee of Wal-Mart's Yuba City store has led to citations for alleged serious violations of Cal/OSHA's bloodborne pathogens standard and triggered medical evaluations for workers who use tagging guns in the store. Health officials have not been able to pinpoint the source of the worker's infection, but the tagging guns, which are used to mark merchandise, have not been ruled out.

The guns, which attach merchandise with price and inventory code tags, contain hollow-bore needles and it is common for workers to receive punctures using them. Hepatitis B is a disease that must be reported to public health officials, and when the worker became symptomatic and was diagnosed by a doctor last year, the physician reported it to the local public health department, which then notified the California Department of Public Health Immunization Branch. The Division of Occupational Safety and Health (DOSH) also was notified.

The two most likely sources of infection to the worker were the tagging guns or needles used by the worker's dentist, but the local health officer who investigated the case concluded that the dental office was not the likely source of infection.

Cal/OSHA opened an inspection last December and determined that the more than 20 workers who used the tagging guns have received needle sticks repeatedly and fairly frequently.

The Cal/OSHA citations allege two serious and three serious violations of the bloodborne pathogens standard, General Industry Safety Orders §5193, and a general violation of GISO §3384 regarding hand protection. Total proposed penalties are \$16,500.

The investigation has prompted Wal-Mart to issue individual tagging guns to workers to prevent sharing and the retail giant also is investigating the use of needleless tagging guns.

Tagging guns have been an issue with Cal/OSHA since the early 1990s, when then-DOSH Chief John Howard issued an informational bulletin warning about the hazards of needlesticks from the devices. In 2000, DOSH cited a Meryvn's store in Torrance for failure to have an exposure control plan for workers using tagging guns. The citation was upheld by an administrative law judge, but the classification was reduced to general and a proposed \$3,375 penalty was reduced to \$500.

Wal-Mart has agreed to send workers to clinics that deal with diseases such as hepatitis for medical evaluation. Including workers who are no longer employed at the store, there are 28 such individuals.