



Notice of Violation and Order to Comply

To:
County Executive
County of Nassau
1 West Street
Mineola, NY 11501

Inspection Number: 311645303
Inspection Date(s): 01/22/2009 - 08/28/2009
Issuance Date: 09/01/2009
CSHO ID: I2279

Inspection Site:
Nassau Co PD Hdqtrs
1490 Franklin Avenue
Mineola, NY 11501

The violation(s) described in this Notice of Violation and Order to Comply is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Notice of Violation and Order to Comply (this Notice) describes violations of the Public Employee Safety and Health Act of 1980. You must abate the violations cited in this Notice by the dates listed below. An employer who wishes to file an appeal of the violation(s) cited, including but not limited to appeals which raise issues concerning the application of the cited standard(s) to the employer or to the violation(s) cited, as well as issues concerning the appropriateness of the abatement period(s), must do so within 60 days of the issuance date of this Notice by filing a petition with the Industrial Board of Appeals. Appeals of the violation(s) cited, including but not limited to appeals raising the issues listed above, will be considered time barred if not filed within the 60 day period. The details of such appeal process are set forth at 12 NYCRR Part 65 *et seq* and Section 101 of the Labor Law. Additional information may also be obtained from the Industrial Board of Appeals.

Posting - The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Notice must remain posted until the violation(s) cited below have been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. **Failure to comply with any violation listed on this Notice by the abatement date is subject to a PER DAY penalty assessment.**

Informal Conference - If an informal conference is desired, a request must be made to the nearest PESH district office by telephone or letter, within 20 working days from the date of issuance given on this Notice.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been

discriminated against may file a complaint no later than 30 days after the discrimination occurred with the PESH district office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (DOSH-907) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - An employee (or an authorized employee representative) may object to the abatement date set for a violation if the employee believes the date to be unreasonable. The objection must be filed at the nearest PESH district office within fifteen (15) working days (excluding weekends and State holidays) from the posting of this Notice.



Notice of Violation and Order to Comply

Establishment: Nassau Co PD Hdqtrs
Inspection Site: 1490 Franklin Avenue, Mineola, NY 11501

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(ii)(A): The employer's Exposure Control Plan did not include the exposure determination required by 29 CFR 1910.1030(c)(2):

a) Nassau County Police Department did not determine the persons or job titles that could be exposed to blood on a routine basis (refer to Nassau Co PD Procedure Number 7120).

Date By Which Violation Must be Abated: 12/03/2009

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(ii)(B): The employer's Exposure Control Plan did not include the schedule and method of implementation for 29 CFR 1910.1030(f), Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up:

a) Nassau County Police Department's Exposure Control Program did not include the schedule and method for 29 CFR 1910.1030(f), Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up for all officers who are expected to be exposed to blood and other potentially infectious materials..

Date By Which Violation Must be Abated: 12/03/2009

See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



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Establishment: Nassau Co PD Hdqtrs
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Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(ii)(C): The employer's Exposure Control Plan did not include the procedure for the evaluation of circumstances surrounding exposure incidents, as required by 29 CFR 1910.1030(f)(3)(i):

a) Nassau County Police Department did not include specific procedures to be used in the evaluation of circumstances surrounding exposure incidents involving police officers and Emergency Medical Technicians (refer to Nassau County Police Procedure 7120).

Date By Which Violation Must be Abated: 12/03/2009

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(iv): The employer did not review and update the Exposure Control plan at least annually:

a) Nassau County Police Department did not review and update their Exposure Control Plan annually. There was no provisions for annual review within their exposure plan.

Date By Which Violation Must be Abated: 12/03/2009

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Establishment: Nassau Co PD Hdqtrs
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Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.1030(d)(2)(iv): When provisions for hand washing facilities were not feasible, the employer did not provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes:

a) Nassau County did not provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes for first precinct officers that were exposed to blood on September 20, 2008. Officers were assisting in the transport of a stabbing victim.

Date By Which Violation Must be Abated: 10/20/2009

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.1030(d)(3)(x): Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, were not worn whenever splashes, spray, spatter or droplets of blood or other potentially infectious materials could be generated and eye, nose, or mouth contamination could be reasonably anticipated:

a) Nassau County Police Department did not ensure that face and eye protection devices were worn whenever splashes, spray splatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated. On September 20, 2008, Officers from the First Precinct responded to an incident involving exposure to blood. The victim had an arterial bleed in which there was blood spray and the officers did not wear face and eye protection.

Date By Which Violation Must be Abated: 12/03/2009

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Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.1030(g)(2)(ii)(C): The employer did not ensure that annual Blood Borne Pathogen training was provided to employees with occupational exposure to Blood or Other Potentially Infectious Materials (OPIM).

a) Nassau County did not provide annual training to Police Officers on blood borne pathogens. Some officers claim that they had received training several years back at the Police Academy.

Date By Which Violation Must be Abated: 12/03/2009

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.1030(h)(3)(i): The employer did not ensure that all records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying.

a) Nassau County Police Department could provide a copy of bloodborne pathogen training records that were requested by the New York State Department of Labor on January 22, 2009.

Date By Which Violation Must be Abated: 12/03/2009

James Cutrone
Supv. Safety & Health Inspector

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