

Occupational Health and Safety Requirements for Working Environment Affected by Biological Hazards¹

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This Regulation is established on the basis of subsection 8 (3) of the Occupational Health and Safety Act.

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of application

(1) This Regulation shall prescribe the occupational health and safety requirements to protect workers from biological hazards that affect the working environment.

(2) The Regulation shall be applied to all work where the workers are or may be endangered by biological hazards.

§ 2. Division of biological hazards into hazard groups

Biological hazards shall be divided into four hazard groups according to their infectivity:

1) hazards of *risk group 1* do not cause illness of persons according to common knowledge;

2) hazards of *risk group 2* may cause illness of persons and therefore endanger the health of workers, but do not cause a threat of infection to the population; efficient means of prevention and treatment exist to combat them;

3) hazards of *risk group 3* may cause serious illness of persons and therefore seriously endanger the health of workers; they may cause a threat of infection to the population, but efficient means of prevention and treatment exist to combat them;

4) hazards of *risk group 4* cause serious illness of persons and therefore seriously endanger the health of workers; they may cause a threat of infection to the population; efficient means of prevention and treatment to combat them do not generally exist.

§ 3. Assessment of health hazards of workers

(1) The employer shall determine the type, format and duration of the threat of infection and accordingly assess the risk to the health of workers and take necessary preventive measures in the course of the risk assessment for all work where there is a danger of exposure to biological hazards.

(2) The concurrence of biological hazards belonging to several risk groups present in the working environment shall be taken into account when assessing the health hazard.

(3) The risk to health of workers shall be assessed regularly. An additional assessment shall be performed if changes that could affect the health of workers take place in the working environment.

(4) When assessing the risk to health of workers, the following shall be taken into account:

1) the possible effect of biological hazards present in the working environment according to their risk groups;

2) suggestions of labour inspectors or occupational health doctors to implement preventive measures for biological hazards if they conclude that the health of workers is endangered due to these factors arising from the type of work;

3) information about illnesses and possible cases of allergy or intoxication that may occur for workers in certain work;

4) information about illnesses related to the work that occurred during a medical examination.

§ 4. Implementation of preventive measures

(1) There shall be no need to implement the measures specified in §§ 5–16 if it becomes evident as a result of the risk assessment of the working environment that the working environment is affected or may be affected only by hazards of risk group 1 and there is no considerable danger to the health of workers. Requirements for biological hazards of risk group 1 presented in Appendix 2 should be followed.

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(2) The measures specified in §§ 5, 7–13 shall be implemented if workers are not directly exposed to the biological hazards when performing their work duties, but as a result of the risk assessment, they may be endangered by them due to the working conditions or the type of work. Such work includes:

1) work in a company handling raw material for food and handling of food;

2) work in a company producing agricultural products and forestry;

3) work during which workers are exposed to animals, animal products and the products made from them;

4) work in health care institutions, including isolation facilities and mortuaries; in care homes;

5) work in a clinical, veterinarian and diagnostics laboratory, except in a diagnostic microbiological laboratory;

6) work in a waste management facility;

7) work in a water treatment plant.

Chapter 2

OBLIGATIONS OF THE EMPLOYER

§ 5. Primary obligation of employer

The employer shall avoid using a biological hazard that is dangerous to health if it is possible to replace it with a biological factor that is safe or safer to health pursuant to advanced knowledge.

§ 6. Reduction of health hazards

(1) If the results of the risk assessment indicate that the working environment is affected by biological hazards, the employer shall avoid endangering the health of workers by biological hazards.

(2) If it is not possible to remove the hazard with the measures specified in § 5, the risk to health of workers shall be reduced to the lowest possible level by implementing the following measures:

1) indicating the areas of working environment affected by biological hazards and placing a danger warning sign "Biological hazard" in necessary locations.

2) reducing the number of workers in the area of influence of hazards to as low as possible;

3) organising the working process and handling and transport of infectious materials in the company such as to avoid the access of biological hazards into the working environment or to keep their presence in the working environment at the lowest possible level;

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4) collecting infectious waste and keeping them in special indicated containers until they are removed from the working environment;

5) changing the infectious waste safe to health and the environment through retorting, disinfection measures or other methods;

6) following the requirements of occupational hygiene;

7) ensuring the possibility of vaccination for workers who are exposed to biological hazards that have an efficient vaccine;

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8) determining the activity plan for the risk of accident arising from biological hazards;

9) measuring the content of biological hazards in the air of the working environment if it is necessary and technically possible;

10) using measures of collective protection or personal protective equipment if exposure to biological hazards is impossible to avoid in other ways;

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(2¹) The employer is obliged to ensure preventive treatment for workers who were subject to an exposure that penetrated the skin with a person, animal or person who is suspected of being infected or carrying an infectious agent and who has immediately notified the employer of the exposure. Preventive treatment shall be, above all, immediate administration of a prophylactic medicinal product or an anti-rabic vaccine and anti-rabic immunoglobulin to the worker after the said exposure. The said exposure that penetrated the skin, followed by preventive treatment, shall be considered to be an occupational accident.

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(3) The employer shall consult an occupational health doctor about the necessity and suitability of vaccinating the workers. Vaccination of the workers shall take place at the expense of the employer. The vaccination record shall be accessible to workers and labour inspectors.

(4) Workers shall be provided with personal protective equipment and the procedure for using thereof shall be determined if it is not possible to make the working environment safe by implementing the said measures.

§ 7. Occupational hygiene

(1) The employer shall take the following occupational hygiene measures to avoid possible infection of workers:

- 1) prohibiting eating and drinking in a working environment affected by biological hazards;
- 2) giving relevant working clothing to workers; also giving protective clothing to workers working in the area of influence of biological hazards of risk groups 3 and 4;
- 3) providing workers with washing facilities with showers, antiseptic skin cleaning agents and installing eyewashes if necessary;
- 4) ensuring that all the used personal protective equipment is cleaned, inspected and stored at a pre-determined location after the end of the working day and defective equipment is repaired or replaced before the next use;

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5) determining the procedure for handling materials or preparations of human or animal origin.

(2) If contamination of the working or protective clothing with biological hazards is possible during the working process, they shall be removed before exiting the workroom and kept separate from other clothing in a special marked container until decontamination and washing.

(3) The employer shall ensure regular cleaning and washing of working and protective clothing and handling thereof in case of becoming unserviceable pursuant to the Waste Act (RT I 1998, 57, 861; 1999, 23, 353).

§ 8. Training of workers

(1) The Employer shall ensure that workers receive a sufficient relevant training. Workers and the working environment representative shall be notified and instructed of everything that is related to health hazards of the working environment, preventive measures to avoid the affect of biological

hazards, hygiene requirements, use of personal protective equipment, avoiding of emergency conditions and acting in case of risk of accident.

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(2) The training of workers shall be carried out before commencement of work with biological hazards and, if needed, periodically.

(3) Workers must receive additional notification if new health hazards arise.

§ 9. Special occasions for notifying of workers

(1) The employer shall compose and approve written instructions for handling of biological hazards and ensure that these are accessible for the workers and put in display in a visible location if necessary.

(2) A written activity plan on how to act in case of a serious risk of accident and what to do in order to avoid and remove the consequences of an accident if the risk is caused by biological hazards.

(3) The employer shall immediately notify workers and the working environment representative of accidents that have taken place and of every emergency condition in the company that could be followed by the spreading of biological hazards into the working environment and infection of workers.

(4) The employer shall inform workers and the working environment representative as fast as possible of accidents that have taken place, the reasons for, possible consequences of and the protection measures being implemented thereof.

§ 10. List of persons working in working environment affected by biological hazards

(1) The employer shall keep a list of workers who are or have been potentially endangered by biological hazards of risk groups 3 and 4 due to their work.

(2) The following data about the worker shall be presented in the list:

- 1) description of the work duties;
- 2) the biological hazard that the worker was exposed to and the duration of exposure;
- 3) information about emergency situations and accidents that have taken place.

(3) The employer shall keep the data about the worker entered into the list for at least 10 years after the last exposure of the worker to the said hazard.

(4) The Employer shall ensure that data of workers shall be maintained for 40 years after the last exposure to the said hazard in case of exposure to biological hazards that can cause:

- 1) permanent or latent infection;
- 2) an illness that can be diagnosed only after years have passed;

3) an illness with a very long incubation period;

4) an illness in case of which the signs of illness will keep repeating themselves regardless of treatment;

5) an illness that has long-lasting severe consequences.

(5) Workers shall have the right to access the data that has been entered into the said list about them.

(6) Workers and the working environment representative shall have the possibility to examine anonymous statistical data related to the list.

(7) Occupational health doctors of the company, working environment specialists and labour inspectors performing supervision shall have the right to examine the list of workers.

§ 11. Medical examination of workers

(1) The employer shall ensure that all workers exposed to biological hazards have passed a previous medical examination and shall pass periodic medical examinations pursuant to the established procedure.

(2) If infection to a biological hazard is discovered during the medical examination of a worker, other workers working in similar conditions shall pass the medical examination as well. An additional risk assessment of the working environment shall also be performed in such a case. The workers shall be provided the possibility of vaccination if required, explaining to them the necessity for vaccination.

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(3) Workers have the right to access the results of their medical examinations.

(4) Employers have the right to get an overview of the results of the medical examinations of workers.

(5) The employer shall maintain the data about the results of medical examinations for at least 10 years after the last exposure of the worker to biological hazards.

(6) The results of medical examinations of these workers who have been exposed to the biological hazards that may cause illness specified in subsection 10 (4) shall be maintained for 40 years after the last exposure to the said hazard.

(7) Workers shall be instructed during the medical examination about how to observe and inspect their health after the end of the exposure to the biological hazard.

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§ 12. Information presented to labour inspectors

(1) The employer shall be obliged to present the following data upon the request of a labour inspector:

- 1) results of the risk assessment of the working environment and the primary data used when carrying it out;
- 2) list of work that involves the danger of being infected with biological hazards;
- 3) number of workers who are exposed to biological hazards;
- 4) name of the working environment specialist;
- 5) occupational health and safety measures being implemented in the workplace;
- 6) list of measures that are being implemented to protect workers from factors of risk groups 3 and 4;
- 7) the activity plan specified in clause 6 (2) 8).

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(2) The employer shall notify the regional office of the Labour Inspectorate of every accident and emergency situation that was or could have been accompanied by a spill of biological hazards into the environment and infection or illness of persons.

(2¹) The name and contact data of the employer, the time, location and circumstances of taking place of the accident or the occurring of the emergency situation, the name of the biological hazard related to the accident or emergency situation, the measures that were implemented and are being implemented, the number of injured persons and a notation if the Environmental Inspectorate has been informed of the case, and other information that will help explain the possible affect of the accident or emergency situation on workers or the environment shall be noted in the statement that shall be sent to the Labour Inspectorate.

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(3) The list of endangered workers specified in § 10 of the Regulation and the results of the medical examinations of workers specific in § 11 shall be given to the regional office of the Labour Inspectorate if the company terminates its activities.

§ 13. Advance notice of handling of biological hazards

(1) The employer shall notify the regional office of the Labour Inspectorate at least 30 days before first commencing work with biological hazards of risk groups 2, 3 or 4.

(2) The notification shall always be repeated if a new factor belonging to risk groups 3 or 4 is introduced to the work and if substantial changes are made to the working environment, resulting in the content of the previous notification becoming obsolete.

(3) A one-time notification is required from laboratories that provide the services of diagnosing factors of risk group 4 before first commencing their activities.

(4) The notification specified in sections (1)-(3) shall include:

- 1) the name and address of the employer;

- 2) the name of the working environment specialist;
- 3) results of the risk assessment of the working environment;
- 4) the name of type and risk group of the biological hazards affecting the working environment;
- 5) the protection and preventive measures being implemented;

Chapter 3

IMPLEMENTATION OF SPECIAL MEASURES

§ 14. Health care institutions and companies having veterinary practice

- (1) In a health care institution and a company having a veterinary practice, the danger that a person or animal may be infected must be taken into account and the samples taken from them may contain biological hazards.
- (2) The employer must provide necessary cleaning and disinfection procedures, provide for safe handling of contaminated materials until their disposal and determine a procedure for how to safely take, investigate and handle samples from humans and animals in order to avoid infection of workers.
- (3) The special measures listed in column A of Appendix 1 shall be implemented in isolations rooms containing patients or animals that are infected or suspected of being infected with biological hazards of risk groups 3 or 4.

§ 15. Diagnostic and testing laboratories

- (1) The special measures listed in column A of Appendix 1 shall be implemented in diagnostics laboratories and other laboratories where workers are exposed to biological hazards of risk groups 2, 3 or 4 for the purposes of diagnosing, investigating or study and in rooms where the infected animals or animals carrying infectious agents are kept in order to reduce the risk of infection for workers based on the following principles:
 - 1) if work is being performed with biological hazards of risk group 2, the laboratory shall conform to the safety requirements of level 2.
 - 2) if work is being performed with biological hazards of risk group 3, the laboratory shall conform to the safety requirements of level 3.
 - 3) if work is being performed with biological hazards of risk group 4, the laboratory shall conform to the safety requirements of level 4.
- (2) If the laboratory is using material that may contain infectious agents in the course of its work but the material is not cultivated or concentrated, the laboratory shall conform to at least the safety requirements of level 2.
- (3) If the affect of the biological hazard being used is not precisely known but the use thereof may presumably seriously endanger the health of workers, the workplace shall conform to at least the safety requirements of level 3.

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§ 16. Industrial processes

(1) In companies where the industrial processes use biological hazards belonging to risk groups 2, 3 or 4 or the danger of exposure to them arises, the special measures listed in Appendix 2 shall be implemented pursuant to the principles specified in subsection 15 (1).

(2) If the affect of the biological hazard being used is not precisely known but the use thereof may presumably seriously endanger the health of workers, the workplace shall conform to at least the safety requirements of level 3.

Chapter 4

LIST OF BIOLOGICAL HAZARDS

§ 17. Principles of using list

(1) The risk groups of biological hazards entered into the list are presented in Appendix 3.

2) Only the hazards that cause illness of persons according to common knowledge have been entered into the list. Hazards that cause illness of animals and plants that do not endanger persons according to common knowledge have not been entered into the list. The list does not contain genetically modified microorganisms.

(3) For the basis of division into risk groups (hereinafter classification), the affect of these hazards on a healthy human body has been taken into account. Effect of the hazards on the health of a worker has not been taken into account in case he or she is already ill with another illness, using immunodepressants, is immunodeficient, pregnant or breastfeeding. For the said cases, the additional risk arising from the state of health of the worker shall be taken into account when assessing the health hazard specified in § 3.

(4) Biological hazards that are not contained in this list shall not be automatically considered as belonging to risk group 1. A biological hazard that cannot be clearly classified shall be assigned to the highest group of the alternative risk groups.

(5) If the biological hazard being handled is not contained in the list, the employer shall classify it itself on the basis of the definitions specified in § 2.

(6) If more than one dangerous class that is dangerous to persons belongs to the genus of a microorganism known as a biological hazard, only the most common classes have been entered into the list. The other classes of the same genus shown by the abbreviation "spp" after the genus name shall also be considered as dangerous to health.

(7) If only the genus of a microorganism that is known is a biological hazard is named in the list, the rest of the classes and strains that are not dangerous to persons may be omitted from the list.

(8) If the virulence of the strain has been weakened or it has lost its virulent genes, the requirements of the safety level related to the risk group of the parent strain can be not performed if the results of the risk assessment of the working environment allow it. The weakened strain may be used as, for example, a product or a part of it for prophylactic or treatment purposes.

(9) The names of biological hazards presented in the list correspond to the international agreements and knowledge of nomenclature and taxonomy active at the time it was composed.

(10) The employer shall classify all viruses discovered on persons that are not contained in this list to at least risk group 2, except for cases when the safety of the virus to persons is ascertained.

(11) Biological hazards of risk group 3 that have the character (*) after them in the list may cause the infection of workers only under certain conditions as they do not spread through air. The employer must assess which special measures of the respective safety level are feasible to implement and which cannot be implemented in case of such hazards, taking into account the type of activities and the amount of the hazard being handled.

(12) The requirements corresponding to the risk group of parasites shall be implemented in workplaces only if the life cycle of the parasite is in a stadium infective to the worker.

(13) Data has also been added to the list to show whether the biological hazard may cause allergy or intoxication; whether an efficient vaccine is available; for how long is the employer obliged to maintain the list of workers who worked with biological hazards after the last exposure to the said hazard. This data has been presented in the comments column with the following letters:

1) A: causing allergy;

2) D: The list of workers who worked with this hazard shall be maintained longer than 10 years after the last exposure of the worker to the said hazard;

3) E: The list of workers who worked with this hazard shall be maintained for 40 years after the last exposure of the worker to the said hazard;

4) T: is producing a toxin;

5) V: efficient vaccine available.

Chapter 5

IMPLEMENTING PROVISIONS

§ 18. Entry into force of Regulation

(1) [omitted]

(2) Companies whose working environments are affected by biological hazards of risk groups 2, 3 or 4 must inform the regional office of the Labour Inspectorate of their activities in the form specified in § 13 within 6 months of the entry into force of the Regulation at the latest.

¹ Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJEC L 262, 17.10.2000, pages 21-45).

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