

Tennessee OSHA Law

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Table of Contents

Tennessee OSHA Law	3
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Tennessee OSHA Law

Reference Number: MTAS-499

Under the Tennessee Occupational Safety and Health Act, T.C.A. § 50-3-104, all cities must comply with occupational safety and health standards or regulations promulgated by this act. The law requires employers, including local governments, to "... furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm ..." and to comply with certain other requirements. T.C.A. § 50-3-105. Cities may elect to be treated as private employers or to establish their own safety and health training programs consistent with state regulations. Municipalities have until July 1, 2006, to make this decision. Municipalities created after July 1, 2004, have two years after their creation to make the election. T.C.A. § 50-3-910(b).

A program must inform employees of state regulations applicable to their work environments and instruct them to recognize and avoid unsafe conditions. If a city establishes its own program, civil penalties will not be imposed against the local government for violations. The state Department of Labor merely inspects for compliance and reports non-compliance. T.C.A. § 50-3-911.

Special federal requirements have recently been enacted regarding employees, such as sewer operators and paramedics, who work in "permit-required confined spaces." Cities must assure that emergency medical technicians (EMTs), public works employees, water and wastewater workers, and others at "high risk" are protected from toxic, explosive, or asphyxiating atmospheres and possible engulfment from small particles such as liquids, grain, or sawdust (29 C.F.R. § 1910.146).

Cities also must adopt and administer an infection control program to eliminate, or at least minimize, worker exposure to bloodborne pathogens, such as the hepatitis B virus and the human immunodeficiency virus (HIV) (29 C.F.R. § 1910.1030). To meet these federal requirements, cities must:

- Establish and adopt a written exposure control plan;
- Adopt a universal precautions policy (a strategy that assumes every direct contact with body fluids is infectious);
- Provide protective equipment where there are exposure hazards;
- Ensure that the workplace is clean and sanitary;
- Properly dispose of contaminated waste;
- Provide training for "high-risk" employees;
- Provide hepatitis B vaccinations and post-exposure evaluations/follow-up; and
- Establish and maintain accurate records.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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