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September 13, 2006

Mr. Stuart Martinsen  
Probation Association of NJ  
617 Union Avenue  
Brielle, NJ 08730

Via fax & mail to: (732) 223-8363

**Re: Blood-Borne Pathogens**

Dear Mr. Martinsen:

On May 22, 2006, Robert E. Sheriff of Atlantic Environmental, Inc. wrote to Mr. George Christie of your organization concerning Blood-Borne Pathogen training, testing and vaccination of Probation Officers who must come into close contact with prisoners and detainees.

Under the provisions of the NJ Public Employees Occupational Safety and Health Act (PEOSHA) and the federal Occupational Safety & Health Administration's Blood-Borne Pathogen standard (29 CFR 1910.1030), employees of the State of NJ (including probation officers) who may be exposed to potentially infectious materials through skin, eye, mucous membrane contact, or through cuts or other openings in the skin during the performance of their normally assigned duties are covered by these regulations.

Communicable and infectious diseases such as Tuberculosis, Hepatitis B and HIV are much more easily spread in densely populated areas such as hospitals, barracks, dormitories and jails than they are in non-institutional settings. It is well-documented that prisoners who knew they had diseases such as HIV, have tried to infect police and court officers through spitting, scratching and biting.

The applicability of both the federal and NJ regulations hinge on the presence of infectious material in the workplace and exposure to these materials as normally present in the workplace. The presence of infectious agents in the detained population is at least as common as it is in the general population, and thus meets the first criterion of applicability: presence in the workplace.



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The historical attempt of prisoners to deliberately infect state employees while carrying out their assigned workplace duties meets the second criterion; that these state employees have a reasonably anticipated exposure to infectious diseases in their workplace during their normal work activities.

Consequently, it is my opinion that probation officers should be accorded all of the protections afforded by the NJ PEOSHA and federal OSHA regulations.

Very truly yours,

A handwritten signature in black ink that reads "Henry P. Shotwell". The signature is written in a cursive style with a large, looped initial "H".

Henry P. Shotwell, Ph.D., CIH  
Senior Vice President

HPS:rmc

Enclosures