

The Honorable Richard Pombo
U.S. House of Representatives
2411 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Pombo:

Thank you for your letter of August 23, 1999 to George Hull in our Office of Congressional and Intergovernmental Relations. In your letter, you request information regarding the possibility of establishing or re-establishing medical waste regulations. With your request you attached a letter from a constituent, Mr. John L. Hall of San-I-Pak, Inc., who is concerned about the spread of disease from infectious medical waste.

As you are aware, legislation was enacted in the late 1980s after medical wastes were found among other wastes washing up on several East Coast beaches. Concern over the potential health hazards associated with medical wastes in beach wash-ups prompted Congress to enact the Medical Waste Tracking Act (MWTa) in 1988. This Act required the Environmental Protection Agency (EPA) to create a two-year regulatory program known as the Medical Waste Demonstration Program which tracked transportation of medical waste from cradle-to-grave. The MWTa and the demonstration program served to focus attention on the medical waste issue and provided a model medical waste regulatory program. Many states and other federal agencies have used this model in developing their own medical waste programs.

From the information gathered during the demonstration program, EPA concluded that the disease-causing potential of medical waste is greatest at the point of generation and naturally tapers off after that point through degradation. Thus, medical waste presents more of an occupational concern than a generalized environmental concern. Risk to the general public of disease caused by exposure to medical waste is likely to be much lower than risk for the occupationally exposed individual.

In the occupational area, the Occupational Safety and Health Administration

RO 14374

(OSHA) has regulations regarding workplace safety that address medical waste issues. OSHA regulates occupational exposure to blood and certain other body fluids that have been shown to transmit bloodborne pathogens (29 CFR 1910.1030). The major intent of the standard is to prevent transmission of bloodborne diseases in the workplace.

In his letter, Mr. Hall expresses concern about the spread of tuberculosis (TB). On October 17, 1997, OSHA published a proposed standard to regulate occupational exposure to tuberculosis. Public hearings on the proposal were held and the comment period closed on October 5, 1998. On June 17, 1999, OSHA reopened the rulemaking record for 45 days to submit two reports to the docket, one of which is the report referenced in Mr. Hall's letter (National Institute for Occupational Safety and Health's (NIOSH) Health Hazard Evaluation (HHE) of a medical waste treatment facility (Ex. 179-2)). OSHA invited public comment on the findings of these reports and on the underlying issue of coverage of medical waste treatment facilities within the scope of a final TB standard. OSHA is currently in the process of analyzing the comments and expects to publish a final rule next year. You or your staff may contact Amanda Edens, OSHA's Team Leader for the Tuberculosis Rule, for additional information. The telephone number for Ms. Edens is: (202) 693-2270.

Thank you for bringing this to our attention. If you should wish to discuss this further, please have your staff call George Hull at (202) 260-7808.

Sincerely,

Elizabeth A. Cotsworth, Director
Office of Solid Waste

cc: George Hull, EPA/OCIR
Amanda Edens, OSHA

RO 14374