

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEBRUARY 27, 1990

Mr. Brian Wilt
General Manager
healthPak, Inc.
607 West Jefferson St.
Shorewood, IL 60436

Dear Mr. Wilt:

Thank you for your letter of December 18, 1989, concerning the regulation of disposable dental instrument trays as medical waste under the 40 CFR Part 259 regulations. As you are aware, medical waste is any solid waste generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto or in the production or testing of biologicals. However, only medical waste which is generated in the "covered states" (i.e., New York, New Jersey, Connecticut, Rhode Island and Puerto Rico) and in one of the seven (7) Classes designated in Section 259.30(a) would be "regulated medical waste." The seven classes include:

Class 1 - Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculates and mix cultures.

Class 2 - Human pathological wastes, including tissues, organs and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures and specimens of body fluids and their containers.

Class 3 - Human blood and blood products, including liquid waste human blood; products of blood; items saturated and/or dripping with human blood; or items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.

Class 4 - Sharps that have been used in animal or human patient care or treatment or in medical research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

Class 5 - Contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals, or testing of pharmaceuticals.

Class 6 - Isolation wastes containing biological waste and discarded materials contaminated with blood, excretion, exudates, or secretions from humans who are isolated to protect others from certain highly communicable disease, or isolated animals known to be infected with highly communicable diseases.

Class 7 - Unused discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

Therefore, dental instrument trays, although not included specifically on the list could be regulated medical waste if the tray is saturated and/or dripping with human blood or was saturated and/or dripping with human blood and is now caked with dried human blood, or the tray is contaminated with isolation wastes, as defined above.

Under current regulations, some materials are not considered a solid waste when recycled by being used or reused as ingredients in an industrial process to make a product, provided the material is not being reclaimed (i.e. recovery of lead from batteries or regeneration of spent solvent). Therefore, it does appear that the disposable dental instrument trays manufactured by your company could be exempt from regulation under the Federal program, at the point of recycling, provided it is being recycled to produce a new product. However, the individual generators would still be required to track these items as a waste from their facility to the recycling facility. Individual States may have additional information on the recycling for their programs. Please contact State and local officials directly to ascertain this information.

If you need further information or have additional questions please contact Mary Greene at 202-475-7736.

Sincerely,

Devereaux Barnes, Director
Characterization and Assessment Division

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