

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MARCH 20, 1989

MEMORANDUM

SUBJECT: Regulation of Body Fluids

FROM: Michael J. Petruska, Chief  
Special Projects Characterization Section

TO: Medical Waste Docket

This memo is to clarify two points in the 40 CFR Part 259 regulations regarding the coverage of body fluids.

1. Inclusion under Waste Type #3.

The EPA document, Meeting on Medical Waste, November 14-16, 1988, proposed an interpretation of the statutory waste type number 3, "Human Blood and Blood Products," that included body fluids. The scope of this waste type was discussed at the meeting. No clear consensus was reached on whether body fluids should be covered under type #3. EPA concluded afterwards, however, that given the plain reading of the statute (which refers only to blood products), and the fact that the analogous category in the 1986 EPA guidance has not been interpreted to cover body fluids, type #3 should be limited to blood and bloody items.

2. Types of body fluids regulated.

Body fluids are regulated under EPA's waste class #2 (based on the statutory type #2), "human pathological wastes." EPA considered which types of fluids should be included, and decided to rely primarily on CDC guidance<sup>i</sup> which provides that certain fluids, (cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, and amniotic fluid) may pose a threat of disease from agents such as hepatitis B virus and AIDS. Other fluids, such as urine, sweat, etc. do not pose such a threat. EPA then added semen and vaginal secretions to the list based on the advice of Robert Jackson, a noted public health expert, because in his opinion these fluids might pose a similar threat.

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<sup>i</sup> See the CDC publication, "Perspectives in disease prevention and health promotion update: universal precautions for prevention of transmission of HIV, Hepatitis B virus, and other blood-borne pathogens in health care setting. Morbidity and Mortality Weekly Report 37.24; June 24, 1988.