



Reply to the attention of:

NOV 21 2008

Dr. Michael Sinnott
Clicksmart Pty Ltd.
PO Box 5677
West End
Brisbane 4101
Australia

Dear Dr. Sinnott:

Thank you for your August 31, 2008 letter to the Occupational Safety and Health Administration's (OSHA's) Directorate of Enforcement Programs (DEP). You have concerns about safe use of scalpels in the operating room. This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not delineated within your original correspondence. For clarification, your specific questions are paraphrased below, followed by OSHA's responses. We apologize for the delay in addressing your concerns.

Question 1: Does the use of fingers to remove used scalpel blades meet the requirements of OSHA's bloodborne pathogens standards (29 CFR 1910.1030)?

Reply 1: No. OSHA's bloodborne pathogens standard prohibits the bending, recapping or removal of a contaminated needle or other contaminated sharp unless the "employer can demonstrate that no alternative is feasible or that such action is required by a specific medical or dental procedure." [29 CFR 1910.1030(d)(2)(vii)(A)]. Therefore, **using fingers to remove a used scalpel blade does not meet the requirements of the standard.** In situations where an employer has demonstrated that the use of a scalpel with a reusable handle is required by a specific medical or dental procedure or that no alternative is feasible, blade removal must be accomplished through the use of a mechanical device or a one-handed technique [29 CFR 1910.1030(d)(2)(vii)(B)].

Question 2: Some facilities use a two-handed procedure with a hemostat as a mechanical device to remove scalpel blades. Does the use of a two-handed procedure, such as use of hemostats, to remove used scalpel blades, meet the requirements of OSHA's bloodborne pathogens standards (29 CFR 1910.1030)?

Reply: **Hemostats have been used as a measure which was preferable to using fingers to remove a used scalpel blade. Employers are expected to consider and use safer and more effective measures when feasible.** At present, there are mechanical devices designed or marketed to be used with one hand which in some situations cannot be anchored in place and inadvertently compel users to enlist the second hand to hold the mechanical device while it is being used, a

practice which would place employees at risk of having a sharps injury. Mechanical devices and indeed all engineering and work practice controls must be selected based on the appropriateness and effectiveness for the procedure and the circumstances of use.

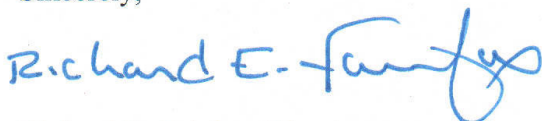
Question 3: Should the wording in 1910.1030(d)(2)(vii)(B) of OSHA's bloodborne pathogens standard be changed to ensure that use of a mechanical device must be "one-handed use of a mechanical device" to prevent practitioners from using recapping type mechanical devices and hemostats?

Reply: The wording of the standard was carefully considered at the time of publication. The standard is written in performance-oriented language so as to allow its provisions to apply to a variety of workplace procedures and circumstances. As stated at 29 CFR 1910.1030(d)(2)(vii)(B), *either* the use of a mechanical device *or* the utilization of a one-handed technique is required when recapping or removal is necessary because it is understood that not all one-handed techniques involve the use of a mechanical device. Again, all engineering and work practice controls must be selected based on the appropriateness and effectiveness for the procedure and the circumstances for which they are being used.

Your suggestion that the BBP standard be changed to require that if a mechanical device is utilized, it must be a "one-handed use of a mechanical-device" is a very good recommendation and one that would improve worker safety. This requirement would minimize/eliminate "two-handed" (i.e. "hand-toward-device" or "hand-toward-hand") manipulations of used sharps, a measure that is supported by the OSHA standard. Employers are always encouraged to utilize the subject work practices and techniques, including this, your suggestion. However, the standard is currently not under consideration for revision.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the Office of Health Enforcement at 202-693-2190.

Sincerely,



Richard E. Fairfax, Director
Directorate of Enforcement Programs