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Governor

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Acting Commissioner



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TTY: Dial 711 (Maine Relay)

March 18, 2024

To: Tattoo and Body Artists

Re: Policy Change to the Rules Relating to Tattoo and Body Piercing Practitioners

Dear Tattoo and Body Artists:

The Department of Health and Human Services has become aware of a safety issue regarding cleaning, sanitizing and disposal of needles included in our rules. The particular section of 10-144 Chapter 210 Rules Relating to Tattoo Section 5.B.5 Care of Instruments and 10-144 Chapter 209 Rules Relating to Body Piercing 5.B.5 Care of Instruments states "Used needles shall be cleaned and sterilized before disposal. An ultrasonic cleaning machine and autoclave shall be recommended to fulfill this requirement."

We have determined that cleaning and sterilizing used needles before they are disposed of presents a safety issue and therefore the Department will not enforce this section. The Department recommends the practice of disposing of used needles directly into an approved sharps container which must be:

- Closable, puncture-resistant, and leak-proof on sides and bottom.
- Accessible, maintained upright, and not allowed to overfill.
- Labeled or color coded according to [29 CFR 1910.1030\(g\)\(1\)\(i\)](#)
- Colored red or labeled with the [biohazard symbol](#).
- Labeled in fluorescent orange or orange-red, with lettering and symbols in a contrasting color [[29 CFR 1910.1030\(g\)\(1\)\(i\)\(C\)](#)]. Red sharps containers may be substituted for labels [[29 CFR 1910.1030\(g\)\(1\)\(i\)\(E\)](#)].

#### **Biomedical Waste Management Rules:**

Tattoo studios must be in compliance with the Biomedical Waste Management Rules. Maine Law and the Biomedical Waste Management Rules require the registration of facilities that generate biomedical waste which includes Tattoo and Body Piercing Studios. The Maine Department of Environmental Protection (Maine DEP) administers this program.

There is an initial registration fee of \$50 to obtain a biomedical waste generator number. An annual registration fee requirement is approximately \$25 for tattoo studios. This annual registration fee requirement is assessed on the average amount of biomedical waste generated per month.

Every package of biomedical waste leaving your studio must be labeled with your biomedical waste generator number as well as the name of the studio or operator, the address, telephone number and the date packaged. There is no time limit applying to storage of biomedical waste at the generator's site.

If you think you may be registered, do not know your biomedical waste generator status or have questions about the biomedical waste rules, contact the Maine DEP at 287-2651.

#### **Disposal Methods of the Sharps Container:**

SOP HIP 064 Revised 3-18-24 (header) 6-6-24

1) Arrange for disposal of small amounts of waste with another generator:

The generator or a blood borne pathogen trained employee may transport up to fifty pounds of biomedical waste to another generator or a licensed biomedical waste treatment or transfer facility without the need to obtain a Biomedical Waste Transporter License from Maine DEP.

Local hospitals may be willing to dispose of biomedical waste from tattoo studios. Contact the housekeeping or environmental services staff at the local hospital and inquire as to whether they accept waste sharps from community generators. Some hospitals do provide this service. This is usually the least costly option for small generators.

2) Arrange for disposal with licensed biomedical waste disposal company:

There is a list on the DEP website (<http://www.maine.gov/dep/rwm/biomedical/index.htm>) of commercial companies that are licensed in Maine to transport biomedical waste.

**Note:** the Maine DEP has licensed the companies on the list but does not make recommendations on specific companies.

3) Arrange to use a “ a “Mail Back Sharps” program. There are several companies offering this service. The generator orders a sharps container of the needed capacity and associated packaging, postage, treatment, and disposal costs and pays those costs in advance. When the sharps container is full the generator packages it and then the package is shipped to a treatment facility by the US Postal Service. Performing an internet search on “mail back sharps” should produce several results.

For further information regarding biomedical waste registration requirements or general questions regarding the Maine Biomedical Waste Management Rules or the Maine Hazardous Waste Management Rules; please contact the Maine DEP at (207) 287-2651 or visit the Biomedical Waste Page at the DEP website:

<http://www.maine.gov/dep/rwm/biomedical/index.htm>

Should you have any questions or if I may be of further assistance, please do not hesitate to contact me at 207-287-5691.

Sincerely,

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Lisa M. Silva, Program Manager  
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cc: District and Municipal Health Inspectors  
Nancy Beardsley, Director, Division of Environmental and Community Health  
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