

82.100. Health and Safety Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **FIFRA** -- the Federal Insecticide, Fungicide, and Rodenticide Act. The Federal law that authorizes the FDA to regulate antiseptics and sterilizers, and authorizes the EPA to regulate pesticides and disinfectants.

(2) **Disinfectant**- A product used on hard, non-porous inanimate surfaces and objects to destroy or irreversibly inactivate infectious fungi and bacteria but not necessarily their spores. Spores are considered to be the most difficult form of microorganism to destroy. Only EPA-registered disinfectants shall be used to disinfect implements or non-porous surfaces, and shall be used according to the manufacturer's label instructions. EPA-registered disinfectants are classified as, and may be any combination of the following:

(A) **Limited Efficacy Disinfectant** - an EPA-registered disinfectant that is effective against either

(1) gram negative bacteria, such as Salmonella chloeraesuis

(2) gram positive bacteria, such as Staphylococcus aureus

(3) but not both (a) and (b).

(B) **General Purpose Disinfectant** (or Broad-Spectrum Disinfectant) -- is effective against both gram negative and gram positive bacteria

(C) **Hospital Grade Disinfectant** -- is a General Purpose Disinfectant that is also effective against Pseudomonas aeruginosa. Also called a "Medical Environment" Disinfectant.

(D) **Tuberculocidal Disinfectant** - is an EPA-registered disinfectant that is effective against the Mycobacterium tuberculosis bacteria.

(E) **Virucidal Disinfectant** - is an EPA-registered disinfectant that is effective against one or more specified viruses.

(F) **Fungicidal Disinfectant** - is an EPA-registered disinfectant that is effective against fungi such as trichophyton mentagrophytes.

(3) **Sterilize or sterilization** -- Destroy all forms of microbial life including fungi, viruses, and all forms of bacteria and their spores.

(4) **Sterilizer** - a device approved by the FDA, such as a pressurized steam autoclave or dry heat sterilizer to sterilize. Countertop ultraviolet cabinets for heating towels or storing clippers are not approved by the FDA to sterilize barber shop equipment.

(5) **Antiseptic** - An FDA-approved product, regulated as an OTC (Over The Counter) drug, used to reduce bacteria on skin. FDA-approved antiseptics will have a "Drug Facts" label on the container.

(6) **Sanitizers** - Products used to reduce, but not necessarily eliminate, microorganisms from the inanimate environment to levels considered safe as determined by public health codes or regulations.

(7) **Clean or cleansing**--Washing with liquid soap and water, detergent, or other adequate methods to remove all visible debris or residue. Cleansing is not disinfection.

(8) **Chlorine bleach solution**-- An EPA-registered sodium hypochlorite based disinfectant solution used to destroy bacteria and to disinfect implements and non-porous surfaces. This solution shall be mixed fresh at least once per day.

(9) **Isopropyl or Ethyl alcohol**-- Available as:

(A) an EPA-registered disinfectant, and shall be used according to label directions

(B) an FDA-approved skin antiseptic, and shall be used according to label directions

(C) an unregulated cleansing solution, and is unsuitable for disinfection or antiseptis. It may be used as a cleanser to prepare an implement or surface for disinfection.

(10) **Multi-use items**--Items constructed of hard materials with smooth non-porous surfaces such as metal, glass, or plastic typically for use on more than one client. The term includes but is not limited to such items as clippers, scissors, combs, nippers, and metal nail files.

(11) **Single-use items**--Porous items made or constructed of cloth, wood, foam, or other absorbent materials having rough or abrasive surfaces usually intended for single use including but not limited to such items as tissues, orangewood sticks, cotton balls, buffer blocks, and gauze.

(12) **Porosity** - the relative number of openings or voids in a material.

(13) **OSHA Bloodborne Pathogen Standard** -- Federal law (29 CFR Part 1910.1030) regulating workplace exposure to bloodborne pathogens, including HIV and Hepatitis. Copies of this provision are indexed and filed at the department, located at 920 Colorado, Austin, Texas 78701, and are available for inspection during normal working hours.

(14) **Personal Protective Equipment (PPE)** -- Equipment necessary to protect from bloodborne disease. Employees performing shaving services would require disposable gloves, sharps disposal containers, hepatitis B vaccinations, and periodic bloodborne pathogen safety training.

(15) **Sharps** - Any object that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, broken glass, scissor blades, and razor blades.

(16) **Sharps Container** - a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal of contaminated sharps, and that is labeled with the International Biohazard Symbol.

(17) **Contaminated Sharps Injury** -- Any sharps injury, including cuts or abrasions, that occurs with a sharp used or encountered in a facility with contaminated with human blood or body fluids.

(18) **Contaminated waste** --Any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious material, as defined in 29 Code of Federal Regulations, Part 1910.1030, known as "Occupational Exposure to Bloodborne Pathogens".

(19) **Universal precautions** --A method of infection control in which employees treat all blood and body fluids as contaminated with bloodborne pathogens and taking proper precautions to prevent the spread of any bloodborne pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of razor blades, and other sharp instruments.

(20) **TCEQ** - Texas Commission on Environmental Quality -- Establishes regulations for the safe disposition of blood-contaminated sharps containers at TAC Title 30, Chapter 330, Subchapter Y.

(21) **AOAC** - Association of Official Agricultural Chemists - An agency that establishes testing criteria for evaluating disinfectants.

(22) **Terminal Sterilant** - After thorough cleaning and disinfection, the final product in a process that prepares a blood-contaminated item for reuse.

(A) EPA-registered disinfectants are usually labeled with a warning against such use:

(1) "This product is not to be used as a terminal sterilant/high level disinfectant on any surface or instrument that is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body, or contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. This product may be used to preclean or decontaminate critical or semi-critical medical devices prior to sterilization or high level disinfection."

(B) Barber razors are regulated by the CPSC (Consumer Products Safety Commission) as consumer items, and not by the FDA as critical medical devices, such as surgical razors, which require sterilization before reuse. The TDLR has authority to regulate and require blood-contaminated barber razors to be prepared for reuse with either a low-level EPA-registered disinfectant, or an FDA-approved Terminal Sterilizer.

82.101. **Health and Safety Standards--Department-Approved Disinfectants.**

(a) Any item, implement, tool, or surface to be disinfected shall be disinfected with an EPA-registered disinfectant bearing an EPA-registration number, including products containing sodium hypochlorite (bleach).

(b) Disinfectants shall not be used in a manner inconsistent with their labeling.

(c) Rubbing alcohol, or other cleaners, may be used to cleanse tools and surfaces, but shall not be considered a disinfectant unless it has been registered with the Environmental Protection Agency as an EPA-registered disinfectant.

(d) Disinfectants in which implements are immersed shall be prepared fresh daily, or more often if the solution becomes diluted or soiled.

(e) Disinfectants shall be properly stored to avoid hazardous chemical interaction.

(f) Soiled disinfectant solutions shall be properly disposed of each day.

(g) Appropriate PPE (Personal Protective Equipment) shall be worn when using EPA-registered disinfectants.

82.102. Health and Safety Standards--General Requirements.

(a) All barber establishments and licensees shall utilize clean and disinfected equipment, tools, implements, and supplies in accordance with this Chapter, and shall employ good hygiene habits while providing barbering services.

(b) A licensee may not perform services on a client if the licensee has reason to believe the client has a contagious condition such as head lice, nits, ringworm; or inflamed, infected, broken, raised or swollen skin or nail tissue; or an open wound or sore in the area to be serviced.

(c) Multi-use equipment, implements, tools or materials not addressed in this chapter shall be cleaned and disinfected before use on each client. Except as otherwise provided in this chapter, chairs and dryers do not need to be disinfected prior to use for each client.

(d) Single-use equipment, implements, tools or porous items not addressed in this rule shall be discarded after use on a single client.

(e) Electrical equipment that cannot be immersed in liquid shall be wiped clean and ~~disinfected~~ sanitized prior to each use on a client.

(f) All clean and disinfected implements and materials when not in use shall be stored in a clean, dry, debris-free environment including but not limited to drawers, cases, tool belts, rolling trays, or hung from hooks. They must be stored separate from soiled implements and materials. ~~Ultraviolet electrical sanitizers are permissible for use as a dry storage container.~~ Non-barber related supplies must be stored in separate drawers or locations.

(g) A container of liquid disinfectant shall be located at each barber chair or station in a barber establishment to be used to disinfect combs, brushes, scissors or other equipment which may be safely immersed in a liquid disinfectant. Any items in the container shall be completely immersed in the disinfectant.

(h) Shampoo bowls and manicure tables shall be disinfected immediately after ~~prior to~~ use ~~for~~ by each client. Items used to massage the scalp during a shampoo shall be disinfected after each use.

(i) Floors in barber establishments shall be thoroughly cleaned each day. All hair cuttings shall be removed after each haircut. ~~as soon as practicable.~~

(j) All trash containers must be covered and emptied daily and kept clean by washing or using plastic liners.

~~(k) Hand washing facilities, including hot and cold running water must be provided for employees.~~

(l) Clean towels shall be used on each client. Towels must be washed in detergent and hot water ~~and chlorine bleach~~ of at least 150 degrees Fahrenheit. Alternatively, towels may be laundered with detergent and a sodium hypochlorite based solution according to the manufacturer's label instructions.

(m) Soiled towels shall be removed after use on each client and deposited in a suitable receptacle.

(n) Each barber establishment shall keep all products used in the conduct of their business properly labeled in compliance with OSHA requirements.

(o) Haircutting capes and shampoo capes shall be kept clean. A clean (one-use) cape shall be used for each client, or a sanitary neck strip or towel shall be used to keep capes from coming into direct contact with the client's neck.

(p) Each sterilization unit used by the barbershop to sterilize instruments must have a spore test performed each calendar month by an approved laboratory, and the test results be made available for inspection.

(q) Each barbershop shall maintain sterilization records. The information shall be permanently recorded and made available for examination by an authorized agent in the barbershop for at least two years from the date of the last entry. These permanent records shall be maintained at the barbershop and shall include the following:

(1) date of sterilization;

(2) quantity and type of instruments to be sterilized; and

(3) name or initials of the individual sterilizing the instruments.

(r) Sharps shall be subjected to the methods of treatment and disposal as described in Title 30, Texas Administrative Code, Chapter 330, Subchapter Y.

(s) Blood-contaminated items as described in 82.111(d) shall be subjected to the methods and disposal as described in Title 30, TAC Chapter 330, Subchapter Y

(t) Appropriate PPE (Personal Protective Equipment) as specified by the OSHA Bloodborne Pathogen Standard shall be used when performing any service, including shaving services.

82.103. Health and Safety Standards--Hair Cutting, Styling, Treatment and Shaving Services.

(Rule effective March 1, 2006, 31 TexReg 1297)

(a) Barbers shall wash their hands with soap and water ~~, or use a liquid hand sanitizer,~~ prior to performing any services on a client.

(b) All equipment, implements, tools, and materials shall be properly cleaned and disinfected in accordance with this rule prior to servicing each client.

(c) After each client, all non-disposable implements shall be cleaned and ~~sprayed~~ disinfected with either an EPA-registered bactericidal, fungicidal, and virucidal disinfectant, ~~or isopropyl alcohol, ethyl alcohol, or a high level disinfection~~ or an EPA-registered sodium hypochlorite chlorine bleach solution. Equipment, implements, tools and materials to be cleaned and disinfected include but are

not limited to hairbrushes, neck dusters, combs and picks, haircutting shears, thinning shears/texturizers, ~~razors~~, edgers, guards, clippers, and perm rods. Razor blades, shaving brushes and shaving mugs shall not be used on multiple clients.

~~(d) At the end of each day of use, the above items, along with any other tools, such as sectioning clips, brushes, comb and picks shall be cleaned by manually scrubbing with soap and water or adequate methods, and then disinfected by one of the following methods:~~

~~—(1) Complete immersion in an EPA-registered bactericidal, fungicidal, and virucidal disinfectant in accordance with manufacturer's instructions.~~

~~—(2) Complete immersion in isopropyl alcohol or ethyl alcohol;~~

~~—(3) Complete immersion in a high level disinfection chlorine bleach solution.~~

82.104. Health and Safety Standards--Facial Services. *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947)*

(a) Barbers and barber technicians shall wash their hands with soap and water ~~, or use a liquid hand sanitizer,~~ prior to performing any services on a client. Gloves shall be worn during any type of extraction.

(b) Equipment, implements, tools and materials shall be properly cleaned and disinfected in accordance with this rule prior to servicing each client.

(c) Facial chairs and beds, including headrest for each, shall be cleaned and disinfected prior to providing service to each client. The chair or bed shall be made of or covered in a non-porous material that can be disinfected.

(d) After each client, the following implements shall be cleaned and disinfected and sterilized: tweezers and comedone extractors.

(e) The following implements are single-use items and shall be discarded in a trash receptacle after use: cotton pads, cotton balls, gauze, wooden applicators, disposable gloves, tissues, disposable wipes, lancets, fabric strips and other items used for a similar purpose as one or more of the items listed above.

(f) The following items that are used during services shall be replaced with clean items for each client:

disposable and terry cloth towels, hair caps, headbands, brushes, gowns, makeup brushes, spatulas that

contact skin or products from multi-use containers, sponges and other items used for a similar purpose as any one of the items listed above.

(g) Items subject to possible cross contamination such as creams, cosmetics, astringents, lotions, removers, waxes, moisturizers, masks and oils shall be used in a manner so as not to contaminate the

remaining product. Applicators shall not be re-dipped in product. Permitted procedures to avoid cross contamination are:

- (1) Disposing of the remaining product before beginning services on each client; or
- (2) Using a single-use disposable implement to apply product and disposing of such implement after use; or
- (3) Using an applicator bottle to apply the product.

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82.105. Health and Safety Standards--Waxing Services.

(a) Barbers and barber technicians shall clean the areas of the client' body on which the service is to be administered. Barbers and barber technicians may perform waxing services only on the face and/or neck of a client.

(b) Barbers and barber technicians shall wash their hands with soap and water, ~~or use a liquid hand sanitizer,~~ prior to performing any services on a client. Gloves shall be worn during the waxing service.

(c) Barbers and barber technicians performing waxing services shall dispose of after each use all wax that has been in contact with a client' skin. Wax may not be reused under any circumstances.

(d) All wax pots shall be cleaned and disinfected in accordance with manufacturer' recommendations. No applicators shall be left standing in the wax at any time.

82.106. Health and Safety Standards--Manicure and Pedicure Services.

(a) Barbers and barber manicurists shall wash ~~clean~~ their hands with soap and water ~~or a hand sanitizer~~ prior to performing any services.

(b) Barbers and barber manicurists shall clean the areas of the client's body on which the service is to be administered.

(c) All metal manicure and pedicure tools shall be properly cleaned, disinfected and sterilized prior to each service, in accordance with this chapter, regardless of the tool's multiuse for only a single client or for multiple clients.

(d) After each client, the following implements shall be cleaned, disinfected, and sterilized in accordance with the rule: metal pusher and files, cuticle nipper and scissors, tweezers, finger and toe nail clippers and electric drill bits.

(e) The following implements are single-use items and shall be discarded after use: orangewood sticks, cotton balls, nail wipes and disposable towels.

(f) Buffer blocks, porous nail files, pedicure files, callus rasps, natural pumice and foot brush, arbor, sanding bands, sleeves, heel and toe pumice, exfoliating block (rough surfaced or absorbent materials) have porous surfaces and cannot be properly disinfected with EPA-registered disinfectants, and are considered to be single-use items and shall be discarded after each use.

~~shall be cleaned by manually brushing or other adequate methods to remove all visible debris after each use, and then sprayed with Isopropyl or ethyl alcohol, an EPA-registered bactericidal, fungicidal, and virucidal disinfectant, or a high-level disinfection chlorine bleach solution in accordance with this chapter. If a buffer block or porous nail file is exposed to broken skin (skin that is not intact) or unhealthy skin or nails, it must be discarded immediately after use in a trash receptacle.~~

(g) The following materials that are used during a manicure and pedicure shall be replaced with new or clean articles for each client: terry cloth towels, finger bowls and spatulas that contact skin or skin products from multi-use containers.

82.107. Health and Safety Standards--Electric Drill Bits.

(a) Only electric files, drills, or machines specifically designed and manufactured for use in the professional nail industry may be used in any barber establishment for performing manicure or pedicure services. Craft, hardware, and hobby tools cannot be used under any circumstances.

(b) After each use, diamond, carbide, natural and metal bits shall be cleaned by either

- (1) using a brush; or
- (2) using an ultrasonic cleaner; or
- (3) immersing the bit in acetone for 5 to 10 minutes

(c) Immediately after cleaning all visible debris, diamond, carbide, natural and metal bits shall be disinfected by complete immersion in an appropriate disinfectant between clients, then sterilized in accordance with this chapter.

(d) Buffing bits and chamois shall be cleaned with soap and water at the end of every day of use in addition to being cleaned or replaced between clients.

82.108. Health and Safety Standards--Footspas. (Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947)

(a) As used in this section, “whirlpool footspa” or “spa” is defined as any basin using circulating water, either in a self-contained unit or in a unit that is connected to other plumbing in the establishment. The cleaning and disinfecting procedures for foot spas in this section shall be followed for units connected to an establishment’ plumbing, and, to every extent possible, self-contained units.

(b) Before use upon each patron, each whirlpool foot spa shall be cleaned and disinfected in the following manner.

(1) All water shall be drained and all debris shall be removed from the spa basin.

(2) The spa basin must be cleaned with soap or detergent and water.

(3) The spa basin must be disinfected with an EPA registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer’ instructions.

(4) The spa basin must be wiped dry with a clean towel.

(c) At the end of each day, each whirlpool foot spa shall be cleaned and disinfected in the following manner:

(1) The screen shall be removed, all debris trapped behind the screen shall be removed, and the screen and the inlet shall be washed with soap and water or detergent and water.

(2) Before replacing the screen, ~~one of the following procedures shall be performed:~~

~~(A) The screen shall be washed with an chlorine bleach solution of one third (1/3) cup of 5.25% chlorine bleach to one (1) gallon of water; or~~

~~(B) The screen it shall be totally immersed~~ disinfected in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to manufacturer’ s instructions.

(3) The spa system shall be flushed with soap and warm water for at least ten (10) minutes, after which the spa shall be rinsed and drained.

(d) Every other week (bi-weekly), after cleaning and disinfecting as provided in this subsection, each whirlpool foot spa shall be cleaned and disinfected in the following manner:

~~(1) The spa basin shall be filled completely with water and one third (1/3) cup of 5.25% chlorine bleach for each one (1) gallon of water.~~

~~(2) The spa system shall be filled completely and~~ flushed with ~~the chlorine bleach and water solution or~~ an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity according to the manufacturer’ s instructions for 5 to 10 minutes and allowed to sit for 6 to 10 hours.

~~(2) (3)~~ The spa system shall be drained and flushed with water before use upon a patron.

(e) A record shall be made on a form prescribe by the Department of the date and time of each cleaning and disinfecting indicating whether the cleaning was a daily or bi-weekly cleaning. This

record shall be made at or near the time of cleaning and disinfecting. The record shall indicate if a spa was not used at all during any individual work day. Cleaning and disinfecting records shall be made available upon request by either a patron or a Department representative.

(f) A footspa for which documentation is not maintained in accordance with this rule must be removed from service and not used again until it has been cleaned and disinfected in accordance with the requirements of this rule and the records have been properly updated.

(g) Footspa chairs shall be cleaned and disinfected prior to providing service to each client. The chair shall be made of or covered in a non-porous material that can be disinfected.

82.109. Health and Safety Standards--Wig and Hairpiece Services. *(Rule effective March 1, 2006, 31 TexReg 1297)*

(a) Barbers shall wash their hands with soap and water ~~, or use a liquid hand sanitizer,~~ prior to performing any services on a client.

(b) All equipment, implements, tools and materials shall be properly cleaned and disinfected in accordance with this rule prior to servicing each client.

(c) After each client, ~~the following implements to be shall be wiped with a clean paper or fabric towel and sprayed with either an EPA-registered bactericidal, fungicidal, and virucidal disinfectant, or isopropyl alcohol, ethyl alcohol, or high level disinfection chlorine bleach solution.~~ Equipment, ~~implements, tools and materials to be~~ cleaned and disinfected with an EPA-registered Hospital-Grade disinfectant with demonstrated fungicidal and virucidal properties include but are not limited to combs and picks, haircutting shears, thinning shears/texturizers, ~~razors,~~ edgers, guards, perm rods and bowls or containers used to clean or color wigs or hairpieces.

(d) At the end of each day of use, the above items, along with any other tools, such as sectioning clips, brushes, comb and picks shall be cleaned by manually scrubbing with soap and water or adequate methods, and then disinfected by ~~one of the following methods:~~

~~—(1) Complete immersion in an EPA-registered bactericidal, fungicidal, and virucidal disinfectant in accordance with manufacturer' instructions.~~

~~(2) Complete immersion in isopropyl alcohol or ethyl alcohol;~~

~~(3) Complete immersion in a high level disinfection chlorine bleach solution.~~

(e) After the initial sale of a hairpiece, and prior to that hairpiece being resold, it must be properly disinfected.

(f) Used wigs and hairpieces shall be kept in a closed bag or container until ready to be cleaned.

(g) Any wig block used to service a hairpiece should be covered with a plastic bag and kept in a sanitized condition after each use. Any wig block used to service hairpieces shall be disinfected

sprayed with an EPA registered disinfectant solution after each use according to the manufacturer's label instructions and kept in a sanitary condition.

(h) Finished wigs and hairpieces shall be placed away from soiled wigs and hairpieces until ready to be returned to the client.

82.110. Health and Safety Standards--Hair Weaving and Hair Braiding Services.

(a) Hair weavers and hair braiders shall wash their hands with soap and water ~~; or use a liquid hand sanitizer,~~ prior to performing any services on a client.

(b) All equipment, implements, tools and materials shall be properly cleaned and disinfected in accordance with this rule prior to servicing each client.

(c) Hair extensions, tracks, needles, and thread shall be stored in a bag or covered container until ready to use. No unrelated items shall be stored in the same bag or container.

(d) Needles shall be ~~sprayed~~ disinfected with a an EPA-registered disinfectant according to the manufacturer's directions before use.

82.111. Health and Safety Standards--Blood and Body Fluids.

(a) Blood can carry many pathogens. For this reason licensees should never touch a client' open sore or wound. Powdered alum, styptic powder, or a cyanoacrylate (e.g. liquid-type bandage) may be used to contract the skin to stop minor bleeding, and should be applied to the open area with a disposable cottontipped instrument that is immediately discarded after application.

(b) In the case of blood or body fluid contact on any surface area such as a table, chair, or the floor, an EPA registered hospital grade disinfectant with tuberculocidal and virucidal effectivity, ~~a tuberculocidal disinfectant, or a 10% bleach solution (one and three quarters (1 ¾) cups of 5.25% bleach in one gallon of water)~~ shall be used per manufacturer's instructions immediately to clean up all visible blood or body fluids.

(c) If any non-porous instrument is contacted with blood or body fluid, it shall be immediately cleaned and disinfected using an EPA-registered hospital grade disinfectant with tuberculocidal and virucidal effectivity used ~~or a tuberculocidal disinfectant~~ in accordance with the manufacturer's instructions. ~~or totally immersed in a 10% EPA-registered bleach solution (one and three quarters (1 ¾) cups of 5.25% bleach in one gallon of water) for 5 minutes according to the manufacturer's directions.~~

(d) If any porous instrument contacts blood or body fluid, it shall be immediately double-bagged and discarded in a closed trash container or biohazard box.

82.112. Health and Safety Standards--Prohibited Products or Practices.

(a) Licensees may not use any of the following substances or products in performing barbering services:

(1) Methyl Methacrylate Liquid Monomers, a.k.a., MMA

(2) Razor-type callus shavers designed and intended to cut growths of skin such as corns and calluses, e.g., credo blades.

(3) Alum or other astringents in stick or lump form. (Alum or other astringents in powder or liquid form are acceptable.)

(4) Fumigants such as formalin (formaldehyde) tablets or liquids.

(5) A drill or similar tool designed for use by a manicurist or pedicurist, without proof of certification of training of that manicurist or pedicurist through a program approved by the department.

(b) Possession on licensed premises of any item listed in this section is a violation under this chapter.

82.113. Health and Safety Standards--FDA.

(a) Licensees shall not use any product in providing a service authorized under the Act that is banned or deemed to be poisonous or unsafe by the United States Food and Drug Administration (FDA) or other local, state, or federal governmental agencies responsible for making such determinations.

(b) Possession or storage on licensed premises of any item banned or deemed to be poisonous or unsafe by the FDA or other governmental agency shall be considered *prima facie* evidence of its use.

(c) For the purpose of performing services authorized under the Act, no licensee shall buy, sell, use, or apply to any person liquid monomeric methyl methacrylate (MMA).

82.114. Health and Safety Standards--Establishments. (*Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048*)

- (a) Establishments shall keep the floors, walls, ceilings, shelves, furniture, furnishings, and fixtures clean and in good repair. Any cracks, holes, or other similar disrepair not readily accessible for cleaning shall be repaired or filled in to create a smooth, washable surface.
- (b) All floors in areas where services under the Act are performed, including restrooms and areas where chemicals are mixed or where water may splash, must be of a material which is not porous or absorbent and is easily washable, except that anti-slip applications or plastic floor coverings may be used for safety reasons. Carpet is permitted in all other areas.
- (c) Plumbing fixtures, including toilets and wash basins, shall be kept clean. They must be free from cracks and similar disrepair that cannot be readily accessible for cleaning.
- (d) Each establishment must have suitable plumbing that provides an adequate and readily available supply of hot and cold running water at all times and that is connected for drainage of sewage and potable water within the areas where work is performed and supplies dispensed.
- (e) Every establishment shall provide at least one restroom located on or near the premises of the establishment. For public safety, chemical supplies shall not be stored in the restroom.
- (f) Food or beverages shall not be prepared on licensed premises for sale. Pre-packaged food or beverages may be sold to or consumed by clients.
- (g) For public health and safety, licensed premises shall eliminate any strong odors through adequate ventilation, including but not limited to, exhaust fans and air filtration to exhaust chemicals and fumes
away from the public area and to provide for the input of fresh air.
- (h) Licensed premises shall not be utilized for living or sleeping purposes, or any other purpose that would tend to make the premises unsanitary, unsafe, or endanger the health and safety of the public. An establishment that is attached to a residence must have an entrance that is separate and distinct from the residential entrance. Any door between a residence and a licensed facility must be closed during business hours.
- (i) No animals with the exception of those providing assistance to individuals are allowed in establishments. Covered aquariums are allowed provided that they are maintained in a sanitary condition.

82.120. Technical Requirements--Curricula.

Add requirements for students to:

- 1) learn to use a straight razor on themselves, including women, and use one to give themselves a face shave.
- 2) learn to read the labels on EPA-registered disinfectants, and be able to do the math necessary to properly mix the solutions.
- 3) be able to identify what is and what is not an EPA-registered disinfectant, and know where to find the EPA-registration number on a label.
- 4) be able to identify what an EPA-registered disinfectant is suitable to be used for.
- 5) Students should receive the training provided under the OSHA bloodborne pathogens standard before working on customers.
- 6) know what to do in case they cut their fingers with a razor blade
- 7) Have practiced what to do in case they cut their finger with scissors.
- 8) understand how to dispose of sharps containers.
- 9) know how to wash their hands correctly, and when they are in the school, do so.
- 10) know how to identify what is and what is not an FDA-approved sterilizer.
- 11) know how to use and do the monthly test on an FDA-approved sterilizer.
- 12) know how and practice disinfecting their neck duster brushes.
- 12a) Know how to use a shaving brush to make lather.
- 13) Have a general understanding of the inter-relationship between TDLR, FIFRA, EPA, FDA, CDC, OSHA, and TCEQ.
- 14) What "anti-bacterial" means on a product that does not claim to be an EPA-registered disinfectant.
- 15) What a "Terminal sterilant" is.
- (16) Know how to properly disinfect (preclean, disinfect, rinse, dry, avoid contact) an item.
- (17) Know what Universal Precautions are.
- (18) Be able to recite the FIFRA warning: "It shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling." FIFRA, Section 12 [7 USC 136j] "Unlawful Acts: (a)(2)(G)"

- (19) Understand why a surgical razor is a "Critical medical device" regulated by the FDA which requires sterilization before reuse, and why a barber razor is regulated by the Consumer Product Safety Commission as a consumer item; and why a barber's razor blade used on the general public needs to be either discarded after one use, or else sterilized; and what the warning on an EPA-registered disinfectant means: "Not to be used as a terminal sterilant/high level disinfectant on any surface or instrument that is introduced directly into the human body, in contact with the bloodstream or normally sterile areas."
- (19a) Understand why a used razor blade that has been used on a customer presents a health risk to subsequent customers unless it has been disinfected and sterilized.
- (20) Understand the function of alcohol-based aftershave lotions.
- (21) Had experience in honing and stropping at least 3 straight razors.
- (22) Have their own straight razor and strop and hone.

- (1-12) FIFRA, and the terms that apply to it,
- (13-19) OSHA, and its terms
- (20) TCEQ, and its definition
- (21,22) Miscellaneous

82.100 (2)(A) EPA efficacy data requirements for disinfectants: http://www.epa.gov/oppad001/dis_tss_docs/dis-01.htm

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Delete the previous version of 82.100:

82.100. Health and Safety Definitions. *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective January 1, 2008, 32 TexReg 9966)*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) ~~Chlorine bleach solutions~~—A chemical used to destroy bacteria and to disinfect implements and non-porous surfaces; solution should be mixed fresh at least once per day. As used in this chapter, chlorine bleach solutions fall into three categories based on concentration and exposure time:
 - (A) ~~Low level disinfection~~ (100–200 ppm)—Add two teaspoons household (5.25%) bleach to one gallon water. Soak 10 minutes minimum.
 - (B) ~~High level disinfection~~ (1,000 ppm)—Add one-third (1/3) cup household (5.25%) bleach to one gallon water. Soak 20 minutes minimum.
 - (C) ~~Blood and body fluid cleanup and disinfection (5,000 ppm)~~—Add one and three quarters (1 ¾) cups household (5.25%) bleach to one gallon water. Also referred to as ~~10% bleach solution~~.
- (2) ~~Clean or cleansing~~—Washing with liquid soap and water, detergent, antiseptics, or other adequate methods to remove all visible debris or residue. Cleansing is not disinfection.
- (3) ~~Disinfect or disinfection~~—The use of chemicals to destroy pathogens on implements and other non-porous surfaces to render an item safe for handling, use, and disposal.
- (4) ~~Disinfectant~~—In this chapter, one of the following department approved chemicals:
 - (A) an EPA registered bactericidal, fungicidal, and virucidal disinfectant used in accordance with the manufacturer's instructions;
 - (B) a chlorine bleach solution used in accordance with this chapter; or
 - (C) an Isopropyl alcohol used at a concentration of at least 70% and ethyl alcohol used at a concentration of at least 90%.
- (5) ~~EPA registered bactericidal, fungicidal, and virucidal disinfectant~~—When used according to manufacturer's instructions, a chemical that is a low-level disinfectant used to destroy bacteria and to disinfect implements and non-porous surfaces.
- (6) ~~Isopropyl or Ethyl alcohol~~—~~Isopropyl alcohol used at a concentration of at least 70% and ethyl alcohol used at a concentration of at least 90% are chemicals that are a low-level disinfectant~~ used to destroy bacteria and to disinfect implements.
- (7) ~~Multi-use items~~—Items constructed of hard materials with smooth surfaces such as metal, glass, or plastic typically for use on more than one client. The term includes but is not limited to such items as clippers, scissors, combs, nippers, and some nails files.
- (8) ~~Single-use items~~—Porous items made or constructed of cloth, wood, or other absorbent materials having rough surfaces usually intended for single use including but not limited to such items as tissues, orangewood sticks, cotton balls, some buffer blocks, and gauze.
- (9) ~~Sterilize or sterilization~~—To make free from live bacteria or other microorganisms by use of an autoclave, dry heat or ultraviolet light sterilizer that is listed with the United States Food and Drug Administration.

(22) Terminal Sterilant - After thorough cleaning and disinfection, the final product in a process that prepares a blood-contaminated item for reuse.

(A) EPA-registered disinfectants are usually labeled with a warning against such use:

- (1) "This product is not to be used as a terminal sterilant/high level disinfectant on any surface or instrument that (1) is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body, or (2) contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. This product may be used to preclean or decontaminate critical or semi-critical medical devices prior to sterilization or high level disinfection."

(B) Barber razors are regulated by the CPSC (Consumer Products Safety Commission) as consumer items, and not by the FDA as critical medical devices, such as surgical razors, which require sterilization before reuse. The TDLR has authority to regulate and require blood-contaminated barber razors to be prepared for reuse with either a low-level EPA-registered disinfectant, or an FDA-approved Terminal Sterilizer.

(see

<http://www.fda.gov/AboutFDA/PartnershipsCollaborations/MemorandaofUnderstandingMOUs/DomesticMOUs/ucm116796.htm>)

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Problems with the current version of 82.101 include giving instructions for the use of disinfectants that contradict the instructions provided by the manufacturer of the product, and instructing licensees to use products that may not be approved by the EPA for disinfection, or requiring the disinfection of porous items that are not capable of being disinfected with an EPA-registered disinfectant.

(r) and (s) Added to specify what needs to be done with double-bags that are full of towels used to clean up blood, and what to do with the sharps containers once they are full. Texas law prohibits tossing it in the municipal waste stream.

These links provide specifics on the TCEQ instructions for disposing of blood-contaminated sharps in Texas:

<http://www.tceq.state.tx.us/assets/public/legal/rules/rules/pdflib/330y.pdf>

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=330](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=330)

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=330&sch=Y&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=330&sch=Y&rl=Y)

Available methods for proper disposal include:

1) contracting with a local service to periodically collect used razor blades,

2) purchasing an inexpensive disposal-by-USPS mail container (available from a Texas Company

https://www.sharpsinc.com/disposal_mail_product_page.htm)

http://www.sharpsinc.com/Tutorial%20Video%20Files/Video%20Files/Business%20and%20Industry/Control_med.swf

Other applicable Federal and state laws can be accessed through: www.sharpsinc.com/regulatory.htm

(t) Added to provide PPE requirements. PPE is greatly needed for shaving services, since about 2% of the general public has a contagious bloodborne disease (HIV, HCV, HBV, others), and capillary blood vessels lie a mere .050" under the surface of facial skin. One nick with the razor can produce enough blood to infect a barber with hepatitis. Although the risk of this actually happening during any one shave is remote, risk of infection increases as the quantity of shaves performed increase and the number of barbers performing shaves increase.

Barbers in other countries have hepatitis infection rates of 39%:

http://hepatmon.com/pdf/Detection_of_Hepatitis_B_Virus_in_Used_R.pdf

Direct contact with a customer's blood during a shave is risky, and has been addressed by the OSHA Bloodborne Pathogen Standard since 1992. Proper PPE for shaving services would include disposable gloves, a sharps container, a Hepatitis B vaccination, and training in the OSHA bloodborne pathogen standard.

This proposed rule will ensure that this oversight is remedied.

82.103 changes include:

(c) Deleted "sprayed" since not every disinfectant may be used in that manner.

Also deleted "isopropyl alcohol, ethyl alcohol," as optional disinfectants, since simple isopropyl or ethyl alcohol are not EPA-regulated disinfectants. However, both alcohols are available as either FDA-approved antiseptics or as EPA-registered disinfectants, and may still be used as specified in (b).

Also deleted the phrase "a highlevel disinfection" since that phrase is used by the CDC and FDA but not by the EPA to identify disinfectants, and it seems less confusing to mix terminology from different federal agencies when referring to an EPA-registered disinfectant.

Also added hairbrushes and neck dusters to the list of items to be disinfected.

Deleted razors, because they should be considered to be single-use disposable items.

Added "Razor blades, shaving brushes and shaving mugs shall not be used on multiple clients.

(d) (1)(2)(3) - replaced as redundant, since tools should be sufficiently disinfected after each use to make another cleaning at the end of the day unnecessary. .

82.104 -

(d) - added a sterilization requirement to tweezers and comedone extractors, since they could contact blood during a service. Tweezers are currently required to be sterilized in 82.106(d).

82.105

(b) added a PPE requirement for disposable gloves.

82.106

(f) Changed to disallow attempted disinfection of porous items. According to their label instructions, EPA-registered disinfectants are made for use on smooth non-porous surfaces. Attempts to do otherwise transgress FIFRA, and will not result in satisfactory disinfection, and could result in customer infections.

82.107 - no changes

82.108

Deleted (c)(2)(A) because it is redundant -- the bleach solution specified should be used as one of an array of EPA-registered disinfectants, and used according to the manufacturer's label instructions.

Deleted (d)(1) for the same reason as (c)(2)(A)

82.109

(c) Changed because not all EPA-registered disinfectants can be sprayed.

(d) Changed because all that is needed to be specified is an EPA-registered disinfectant that is used according to label instructions.

(g) Changed "sprayed" to "disinfected" because an EPA-registered disinfectant should be used according to the manufacturer's label instructions.

82.110

(d) Changed "sprayed" to "disinfected" because an EPA-registered disinfectant should be used according to the manufacturer's label instructions, and not all of them can be sprayed.

82.111

(b) Changed because the 10% bleach solution applies to Clostridium Difficile spores (causes diarrhea), and the Clorox label requires a different concentration of solution (2700 ppm for blood vs. 5000 ppm for Clostridium spores), and the Clorox label specifies surfaces that it should not be used on, such as stainless steel or aluminum. The rules should specify an EPA-registered disinfectant used according to label instructions, instead of rewriting the manufacturer's directions of disinfectant use. Also, if only a tuberculocidal disinfectant is used, it may not eliminate other pathogens in the blood.

(c) Deleted part of the text because it is redundant; and specified the same disinfectant selection in (c) as in (b).

(d) Note: According to the TCEQ rules, a Q-tip used to apply styptic powder to a cut could probably be discarded in the trash. But larger quantities of blood from a nose bleed would need a biohazard box, and should be disposed of as outlined in the TCEQ rules.