



APR 17 2007

Reply to the attention of:

Mr. Brian L. Ellis
Sr. Safety Engineer
Lennox Manufacturing
200 South 12th Avenue
Lennox Drive
Marshalltown, IA 50158-3091

Dear Mr. Ellis:

Thank you for your September 7, 2006 letter to the Occupational Safety and Health Administration (OSHA) concerning the occupational injury and illness recording and reporting requirements in 29 CFR Part 1904. Specifically, you asked OSHA for a clarification as to whether the use of Band-Aid[®] Brand Liquid Bandages[™], and competing products such as Prestige Brands Inc.'s New-Skin[®] and 3M's Nexcare[™], meets the definition of medical treatment or first aid for purposes of Part 1904.

For purposes of OSHA recordkeeping, medical treatment means "the management and care of a patient to combat disease or disorder." This section of the recordkeeping regulation also states that first aid, as defined by Part 1904(b)(5)(ii), does not fall within the definition of medical treatment. OSHA also explained in the January 19, 2001, preamble to the final rule revising the Part 1904 regulation that the list of first aid treatments included in Section 1904(b)(5)(ii) is comprehensive. This means that any treatment not included on the list is not considered first aid for purposes of Part 1904. See, 66 Federal Register 5984.

Section 1904.7(b)(5)(ii)(D) provides that wound-covers such as bandages, Band-Aids[™], gauze pads, butterfly bandages, or 3M's Steri-Strips[™] are within the definition of "first aid" for OSHA recordkeeping purposes. On the other hand, the preamble to OSHA's revised recordkeeping final rule states that wound-closing devices such as sutures, staples, tapes or glues are considered medical treatment. See, 66 FR 5989 (January 19, 2001). Also, OSHA's Frequently Asked Question 7-5 states:

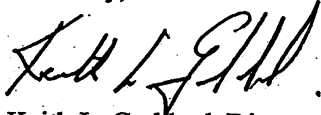
Are surgical glues used to treat lacerations considered "first aid?"

No. Surgical glue is a wound closing device. All wound closing devices except for butterfly and are by definition "medical treatment," because they are not included on the first aid list.

The products you described in your letter, Band-Aid[®] Brand Liquid Bandages[™], Prestige Brands Inc.'s New-Skin[™], and 3M's Nexcare[™], are considered liquid bandages by the manufacturers and are available for purchase over-the-counter. As such, they are wound coverings, and are first aid treatments for purposes of Part 1904.

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 appraised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith L. Goddard", written over a horizontal line.

Keith L. Goddard, Director
Directorate of Evaluation and Analysis