

Regulated Medical Waste Management Regulations, 9 VAC 20-120
Amendment 3
Regulatory Advisory Panel (RAP) Meeting
October 3, 2019
Meeting Notes

Location: Perimeter Center
Suite 201 - Hearing Room 5
9960 Mayland Drive
Richmond VA 23233

Start: 10:02 a.m.
End: 3:07 p.m.

RAP Members Attending:

Tony Caswell, University of Virginia Health Systems
Ann Germain, Healthcare Waste Institute
Cara Simaga, Stericycle
Tim Torrez, SWANA & VWIA

RAP Members Absent:

Morris Reece, Virginia Department of Health

DEQ Technical Support Staff:

Priscilla Rohrer, Solid Waste Compliance Coordinator
Kathryn Perszyk, Solid Waste Permit Coordinator
Michelle Callahan, Guidance & Regulation Coordinator
Debra Harris, Planning and Policy Specialist

Others Attending:

Connor O'Donnell, DEQ
Julia Wellman, DEQ

I. Agenda Item: Introductions, Welcome and Remarks (Debra Harris)

Discussion: Debra Harris welcomed everyone to the meeting and asked each person to introduce themselves. Ms. Harris then reviewed the agenda for today's meeting of the Regulatory Advisory Panel (RAP).

II. Agenda Item: Minutes – August 20, 2019 Meeting (Debra Harris)

Discussion: Debra Harris asked for comments on the minutes for the RAP's previous meeting. The RAP provided no revisions or comments. The August 20th minutes will be finalized.

III. Agenda Item: Storage and Refrigeration (Priscilla Rohrer)

Discussion: Priscilla Rohrer presented an overview of the discussion topics. She then presented the storage and refrigeration topic. During the presentation, Ms. Rohrer went through the current regulation's requirements for storage and refrigeration of regulated medical waste (RMW) and noted issues with those requirements.

Ms. Rohrer presented a proposed definition for storage. The RAP discussed the definition of storage and noted that the storage definition should be generic and proposed the following definition:

Storage means the holding, including during transportation, of regulated medical waste.

It was also noted by the RAP that the regulations should be clear as to what storage requirements are applicable to soiled utility rooms at hospitals.

Ms. Rohrer then presented the proposed requirements for transfer and treatment facilities. The RAP agreed with the proposed requirements for storage conditions to include: packaged RMW marked/labeled with storage start date; maintaining storage areas neat, clean, and free of standing liquid or debris; vector control; access control; damage prevention; floors impermeable to liquids; drainage discharged to the sanitary sewer; and signage. However, the RAP did not agree with the maximum storage timeframe of seven days and requirement for refrigeration after three days. It was noted that these were unreasonable, very burdensome, costly, and that this requirement may not provide any additional protections. Additionally, it was noted that some other states do not have such requirements. For example, the RAP noted that Maryland allows unrefrigerated storage of RMW at commercial treatment facilities for up to 10 days. Ms. Cara Simaga also noted that for transfer stations and treatment facilities, it is important that the generator properly packages and containerizes their RMW. When RMW is properly packaged, it reduces the need for such restrictive timeframes for storage and refrigeration.

During these discussions, it was noted that marking/labeling the RMW containers (once packaged for transport) with the date storage started or using another inventory system (e.g. scannable bar codes) would be adequate for noting when storage begins.

Ms. Rohrer then presented the proposed requirements for generators to allow up to 7 days unrefrigerated storage and up to 30 days for storage if refrigerated after 7 days. It was noted that this was for generators only. The RAP discussed the issues with generator storage and instead proposed using a schedule of pick-up criteria for the storage requirements for different classes of generators based on the quantity that they generate per month. The RAP agreed that this was a better option for generator storage timeframes.

The RAP took a break for lunch from 11:46 a.m. until 1:03 p.m.

The RAP continued the discussion on how best to categorize generators. Based on these discussions, the RAP concurred with the following:

- Small RMW Generators (generating less than 250 gallons of RMW per month) – allow unrefrigerated storage provided that RMW is picked up periodically on a monthly basis (once per calendar month) and to not store any RMW for greater than 45 days.
- Large RMW Generators (generating 250 gallons or more of RMW per month) – allow unrefrigerated storage provided that RMW is picked up on a weekly basis (once per calendar week) and to not store any RMW for greater than 10 days.

Action Item: Cara Simaga will research the issue of very small RMW generating universe and provide additional information to the RAP (see Parking Lot).

Action Item: DEQ will check with the Virginia Hospital Association when the proposed regulation is published for comment.

The RAP then returned to storage of RMW at transfer stations and treatment facilities. Based on these discussions, the RAP concurred with the following:

- On-site RMW Treatment Facilities: RMW to be treated at least weekly and no RMW is stored for greater than 10 days. Leaking/damaged packages of RMW shall be repackaged properly prior to

storage or shipment offsite, or treated within 24 hours. All leaks will be cleaned-up per the RMW spill cleanup requirements.

- Commercial/Off-site RMW Treatment Facilities: RMW to be treated at least weekly and no RMW is stored for greater than 10 days. Leaking/damaged packages of RMW shall be repackaged properly prior to storage or shipment offsite, or treated within 24 hours. All leaks will be cleaned-up per the RMW spill cleanup requirements.
- RMW Transfer Stations: keep the current storage requirements (store unrefrigerated no longer than 7 days, and can store up to 15 days max if refrigerated after 7 days).

Ms. Rohrer then asked the RAP to consider if there should be different requirements for storage of sharps only for those generators that handle only sharps. The RAP agreed that for sharps-only storage the same timeframes as provided for other RMW storage should be used.

The RAP took a break from 1:54 p.m. until 2:01 p.m.

IV. Agenda Item: Disinfection (Priscilla Rohrer)

Discussion: Priscilla Rohrer presented the disinfection topic including EPA's terms and definitions and their list of registered disinfectants. Ms. Rohrer then presented Virginia's current regulatory requirements and proposed changes. She asked the RAP what the minimum standards for disinfectants should be and how to best allow for flexibility in the choice of disinfectants. The RAP discussed this issue and concurred with the following requirements for disinfection when cleaning:

- Disinfection for Reusable RMW Containers – Use, at a minimum, either a general purpose EPA-registered disinfectant, OR hot water of a specified temperature for a minimum specified dwell time (e.g. 180 degrees F for 90 sec).
- RMW Spills / Required Spill Kit Item – Use, at a minimum, an EPA-registered hospital grade disinfectant effective against mycobacteria, or alternate EPA-registered disinfectant if demonstrated as appropriate for the type of RMW managed and surface being disinfected.
- Trucks/Equipment Used to Transport RMW (before used for any other purpose and prior to any transfer of ownership) – Use, at a minimum, an EPA-registered hospital grade disinfectant effective against mycobacteria, or alternate EPA-registered disinfectant if demonstrated as appropriate for the type of RMW managed and surface being disinfected.
- RMW facilities at closure - Use, at a minimum, an EPA-registered hospital grade disinfectant effective against mycobacteria, or alternate EPA-registered disinfectant if demonstrated as appropriate for the type of RMW managed and surface being disinfected.

Action Item: Anne Germain will send a copy of the disinfection guidance for washing reusable containers.

The RAP then discussed the best practices for floors in tipping, treatment, and cart cleaning areas of RMW transfer stations and treatment facilities. The RAP noted that requiring daily disinfection of these areas was too onerous and did not provide any protective benefits while the facility is being used. The RAP concurred for these types of areas the requirement should be: (i) to immediately clean-up spills properly and in accordance with the regulations; and, (ii) to use general housekeeping methods (i.e., sweep, clean, keep free of standing water and debris).

Finally, Ms. Rohrer asked for the RAP's thoughts and ideas for requirements for managing washwater. The RAP concurred that the regulation should not prohibit the reuse of washwaters provided that disinfection properties were maintained and that all washwater should be contained (no standing water).

V. Agenda Item: Ventilation (Priscilla Rohrer)

Discussion: Priscilla Rohrer presented the topic of ventilation to the RAP. She presented the current requirements

that pertain to treatment facilities. Ms. Rohrer then asked the RAP for additional information regarding minimum standards for ventilation around other types of processing/handling areas (cart tippers/dumpers, mechanical cleaning systems, and other similar areas/equipment). The RAP concurred that trash chutes should not be used for RMW and that for the other areas in question, the regulations should specify that RMW shall be handled in such a way as to maintain the integrity of the packaging and prevent any release or spill of RMW (i.e., do not rip bags or fling bags). The RAP asked that the regulations provide the performance standard instead of specifying which equipment should have splash guards, shields or barriers. The RAP also agreed that all equipment used to handle/move RMW should also be used in such a manner to maintain the integrity of the packaging and prevent spills/releases of RMW. Finally, the RAP discussed the idea of negative pressure or ventilation fans to prevent possible bioaerosols exposure to workers. It was noted that the DEQ had not seen an issue with this, but it was an idea that was presented for input. The RAP concurred that there was no benefit from the type of costly retrofits that would be required for negative pressure or ventilation fans for something that was not a known issue.

VI. Agenda Item: Public Comment

Discussion: No one from the public attended so there was no public comment.

The meeting was then adjourned and it was noted that the RAP would meet the following day, October 4, 2019, for another RAP meeting.

Parking Lot

(These are topics/issues that the RAP decided to discuss further)

- Very small RMW generators – do we need a category and storage requirements for these types of generators?