

Regulated Medical Waste Management Regulations, 9 VAC 20-120
Amendment 3
Regulatory Advisory Panel (RAP) Meeting
October 4, 2019
Final Meeting Notes

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

Start: 9:38 a.m.
End: 2:36 p.m.

RAP Members Attending:

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

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

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 the day's meeting.

II. Agenda Item: Disposal of Treated Wastes (Priscilla Rohrer)

Discussion: Priscilla Rohrer presented an overview of current requirements for disposal of treated regulated medical waste (RMW). Issues with the current requirements were presented along with proposed ideas for updating these requirements. The RAP discussed the issues and agreed that notification when treated RMW is being sent to a landfill should be clarified. The RAP agreed that it is not necessary for an RMW treatment facility to notify (e.g. call or email) the receiving solid waste disposal facility each time that a load of treated waste will be shipped offsite. The RAP also agreed that it is not necessary for a manifest or certificate of treatment to accompany treated waste during transportation because treated waste is a solid waste. However, the RAP agreed that all RMW treatment facilities should have a written waste disposal agreement or contract with each permitted solid waste disposal facility that will receive the treated waste. Additionally, packaging requirements for treated waste were discussed. The RAP agreed that for non-bulk treatment/packaging, the requirements will include repackaging that allows for visible assessment of treatment that could include but is not limited to, opaque bags, clear bags, bags with sterilization indicators, or bags with special labels. The RAP agreed to maintain the current requirements for bulk treatment (i.e. repackaging in bags is not required). For both non-bulk and bulk treatment/packaging, a written

waste disposal agreement should provide the profile of how the treated RMW will be packaged when sent to the landfill. It was agreed that treated waste should never be repackaged as RMW or repackaged in red bags. The RAP also agreed that the regulations should not specify disposal criteria (i.e. how the treated waste will be disposed and covered at the landfill working face) because landfill procedures are already included in the Solid Waste Management Regulations and can be site-specific or permit-specific.

The RAP took a break from 10:21 a.m. until 10:33 a.m.

III. Agenda Item: Highly Infectious Waste – Category A (Priscilla Rohrer)

Discussion: Priscilla Rohrer presented the background on highly infectious waste or Category A waste, which is a subset of RMW. The need for requirements for this type of RMW arose during the Ebola crisis. Requirements for the management of Category A waste will be added to the regulations as part of this amendment. The RAP discussed how best to refer to this type of waste. The RAP concurred that it was best to use the term “Category A waste” as that is consistent with the federal guidelines. Overall, the RAP concurred that the best management practices for Category A waste be consistent and in line with the federal guidelines for this waste. These guidelines were approved in August 2019, *Managing Solid Waste Contaminated with a Category A Infection Substance* and will be used for the requirements for management of Category A waste (the guidelines are available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/transporting-infectious-substances/6821/cat-waste-planning-guidance-final-2019-08.pdf>). The regulations will also include the Category A waste storage and handling requirements that were discussed with the RAP, such as:

- Segregation of Category A waste from other RMW
- Identification and special handling (i.e. cleaning and disinfection) of wastes that are not suitable for conventional RMW treatment, such as batteries and electronics
- Avoiding reusable containers and storage and handling techniques that could potentially cause bio-aerosols, such as cart tipping
- Storage on impermeable surfaces, and in leak-proof containers when moving
- Once packaged, waste should not be opened, unpackaged, or repackaged
- Notification to DEQ when storing 250 gallons or more of Category A waste, or if storage timeframes have, or are expected to be, exceeded

The RAP also agreed that the regulations should specify that when Category A waste is treated in accordance with the more stringent requirements for treatment of Category A Waste, the resulting treated waste is solid waste.

The RAP took a lunch break from 11:48 a.m. until 1:00 p.m.

After lunch, Priscilla Rohrer presented the background on biohazard incident waste. This term is not currently in the regulations. The question to the RAP was how or if this waste should be addressed in the regulations. The RAP discussed the issue and noted that the regulations already cover how to address spills and the amendment will also be adding requirements for Category A waste. Adding an additional category, especially one that is so generalized as this, could lead to further confusion. The RAP concurred that adding another broad and vague category is not necessary.

IV. Agenda Item: Miscellaneous & Parking Lot (Priscilla Rohrer)

Discussion: Priscilla Rohrer discussed those issues that still needed to be discussed or where previously placed in the parking lot. The RAP addressed each of these issues.

- Animal Wastes. The regulations currently include intentionally infected animals as RMW. Dead or diseased animals subject to VDACS requirements are exempt from RMW. For rabid animal carcasses, disposal usually defaults to the local ordinances. The RAP concurred that it was best to not expand the definition of RMW to include additional animal wastes beyond what is already included in the regulation.
- Trauma & Crime Scene Waste. The RAP concurred that it was not appropriate to add trauma and crime

scene waste as a new category of RMW. The regulations do include exemptions that cover this type of waste. It was proposed that the amendment: (i) clarify the examples provided for absorbent materials; and (ii) provide clarification for disinfection that could include large or bulky waste such as vehicles and building debris. The RAP concurred that there was no need to add additional exemptions as there are exemptions for absorbent materials and for waste that is disinfected. Examples for these exemptions will be clarified further to address some of the questions regarding possible RMW from accidents.

Contractors that clean-up waste from accidents or crime scenes may also deal with RMW. The current regulations only allow storage for 24-hours but perhaps an exemption for this specific type of clean-up is necessary. Priscilla Rohrer noted that the issue was for contractors doing this clean-up and occasionally, having to store over the weekend. The RAP concurred that an exemption to allow storage for up to 72-hours for clean-ups for emergency situations provided the RMW is properly packaged was appropriate. The DEQ will define what these emergency situations are in the proposed regulation.

- **Red Bags at Solid Waste Management Facilities.** It was agreed in the morning discussion on treated RMW that the regulations will clarify that treated RMW is solid waste and shall be managed and disposed in accordance with the Solid Waste Management Regulations. The RAP discussed whether there was a need for a requirement that treated RMW, which is solid waste, be transported directly to a disposal facility (such as a landfill). It was noted that many areas of the state are going to transfer stations with long haul disposal at landfills. For these areas such a limitation may be an undue burden. In consideration of the discussions, the RAP concurred that the treated waste concurrence statement from this morning be modified to require a RMW treatment facility to have a waste disposal agreement with an appropriate solid waste disposal facility to specify how the treated RMW will be sent to the landfill and to include any intermediate facilities through which the treated RMW will be transported, such as transfer stations. It was also recommended that the RMW treatment facilities notify or have a written agreement with any transfer stations or other intermediate facilities that will receive treated waste before it is transported to a landfill.
- **Emergency Permit Terms:** Priscilla Rohrer noted that emergency permits were not included in the current regulation and it was recommended that emergency permit requirements be included in the regulations for certain situations and to provide flexibility if another Ebola-like crisis occurs. The RAP concurred that up to 90 days was sufficient for the initial approval of an emergency permit for storage/treatment of RMW and to provide for up to three renewals of 90-days each with appropriate justification provided for the renewal.
- **Grace Period for Existing (Permitted) Facilities:** Currently, there are 14-15 permitted facilities (transfer stations and treatment facilities) in the state. The RAP concurred that these facilities should be granted at least six months from the effective date in order to come into compliance with any new requirements, such as the daily housekeeping requirements, radiation detection/screening of incoming waste, self-inspections, updated operations plans/recordkeeping or annual training.
- **Small Quantity (“bench top”) Treatment Units.** How to define these and how best to determine what is a small quantity was discussed with the RAP. The RAP concurred that it was best to leave the requirements as currently regulated for these types of units.
- **Very Small RMW Generator.** DEQ staff will review the information from Cara Simaga and if this category is needed, it will be added to the regulations.

V. Agenda Item: Public Comment

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

VI. Agenda Item: Next Steps (Debra Harris)

Discussion: Debra Harris went through the next steps for this regulatory amendment. It was noted that the RAP process was concluded and the next step would be development of the proposed regulation which would be presented to the Virginia Waste Management Board consideration for public comment.