

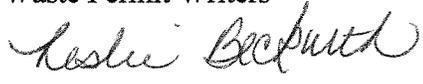
MEMORANDUM
Department of Environmental Quality

Mail Address:
P.O. Box 1105
Richmond, VA 23218

Location:
629 East Main Street
Richmond, VA 23219

SUBJECT: Division of Land Protection and Revitalization Guidance Memo No. 2016-01
Management of Sharps

TO: Regional Land Protection Program Managers, Solid Waste Compliance Inspectors, and Solid Waste Permit Writers

FROM: Leslie Beckwith 
Director, Office of Financial Responsibility & Waste Programs

DATE: April 22, 2016

COPIES: Director of the Division of Land Protection and Revitalization, Solid Waste Compliance Coordinator, and Solid Waste Permit Coordinator

Summary:

This guidance document is intended to clarify management requirements for sharps as defined by the Virginia Regulated Medical Waste Management Regulations (VRMWMR), 9 VAC 20-120-10 et seq. This document updates and supersedes former guidance document *Solid Waste Interpretive Guidance Statement: Disposal of Sharps* dated August 12, 1996.

Electronic Copy:

An electronic copy of this guidance is available on the Department's website at: Virginia DEQ – Land Protection and Revitalization – Laws, Regulations, and Guidance - Guidance

Contact Information:

Please contact Solid Waste Compliance Coordinator Priscilla Fisher at (540) 574-7852 or Priscilla.Fisher@deq.virginia.gov with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operation procedures for the agency. However, it does not mandate any particular method nor does it prohibit any alternative method. If alternative proposals are made, such proposals will be reviewed and accepted or denied based upon their technical adequacy and compliance with appropriate laws and regulations.



Management of Sharps

I. Introduction

This guidance has been created in response to inquiries from the regulated community and general public concerning the management and disposal of sharps. This document updates and supersedes former agency guidance and provides further clarification of packaging, labeling, and disposal requirements to be implemented by generators of sharps in accordance with the Virginia Regulated Medical Waste Management Regulations (VRMWMR), [9 VAC 20-120 et seq.](#)

II. Background

The Virginia Waste Management Board adopted the VRMWMR in order to protect public health, safety and welfare, and the environment from harmful results of mismanagement of regulated medical waste by generators, transporters, and storage, treatment, and disposal facilities. The VRMWMR establish minimum packaging, labeling, treatment, and disposal requirements for discarded sharps, which are solid wastes *subject to* management as regulated medical wastes. In accordance with regulatory exclusion [9 VAC 20-120-130.C.2](#) of the VRMWMR, discarded household sharps (except for sharps resulting from the provision of professional health care services on the premises) are solid wastes *excluded from* management as regulated medical waste, provided they are placed in an opaque container with a high degree of puncture resistance and labeled "do not recycle, household sharps" or otherwise managed in accordance with a local "safe sharps" program, if applicable, before being mixed with other wastes or disposed. Household sharps excluded from management as regulated medical waste are still subject to management as solid waste under the Virginia Solid Waste Management Regulations, [9 VAC 20-81-10 et seq.](#)

The Department periodically receives inquiries from solid waste management facilities, localities, and the general public about the disposal requirements for household sharps. Some localities and organizations have published guidelines for safe packaging, labeling, and disposal of household sharps in homemade sharps containers. In addition, the U.S. Food and Drug Administration (FDA) has evaluated and approved containers specifically designed to safely and effectively manage household sharps. FDA-cleared household sharps containers are available for purchase at pharmacies, commercial retail stores, and online. Solid waste management facility operators encounter both homemade and FDA-cleared household sharps containers in the waste stream. This guidance further clarifies minimum requirements needed to meet the regulatory exclusion for household sharps disposal under VRMWMR [9 VAC 20-120-130.C.2](#).

III. Authority

[§10.1-1402](#) of the Virginia Waste Management Act, Chapter 14 ([§10.1-1400 et seq.](#)) of Title 10.1 of the Code of Virginia, authorizes the Virginia Waste Management Board to promulgate regulations necessary to carry out its powers and duties and the intent of the Act, to supervise and control waste management activities in the Commonwealth, and to provide technical assistance and advice concerning all aspects of waste management.

IV. Definitions

The definitions in [9 VAC 20-120-10](#) of the Virginia Regulated Medical Waste Management Regulations (VRMWMR) apply to this guidance document, and a complete listing of these definitions is not included. Key definitions applicable to this guidance from the VRMWMR are identified below. Additional definitions specific to this guidance are also provided.

"Container" means any portable enclosure in which a material is stored, transported, treated, or otherwise handled.

"Discard" means to throw away or reject. When a material is soiled, contaminated or no longer usable and it is placed in a waste receptacle for disposal or treatment prior to disposal, it is considered discarded.

"Etiologic agents" means the specific organisms defined to be etiologic agents in 42 CFR 72.3. In general, etiologic agents as defined in 42 CFR 72.1 means a viable microorganism or its toxin which causes or may cause human disease.

"Generate" means to cause waste to become subject to regulation. When regulated medical waste is first discarded, it must be appropriately packaged in accordance with this regulation. At the point a regulated medical waste is discarded it has been generated. Note: Timeframes associated with storage and refrigeration are no longer linked to the "date of generation."

"Generator" means any person, by site location, whose act or process produces regulated medical waste identified or listed in Part III ([9VAC20-120-80 et seq.](#)) of the VRMWMR or whose act first causes a regulated medical waste to become subject to the VRMWMR.

"Health Care Professional" means a medical doctor or nurse practicing under a license issued by the Department of Health Professions.

"Household sharps" means sharps generated at any of the following locations: single or multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campground, picnic grounds and day-use recreation areas, except for regulated medical waste resulting from the provision of professional health care services on the premises, provided that all medical sharps discarded at those locations are placed in an opaque container with a high degree of puncture resistance and labeled "do not recycle, household sharps" or otherwise managed in accordance with a local "safe sharps" program before being mixed with other wastes or disposed.

"Packaging" means the assembly of one or more containers and any other components necessary to assure compliance with minimum packaging requirements under the Virginia Regulations Governing the Transportation of Hazardous Materials ([9 VAC 20-110-10 et seq.](#)) or this chapter.

"Regulated medical waste" or "RMW" means solid wastes defined to be regulated medical wastes in Part III of the VRMWMR ([9VAC20-120-80 et seq.](#)).

"Regulated medical waste sharps" are sharps that are likely to be contaminated with organisms that are pathogenic to healthy humans, and all needles, syringes with attached needles, suture

needles, and scalpels that do not meet the definition of household sharps. This includes sharps generated through veterinary practice.

"Safe sharps program" means a program supported by a city, county, town or public authority that is intended to enhance the safe disposal of sharps discarded by private individuals.

"Sharps" means needles, scalpels, knives, syringes with attached needles, pasteur pipettes and similar items having a point or sharp edge or that are likely to break during transportation and result in a point or sharp edge.

"Storage" means the holding, including during transportation, of more than 200 gallons of waste, at the end of which the regulated medical waste is treated or stored elsewhere.

V. Guidance

V.A. *Definition of Sharps*

"Sharps" means needles, scalpels, knives, syringes with attached needles, pasteur pipettes and similar items (e.g. suture needles, lancets, auto injectors such as insulin pens, etc.) having a point or sharp edge or that are likely to break during transportation and result in a point or sharp edge.

There are two types of sharps:

- **Regulated Medical Waste Sharps:** In accordance with [9 VAC 20-120-150.4](#) of the VRMWMR, sharps (regardless of whether they have been used) are regulated medical waste when discarded. Sharps likely to be contaminated with organisms that are pathogenic to healthy humans, and all needles, syringes with attached needles, suture needles, and scalpels are regulated medical wastes. This includes sharps generated through veterinary practice. Sharps generated at a household by a professional health care service while in that household are also regulated medical waste. An example would be a diabetic individual having insulin shots administered to him/her, in his/her home, by a health care provider. In this case, the professional health care service provider is the generator of the sharps and is responsible for their proper management and disposal as regulated medical waste. All regulated medical waste sharps shall be managed in accordance with the VRMWMR (*See Section V.B. Management of Regulated Medical Waste Sharps*).
- **Household sharps:** In accordance with regulatory exclusion [9 VAC 20-120-130.C.2](#) of the VRMWMR, discarded sharps that are generated at a household (except for regulated medical waste resulting from the provision of professional health care services on the premises), are not regulated medical waste provided they are disposed of in accordance with additional requirements of the regulatory exclusion (*See Section V.C. Management of Household Sharps*). An example of household sharps use would be a diabetic individual administering his/her own insulin shots in his/her home. In this case, the household is the generator of the sharps and is responsible for their proper management and disposal as solid waste. Sharps produced by home health care workers (physicians, nurses, etc.) providing services at a household DO NOT qualify for the regulatory exclusion for household sharps and should therefore be managed and disposed of as regulated medical waste by the health care service provider.

Abandoned sharps and sharps that are improperly packaged or labeled should be managed in accordance with the procedures outlined in *Section V.D* of this guidance document.

V.B. Management of Regulated Medical Waste Sharps

All discarded sharps that are a regulated medical waste (i.e. not excluded by [9 VAC 20-120-130.C.2](#)) should be packaged and labeled by the generator at the site of generation in accordance with [9 VAC 20-120-200](#) through [260](#), and the Standards for Occupational Exposure to Bloodborne Pathogens, [16 VAC 25-90-1910.1030\(d\)\(4\)\(iii\)\(A\)](#). Contractors may assist generators by packaging or repackaging at the site of generation prior to transportation, storage, treatment, or disposal. Unless the generator qualifies for an exemption under [9 VAC 20-120-170 A or C](#), sharps are subject to special storage requirements (sanitation, access, temperature control, storage period, drainage and ventilation) per [9 VAC 20-120-330 et seq.](#)

The following requirements are applicable to generators of regulated medical waste sharps. Additional requirements not included in this guidance may be applicable to regulated medical waste transporters and storage, treatment, and disposal facilities.

PACKAGING:

- Immediately following use, carefully discard regulated medical waste sharps directly into containers that are closable, puncture resistant, constructed to prevent leakage, and closed to prevent spillage during handling. Commercial, FDA-cleared sharps containers are designed specifically to meet these requirements.
- Full containers should be sealed such that no waste materials can leak and/or spill from the container. If leakage and/or spillage are possible, the container should be placed in a secondary container that is closable, constructed to prevent leakage, and properly labeled.
- Prior to transporting, regulated medical waste sharps should be packaged in accordance with [49 CFR Part 173](#) or an exemption approved by the U.S. Department of Transportation.

LABELING:

- A label should be securely attached to or printed on packaging. The label may be a tag securely affixed to the package. The label and the information provided on the label should be clearly legible, and include the following information in indelible ink:
 - Generator's name, address and business telephone number,
 - "Regulated Medical Waste" in large print, and
 - The Biological Hazard Symbol
- In accordance with the general industry standards for Occupational Exposure to Bloodborne Pathogens, red containers or fluorescent orange or orange-red labels, with lettering and symbols in contrasting colors, should be used.
- Unless exempt by [9 VAC 20-120-170.A or C](#), the first date the regulated medical waste is placed in storage should be affixed to the outer packaging. Note that even though exempt facilities are not required to date packaged RMW, facilities should maintain records to ensure compliance with the exemption.
- Immediately following each time a reusable sharps container is emptied and prior to being reused, it should be thoroughly cleaned with detergent or general purpose disinfectant ([9 VAC 20-120-260.2](#)). However, reusable containers should not be opened, emptied, or

cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury ([1910.1030\(d\)\(4\)\(iii\)\(A\)\(4\)](#)).

Note: Etiological agents should be packaged and labeled in accordance with [49 CFR parts 171 through 178](#).

TREATMENT AND DISPOSAL:

- Regulated medical waste sharps properly packaged and labeled in containers meeting the above guidelines should be treated at a permitted regulated medical waste treatment facility in accordance with [9 VAC 20-120-520](#) through [660](#) (i.e., incineration, steam sterilization, or approved alternate treatment technology).
- DO NOT place sharps containers in recycling bins.
- DO NOT place loose needles or other sharps directly into trash cans, trash bags, red biological hazard bags, or public or private solid waste receptacles.
- Upon authorized treatment and management in accordance with the VRMWMR, the solid waste or its non-hazardous ash is not regulated medical waste and may be disposed of at a sanitary landfill or other solid waste management facility permitted to receive municipal solid waste or garbage, provided the disposal is in accordance with the Solid Waste Management Regulations ([9 VAC 20-81](#)) and other applicable regulations and standards. Additional packaging and labeling requirements are applicable to treated wastes and are not addressed in this guidance.

Please note that no regulated medical waste containing radioactive materials should be treated unless its management and treatment are in compliance with regulations promulgated by the United States Nuclear Regulatory Commission and the Virginia Department of Health and are deemed by both regulations not to represent a threat to public health and the environment. Regulated medical waste management facilities should also comply with applicable sections of the Hazardous Waste Management Regulations ([9 VAC 20-60](#)), and intrastate shipment of hazardous materials is subject to the Regulations Governing the Transportation of Hazardous Materials ([9 VAC 20-110](#)). Generators should provide treatment and disposal facilities with a signed certificate or signed and effective contract indicating that each load received or to be received by the treatment or disposal facility does not contain hazardous waste or radioactive materials, except as provided in [9 VAC 20-120-320](#).

V.C. Management of Household Sharps

Household sharps can be disposed of as solid waste provided the following procedures are implemented to meet requirements of VRMWMR regulatory exclusion [9 VAC 20-120-130.C.2](#):

PACKAGING:

- Carefully discard household sharps directly into an empty, non-leaking, opaque container with a high degree of puncture resistance. Commercially sold containers specifically designed to hold household sharps OR homemade sharps containers made from rigid, heavy-duty plastic (such as detergent or bleach bottles, or similar materials) are allowable.
- Seal the container with a tight-fitting lid or screw cap. Wrap heavy-duty tape around the lid or cap of homemade household sharps containers.

- DO NOT place household sharps in glass containers, two-liter or smaller plastic soda bottles, milk jugs, aluminum soda cans, or similar items, as these materials are breakable (in the case of glass) or could easily be punctured by the contents.
- DO NOT attempt to overfill household sharps containers. FDA-cleared household sharps containers are typically marked with a line that recommends filling the container to approximately 2/3 to 3/4 of the volume of the container for safety purposes.

LABELING:

- Use indelible ink to label the container to indicate that the contents include household sharps and should not be recycled. “DO NOT RECYCLE – HOUSEHOLD SHARPS,” “HOME GENERATED SHARPS,” or similar text should be used.
- The label and information provided on the label should be in LARGE, clearly legible print.
- Commercially sold, FDA-cleared, household sharps containers are often pre-labeled with the biological hazard symbol and red in color. Household sharps packaged in these containers meet the regulatory exclusion as long as the label CLEARLY indicates that the sharps were generated by a household and not by a professional health care service provider.

DISPOSAL:

- Household sharps excluded by [9 VAC 20-120-130.C.2](#) and properly packaged and labeled in containers meeting the above guidelines may be disposed with other household trash or taken directly to a permitted solid waste management facility (e.g. transfer station or landfill) for disposal.
- DO NOT place household sharps or household sharps containers in recycling bins.
- DO NOT place loose needles or other household sharps directly into trash cans, trash bags, red biological hazard bags, or public or private solid waste receptacles.
- DO NOT flush household sharps down the toilet.

Please note that there may be other options for safe management of household sharps in your community. For example, a number of pharmacies and health care facilities (hospitals, doctor’s offices, nursing homes, etc.) administer collection programs for household sharps. Mail-back programs are also available for some manufactured household sharps containers, though a disposal fee or other requirements from the vendor may apply. Check with your health care provider or pharmacy for availability of these programs. In addition, there may be information posted on your local government’s website describing a preferred management program or additional guidelines for properly disposing of household sharps in your locality.

V.D. Management of Abandoned or Improperly Packaged/Labeled Sharps

When improperly packaged or labeled sharps are discarded, and the generator cannot be determined (such as abandoned needles found in a parking lot, park, or other publicly accessible property), it is recommended that the discovered sharps and material associated with the sharps be handled as regulated medical waste per the procedures outlined in *Section V.B* of this guidance document. The sharps should be isolated and contained until arrangements can be made for removal by a person authorized to transport such waste to a permitted waste management facility approved to receive it for treatment or disposal. In accordance with [9 VAC 20-120-280](#), following a spill of regulated medical waste or its discovery, responders

should take appropriate precautions to ensure personnel do not come into contact with any contaminants by wearing appropriate personal protective equipment. Areas having been contacted by regulated medical wastes should be cleaned using disinfectants effective against mycobacteria. This guidance encourages the property owner, the person who discovers the sharps, or any responder to request assistance from a health care professional, trained HAZMAT or emergency services coordinator, or other qualified contractor to identify or handle the waste.

VI. Collaboration Process

DEQ Central Office Solid Waste Coordinators and regional Solid Waste Compliance and Permitting staff assisted in the development of this guidance. Other DEQ Central Office and regional Solid Waste staff were also given opportunity to provide comments during development.

VII. Reference Documents

Regulations Governing the Transportation of Hazardous Materials, [9 VAC 20-110-10 et seq.](#)
Standards for Occupational Exposure to Bloodborne Pathogens, [16 VAC 25-90-1910.1030](#)
Virginia Hazardous Waste Management Regulations, [9 VAC 20-60-12 et seq.](#)
Virginia Regulated Medical Waste Management Regulations, [9 VAC 20-120-10 et seq.](#)
Virginia Solid Waste Management Regulations, [9 VAC 20-81-10 et seq.](#)
Virginia Waste Management Act, [§10.1-1400 et seq.](#)