

ADEQ WASTE PROGRAMS DIVISION BIOHAZARDOUS MEDICAL WASTE (BMW) RULEMAKING STAKEHOLDER WEBINAR SUMMARY

DATE: Nov. 5, 2020

TIME: 9-11 a.m.

WELCOME

Laura Malone, Director, ADEQ WPD, thanked the group for attending the meeting. The purpose of the meeting was to inform stakeholders of the rulemaking process, and to identify how the rules are working well and potential issues to be considered during rulemaking.

PARTICIPANTS

Approximate 65 stakeholders attended the meeting. The majority of stakeholders serve both urban and rural locations, and were Transporters, Generators, or worked in Treatment. Industries present included utilities, Tribal Nation, Cleanup, Remediation, Transportation, Medical, and Research, among others.

OVERVIEW OF THE RULEMAKING PROCESS

Caitlin Caputo, ADEQ Rules Specialist, reviewed the informal and formal rulemaking processes. ADEQ begins the rulemaking process with stakeholder input before drafting a rule. This rulemaking is currently at the beginning of the process.

OVERVIEW OF THE CURRENT BMW RULE

Michelle Ogburn, ADEQ Solid Waste Manager, requested stakeholder input on a series of questions and excerpts of current rule text.

- **What does free flowing blood/blood components actually mean?**
 - Non-containerized, saturated, liquid, fluid (including if dry and becomes wet), fails a filter test
 - Suggestion: remove “free flowing” altogether
- **What does “body parts” and “surgery” actually mean?**
 - Differing opinions as to the inclusion of any anatomical body parts vs. exclusion (head and spine)
 - Non-surgical exclusion; chemical-fixed specimens exclusion
 - Surgery vs. Procedure differing opinions
- **Should we exclude teeth, hair, and nails?**
 - Debate about exclusion or inclusion of teeth (infectious? Fillings? Oral surgery?)
 - Exclude hair and nails, especially in home setting (also, exclude teeth at home)
- **What does 30 consecutive days actually mean?**
 - Vehicles should be cleaned after each medical waste transport, especially if dual purpose
 - Remove “30 consecutive days”
- **Should there be any recording requirements to demonstrate they are eligible for exemption from this article?**
 - Proof of disposal should be available (postal service requires “manifest” so keep a copy of this to demonstrate compliance) was consensus, although one party suggested this is unnecessary
- **How should these current practices be regulated?**
 - First Responders: conflicting opinions on who should be able to remove what quantities on scene

- Tattoo: sharps container recommended, coordination suggested with tattoo shop regulation
- Exclude smaller generators or make rules specific to them (50 lbs. or less per month)

STAKEHOLDER DISCUSSION

Facilitator Theresa Gunn explained that ADEQ was interested in guiding principles for this rulemaking process. She requested stakeholder input on a series of questions.

- **How does the current rule positively or negatively impact your business?**
 - Need to clarify who the rule applies to
 - “ADEQ Approved Facility” is vague
 - Discarded drugs in Section 1418 may conflict with EPA and DEA regulations; need to update to match EPA sewerage ban and clarify the definition
 - Rules needed for Crime Scene Cleanup Companies, also list these companies with ADEQ
 - 24-hour rule is strict compared to other states, suggest extending or crafting exceptions for this
 - Oversight on infractions? Is manpower sufficient?
 - What is medical waste? Biohazardous waste? Glass slide waste? Define more clearly as to what is and is not included (debate about what should be)
 - Transporter rules are problematic; Treatment facilities have few requirements compared to other states; Need updating to benefit those doing it right
 - Crime Scene Cleanup vehicle inspection is an issue and \$2,500 fee is high (New Mexico’s is \$300 for 5 years); unpermitted operators will continue
- **Why is it important to regulate BMW waste in Arizona?**
 - Protect public health and safety, ensure safety for those coming into contact with BMW
 - COVID waste: some states have more guidance; CDC has produced guidelines; different rules for saturated waste vs. PPE
 - Community sharps collection events
 - Look at what hazards the waste poses to start
 - Crime scene waste cleaned up by homeowner not included?
- **How does the rule need to adapt to changes in the industry?**
 - Cleaning solutions, UV light, FDA approved treatments
 - Include body modification industry
 - Ebola (Cat. A) waste
 - Non-RCRA pharmaceuticals
 - Chemo requires incineration in state regulations
 - Sharps encapsulation is out of date compared to other states
 - On-site decontamination/disinfection
- **What other issues specific to generating, transporting, treating, and storing BMW need to be considered during this rule update?**
 - Funeral homes- blood disposal
 - Transfer of medical waste between vehicles- small company exemptions? Exceptions individually or generally?
 - Ice chests- not allowed for this but allowed for blood sample transport by lab couriers
 - Medication disposal (non-RCRA)
 - Proposal to include animals under 75 lbs. if infected with zoonosis

NEXT STEPS AND CLOSING REMARKS

Sowjanya Chintalapati, Deputy Director, ADEQ WPD, expressed her appreciation for attendees taking the time to participate in this process and provide comments.

Theresa requested comments by Nov. 19, 2020 on the online comment form:

<https://www.surveymonkey.com/r/ADEQBMWRule>

ADJOURN

Theresa reminded the group about opportunities for additional contact including:

- Subscribe for email notification: <https://public.govdelivery.com/accounts/AZDEQ/subscriber/new>
- Online Comment Form: <https://www.surveymonkey.com/r/ADEQBMWRule>
- For more information contact: Caitlin Caputo, Rules Specialist, Caputo.caitlin@azdeq.gov
- Waste Programs Division Website: <http://www.azdeq.gov/BioMedWaste>
- BMW Rulemaking: <http://www.azdeq.gov/node/7505>
- Existing BMW Rules: https://apps.azsos.gov/public_services/Title_18/18-13.pdf#page=24