

Executive Summary

Regulated Medical and Chemotherapeutic Waste

25 Pa. Code, Chapters 271, 272, 273, 284, 285, 287, 288, and 299

The Department of Environmental Protection (Department) has amended Chapter 271 (relating to municipal waste management – general provisions), Chapter 272 (relating to municipal waste planning), Chapter 273 (relating to municipal waste landfills), Chapter 284 (relating to infectious and chemotherapeutic waste), Chapter 285 (relating to storage, collection and transportation of municipal waste), Chapter 287 (relating to residual waste management – general provisions), Chapter 288 (relating to residual waste landfills), and Chapter 299 (relating to storage and transportation of residual waste) in this final-form rulemaking for consideration by the Environmental Quality Board (Board).

Summary of the Regulation

The final-form rulemaking modifies terminology so that medical waste is identified under Pennsylvania regulation in a manner that is consistent with federal requirements. With the revision in terminology, the rulemaking simplifies the labeling requirements for medical waste to reduce costs and ensures consistency with the requirements of other states and the federal government. In addition, the rulemaking provides seven new permits-by-rule for qualifying processors of medical waste and allows transporters to use standard business documentation, including electronic tracking systems, to demonstrate compliance with the regulations in lieu of the currently prescribed, outdated paper manifest. The rulemaking also encourages labor and fuel efficiency by allowing generators to completely fill containers prior to shipment, allowing haulers to transport regulated medical waste with other wastes in the same vehicle, and by allowing transporters more time to completely fill a vehicle before that vehicle must be placed into service. Finally, the rulemaking allows the shipment of regulated medical waste through the mail where authorized by the U.S. Postal Service.

Purpose of the Regulation

The regulation will make Pennsylvania's requirements for generators, transporters and processors of medical waste consistent with federal programs. The rulemaking simplifies compliance with regulations and recognizes and supports cost effective business practices, while continuing to ensure the protection of public health, safety and the environment.

Affected Parties

No new entities are affected by this regulation. All generators, processors and transporters of regulated medical or chemotherapeutic waste currently regulated by the Department are required to comply with this final-form rulemaking. Generators and processors include providers of medical care such as hospitals, physician offices, veterinary offices, home health care, nursing home facilities, blood collection agencies, laboratories and research facilities. Approximately 16,303 generators of infectious and chemotherapeutic waste will be affected by this rulemaking. As of May 14, 2014, there were 46 transporters of infectious and chemotherapeutic waste licensed by the Department and 25 processors of infectious and chemotherapeutic waste operating under permits authorized by the Department.

Advisory Groups

On March 6, 2014, the Solid Waste Advisory Committee (SWAC) reviewed the comments received on the proposed amendments, including the Department's proposed responses and possible revisions to the proposed regulations. SWAC provided constructive feedback on potential impacts the proposed amendments would have on municipal waste management facilities. The Department considered SWAC's concerns in developing the final rulemaking.

On June 5, 2014, SWAC endorsed moving the final amendments to the EQB for consideration as a final-form rulemaking.

Public Comments

The proposed rulemaking was published in the *Pennsylvania Bulletin* on August 24, 2013, with a 30-day public comment period. No public meetings or hearings were held. The EQB received comments from seven commentators on the proposal. These comments were considered and are addressed in the comment and response document that accompanies this final-form rulemaking.