

- SUBJECT:** Requiring TCEQ to adopt rules for medical waste management
- COMMITTEE:** Environmental Regulation — committee substitute recommended
- VOTE:** 8 ayes — Morrison, Isaac, Kacal, K. King, P. King, Lozano, Reynolds, E. Thompson
- 1 nay — E. Rodriguez
- WITNESSES:** For — Jeff Kuglen, MedWaste Joint Venture; Al Burson and Richard Evans, Stericycle; (*Registered, but did not testify*: Lon Burnam, Public Citizen; Stephen Minick, Texas Association of Business; Charles Bailey, Texas Hospital Association)
- Against — Andrew Dobbs and Robin Schneider, Texas Campaign for the Environment; (*Registered, but did not testify*: Cyrus Reed, Lone Star Chapter Sierra Club)
- On — John Riley, Sharps Environmental; (*Registered, but did not testify*: Earl Lott, Texas Commission on Environmental Quality)
- BACKGROUND:** The solid waste disposal act, under Health and Safety Code, ch. 361, contains provisions governing the management of solid waste, including hazardous waste, intended to protect public health and safety.
- 30 Texas Administrative Code (TAC), part 1, ch. 330, subch. Y governs medical waste management. Rules in this subchapter cover storage of medical waste, transporters of untreated medical waste, the transfer of shipments of medical waste, and the treatment and disposal of medical waste.
- 30 TAC, part 1, ch. 330, subch. M contains rules governing easements and buffer zones for certain facilities, including facilities that process medical waste.
- DIGEST:** CSHB 2244 would consolidate existing law governing the management of

medical waste from various sections in rule and statute governing all solid waste management. The bill would direct the Texas Commission on Environmental Quality (TCEQ) to adopt rules as a new chapter in the Texas Administrative Code that specifically would regulate medical waste.

TCEQ would be responsible for regulating the handling, transportation, storage, and disposal of medical waste in the state. It would use permitting, registration, and other appropriate means to regulate these functions. The commission would have to consider water pollution control, water quality, air pollution control, and air quality as well as the protection of human health and safety.

Rules adopted to regulate municipal solid waste storage and processing units would apply in the same manner to medical waste only to the extent that they addressed:

- permit and registration requirements that could be applied to a facility that handled medical waste;
- minor modifications to permits and registrations, including changes in operating hours and buffer zones; and
- numerous other requirements and conditions related to the management and storage of waste and associated issues.

The bill also would require entities that sent medical waste, including sharps, to a solid waste landfill to include a statement about the methods used to treat the contents of the shipment and how these complied with the applicable administrative rules.

For facilities that handled medical waste processing or storage, the bill would stipulate that the commission could not require a minimum distance greater than 25 feet between the processing equipment or storage area and the facility's boundary. This provision would not apply to a storage unit as long as waste contained in transport vehicles for more than 72 hours was refrigerated below 45 degrees. TCEQ could consider alternatives to these buffer zone requirements for permitted, registered, or otherwise

authorized waste processing and storage facilities.

TCEQ would have to adopt rules by June 1, 2016, to implement the bill's provisions. The new rules would have to minimize the effect on other rules regulating municipal solid waste facilities. An existing facility that had a permit, registration, pending permit application, or other authorization to handle medical waste would not be required to comply with HB 2244 until the new rules took effect.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015. Any change to a permit or other authorization in effect on that date that was necessary to implement the provisions of HB 2244 would be authorized without notice and comment and could not be contested.

**SUPPORTERS
SAY:**

CSHB 2244 would protect public health and would make the rules that govern medical waste management and disposal easier to find, understand, and follow.

The bill would make the regulation process more efficient by clarifying which rules actually applied to medical waste disposal facilities. In the past, operators applying for or renewing permits sometimes had to go through a time-consuming process with the Texas Commission on Environmental Quality (TCEQ) to sort out which rules actually applied. Simplifying processes for medical waste management facilities would be cost effective, and the savings could be passed on to hospitals and others who must dispose of medical waste.

Landfills naturally require a substantial buffer zone because they hold loose material that can blow around, release odors, and be unsightly. By contrast, medical waste management activities typically are performed in an enclosed building, such as a warehouse, or in trucks. Therefore, a large buffer zone is not needed, which is reflected in the bill. TCEQ frequently has granted exceptions to existing rules to approve less than a 50-foot buffer for medical waste facilities.

Incinerators are used in very few medical waste facilities in Texas, but these must be permitted under a separate process and still would be subject to all the same regulations as before the effective date to protect health and safety. Codification of a 25-foot buffer zone for medical waste management facilities in general would not change the applicability of additional health and safety measures already required of a facility using an incinerator.

**OPPONENTS
SAY:**

CSHB 2244 would create buffer zones between medical waste disposal sites and other types of structures that are not wide enough to ensure public safety. This would be of particular concern if incinerators were operating on site because they create a public health hazard from the smoke and particulates they release into the air. Even if facilities using incinerators had to get additional permits, a 25-foot-buffer zone simply would not provide the appropriate space between these facilities and other structures, such as homes, businesses, and community buildings. Current rules already provide the necessary guidance for medical waste management.