

Medical Waste: California Department of Public Health Report to the Legislature (February 2016)



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The California Department of Public Health (“DPH”) issued a legislatively mandated report to the California legislature titled:

Medical Waste Report to the Legislature (February 2016) (“Report”)

DPH was tasked to describe the interaction of state and federal law for the transport of regulated medical waste and to gather information from a stakeholder group that included:

- Small quantity generators
- Large quantity generators
- Transporters
- Transfer station operators
- Treatment facility operators
- Local enforcement agencies
- Retailers
- Other affected parties

Medical waste is generally described as a subset of waste generated at hospitals, physicians’ offices, dental practices, blood banks, and veterinary hospitals. It also may be generated by medical research facilities and laboratories.

Such healthcare waste may be contaminated by blood, body fluids or other potentially infectious materials.

Unlike Resource Conservation and Recovery Act (“RCRA”) Subtitle C hazardous waste, these materials are primarily regulated by state environmental and health departments. The federal Environmental Protection Agency does not have the statutory authority to regulate medical waste (as opposed to some pharmaceutical waste which may be encompassed by the federal RCRA regulations). However, the United States Department of Transportation regulations addressing hazardous materials include certain medical wastes and impose requirements on its handling, packaging, transportation and training requirements for individuals (the regulations are found in Title 49 of the Code of Federal Regulations).

As opposed to the Arkansas Department of Environmental Quality (“ADEQ”), the Arkansas Department of Health (“DOH”) is primarily responsible for the regulation of commercial medical waste management in Arkansas. DOH regulations titled “The Management of Medical Waste from Generators in Healthcare Related Facilities” address the accumulation, separation, storage, transportation, and treatment and disposal of medical waste. These Arkansas regulations are applicable to healthcare related facilities,

commercial waste transporter and commercial medical waste. Of course, facilities such as commercial waste incinerators may be subject to certain environmental permitting requirements imposed by the ADEQ (i.e., air permitting, etc.).

The Californian DPH *Report* describes the interaction of federal (i.e., DOT) and state and California law on the transportation of medical waste. It concludes that state and federal law generally work together to protect public/environmental health from untreated medical waste exposure with limited areas of overlap with DPH and DOT (referencing dual agency requirements over administrative documentation and packaging requirements).

The *Report* also includes areas of concerns identified by stakeholders regarding the California Medical Waste Management Act that are not specifically related to transportation or federal/state regulatory overlap.

The *Report's* substantive components include:

- Medical Waste Management Act
- Local Government Level Oversight
- State Level Oversight
- Federal Level Oversight
- Federal Preemption Process
- DPH Medical Waste Management Program
- Stakeholder Meeting Process
- Key Findings
- Shipping and tracking documents
- Packaging requirements
- Other Findings

Five appendices are included which reference:

- Stakeholder Meetings
- Summary of Certain Laws
- Local Enforcement Agencies
- Department Enforcement Areas
- Assembly Bill No. 333, Chapter 564

[A copy of the Report can be downloaded here.](#)