

IMPACTS OF ASSEMBLY BILL NUMBER 333 ON THE MEDICAL WASTE MANAGEMENT PROGRAM

On September 25, 2014, Assembly Bill 333 (AB 333) was signed by the Governor. AB 333 amends multiple sections of the Medical Waste Management Act. As of January 1, 2015, medical waste facilities will be required to notify the San Diego County Department of Environmental Health Hazardous Materials Division (HMD) of their participation in temporary medical-waste generating events, such as flu clinics, health fairs, and veteran stand down events. Additionally, HMD will no longer issue Limited Quantity Hauling Exemptions (LQHE). Medical waste generating facilities may transport up to 35.2 pounds of medical waste under the Department of Transportation (DOT) Materials of Trade Exemption contained in Section 173.6 of Title 49 of the Code of Federal Regulations.

Overview:

The MWMA was signed in to law in 1990 by Governor George Deukmejian and it made California one of the leading states in the nation in governing this waste stream. Many changes during the intervening 23 years in medical waste treatment, transportation oversight, and new requirements by landfill and waste water treatment operators regarding acceptance of portions of this waste stream necessitate an update of the Act. Since enactment of the MWMA, the federal Department of Transportation (DOT) has increased its regulatory oversight of transportation of medical waste which preempts state law. Similarly, the United States Postal Service (USPS) requirements for the mail back of medical waste also preempt state law. When the Act was initially implemented it was common practice to dispose of pharmaceutical wastes into landfills or through sewer systems. Heightened regulation of receiving waters of waste water treatment plants and the potential of runoff from landfills has resulted in these facilities tightening requirements for acceptance of pharmaceutical wastes for disposal. The passage of AB 333 accomplished this by amending multiple sections of the Medical Waste Management Act MWMA.

HMD acts as the local enforcement agency for the Medical Waste Management Program in San Diego County, on behalf of the California Department of Public Health. Upon review and analysis of AB 333, HMD has determined that medical waste generators will be impacted as follows, beginning on January 1, 2015:

- 1) MWMA Section 117890: Facilities are now required to notify HMD of participation in temporary offsite events.** Temporary events include, but are not limited to, health fairs, vaccination clinics, and veteran stand downs. Facilities must notify the HMD of their intended participation at least 72 hours before the event via Accela Citizen Access (ACA). The Accela Citizen Access portal can be accessed at <https://publicservices.sdcounty.ca.gov/citizenaccess/>.

2) MWMA Sections 117946 & 117976: HMD will no longer issue Limited Quantity Hauling Exemptions (LQHE). Medical waste generating facilities may transport up to 35.2 pounds of medical waste, pursuant to the Department of Transportation (DOT) Materials of Trade Exemption contained in Section 173.6 of Title 49 of the Code of Federal Regulations. There is no requirement to register with HMD for the Materials of Trade Exemption.

3) MWMA Section 117935 and 117960: Additional information must be included in the Medical Waste Management Plan (MWMP). The MWMP must include the steps taken to categorize pharmaceutical wastes. If there is onsite treatment, the MWMP must include a closure plan for the termination of treatment. Please refer to our website for a copy of the MWMP.

4) MWMA Section 117967: Facilities with onsite treatment must provide training. Annual training compliant with California Occupational Safety and Health Administration (Cal-OSHA) standards is required on the use of the equipment, the proper protective equipment to wear, and how to clean up spills.

5) MWMA Section 117630: Biohazard bags must meet updated requirements. The bags must meet the standards of the American Society for Testing Materials and biohazardous waste bags must be red, except when yellow bags are used to further segregate trace chemotherapy waste and white bags are used to further segregate pathology waste.

Additional information and updates will be posted to HMD's website at:
http://www.sandiegocounty.gov/content/sdc/deh/hazmat/med_waste.html

Please note that there are additional changes to the MWMA as a result of AB 333, the full text of the bill may be viewed at:
<http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml>