

BILL ANALYSIS

Senate Research Center
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S.B. 1176
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, medical waste transportation, storage and treatment is regulated by the Texas Commission on Environmental Quality (TCEQ) and the Department of State Health Services. TCEQ regulations relate to the permitting and registration of treatment facilities, transportation, transfer, and disposal of regulated medical waste. TCEQ rules under Title 30, Part 1, Chapter 330 (Municipal Solid Waste) of the Texas Administrative Code apply to municipal solid waste (MSW) and include a subchapter specific to regulated medical waste (RMW).

Medical waste includes items such as bandages, culture dishes and other glassware, discarded surgical gloves and instruments, discarded needles used to give shots or draw blood, cultures, stocks, swabs used to inoculate cultures, pathological waste (e.g., tonsils, appendices, limbs), and discarded lancets.

RMW is very different from MSW in how the waste is both transported and handled at the treatment facility. RMW is packed into tightly sealed, closed containers at the point of generation (hospitals, clinical labs, physician offices) and then transported in that same fashion through transfer stations and/or to a final disposal facility. Pathological waste is required to be treated by incineration, while all other RMW is disinfected in an alternative treatment technology such as an autoclave (a device that treats the material at high temperature with steam) or microwave, at which point it becomes MSW and is then disposed of in a landfill.

Since RMW falls under the MSW rules, there are regulations that are applicable to landfills and MSW that are not applicable to medical waste. Imposing regulations designed for landfills and MSW cause undue administrative burdens and cost on medical waste disposal companies in the permitting, registration, inspection, and audit processes.

S.B. 1176 amends the Health and Safety Code to specifically apply to RMW only those regulations that relate to the generation, transportation, and treatment of medical waste and remove those regulations designed for MSW and landfill operations.

As proposed, S.B. 1176 amends current law relating to the regulation of medical waste.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality (TCEQ), as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 361.0905, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.003, Health and Safety Code, by adding Subdivision (18-a) to define "medical waste" and amending Subdivision (20) to redefine "municipal solid waste."

SECTION 2. Amends Subchapter C, Chapter 361, Health and Safety Code, by adding Section 361.0905, as follows:

Sec. 361.0905. REGULATION OF MEDICAL WASTE MANAGEMENT. (a) Provides that the Texas Natural Resource Conservation Commission (TNRCC) is responsible under this section for the management of medical waste.

(b) Requires TNRCC to accomplish the purposes of this chapter (Solid Waste Disposal Act) by controlling all aspects of the management of medical waste.

(c) Provides that TNRCC has the powers and duties specifically prescribed by this chapter relating to medical waste management and all other powers necessary or convenient to carry out those responsibilities under this chapter.

(d) Requires TNRCC, in matters relating to medical waste management, to consider water pollution control and water quality aspects, air pollution control and ambient air quality aspects, and the protection of human health and safety.

(e) Provides that rules adopted to regulate municipal solid waste apply in the same manner to medical waste under certain circumstances.

(f) Requires that processing equipment, in a facility that handles medical waste, be located not less than 25 feet from the property boundary. Provides that a medical waste storage unit is not subject to this subsection, provided that the medical waste is contained in transport vehicles and refrigerated below 45 degrees if the waste is in the facility longer than 72 hours.

(g) Requires a generator of medical waste to affix to each container a label that contains the name and address of the generator, and either the date of the shipment or the identification number of the shipment.

(h) Authorizes TNRCC by rule to exempt from notice and public comment requirements certain amendments to a permit or registration for a facility that handles medical waste, including amendments relating to operating hours, waste acceptance, and operation and waste acceptance on a day not previously authorized.

SECTION 3. Amends Section 7.141(4), Water Code, to redefine "medical waste."

SECTION 4. Repealer: Section 361.560 (Definitions), Health and Safety Code.

SECTION 5. Provides that the changes in law made by this Act do not affect the validity of rules of the Texas Commission on Environmental Quality governing the management of medical waste under 30 T.A.C. Chapter 330 (Municipal Solid Waste), Subchapter Y (Medical Waste Management), or the management of municipal solid waste under 30 T.A.C. Chapter 330, Subchapter E (Operational Standards for Municipal Solid Waste Storage and Processing Units), as those rules existed on the effective date of this Act.

SECTION 6. Effective date: upon passage or September 1, 2013.