[Similar Matter Filed During Past Session — See Senate No. 1876 of 1988.]

SENATE . . . . . No. 1096

By Mr. Berry, a petition (accompanied by bill, Senate, No. 1096) of Frederick E. Berry for legislation relative to the disposal of certain medical waste materials. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT FURTHER REGULATING PUBLIC HEALTH AND THE DISPOSITION OF MEDICAL WASTE MATERIALS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The General Laws are hereby amended by deleting in Chapter 21C, Section 2 the definition of "Hazardous Waste" and inserting in place the following: — "Hazardous Waste", a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise manage, including "surgical waste", "pathological waste", "biological waste", "culture and stocks of etiological agents and associated biologicals", "laboratory waste", "animal carcasses exposed to pathogens in research, their bedding and other waste from animals", "sharps", "chemotherapy wastes", however not to include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Acts of 1954.

SECTION 2. Chapter 21C, Section 2 is hereby further amended by adding the following definitions: —

"Surgical waste" — all materials discarded from surgical procedures and includes, but is not limited to, disposable gowns, soiled dressings, sponges, casts, lavage tubes, draining sets, underpads and surgical gloves.

"Pathological waste" — all human tissues and anatomical parts which emanate from surgery, obstetrical procedures, autopsy and laboratory. Such waste shall be exclusive of formaldehyde and other preservative agents.

"Biological waste" — all waste emanating from the care and treatment of a patient on any type of isolation or precaution except reverse (protective) isolation.

"Culture and stocks of etiological agents and associated biological".

"Laboratory waste" which has come in contact with pathogenic organisms.

"Animal carcasses exposed to pathogens in research, their bedding and other waste from such animals".

"Sharps" — any discarded article that may cause puncture or cuts.

"Chemotherapy wastes" — all disposable materials which have come in contact with all cytotoxic/antineoplastic agents during the preparation, handling, and administration of such agents.

SECTION 3. Nothing in this act shall exempt a facility from being required to comply with regulations of the Department of Environmental Quality Engineering pertaining to manifesting, recordkeeping, or registration as a generator. Provided further that hospitals or other health facilities shall not be required to comply with regulations established by the Department of Environmental Quality Engineering pertaining to:

1. hazardous waste facility license requirement.
2. hazardous waste facility management standards.
3. hazardous waste facility technical standards.
4. hazardous waste facility location standards.
5. hazardous waste facility financial responsibility requirements as defined by the Department of Environmental Quality Engineering.

SECTION 4. Chapter 21D, Section 2 is hereby further amended by adding the following definition of "facility".

"A site or works for the storage, treatment, waste refining, incinerating, reclamation, stabilization, solidification or other process where hazardous waste can be stored, treated or disposed of: however, not including a municipal or industrial waste or treatment facility under General Law, Chapter 21, Section 43 or those facilities currently in operation or a facility utilized exclusively for the disposal of medical waste as defined in section 2 of this act.

SECTION 5. All hazardous waste generated by producers of hazardous waste as defined in Section Two shall be disposed of by incineration in an incinerator which provides complete combustion of the waste to carbonized or mineralized ash, or when deemed appropriate by applicable regulatory guidelines, by autoclaving.