

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

DARRYL N. BROWN  
COMMISSIONER

**Memorandum**

**TO:** Board of Environmental Protection  
**FROM:** Ronald Dyer, Bureau of Remediation & Waste Management  
**SUBJ:** Rulemaking; Revisions to Chapter 900; Biomedical Waste Management Rules  
**DATE:** April 21, 2011

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I ask your approval to begin rulemaking revisions for the Biomedical Waste Management Rules, Chapter 900. The proposed revisions are in two areas.

First, the Department is proposing to amend Section 18 of the rules to no longer require that the sharps portion of the treated biomedical waste stream be shredded prior to being landfilled.

Secondly, the Department is proposing to insert a note in Section 7, clarifying which discarded cultures and stocks are considered biomedical waste and subject to regulation under the Maine Biomedical Waste Management Rules.

A copy of sections 7 and 18 of the rule follows this memo.

**Summary**

The Department has considered a request from Associated Health Resources to suspend shredding of the sharps portion of the biomedical waste stream treated at their licensed facility in Pittsfield, Maine. They cite as reasons worker exposure and shredder downtime and associated maintenance costs due to shredder jams and shaft breakage.

When the shredder jams, it must be manually emptied, creating a hazard to the workers. Occasionally shredder teeth and shafts are broken, resulting in significant costs and extended downtime.

The receiving landfills would like to have the sharps portion of the treated biomedical waste stream segregated from the rest of the treated biomedical waste stream so that it could be commingled with asbestos containing waste which is covered immediately and will not be disturbed again.

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The Department has evaluated these requests and concluded that the proposal will not result in environmental harm nor detract from the health and safety of the citizens of Maine.

The second proposed change, to insert a note after the definition of discarded cultures and stocks, is to clarify and better define discarded cultures and stocks that are subject to regulation under the Maine Biomedical Waste Management Rules.

### **Statutory and regulatory references**

38 MRSA Sec. 1319 (O) (3)

38 MRSA Sec. 341-D

06-096 CMR Chapter 900

### **Description of rule**

Chapter 900 identifies biomedical waste subject to regulation; requires the registration of biomedical waste generators; and establishes packaging, labeling, handling, storage, transportation and treatment requirements. The rule requires all transporters and owners or operators of transfer and treatment facilities to obtain a license. The rule specifies siting, operating and reporting requirements and establishes a biomedical waste tracking or manifest system. The rule was adopted on December 18, 1989 and further revisions were adopted August 4, 2008.

### **Issues**

The impacted regulated community is aware of, and supports the proposed changes. The Department does not anticipate any issues.

### **Department recommendation**

With your permission, we will begin rulemaking proceedings under the Maine Administrative Procedures Act by publishing the rule for public comment, with a proposed thirty day comment period.

**Estimated presentation time.** 10 minutes