

House Bill 3074

Sponsored by COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND RURAL COMMUNITIES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Bans incineration of infectious waste in Oregon. Modifies treatment required for various types of infectious waste.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to infectious waste disposal; creating new provisions; amending ORS 459.225, 459.386 and
3 459.395; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 459.386 is amended to read:

6 459.386. As used in ORS 459.386 to 459.405:

7 (1) "Biological waste" includes blood and blood products, excretions, exudates, secretions,
8 suctionings and other body fluids that cannot be directly discarded into a municipal sewer system,
9 and waste materials saturated with blood or body fluids, but does not include diapers soiled with
10 urine or feces.

11 (2) "Cultures and stocks" includes etiologic agents and associated biologicals, including speci-
12 men cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from pro-
13 duction of biologicals, and serums and discarded live and attenuated vaccines. "Cultures and
14 stocks" does not include throat and urine cultures.

15 (3) "Disposal" means the final placement of treated infectious waste in a disposal site operating
16 under a permit issued by a state or federal agency.

17 (4) "Infectious waste" includes biological waste, cultures and stocks, pathological waste and
18 sharps.

19 (5)(a) "Pathological waste" includes:

20 (A) Biopsy materials and all human tissues;

21 (B) Anatomical parts that emanate from surgeries, autopsies and obstetrical and laboratory
22 procedures; and

23 (C) Animal carcasses exposed to pathogens in research and the bedding and other waste from
24 such animals.

25 (b) "Pathological waste" does not include teeth or formaldehyde or other preservative agents.

26 (6) "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass
27 tubes that could be broken during handling and syringes that have been removed from their original
28 sterile containers.

29 (7) "Storage" means the temporary containment of infectious waste in a manner that does not
30 constitute treatment or disposal of such waste.

31 (8) "Transportation" means the movement of infectious waste from the point of generation over

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 a public highway to any intermediate point or to the point of final treatment.

2 (9) "Treatment" means [*incineration,*] sterilization or other method, technique or process ap-
 3 proved by the Department of Human Services that changes the character or composition of any in-
 4 fectionous waste so as to render the waste noninfectious.

5 **SECTION 2.** ORS 459.395 is amended to read:

6 459.395. (1) **Infectious waste may not be incinerated in Oregon.**

7 [(1)] (2) Pathological wastes shall be treated [*by incineration in an incinerator that provides*
 8 *complete combustion of waste to carbonized or mineralized ash. The ash shall be disposed of as pro-*
 9 *vided in rules adopted by the Environmental Quality Commission. However, if the Department of En-*
 10 *vironmental Quality determines that incineration is not reasonably available within a wasteshed,*
 11 *pathological wastes may be disposed of in the same manner provided for cultures and stocks]* **as pre-**
 12 **scribed by Department of Human Services rule.**

13 [(2)] (3) Cultures and stocks shall be [*incinerated as described in subsection (1) of this section*
 14 *or]* sterilized by [*other]* means prescribed by Department of Human Services rule. Sterilized waste
 15 may be disposed of in a permitted land disposal site if it is not otherwise classified as hazardous
 16 waste.

17 [(3)] (4) Liquid or soluble semisolid biological wastes may be discharged into a sewage treatment
 18 system that provides secondary treatment of waste.

19 [(4)] (5) Sharps and biological wastes [*may*] **shall** be [*incinerated as described in subsection (1)*
 20 *of this section or]* sterilized by [*other]* means prescribed by Department of Human Services rule.
 21 Sharps may be disposed of in a permitted land disposal site only if the sharps are in containers as
 22 required in ORS 459.390 (3) and are placed in a segregated area of the landfill.

23 [(5)] (6) Other methods of treatment and disposal may be approved by rule of the Environmental
 24 Quality Commission.

25 **SECTION 3.** ORS 459.225 is amended to read:

26 459.225. (1) If the Environmental Quality Commission finds that a disposal site cannot meet one
 27 or more of the requirements of ORS 459.005 to 459.105 and 459.205 to 459.385 or any rule or regu-
 28 lation adopted pursuant thereto, it may issue a variance from such requirement either for a limited
 29 or unlimited time or it may issue a permit containing a schedule of compliance specifying the time
 30 or times permitted to bring the disposal site into compliance with such requirements, or it may do
 31 both.

32 (2) In carrying out the provisions of subsection (1) of this section, the commission may grant
 33 specific variances from particular requirements or may grant a permit to an applicant or to a class
 34 of applicants or to a specific disposal site, and specify conditions it considers necessary to protect
 35 the public health.

36 (3) The commission shall grant a variance only if:

37 (a) Conditions exist that are beyond the control of the applicant.

38 (b) Special conditions exist that render strict compliance unreasonable, burdensome or imprac-
 39 tical.

40 (c) Strict compliance would result in substantial curtailment or closing of a disposal site and
 41 no alternative facility or alternative method of solid waste management is available.

42 (4) A variance may be revoked or modified by the commission after a public hearing held upon
 43 not less than 10 days' notice. Such notice shall be served upon all persons who the commission
 44 knows will be subjected to greater restrictions if such variance is revoked or modified, or who are
 45 likely to be affected or who have filed with the commission a written request for such notification.

1 (5) In addition to the authority to issue a variance under subsections (1) to (4) of this section,
 2 the commission may modify an existing disposal site permit to specify the conditions under which
 3 the disposal site may accept and dispose of infectious waste. [*The commission also may require that*
 4 *an energy recovery facility or solid waste incinerator accept infectious waste generated in Oregon if the*
 5 *infectious waste has been contained and transported in accordance with ORS 459.390 and 825.256, but*
 6 *only so long as the volume of infectious waste generated outside the county in which the facility or*
 7 *incinerator is located does not affect the ability of the facility or incinerator to process or dispose of*
 8 *all waste generated within the county in which the facility or incinerator is located.*] As used in this
 9 subsection, “infectious waste” has the meaning given that term in ORS 459.386.

10 (6) The establishment, operation, maintenance, expansion, alteration, improvement or other
 11 change of a disposal site in accordance with a variance is not a violation of ORS 459.005 to 459.105
 12 and 459.205 to 459.385 or any rule or regulation adopted pursuant thereto.

13 **SECTION 4. Except as provided in section 5 of this 2009 Act, the amendments to ORS**
 14 **459.225, 459.386 and 459.395 by sections 1, 2 and 3 of this 2009 Act become operative on Jan-**
 15 **uary 1, 2010.**

16 **SECTION 5. The Department of Human Services may adopt rules before the operative**
 17 **date specified in section 4 of this 2009 Act or take any action before that date that is nec-**
 18 **essary to carry out the amendments to ORS 459.225, 459.386 and 459.395 by sections 1, 2 and**
 19 **3 of this 2009 Act.**

20 **SECTION 6. This 2009 Act being necessary for the immediate preservation of the public**
 21 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
 22 **on its passage.**

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