

MEDICAL WASTE GUIDELINES



OSHA TRAINING July 2021

Medical waste does not include:



- **NOT -Urine, feces, saliva, sputum, nasal secretions, sweat, tears, or vomit, unless they contain fluid blood or originate from humans or animals with highly communicable diseases.**
- **Anything with dried blood is not medical waste**

What is "biohazardous waste"?



Biohazardous waste is any of the following:

- **Waste contaminated with recognizable human blood, fluid human blood, fluid blood products, containers or equipment containing fluid blood or blood fluids.**
- **Cultures from medical and pathological laboratories; Cultures and stocks of infectious agents from laboratories; and**
- **Human surgery specimens or tissues removed at surgery or autopsy, which the attending physician suspects of being contaminated with infectious agents known to be contagious to humans.**

“Biohazardous Waste” Cont’d



- Waste that is hazardous only because it is comprised of pharmaceuticals.
"Pharmaceuticals" are prescriptions or over-the-counter human or veterinary drugs that are not already regulated under the federal Resource Conservation and Recovery Act or the Radiation Control Law. Biohazardous waste that meets the conditions of medical waste is not also subject to the laws governing hazardous waste control. (Health & Safety Code §117635.)

What is "sharps waste?"



- Sharps waste includes any device having acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to, all of the following:
- Hypodermic needles, hypodermic needles with syringes, blades, and needles with attached tubing, syringes contaminated with biohazardous waste, acupuncture needles, and root canal files.
- Broken glass items, such as blood vials contaminated with other biohazardous waste. Any item capable of cutting or piercing that is contaminated with trauma scene waste. (Health & Safety Code §117755.)

How are pharmaceutical wastes treated?



- Pharmaceutical waste is subject to several requirements. Labeling and storage requirements are simplified:
- **Rigid containers and red bags are not required. Pharmaceutical waste must be segregated and labeled "INCINERATION ONLY."** Pharmaceutical waste may be stored onsite for up to ninety (90) days without obtaining prior approval from DPH. For persons generating less than ten (10) pounds of pharmaceutical waste per year, such waste may be stored onsite for up to one year without prior approval from DPH.

How are controlled substances treated?



- Controlled substances are not considered pharmaceuticals for medical waste management purposes. Hence, the federal Drug Enforcement Agency (DEA), not DPH, regulates them. To dispose of controlled substances, physicians must submit a form to the Special Agent in Charge of the local DEA office and await further instructions. (21 C.F.R. §1307.21.) The DEA Form 41, an interactive or downloadable form, can be accessed at www.deadiversion.usdoj.gov/21cfr_reports/surrend.
- Alternatively, physicians may opt to contract with an authorized reverse distributor (which has its own DEA registration number) to dispose of controlled substances. Physicians may contact their local DEA office with questions or information on reverse distributors. (Once dispensed to patient, they can dispose without DEA approval.)

Am I responsible for storing medical waste in a "secured" place?



- **Yes.** The law requires that the area used for the storage of medical waste containers be secured so as to deny access to unauthorized persons and be marked with warning signs on, or adjacent to, the exterior of entry doors, gates, or lids.
- The law is explicit regarding warning signs. The wording must be in English "**CAUTION—BIOHAZARDOUS WASTE STORAGE AREA—UNAUTHORIZED PERSONS KEEP OUT,**" and in Spanish, "**CUIDADO— ZONA DE RESIDUOS—BIOLÓGICOS PELIGROSOS—PROHIBIDA LA ENTRADA A PERSONAS NO AUTORIZADAS,**" or in another language, in addition to English, determined to be appropriate by the infection control staff or enforcement agency.
- All signs must be readily legible during daylight from a distance of at least twenty-five (25) feet. (Health & Safety Code §118310.) A person generating more than twenty (20) pounds of biohazardous waste per month may not store that waste for more than seven (7) days. (Health & Safety Code §118280.)



How must medical waste be containerized?



- Whether medical waste is stored in a separate storage facility or is kept in the facility or medical office where the waste was generated, certain requirements to contain the waste are applicable. Following are the general requirements:
- Medical waste must be contained separately from other waste. (Health & Safety Code §118276(a).)
- Medical waste that is stored in an area prior to transfer to the designated accumulation area, must be stored in an area either locked or under direct supervision or surveillance.
 - These storage areas must be marked with the international biohazardous symbol or signage as discussed above.
 - These signs must be readily legible from a distance of five (5) feet. (Health & Safety Code §118307.)
 - **The seven-day accumulation time for red bag waste begins when the bag is first used.**

What are the penalties for failure to comply with the Medical Waste Management Act?



A violation of provisions regarding storage, treatment, and/or disposal of medical waste is punishable as follows:

- Small quantity generator, first offense a fine of as much as \$1,000 may be imposed.
- Large quantity generator, first offense misdemeanor, fine not less than \$2,000, or up to (1) year imprisonment, or both fine and imprisonment.
- Subsequent violations within three (3) years of a conviction, punishable by imprisonment up to (3) years and/or fine not less than \$5,000 or more than \$25,000.
- Use of harsher penalties also apply to any one who **knowingly** treats or disposes of medical waste in violation of the Act, even if it is only the first offense. (Health & Safety Code §118340.)

Penalties, continued

- Furthermore, liability for a civil penalty of as much as \$10,000 may be imposed on any one who:
- Intentionally makes a false statement or representation in any application, label, tracking document, report, record, permit, registration, or other document filed or maintained to comply with the Medical Waste management Act which materially affects the health and safety of the public; or
- Fails to register or fails to obtain a medical waste permit in violation of the Medical Waste Management Act.

Proper disposal of medical waste makes our world a better place.

