



Early Stakeholder Outreach — Infectious Waste Regulatory Program Development

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

Ohio Administrative Code (OAC) rules 3745-27-30 through 3745-27-39 provide the requirements for infectious waste generators and treatment facilities in the state of Ohio.

Why is the Agency seeking Early Stakeholder Outreach?

Ohio EPA Division of Materials and Waste Management (DMWM) is seeking early stakeholder input on revisions to the infectious waste rules to gain feedback on opportunities to improve these rules. As part of the rule-making process, Ohio EPA is required by Section 121.39 of the Ohio Revised Code to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by the rules. The Ohio EPA is offering your organization the opportunity to comment on these rules before the division formally proposes them.

The infectious waste rules are scheduled for their five year review under Ohio Revised Code (ORC) section 119.032. Rules 3745-27-30 through 3745-27-36 were reviewed and made effective in March 2013 to implement statutory changes from Senate Bill 294. The first step in this rule-making process is for Ohio EPA to identify whether a rule needs to be amended, rescinded, or created. Ohio EPA then will file the rules with the Joint Committee on Agency Rule Review (JCARR), the secretary of state, and the Legislative Service Commission (LSC). In response to Executive Order 2011-01K, Ohio EPA has included an additional step to ensure stakeholders are brought into the review process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What is being suggested?

- Reorganizing the rules into their own program chapter, Ohio Administrative Code 3745-570. This would allow the rules to be more spread out instead of packed into the existing solid waste chapter OAC 3745-27. Reorganization will reduce unnecessary duplication within the regulations and provide an easier to read and more user friendly rule set.
- Off-site storage timeframes from infectious waste generators to treatment facilities would be established to prevent instances of illegal disposal.
- Broaden exemptions in the rules to include “tissue banks.” Currently, these facilities are considered infectious waste generators because of the blood components; however blood used in these operations rarely contains infectious agents.

How can I provide input?

The Agency is seeking stakeholder input on the proposed concepts included in this document. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business July 12, 2013. Please submit input to:

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What if I have questions?

Please contact Maera Flynn at (614) 728-5338 or maera.flynn@epa.ohio.gov.

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- Expand bleach treatment requirements beyond the current limit of stocks and cultures.

Who is regulated by this rule?

The infectious waste rules only apply to generators of infectious waste and infectious waste treatment facilities.

What input is the Agency seeking?

The Agency is seeking stakeholder input on the suggested concepts included in this document. General comments and specific factual information must be submitted by the July 12, 2013 deadline. The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

What's the next step?

After the July 12, 2013 comment deadline, Ohio EPA will evaluate feedback and facilitate additional stakeholder engagement as needed to further develop the infectious waste rules. The Agency will then prepare a draft version of rules for interested party review. After incorporating interested party comments, Ohio EPA will begin the rules filing process required by the Joint Committee on Agency Rule Review (JCARR) for a 65-day jurisdiction period. They will be heard at JCARR before they are deemed effective as proposed. Visit JCARR's website for meeting dates and agenda items at <https://www.jcarr.state.oh.us/>.

How can I track the program and rule-development progress?

Stakeholders are encouraged to sign up for the Agency's electronic mailing list which provides automatic updates about various topics. Registered users will receive progress updates and be notified when new information is posted on the program's website. To sign up, go to ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.