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HOUSE BILL 2401

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Linville, Horn, Rust, Quall, L. Johnson, Foreman, Wood and J. Kohl

Read first time 01/14/94. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to the containerization and source separation of  
2 residential sharps waste; amending RCW 70.95.030 and 70.95K.010; adding  
3 a new section to chapter 70.95K RCW; adding new sections to chapter  
4 70.95 RCW; creating a new section; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the improper  
7 disposal and labeling of sharps waste from residences poses a potential  
8 health risk and perceived threat to the waste generators, public, and  
9 workers in the waste and recycling industry. The legislature further  
10 finds that a uniform method for handling sharps waste generated at  
11 residences will reduce confusion and injuries, and enhance public and  
12 waste worker confidence.

13 It is the purpose and intent of this act that residential generated  
14 sharps waste be contained in easily identified containers and separated  
15 from the regular solid waste stream to ensure worker safety and promote  
16 proper disposal of these wastes in a manner that is environmentally  
17 safe and economically sound.

1       **Sec. 2.** RCW 70.95.030 and 1992 c 174 s 16 are each amended to read  
2 as follows:

3       As used in this chapter, unless the context indicates otherwise:

4       (1) "City" means every incorporated city and town.

5       (2) "Commission" means the utilities and transportation commission.

6       (3) "Committee" means the state solid waste advisory committee.

7       (4) "Department" means the department of ecology.

8       (5) "Director" means the director of the department of ecology.

9       (6) "Disposal site" means the location where any final treatment,  
10 utilization, processing, or deposit of solid waste occurs.

11       (7) "Energy recovery" means a process operating under federal and  
12 state environmental laws and regulations for converting solid waste  
13 into usable energy and for reducing the volume of solid waste.

14       (8) "Functional standards" means criteria for solid waste handling  
15 expressed in terms of expected performance or solid waste handling  
16 functions.

17       (9) "Incineration" means a process of reducing the volume of solid  
18 waste operating under federal and state environmental laws and  
19 regulations by use of an enclosed device using controlled flame  
20 combustion.

21       (10) "Jurisdictional health department" means city, county, city-  
22 county, or district public health department.

23       (11) "Landfill" means a disposal facility or part of a facility at  
24 which solid waste is placed in or on land and which is not a land  
25 treatment facility.

26       (12) "Local government" means a city, town, or county.

27       (13) "Multiple family residence" means any structure housing two or  
28 more dwelling units.

29       (14) "Person" means individual, firm, association, copartnership,  
30 political subdivision, government agency, municipality, industry,  
31 public or private corporation, or any other entity whatsoever.

32       (15) "Recyclable materials" means those solid wastes that are  
33 separated for recycling or reuse, such as papers, metals, and glass,  
34 that are identified as recyclable material pursuant to a local  
35 comprehensive solid waste plan. Prior to the adoption of the local  
36 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
37 local governments may identify recyclable materials by ordinance from  
38 July 23, 1989.

1 (16) "Recycling" means transforming or remanufacturing waste  
2 materials into usable or marketable materials for use other than  
3 landfill disposal or incineration.

4 (17) "Residence" means the regular dwelling place of an individual  
5 or individuals.

6 (18) "Sewage sludge" means a semisolid substance consisting of  
7 settled sewage solids combined with varying amounts of water and  
8 dissolved materials, generated from a wastewater treatment system, that  
9 does not meet the requirements of chapter 70.95J RCW.

10 (19) "Solid waste" or "wastes" means all putrescible and  
11 nonputrescible solid and semisolid wastes including, but not limited  
12 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
13 demolition and construction wastes, abandoned vehicles or parts  
14 thereof, and recyclable materials.

15 (20) "Solid waste handling" means the management, storage,  
16 collection, transportation, treatment, utilization, processing, and  
17 final disposal of solid wastes, including the recovery and recycling of  
18 materials from solid wastes, the recovery of energy resources from  
19 solid wastes or the conversion of the energy in solid wastes to more  
20 useful forms or combinations thereof.

21 (21) "Source separation" means the separation of different kinds of  
22 solid waste at the place where the waste originates.

23 (22) "Vehicle" includes every device physically capable of being  
24 moved upon a public or private highway, road, street, or watercourse  
25 and in, upon, or by which any person or property is or may be  
26 transported or drawn upon a public or private highway, road, street, or  
27 watercourse, except devices moved by human or animal power or used  
28 exclusively upon stationary rails or tracks.

29 (23) "Waste reduction" means reducing the amount or toxicity of  
30 waste generated or reusing materials.

31 (24) "Residential sharps waste" has the same meaning as "sharps  
32 waste" in RCW 70.95K.010 except that the sharps waste is generated and  
33 prepared for disposal at a residence, apartment, dwelling, or other  
34 noncommercial habitat.

35 (25) "Sharps waste container" means a leak-proof, rigid, puncture-  
36 resistant red container that is taped closed or tightly lidded to  
37 prevent the loss of the contents.

38 (26) "Mail programs" means those programs that provide sharps users  
39 with a multiple barrier protection kit for the placement of a sharps

1 container and subsequent mailing of the wastes to an approved disposal  
2 facility.

3 (27) "Pharmacy return programs" means those programs where sharps  
4 containers are returned by the user to designated return sites located  
5 at a pharmacy to be transported by an approved biomedical waste  
6 collection company to an approved disposal facility.

7 (28) "Drop-off programs" means those program sites designated by  
8 the solid waste planning jurisdiction where sharps users may dispose of  
9 their sharps containers.

10 **Sec. 3.** RCW 70.95K.010 and 1992 c 14 s 2 are each amended to read  
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in  
13 this section apply throughout this chapter.

14 (1) "Biomedical waste" means, and is limited to, the following  
15 types of waste:

16 (a) "Animal waste" is waste animal carcasses, body parts, and  
17 bedding of animals that are known to be infected with, or that have  
18 been inoculated with, human pathogenic microorganisms infectious to  
19 humans.

20 (b) "Biosafety level 4 disease waste" is waste contaminated with  
21 blood, excretions, exudates, or secretions from humans or animals who  
22 are isolated to protect others from highly communicable infectious  
23 diseases that are identified as pathogenic organisms assigned to  
24 biosafety level 4 by the centers for disease control, national  
25 institute of health, biosafety in microbiological and biomedical  
26 laboratories, current edition.

27 (c) "Cultures and stocks" are wastes infectious to humans and  
28 includes specimen cultures, cultures and stocks of etiologic agents,  
29 wastes from production of biologicals and serums, discarded live and  
30 attenuated vaccines, and laboratory waste that has come into contact  
31 with cultures and stocks of etiologic agents or blood specimens. Such  
32 waste includes but is not limited to culture dishes, blood specimen  
33 tubes, and devices used to transfer, inoculate, and mix cultures.

34 (d) "Human blood and blood products" is discarded waste human blood  
35 and blood components, and materials containing free-flowing blood and  
36 blood products.

37 (e) "Pathological waste" is waste human source biopsy materials,  
38 tissues, and anatomical parts that emanate from surgery, obstetrical

1 procedures, and autopsy. "Pathological waste" does not include teeth,  
2 human corpses, remains, and anatomical parts that are intended for  
3 interment or cremation.

4 (f) "Sharps waste" is all hypodermic needles, syringes with needles  
5 attached, IV tubing with needles attached, scalpel blades, and lancets  
6 that have been removed from the original sterile package.

7 (2) "Local government" means city, town, or county.

8 (3) "Local health department" means the city, county, city-county,  
9 or district public health department.

10 (4) "Person" means an individual, firm, corporation, association,  
11 partnership, consortium, joint venture, commercial entity, state  
12 government agency, or local government.

13 (5) "Treatment" means incineration, sterilization, or other method,  
14 technique, or process that changes the character or composition of a  
15 biomedical waste so as to minimize the risk of transmitting an  
16 infectious disease.

17 (6) "Residential sharps waste" has the same meaning as "sharps  
18 waste" in subsection (1) of this section except that the sharps waste  
19 is generated and prepared for disposal at a residence, apartment,  
20 dwelling, or other noncommercial habitat.

21 (7) "Sharps waste container" means a leak-proof, rigid, puncture-  
22 resistant red container that is taped closed or tightly lidded to  
23 prevent the loss of the contents.

24 (8) "Mail programs" means those programs that provide sharps users  
25 with a multiple barrier protection kit for the placement of a sharps  
26 container and subsequent mailing of the wastes to an approved disposal  
27 facility.

28 (9) "Pharmacy return programs" means those programs where sharps  
29 containers are returned by the user to designated return sites located  
30 at a pharmacy to be transported by an approved biomedical waste  
31 collection company to an approved disposal facility.

32 (10) "Drop-off programs" means those program sites designated by  
33 the solid waste planning jurisdiction where sharps users may dispose of  
34 their sharps containers.

35 (11) "Source separation" has the same meaning as in RCW 70.95.030.

36 NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW  
37 to read as follows:

1 Residential generators of sharps waste are required to separate the  
2 sharps waste and place it into a sharps waste container. It is illegal  
3 to (1) place unprotected sharps or a sharps waste container into  
4 recycling containers provided by a city, county, or solid waste  
5 collection company, or a public or private, staffed or unstaffed  
6 recycling drop off, or any other recycling collection point at any  
7 time, or (2) to place unprotected sharps or sharps waste containers in  
8 cans, carts, drop boxes, or other containers in which refuse, trash, or  
9 solid waste has been placed for collection without the specific written  
10 approval of the service provider.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.95 RCW  
12 to read as follows:

13 (1) Public or private providers of solid waste collection services  
14 may provide programs for the source-separated collection of residential  
15 sharps waste containers in conjunction with regular collection  
16 services. Sharps collection programs may include the nondisposal costs  
17 associated with the program in the basic garbage and refuse rates  
18 charged by the provider, with disposal costs paid by the generator.  
19 Reasonable expenses incurred in the development of programs and  
20 distribution of information by a solid waste collection company are  
21 legitimate operating expenses for the purposes of chapter 81.77 RCW.

22 (2) A solid waste planning jurisdiction may designate sharps waste  
23 container drop-off locations.

24 (3) Pharmacies providing return programs are not solid waste  
25 handling facilities and do not need a solid waste permit. They are  
26 required to register, at no cost, with the department of ecology which  
27 will share the information with jurisdictional health departments and  
28 local solid waste management officials so these agencies have their  
29 name and site location for public information purposes.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.95 RCW  
31 to read as follows:

32 The department of ecology, utilities and transportation commission,  
33 health department, jurisdictional health departments, and cities and  
34 counties when developing and implementing comprehensive solid waste  
35 management plans, plan updates, or in distribution of educational  
36 materials dealing with waste reduction, recycling, and proper handling  
37 of wastes, shall include pertinent information on the proper handling

1 and source separation of sharps waste and information on options for  
2 disposal by mail, return, pharmacy drop off, or collection.

3 State agencies, local governments, public and private collection  
4 companies, transfer and disposal owners and operators, pharmacists and  
5 pharmacies, pharmaceutical and medical device manufacturers, sharps  
6 users, health care providers, packaging manufacturers, and other  
7 persons interested in and concerned with handling and disposal of  
8 biomedical waste are encouraged to cooperate in providing public  
9 information necessary to implement the provisions of this chapter and  
10 RCW 70.95K.010.

11 NEW SECTION. **Sec. 7.** Section 4 of this act shall take effect on  
12 July 1, 1995.

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