



## Impact of SB 294 on Infectious Waste Regulations

In order to address federal preemption of state law regarding transportation and packaging of infectious waste, Ohio EPA reached out through the legislative process to regulated entities. Ohio EPA removed its regulations which overlapped with the OSHA, under blood borne pathogens, and with the US DOT hazardous materials regulations, contained in 49 C.F.R. 171 to 49 C.F.R. 180. The Agency also took the opportunity to streamline the registration process for generators and to update the definition of infectious agent and zoonotic agent.

### What is no longer regulated by Ohio EPA?

Due to the statutory changes in Senate Bill 294, Ohio EPA no longer has the authority to regulate the packaging, labeling, and transportation of infectious waste. There is no requirement for infectious waste transporters to register with Ohio EPA, no Ohio EPA requirement for infectious waste generators or transporters to use a shipping paper for untreated infectious waste, and no Ohio EPA requirement for generators and transporters to clean up an infectious waste spill. While Ohio EPA no longer regulates the packaging, labeling and transportation of infectious waste, all generators must ensure that these activities are conducted in compliance with applicable OSHA and US DOT regulations.

### What is regulated by Ohio EPA?

Ohio EPA still regulates segregation, management, storage, and treatment of infectious waste. Large generators of infectious waste must register with Ohio EPA. All generators must segregate IW at point of generation, manage their infectious waste in a non-putrescent manner and have designated and labeled infectious waste storage areas. Registered generators must ensure that their infectious waste is properly treated. A disposal paper must accompany all treated infectious waste to a disposal facility.

### New Registration Requirements

All generators that generate 50 pounds or more of infectious waste in a calendar month must register as an "infectious waste generator" no later than 30 days after the last day of the month in which the 50 pounds were generated. The fee for registration is \$140 and the certificate is valid for 3 years. One registration is required per generator, listing all the premises owned by that generator which generates 50 pounds or more of infectious waste in any calendar month.

### Updated Definitions

"Infectious agent" means a type of microorganism, pathogen, virus or prions that can cause or significantly contribute to disease in or death of human beings.

"Zoonotic agent" means a type of microorganism, pathogen, virus or prion that causes disease in vertebrate animals, is transmissible to human beings and can cause or significantly contribute to disease in or death of human beings.

### Applicable Rules

Ohio Administrative Code

3745-27-01	3745-27-32	3745-27-35
3745-27-30	3745-27-33	3745-27-36

### Where can I get a copy of the draft rules?

You may view the draft rules at [epa.ohio.gov/dmwm/dmwmnonhazrules.aspx](http://epa.ohio.gov/dmwm/dmwmnonhazrules.aspx), or call (614) 644-2621 to obtain a copy.

### More Information

For additional information regarding this document, please contact Maera Flynn at (614) 728-5338 or [maera.flynn@epa.ohio.gov](mailto:maera.flynn@epa.ohio.gov).

### Disclaimer

The procedures set out in this document are intended solely for guidance. The procedures in this document are not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party against Ohio EPA.

While this guidance document is not legally binding, all statutes and rules referenced herein are binding and enforceable. Ohio EPA reserves the right to vary this guidance or to change it at any time without public notice and also reserves the right to deviate from this guidance on a case-by-case basis.