Memorandum to Presidents

Date: November 1, 1988

From: Office of University Counsel and Vice Chancellor for Legal Affairs

Subject: Disposal of Infectious Waste

To: Presidents, State-operated Campuses
Presidents, Community Colleges

Recent amendments to the Public Health Law and the Environmental Conservation Law, effective in 1988, create new requirements for the storage, treatment and disposal of infectious waste. Additionally, both the Department of Health and the Department of Environmental Conservation (DEC) have now promulgated implementing regulations under these statutes.

An opinion of the Department of Environmental Conservation has confirmed that all potential generators of infectious waste, including SUNY's State-operated campuses and community colleges, are covered by one of these statutes. Hospitals, residential health care facilities and clinical laboratories are subject to the Public Health Law provisions, while other generators, for example, Student Health Centers or research laboratories, are covered by the Environmental Conservation Law. Copies of both statutes, with recent amendments which take effect on November 1, 1988, and pertinent regulations are being sent to campus Environmental Health and Safety Officers.

The new laws define, for the first time in statutory form, the categories of infectious waste. In general, "infectious waste" is waste emanating from the treatment of patients in isolation (other than reverse or protective isolation). At least two categories of infectious waste, however, could be produced in non-hospital or non-health care settings: laboratory waste which has come in contact with pathogens, and animal carcasses exposed to pathogens. Sharp objects that are infectious must also be treated as infectious waste under specific provisions.

In general, the laws and regulations now require generators of infectious waste to undertake the following practices:
Separation of infectious waste from non-infectious waste.

Containment of infectious waste in specially labeled, secure, tear-resistant red bags affixed with the producer's name and address. Within each red bag must be inserted two floatable identification tags.

Use of a DEC-permitted waste hauler for transportation of infectious waste off-site.

Completion of a four-part manifest for shipment of infectious waste off-site with notification requirements if copies signed by the disposal facility have not been received back within specified time periods.

Disposal of infectious waste at a facility authorized to accept infectious waste, usually at a permitted infectious waste incineration facility.

Hospitals are subject to additional standards governing the storage of infectious waste within the hospital facility.

On November 1, 1988, the exemption from the manifesting and use of permitted waste-hauler requirements for producers of less than 220 lbs. of infectious waste per month is eliminated. The Department of Environmental Conservation has indicated, however, that it will not enforce these requirements against generators of less than 50 pounds of infectious waste per month as long as their waste is properly packaged and maintained. This practice will be in keeping with recent federal legislation governing infectious waste disposal.

Increased civil and criminal penalties for violation of the laws on infectious waste also go into effect on November 1.

Any questions about the requirements of these new laws should be directed to the Office of University Counsel at 518-443-5400.

Sanford H. Levine

Attachments
cc: Directors, University Hospitals
    Directors, Student Health Services
    Environmental Health and Safety Officers

Copies for Information only sent to:
    Dean, Statutory Colleges
    President Coll
    Vice President Nesheim