

HOUSE BILL REPORT

ESHB 2401

As Passed Legislature

Title: An act relating to the containerization and source separation of residential sharps waste.

Brief Description: Disposing of residential sharps waste.

Sponsors: By House Committee on Environmental Affairs (originally sponsored by Representatives Linville, Horn, Rust, Quall, L. Johnson, Foreman, Wood and J. Kohl).

Brief History:

Reported by House Committee on:
Environmental Affairs, February 3, 1994, DPS;
Passed House, February 9, 1994, 94-0;
Amended by Senate;
House concurred;
Passed Legislature, March 5, 1994, 95-0.

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Foreman; Holm; L. Johnson; J. Kohl; Linville; Roland and Sheahan.

Minority Report: Without recommendation. Signed by 2 members: Representatives Edmondson and Hansen.

Staff: Rick Anderson (786-7114).

Background: There are no state requirements for the disposal of hypodermic needles generated at a household.

Rules adopted by the Utilities and Transportation Commission require a solid waste collection company to collect hypodermic needles (sharps waste) in a leak-proof, rigid plastic container that is sealed and marked "biohazardous" or "biomedical." These rules apply only to clinics, hospitals, and other commercial facilities.

Some private solid waste collection companies currently collect sharps waste containers from households as an additional service to normal garbage collection service.

Some pharmacies have developed programs to accept sharps waste if it is stored within a specified hard plastic container. Other companies allow home needle users to return sharps waste containers through the mail.

Summary of Bill: A person using a public or private solid waste collection company to dispose of sharps waste must contain the used needles in a red, sealed, leak-proof, plastic container. Containers meeting these specifications are defined as "sharps waste containers."

Beginning July 1, 1995, it is illegal to dispose of sharps waste or sharps waste containers into a solid waste container if a solid waste company offers collection service for sharps waste containers. It is also illegal to dispose of sharps waste or sharps waste containers into recycling receptacles regardless of service availability. It is not illegal to dispose of sharps waste containers into a household garbage receptacle if the Utilities and Transportation Commission requires this action to prevent theft of the sharps waste containers.

A person who intentionally and illegally disposes of sharps waste or a sharps waste container is subject to a maximum \$50 penalty. Local health departments may enforce the penalty provisions of the bill but are directed to use education for the first two infractions and monetary penalties for subsequent infractions.

Persons disposing of sharps waste through the mail or through a pharmacy return program are not required to use household collection services. Public or private companies collecting sharps waste separately from garbage must provide information to customers on the availability and cost of the service as well as options to the service.

Pharmacy return programs cannot be designated as a solid waste handling facility and do not need a permit to accept sharps waste containers. Pharmacy return programs are required to register, at no cost, with the Department of Ecology.

Fiscal Note: Requested January 20, 1994.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for section 3 which takes effect July 1, 1995.

Testimony For: The bill will promote worker safety for persons who collect garbage or handle recyclables. Proper disposal of sharps waste will lower costs for recycling

companies by reducing the number of recyclables containing used hypodermic needles.

Testimony Against: None.

Witnesses: John Paul Jones, Washington Refuse & Recycling Association (pro); Gordon Walgren, Washington State Pharmacists (pro); Margaret Norton Arnold, National Association of Plastics Recovery (pro); Doris Zacher, Washington State Recycling Association (pro); Tim Sweeney, Washington Utilities & Transportation Commission (pro with concerns); and Robin Appleford, Metro King County (pro with comments).