

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 692

H.P. 512

House of Representatives, March 7, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative HOGLUND of Portland.

Cosponsored by Representative JACQUES of Waterville, Representative ALLEN of Washington and Senator LUDWIG of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Regulate Medical Wastes.



1 Be it enacted by the People of the State of Maine as follows:

3 Sec. 1. 38 MRSA §1304, sub-§1-C is enacted to read:

5 1-C. Handling and disposal of medical waste. The board
6 shall adopt rules relating to the handling, transportation,
7 manifesting and disposal of medical wastes, as defined in section
8 1303, subsection 10-B, paragraph H, on or before October 1,
9 1989. Failure to promulgate these rules by this deadline will
10 result in all such medical waste being automatically classified
11 as hazardous waste and required to be handled, transported,
12 manifested and disposed of pursuant to state and federal
13 hazardous waste laws and regulations.

15 Sec. 2. 38 MRSA §1319-O, sub-§1, ¶A, as enacted by PL 1987, c.
16 517, §28, is amended to read:

17 A. The board may adopt and amend rules identifying
18 hazardous waste. It is the intent of the Legislature that
19 the board shall identify as hazardous waste those substances
20 which are identified by the United States Environmental
21 Protection Agency in proposed or final regulations. The
22 Legislature also intends that the board may identify as
23 hazardous waste, in accordance with paragraph B, other
24 substances in addition to those identified by the United
25 States Environmental Protection Agency. Further, the
26 Legislature intends that a substance which has been
27 identified as a hazardous waste by the board shall be
28 removed from identification only by further rulemaking by
29 the board.

30 Hazardous waste may be identified as follows.
31

32 (1) The board may identify any substance as a
33 hazardous waste if that substance is identified as
34 hazardous by particular substance, by characteristic,
35 by chemical class or as a waste product of a specific
36 industrial activity in proposed or final rules of the
37 United States Environmental Protection Agency.

38 (2) The board may identify any substance as a
39 hazardous waste if the board, after evaluation based on
40 existing data or data reasonably extrapolated from
41 previously conducted studies using similar classes of
42 substances or compounds under similar circumstances,
43 has determined that the substance is an acute or
44 chronic toxin causing significant potential adverse
45 public health or environmental effects. An acute or
46 chronic toxin may include the characteristics of:

47 (a) Carcinogenicity;

- 1 (b) Mutagenicity;
3 (c) Teratogenicity; or
5 (d) Infectiousness.

7 Rules adopted under this subparagraph shall be
9 submitted to the joint standing committee of the
11 Legislature having jurisdiction over natural resources
13 days after adjournment of the next regular session of
the Legislature unless adopted by legislative
enactment.

15 (3) Whenever the board proposes to adopt or amend
17 rules identifying hazardous waste or removing hazardous
waste from identification, it shall hold a public
hearing.

19 (4) In addition to hazardous waste identified under
21 subparagraphs (1) and (2), the Legislature identifies
23 the following chemicals, materials, substances or waste
as being hazardous waste:

25 (a) Polychlorinated biphenyls and any substance
27 containing polychlorinated biphenyls.

29 (b) Pathogenic and infectious waste, as defined
by the department, by rule. The rules shall be
31 adopted by the board on or before October 1,
1989. Failure to promulgate these rules by this
33 deadline will result in all medical waste being
35 automatically classified as hazardous waste and
37 required to be handled, transported, manifested
and disposed of pursuant to state and federal
hazardous waste laws and regulations.

39 STATEMENT OF FACT

41 This bill requires that the Board of Environmental
43 Protection promulgate rules concerning the handling and disposal
of all medical wastes by October 1, 1989. Although the 1987
45 Solid Waste Management Law required that the Department of
Environmental Protection adopt rules designating certain medical
47 wastes as hazardous and authorized the department to regulate
other medical wastes as special waste, the department has not
49 issued the rules under either provision. This bill will
establish a deadline for the adoption of both rules. Failure to
51 abide by the deadline will result in all medical waste

1 being automatically classified as hazardous and required to be
3 handled and disposed of accordingly.