GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING

LIESL EICHLER CLARK
DIRECTOR

VIA E-MAIL

TO: Governor Gretchen Whitmer
Senate Health Policy and Human Services Committee Members
Senate Environmental Quality Committee Members
Senate Natural Resources Committee Members
House Health Policy Committee Members
House Natural Resources and Outdoor Recreation Committee Members
Robert Gordon, Director, Department of Health and Human Services

FROM: Liesl Eichler Clark, Director

DATE: March 6, 2020

SUBJECT: Medical Waste Regulatory Program Report

In accordance with Section 13827(3)(b) of the Medical Waste Regulatory Act (MWRA), Part 138 of the Public Health Code, 1978 PA 368, as amended, attached is the Department of Environment, Great Lakes, and Energy's (EGLE) report on the Medical Waste Regulatory Program for fiscal year 2019.

Various types of facilities in Michigan, including hospitals, dental offices, funeral homes, body art facilities, and many others, generate regulated medical waste. The primary function of the MWRA and the program is to safeguard public health and the environment from exposure to potential hazards resulting from the improper handling, storage, treatment, and/or disposal of regulated medical waste. In addition to an introduction and brief history of the MWRA and the program, this annual report includes information regarding funding and operation of the program, current initiatives, program developments, incident summaries, and registrant statistics.

If you need further information, please contact Jack Schinderle, Director, Materials Management Division, at 517-284-6551; or you may contact me at 517-284-6708.

Attachment

cc/att: Chris Harkins, Director, Senate Fiscal Agency
Mary Ann Cleary, Director, House Fiscal Agency
Chris Kolb, Director, State Budget Office
JoAnne Huls, Chief of Staff, Governor's Office
Jennifer Flood, Legislative and Public Affairs Director, Governor's Office
Emily Laidlaw, Policy Director, Governor's Office
Abbey Frazier, Senate Fiscal Agency
Austin Scott, House Fiscal Agency
Jacques McNeely, State Budget Office
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Aaron B. Keatley, Chief Deputy Director, EGLE
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EGLE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Legislative Report

MEDICAL WASTE REGULATORY PROGRAM REPORT

Report Period:
Fiscal Year 2019

Authority:
Medical Waste Regulatory Act,
Part 138 of the Public Health Code,
1978 PA 368, as Amended

INTRODUCTION

The Medical Waste Regulatory Act (MWRA), Part 138 of the Public Health Code, 1978 PA 368, as amended, was enacted in 1990, in response to incidents of medical waste washing ashore on the beaches of Lake Erie and Lake Michigan. Administrative rules were adopted in 2000. The MWRA authorizes State regulatory oversight of medical waste producing facilities, including the identification and registration of these facilities, investigations of reported violations of the MWRA, and enforcement of the statute. Section 13827(3)(b) of the MWRA requires that an annual report be submitted to the Governor, the standing committees in the Senate and the House of Representatives with jurisdiction over public health matters, and the Department of Health and Human Services. This report is for the period of October 1, 2018, to September 30, 2019, fiscal year (FY) 2019.[1]

The purpose of the MWRA is to safeguard public health by preventing human exposure to physical injury or contraction of communicable diseases, which may result from the improper management of potentially infectious medical waste. The regulations also serve to protect Michigan's environment and natural resources.

PROGRAM FUNDING

The Department of Environment, Great Lakes, and Energy's (EGLE) Medical Waste Regulatory Program (MWRP) is funded through registration fees collected from medical waste producing facilities (see table of active registrants by facility type on page 4). Funds received are deposited into the Medical Waste Emergency Response Fund. The statute allows for the use of these funds for administration of core MWRP functions, including processing registrations, providing routine compliance assistance to medical waste producing facilities, contracted field inspection activities performed by local health departments (LHDs), investigating reports of improper management and releases of medical waste into the environment, and remediation actions to have improperly disposed medical waste removed, treated, and properly disposed.

Registration fees are set in statute, vary by facility type, and range from $50 to $150. Registrations are valid for a three-year period and are renewable under the same fee structure. Registration fees over the last three-year period generated an average of $307,000 in revenue annually. This level of funding limits the MWRP to processing registrations, responding to complaints, working with LHDs through approved grant funding allocations to perform inspections, and providing technical assistance to the regulated community and public.

The Office of the Auditor General's performance audit of the MWRP from October 1, 2012, through September 20, 2015, found that the current fees are not adequate to support the recommended annual inspections of the over 14,400 registered medical waste producers. To address this and other findings, the MWRP convened a Medical Waste Stakeholder Advisory Group (MWSAG) that met throughout FY 2018 to conduct follow up and continued review of the MWRA that began in FY 2017 and provided recommendations for amending the MWRA. The goal of this review has been to ensure Michigan has a modern, comprehensive program that addresses medical wastes from prion diseases and Category A pathogens, such as Ebola, which are highly contagious and may result in high rates of mortality. As part of their charge, the MWSAG was also asked to evaluate the pilot inspection grant program and the potential for its expansion to an ongoing statewide inspection program. It is expected that the proposed recommendations for changes to the MWRA and the expansion of the inspection grant program will be advanced in 2020.

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[1] The Interdepartmental Medical Waste Advisory Council, as described in Section 13827, was eliminated by Executive Order No. 2009-28, effective July 31, 2009. Responsibility for the completion and submission of annual reports, as required under the MWRA, was assigned to Medical Waste Regulatory Program staff by the former Michigan Department of Environmental Quality, Executive Office.

SUMMARY OF MEDICAL WASTE MANAGEMENT INCIDENT REPORTS

During the reporting period, five of six complaints of improper disposal of medical waste were investigated and resolved; the sixth complaint has an ongoing issue and is listed first below.

Southfield – Public Storage Facility – October 2018

The MWRP was made aware of a company that stored medical waste in a public storage facility in excess of 90 days. This was due to the actions of a repeat offender that has violated medical waste regulations several times in the past. Inspections were performed at the unit, and it was verified that a large volume of medical waste has been stored in the unit in excess of 90 days in unlabeled moving boxes. The case was referred to EGLE, Materials Management Division's Enforcement Section during the reporting period. The registration of the responsible individual has been revoked through the appropriate administrative processes, and the waste storage issue is expected to be resolved in early FY 2020. This complaint is open, pending the removal of the waste.

Flint – Medical Center – October 2018

The MWRP received a general, anonymous complaint regarding a medical center failing to register as required under the MWRA. The complainant also had several general concerns regarding the facility, specifically that it possibly had other violations of the MWRA related to improper disposal of medical waste. MWRP staff confirmed that the registration was valid; however, the facility had a brief unintentional lapse when the renewal of their registration was due. MWRP staff also spoke to the appropriate staff at the facility regarding the concerns of improper handling and disposal of medical waste. It was confirmed that all waste handling methods were consistent with the requirements of the MWRA. No further action was needed. The complaint was closed.

Southfield – Public Storage Facility – October 2018

A complaint from the site manager of a public storage facility was received by the MWRP, alleging that the lessee of one of their storage units had abandoned approximately 30 boxes of what appeared to be regulated medical waste. The lessee had rented the unit under the name of a limited liability company that was registered with the MWRP. The boxes in the unit did not appear to have labels and were haphazardly stacked in the unit. MWRP staff investigated the issue but could not establish contact with the owner of the business. The waste disposal ultimately became the responsibility of the lessor. An inspection of the registrant's physical address was performed in December 2018 by an Oakland County Health Division inspector under contract with EGLE, and it was confirmed that the business was no longer in operation at that location, and the waste had been removed. The registration for the company was inactivated and removed from the online listing of medical waste disposal companies. The complaint was closed.

Adrian – Funeral Home – November 2018

The MWRP received a referral issue from the Department of Licensing and Regulatory Affairs (LARA). LARA staff indicated that they required assistance with a complaint they received about a funeral home that may have been disposing of their medical waste inappropriately. MWRP staff joined LARA inspectors on-site and performed an inspection of the facility. MWRP staff found no evidence of improper disposal. The facility had a current registration as a medical waste producer in the program database. The recordkeeping procedures regarding disposal needed to be improved, and the facility owners were notified of the proper documentation required to be on file. No further action was needed. The complaint was closed.

West Olive – County Park – April 2019

The MWRP received a report from a concerned citizen stating that someone had left several used hypodermic syringes and needles near a common sitting area in a lakeshore park in southern Ottawa County. MWRP staff responded immediately and searched the area in the park described by the complainant. The sitting area near the beach and the surrounding area were surveyed, and several needles were recovered from the sand near a bench. The needles were collected and disposed of properly by MWRP staff. From the evidence, it was determined that the inappropriately disposed of needles were likely from either legal or illegal drug use. The complaint was closed, and no further related incidents were reported to the MWRP.

Unknown – Hazardous Waste Department (Commercial) – August 2019

The MWRP received an anonymous complaint from a caller who worked for a company that housed a hazardous waste collection and segregation department for a commercial facility. The caller explained that he was concerned some of the waste received in drums that were labeled as "non-hazardous waste" from one of their clients contained human tissue from post-surgical operations. MWRP staff spoke with the caller and asked several questions to determine the nature of the contents. Following the description of the contents, it was determined that the human tissue had been placed in a fixative agent prior to being placed in the drums, which indicated that the waste was no longer considered medical waste and could be classified as non-hazardous, due to the contents being disinfected by the fixative agent. No further action was required. The complaint was closed.

ACTIVE REGISTRANTS BY FACILITY TYPE

Facility Type	Active Registrants
Private Practice Medical, Dental, and Veterinary Facilities	8,230
Clinics (e.g., LHDs and Universities)	546
Funeral Homes/Mortuaries	758
Nursing Homes, Hospices, County Medical Care Facilities, and Health Maintenance Organizations	511
Clinical, Analytical, and Research Laboratories	126
Hospitals	180
Freestanding Surgical Outpatient Facilities	120
Mental Health Facilities	113
Ambulance/Paramedic/Fire Departments	238
Animal Control Shelters	4
Pharmacies	1,367
Other (e.g., Dialysis, Blood Collection, Medical Education, and Body Art)	2,228
State Facilities	47
Current Active Registrations	**14,468**

Source of Information: ***Medical Waste Program Database, October 2019***