



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: December 28, 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 2020.

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 Elizabeth M. Browne, Acting Director, Materials Management Division, at 517-284-6551; or you may contact me at 517-284-6708.

Attachment

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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
George W. Cook, III, Legislative Affairs Director, Governor's Office
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MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Legislative Report

MEDICAL WASTE REGULATORY PROGRAM REPORT

Report Period:
Fiscal Year 2020

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, 2019, to September 30, 2020, fiscal year (FY) 2020.¹

The purpose of the MWRA is to safeguard public health by preventing human exposure to physical injury or contraction of communicable diseases that 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 (EGLE), Materials Management Division's (MMD) Medical Waste Regulatory Program (MWRP) is funded through registration fees collected from medical waste producing facilities (see table of active registrants by facility type in Table 1). 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 renewable under the same fee structure. Registration fees over the last three-year period generated an average of \$296,000 in annual revenue. This level of funding limits the MWRP to processing registrations, responding to complaints, working with a limited number of local health departments (LHDs) through approved grant funding allocations to perform inspections, and providing technical assistance to the regulated community and public.

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 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.

In response to the Coronavirus 2019 (COVID-19) pandemic, the MWRP engaged in several non-routine activities to promote public safety and protect public health. These activities included evaluating and offering guidance to several large companies that implemented and operated numerous drive-through testing sites across Michigan. In addition, the MWRP

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.

developed guidance documents and assisted the public and the regulated community with questions and concerns related to appropriate facility safety protocols, the effective use of personal protective equipment, and guidance on appropriate health care waste disposal protocols.

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 recommended annual inspections of the over 14,700 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 was 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 another 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. Due to COVID-19 restrictions, pilot program field activities (inspections) completed by partnering LHDs were hampered in comparison to previous years. In light of these restrictions, the MWRP and EGLE's administrative staff worked in a collaborative effort to enable increased flexibility and extend deadlines in grant contracts to make activities more feasible. As a result of this flexibility, the 10 partnering LHDs were still able to complete 247 facility inspections, and a total of \$43,700 in grant funding was utilized from the Medical Waste Emergency Response Fund during FY 2020 toward this effort.

SUMMARY OF MEDICAL WASTE MANAGEMENT INCIDENT REPORTS

Four complaints of improper disposal of medical waste were investigated during the reporting period. Three of these were resolved, and there is one ongoing issue (the first incident listed below).

Southfield – Public Storage Facility – October 2018 to Current

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 in several instances 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, unlabeled, and in separate moving boxes. During the 2019 reporting period, the case was referred to the MMD's Enforcement Section and appropriate actions were taken. In early 2020, MWRP staff and enforcement staff became aware of new developments in the case, made evident by an EGLE finding that the individual had a total of four storage units at two separate locations, leased under various aliases, and packed with boxes of medical waste. The units were cleared of all medical waste using cleanup funds provided by EGLE. This case is considered as ongoing, as the repeat offender continues to engage in medical waste-related activities. Addressing the issue of repeat violations of the MWRA is another issue addressed by the proposed amendments to the MWRA. This case was referred for escalated enforcement to the Department of Attorney General. The registration for the offender has been revoked through the administrative process, but this case remains open pending final resolution.

Grand Rapids – Long-Term Care Facility – July 2020

MWRP staff received a referral from the Department of Licensing and Regulatory Affairs (LARA) regarding concerns about a long-term care facility (nursing home) in Grand Rapids, following a complaint from a citizen about improper storage of hazardous/medical waste. Large plastic containers outside the COVID-19 wing were on the back doorstep with no plastic liners or markings on the containers (one was filled with three red bags labeled medical waste). Additional containers were stored in a pole barn on-site (in marked boxes on pallets, with some maintenance equipment, and no means of ventilation). EGLE staff assisted LARA and contacted the facility administrator to have the waste moved and properly stored to protect public health. This returned the facility to compliance regarding storage practices. No improper disposal of medical waste occurred. This case has been resolved.

Harrison – State Land – June 2020

A complaint was received by MWRP staff that there was dumping of waste in the middle of a large field on state land in Harrison. The complainant stated it appeared medical waste had been improperly disposed of with other waste materials. After MWRP staff observed the items present, it was determined that the waste did not contain any regulated medical waste. Household generated waste was dumped in the forest, and MMD's Solid Waste Program staff were notified for remediation and follow-up activities. No further related incidents were reported to the MWRP. The complaint was closed.

Grand Rapids – Highway Overpass – February 2020

The MWRP received a referral from the Michigan Department of Transportation regarding improper disposal of red bag waste under an overpass and scattered around the exit ramp. The waste was catalogued/observed. EGLE staff assessed that although the waste appeared to consist of nothing more than used gloves and paper towels, in the interest of safety, it was determined that the waste would be picked up and removed by a third party contracting service that would be wearing appropriate personal protective equipment and handling as medical waste. The responsible party was identified, and staff was retrained to use red bags only for items being treated as medical waste, as it appeared this waste had fallen off a solid waste transfer vehicle on the way to a landfill. The complaint was closed. No further action was required.

ACTIVE REGISTRANTS BY FACILITY TYPE (Table 1)

Facility Type	Active Registrants
Private Practice Medical, Dental, and Veterinary Facilities	8,269
Clinics (e.g., LHDs and Universities)	548
Funeral Homes/Mortuaries	763
Nursing Homes, Hospices, County Medical Care Facilities, and Health Maintenance Organizations	527
Clinical, Analytical, and Research Laboratories	127
Hospitals	181
Freestanding Surgical Outpatient Facilities	129
Mental Health Facilities	115
Ambulance/Paramedic/Fire Departments	234
Animal Control Shelters	4
Pharmacies	1,410
Other (e.g., Dialysis, Blood Collection, Medical Education, and Body Art)	2,432
State Facilities	47
Current Active Registrations	14,786

Source of Information: Medical Waste Program Database, November 2020