



GRETCHEN WHITMER
GOVERNOR


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



PHILLIP D. ROOS
DIRECTOR

VIA EMAIL

TO: Governor Gretchen Whitmer
Senate Health Policy Committee Members
Senate Energy and Environment Committee Members
Senate Natural Resources and Agriculture Committee Members
House Health Policy Committee Members
House Natural Resources, Environment, Tourism and Outdoor
Recreation Committee Members
Elizabeth Hertel, Director, Department of Health and Human Services

FROM: Phillip D. Roos, Director 

DATE: December 20, 2023

SUBJECT: Report on the Fiscal Year 2023 Medical Waste Regulatory Program

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) Medical Waste Regulatory Program Report for fiscal year 2023.

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, Director, Materials Management Division, at 517-242-2746; or you may contact me at 517-614-6873.

Attachment

SUBJECT: Report on the Fiscal Year 2023 Medical Waste Regulatory Program

Page 2

December 20, 2023

cc/att: Kathryn Summers, Director, Senate Fiscal Agency
Mary Ann Cleary, Director, House Fiscal Agency
Jennifer Flood, Director, State Budget Office
JoAnne Huls, Chief of Staff, Governor's Office
Patti Tremblay, Director of Legislative Affairs, Governor's Office
Marc Rehmann, Policy Director, Governor's Office
Jonah Houtz, Senate Fiscal Agency
Austin Scott, House Fiscal Agency
Jacques McNeely, State Budget Office
Zach Hendrix, State Budget Office
Aaron B. Keatley, Chief Deputy Director, EGLE
Travis Boeskool, Deputy Director, EGLE
Sydney Hart, Legislative Liaison, EGLE
Paul McDonald, EGLE
Dale Shaw, EGLE
Elizabeth M. Browne, EGLE
Tracy Kecskemeti, EGLE
Rhonda S. Oyer, EGLE
Andrew Shannon, EGLE



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

Legislative Report

MEDICAL WASTE REGULATORY PROGRAM REPORT

**Report Period:
Fiscal Year 2023**

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

If you need this information in an alternate format, contact EGLE-Accessibility@Michigan.gov or call 800-662-9278.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

This document and its contents are subject to the Freedom of Information Act and may be released to the public.

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, 2022, to September 30, 2023, fiscal year (FY) 2023.¹

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 Medical Waste Regulatory Program (MWRP), is funded through registration fees collected from medical waste producing facilities (see Table 1, Active Registrants: Total by Active Status). 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 \$310,000 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.

IMPLEMENTATION/EFFECTIVENESS OF THE REGULATIONS

In 2022 the MWRP underwent a significant information technology modernization project, replacing the License 2000 (better known as "L2K") system with the MiEnviro platform for online registration and information tracking. The new MiEnviro database and online payment system

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 the Medical Waste Regulatory Program.

was rolled out to customers in January 2023. This transition required a significant amount of staff time before and after the transition was completed. Staff responded to the following challenges: correcting migrated or duplicative data; creating and delivering notices, guidance, and registration documents; and responding to questions regarding the new system.

The implementation of the new MiEnviro registration system has resulted in increased levels of overall functionality and ease of use within the medical waste registrant database. These and other associated factors have made it easier for customers to register their facilities. Since implementation, the MWRP has been able to assist the regulated community more effectively and with fewer delays. Input from customers has been generally favorable, and it is expected that these improvements to efficiency will make the MWRP more effective.

Most registration renewals and new applications can be completed by the registrant in MiEnviro, but MWRP staff must assist with registration modifications. For example, in September 2023 there were 282 renewals and 46 new applications that were submitted through MiEnviro without any staff involvement; 63 registration modifications needed staff to manually input the data. Staff are also still working to merge duplicative information.

Nine grants were issued to LHDs in 2022 to fund the inspections of medical waste facilities and the education and support of registrants within their jurisdiction. These nine grants were extended until the end of December 2022 to provide the LHDs with additional time to complete their inspections. The associated inspection reports documenting these inspection activities were submitted in 2023. MWRP staff reviewed this documentation, and appropriate grant payments were issued to the LHDs in FY 2023.

The Office of the Auditor General's performance audit of the MWRP from October 1, 2012, through September 20, 2015, found that the current registration fees are not adequate to support the recommended annual inspections of the nearly 12,000 registered medical waste producers. To address this and other findings, the MWRP convened the Medical Waste Stakeholder Advisory Group in 2017 to help review the current regulations and support the legislative amendment process by suggesting needed modifications to the statute. The goal of this review was to ensure Michigan has a modern, comprehensive program that can address issues, including the protection of public health from emerging diseases that may be easily transmissible and result in high rates of mortality.

Recently and throughout the past five years, industry stakeholders' comments and legislative inquiries were received that prompted the reconsideration of several of the proposed revisions to the MWRA.

Noteworthy modifications proposed by stakeholders for the MWRA include the following:

- New language and definitions, including current terminology and language that have been identified as being essential to reflecting changes in the industry since the enactment of the legislation in 1990.
- Changes that would allow EGLE to engage in additional partnerships with LHDs through increased grant allocations to allow for more inspections of medical waste producing facilities.

- Changes that would allow expanded use of funding for compliance assistance through education and outreach initiatives.
- Provisions to expand the authority of EGLE to pursue escalated enforcement and issue penalties for facilities that fail to comply with the regulations.
- Removal of outdated and/or confusing information that is no longer relevant to or needed by the industry.
- Expansion of the medical waste categories that are subject to regulation in line with emerging trends in diseases that may affect public health.

The modifications above would update the regulations to make them more relevant and provide clear, up-to-date definitions. Due to staff limitations, there was no action taken on the proposed modifications in FY 2023; however, these amendments continue to be pertinent and should be pursued in the future.

SUMMARY OF MEDICAL WASTE MANAGEMENT INCIDENT REPORTS

No medical waste management incidents occurred during this reporting period.

Table 1

Active Registrants: Total by Active Status (*not expired longer than 180 days beyond registration expiration)

Source: MiEnviro Portal for Medical Waste Registration Database, October 2, 2023

Facility Type in the MiEnviro Registrant Database	Active Registrants
Private Practice Medical, Dental, and Veterinary Facilities	6,249
Clinics (e.g., LHDs and Universities)	487
Funeral Homes/Mortuaries	637
Nursing Homes, Hospices, County Medical Care Facilities, and Health Maintenance Organizations	419
Clinical, Analytical, and Research Laboratories	109
Hospitals	165
Freestanding Surgical Outpatient Facilities	115
Mental Health Facilities	109
Ambulance/Paramedic/Fire Departments	217
Animal Control Shelters	4
Pharmacies	1,276
Other (e.g., Dialysis, Blood Collection, Medical Education, and Body Art)	1,826
State Facilities	47
Current Active Registrations	11,660