

# SENATE BILL No. 74

February 1, 1989, Introduced by Senators BINSFELD, EHLERS, SCHWARZ, POSTHUMUS, SEDERBURG, KELLY, ARTHURHULTZ, WELBORN and N. SMITH and referred to the Committee on Health Policy.

A bill to amend Act No. 348 of the Public Acts of 1965, entitled as amended  
"Air pollution act,"  
as amended, being sections 336.11 to 336.36 of the Michigan Compiled Laws, by adding section 5a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 348 of the Public Acts of 1965, as  
2 amended, being sections 336.11 to 336.36 of the Michigan Compiled  
3 Laws, is amended by adding section 5a to read as follows:

4       SEC. 5A. (1) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF  
5 THIS SECTION, A FACILITY THAT INCINERATES BIOMEDICAL WASTE SHALL  
6 NOT BE OPERATED UNLESS THE FACILITY HAS BEEN ISSUED AN OPERATING  
7 PERMIT BY THE COMMISSION.

8       (2) AN APPLICATION FOR AN OPERATING PERMIT UNDER SUBSECTION  
9 (1) SHALL BE SUBMITTED IN THE FORM AND CONTAIN THE INFORMATION

1 REQUIRED BY THE COMMISSION. THE COMMISSION SHALL ISSUE AN  
2 OPERATING PERMIT ONLY IF THE FACILITY IS IN COMPLIANCE WITH THIS  
3 ACT AND RULES PROMULGATED UNDER THIS ACT.

4 (3) A PERMIT ISSUED UNDER THIS SECTION SHALL BE VALID FOR  
5 THE PERIOD FOR WHICH IT IS ISSUED BUT NOT TO EXCEED 5 YEARS.  
6 UPON EXPIRATION, A PERMIT MAY BE RENEWED.

7 (4) WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION,  
8 THE COMMISSION SHALL REVIEW ALL OPERATING PERMITS ISSUED UNDER  
9 THIS ACT FOR FACILITIES THAT INCINERATE BIOMEDICAL WASTE. THE  
10 COMMISSION SHALL RENEW AN OPERATING PERMIT FOR SUCH A FACILITY  
11 ONLY IF THE FACILITY IS IN COMPLIANCE WITH THIS ACT AND THE RULES  
12 PROMULGATED UNDER THIS ACT.

13 (5) THE COMMISSION SHALL PROMULGATE RULES TO REGULATE FACIL-  
14 ITIES THAT INCINERATE BIOMEDICAL WASTES. THESE RULES SHALL COVER  
15 AT LEAST ALL OF THE FOLLOWING AREAS:

16 (A) INCINERATOR DESIGN AND OPERATION.

17 (B) ASH HANDLING AND QUALITY.

18 (C) STACK DESIGN.

19 (D) WASTE HANDLING PROCEDURES.

20 (E) AIR POLLUTION CONTROL REQUIREMENTS.

21 (F) PERFORMANCE MONITORING AND TESTING.

22 (G) OPERATOR QUALIFICATIONS.

23 (H) RECORD-KEEPING AND REPORTING REQUIREMENTS.

24 (I) INSPECTION AND MAINTENANCE.

25 (6) AS USED IN THIS SECTION:

26 (A) "BIOMEDICAL WASTES" MEANS SOLID, LIQUID, OR GASEOUS  
27 WASTES THAT CONTAIN PATHOGENS WITH SUFFICIENT VIRULENCE AND

1 QUANTITY SUCH THAT EXPOSURE TO THE WASTE BY A SUSCEPTIBLE  
2 INDIVIDUAL COULD RESULT IN AN INFECTIOUS DISEASE. BIOMEDICAL  
3 WASTES INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

4 (i) WASTES CONTAMINATED BY AN INDIVIDUAL WHO IS ISOLATED DUE  
5 TO COMMUNICABLE DISEASE, AS PROVIDED IN THE UNITED STATES CENTERS  
6 FOR DISEASE CONTROL GUIDELINES FOR ISOLATION PRECAUTIONS IN HOS-  
7 PITAL, (JULY, 1983).

8 (ii) CULTURES AND STOCKS OF INFECTIOUS AGENTS, INCLUDING  
9 SPECIMEN CULTURES COLLECTED FROM MEDICAL AND PATHOLOGICAL LABORA-  
10 TORIES, CULTURES AND STOCKS OF INFECTIOUS AGENTS FROM RESEARCH  
11 AND INDUSTRIAL LABORATORIES, WASTES FROM THE PRODUCTION OF BIO-  
12 LOGICALS, DISCARDED LIVE AND ATTENUATED VACCINES, AND CULTURE  
13 DISHES AND DEVICES USED TO TRANSFER, INOCULATE, OR MIX CULTURES.

14 (iii) WASTE HUMAN BLOOD AND WASTE BLOOD PRODUCTS SUCH AS  
15 SERUM, PLASMA, AND OTHER BLOOD COMPONENTS.

16 (iv) INFECTIOUS WASTE AS DEFINED IN SECTION 20187 OF THE  
17 PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING  
18 SECTION 333.20187 OF THE MICHIGAN COMPILED LAWS.

19 (v) PATHOLOGICAL WASTE AS DEFINED IN SECTION 20187 OF ACT  
20 NO. 368 OF THE PUBLIC ACTS OF 1978.

21 (vi) SHARPS AS DEFINED IN SECTION 20187 OF ACT NO. 368 OF  
22 THE PUBLIC ACTS OF 1978.

23 (vii) OBJECTS USED IN PATIENT CARE THAT HAVE COME INTO CON-  
24 TACT WITH INFECTIOUS AGENTS.

25 (viii) CONTAMINATED CARCASSES, BODY PARTS, AND BEDDING OF  
26 ANIMALS THAT WERE EXPOSED TO PATHOGENS IN RESEARCH, IN THE

1 PRODUCTION OF BIOLOGICALS, OR IN THE IN VIVO TESTING OF  
2 PHARMACEUTICALS.

3 (ix) OTHER WASTES DETERMINED TO BE INFECTIOUS BY THE FACILI-  
4 TY, WHICH SHALL BE SET FORTH IN A WRITTEN POLICY.

5 (B) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-  
6 TRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF  
7 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED  
8 LAWS.

9 Section 2. This amendatory act shall not take effect unless  
10 Senate Bill No. 69  
11 of the 85th Legislature is enacted into law.