

**Solid and Hazardous Waste Program
(June 14, 2010)**

**Guidance for Regulated Medical Waste (RMW)
During the National Emergency with Respect to the
2009 H1N1 Influenza Pandemic**

I. Purpose and Background

In view of the national public health emergency with respect to the 2009 H1N1 influenza pandemic the Department of Environmental Protection (Department or NJDEP) and the New Jersey Department of Health and Senior Services (NJDHSS) anticipate a potential need for immediate disposal of RMW produced at 2009 H1N1 vaccination locations or other medical situations dealing with 2009 H1N1. This guidance also applies to H1N1 Regulated Medical Waste generated due to H1N1 after 2009. This guidance is for those facilities that cannot comply with some of the RMW management requirements of the Department.

As background on this issue, on April 26, 2009, and renewed twice, on July 24, 2009, and October 1, 2009, the Secretary of Health and Human Services declared a public health emergency under section 319 of the Public Health Service Act, 42 U.S.C. 247d, in response to the 2009 H1N1 influenza virus. President Obama issued a Declaration of a National Emergency with respect to the 2009 H1N1 Influenza Pandemic on October 24, 2009. In New Jersey, the Influenza Activity Level had increased from regional to widespread. See <http://nj.gov/health/flu/fluinfo.shtml> . Additionally, on October 27, 2009 the Secretary of Health and Human Services, issued an October 27, 2009 - Waiver or Modification of Requirements under Section 1135 of the Social Security Act.

This guidance document has been prepared to assist 2009 H1N1 RMW generators, counties, municipalities, and other impacted entities deal quickly and safely with the anticipated short-term period of production of 2009 H1N1 RMW. The provisions of this guidance document are effective immediately and are valid until such time as the Department officially rescinds this guidance.

II. Legal Authority

The Department is acting under the authority of the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) the Comprehensive Regulated Medical Waste Management Act (N.J.S.A. 13:1E-48 et seq.) and the Solid Waste Utility Control Act (N.J.S.A. 48:13A-1 et seq.).

III. RMW Waste Handling Regulatory Waivers

For the term of this guidance, until such time as this guidance is rescinded by the Department, the following regulations are abated only for the proper disposal of 2009 H1N1 RMW. The NJDEP and the NJDHSS agree that the following waivers from N.J.A.C. 7:26-3A.17(e), N.J.A.C. 7:26-3A.27(d) and N.J.A.C. 7:26-3A.8 be afforded to all medical care providers:

- 1) Waiving of the 15-day limit at N.J.A.C. 7:26-3A.17(e) for exemption from registration for remote sites;
- 2) Waiving of the requirements at N.J.A.C. 7:26-3A.17(e)1 & 2 for the generator maintaining a permanent registered RMW generator facility and the requirement to transport the RMW to the generator's facility each day;
- 3) Waiving the 3 cubic foot/50-pound transporter registration limit at N.J.A.C. 7:26-3A.27(d) that exempts generators from RMW transporter registration requirements;
- 4) Waiving the quantity of 2009 H1N1 RMW from the registration requirements at N.J.A.C. 7:26-3A.8 concerning registration fees; and
- 5) Waiving of other issues that may arise, with the approval of the Department/s, and/or modification of this guidance.
- 6) Waiving of the restriction at N.J.A.C. 7:26-3A.17(b) of shipping RMW only through the U.S.P.S. to allow shipment of 2009 H1N1 RMW vaccination waste through the United Parcel Service (U.P.S.) as directed by the Federal Department of Health and Human Services.

All of the above conditions will be waived providing that the 2009 H1N1 RMW generated at vaccination sites is classified as RMW and is all managed as RMW in conformance with all other RMW management regulations and requirements at its ultimate point of collection or destruction to ensure proper disposal. Syringes and any associated 2009 H1N1 RMW cannot be disposed of in the municipal solid waste stream.

IV. Transporter Registration

In situations where 2009 H1N1 RMW cannot be timely collected by licensed and certificated RMW transporters, the Department will relax its transporter registration requirements (N.J.A.C. 7:26-3A.) for vehicles to meet the RMW disposal needs. Vehicles from hospitals, nursing homes and other health care facilities, such as 2009 H1N1 RMW vaccination clinics may haul 2009 H1N1 RMW waste from such institutions without transporter registration certificates until such time as this guidance is rescinded by the Department.

V. Emergency Storage

In the event that the duration of the emergency and the particular waste handling situation at an unregistered 2009 H1N1 RMW producing site results in potential public health and safety risks, it may be necessary for the operator of the site to immediately contact a registered RMW transporter to ensure proper disposal of the RMW. The transporter may use its registration number for the RMW collection at such sites. Proper precautions must be taken to minimize risk to health and safety at these sites where necessary. Short-term storage of 2009 H1N1 RMW shall be limited to sharps containers that meet the requirements of N.J.A.C. 7:26-3A.11 and are stored in conformance with N.J.A.C. 7:26-3A.12.

VI. Enforcement

No State enforcement action with respect to these activities will be taken during the period this guidance is in effect against entities that are operating in accordance with this guidance.

VII. Additional Assistance and/or Contacts

The Department acknowledges that the above guidance may not address all situations that arise or you may have questions concerning the guidance. You may contact the following programs for additional information and/or assistance in dealing with your specific situation:

NJDEP General RMW Information:	(609) 984-6985
NJDEP RMW Transporter Information:	(609) 292-6305
NJDEP Enforcement Offices Bureau of Solid Waste Compliance & Enforcement:	(609) 292-6305
New Jersey Department of Health and Senior Services Consumer, Environmental and Occupational Health Service:	(609) 826-4920
NJDEP Environmental Emergency Hotline:	1-877-WARNDEP