

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Medical Waste Program

Rule No.: Chapter 335-17-5

Rule Title: Transportation of Medical Waste

Intended Action Amend

Would the absence of the proposed rule significantly harm or
endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police
power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available
that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly
increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm
that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? Yes

Does the proposed action relate to or affect in any manner any
litigation which the agency is a party to concerning the subject
matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section
41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance
with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it
conforms to all applicable filing requirements of the Administrative Procedure
Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Tuesday, March 18, 2025

REC'D & FILED
MAR 18, 2025
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - MEDICAL
WASTE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: Chapter 335-17-5 Transportation of Medical Waste

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Changes are being proposed to 335-17-5 to clarify and add standards for Medical Waste Transporters to include permitting provisions, transportation timelines, and Medical Waste Management Plan requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 2:00 p.m., May 6, 2025, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. Attendance at the hearing is not necessary to present such data, views, arguments, or comments. All comments should be received by 5:00 p.m., May 6, 2025. Written submissions and other inquiries should be directed to: ADEM Hearing Officer, Office of General Counsel, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at hearing.officer@adem.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, May 6, 2025

CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION -
MEDICAL WASTE PROGRAM
ADMINISTRATIVE CODE

CHAPTER 335-17-5
TRANSPORTATION OF MEDICAL WASTE

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335-17-5-.01 Transportation Of Untreated Medical Waste.

~~Untreated medical waste transported off-site from the medical facility generating the waste,~~The transportation of untreated medical waste shall comply with the following requirements.

(1) A non-rail transporter shall not transport untreated medical waste without having received an Alabama Medical Waste Transporter Permit in compliance with requirements in accordance with 335-17-5 and 335-17-8.

(2) No medical waste transporter shall accept untreated medical waste which contains hazardous waste or radioactive waste, for transportation to a medical waste treatment facility.

~~(2)~~ (3) No medical waste transporter shall transport untreated medical waste in the same transport vehicle with other solid waste unless all the waste in the vehicle is managed as untreated medical waste.

~~(3)~~ (4) No medical waste transporter shall accept any container of untreated medical waste for transport which shows visible signs of leakage or spillage, or which is not properly sealed and labeled.

~~(4)~~ (5) No medical waste transporter shall compact untreated medical waste in a transport vehicle.

~~(5)~~ (6) No medical waste transporter shall allow untreated medical waste to escape from a transport vehicle into the environment. All vehicles utilized must be enclosed.

~~(6) No medical waste transporter shall deliver untreated medical waste to an unapproved~~ (7) No medical waste transporter shall

deliver untreated medical waste to an unpermitted storage, treatment, or disposal facility in Alabama. All out-of-state shipments should be coordinated with the appropriate regulatory authority of the receiving State.

~~(7)~~ (8) Persons manually loading or unloading containers of untreated medical waste from a medical waste transport vehicle must wear impermeable gloves and protective clothing to help minimize exposure.

~~(8)~~ (9) Surfaces of medical waste transport vehicles which may come into contact with medical waste must be constructed of durable, easily cleanable materials.

~~(9)~~ (10) Surfaces of medical waste transport vehicles which have been in contact with untreated medical waste shall be decontaminated.

~~(10) All owners of medical waste transport vehicles shall apply within 90 days from the effective date of this Division for a permit to transport untreated medical waste in Alabama.~~

(11) All medical waste transport vehicles shall be identified with the following information.

- (a) The business name of the permitted transporter;
- (b) The telephone number of a contact person for the transporter;
- (c) One or more of the following phrases or symbols: "Medical Waste" or "Infectious Waste" or the International Biological Hazard Symbol; and
- (d) The ADEM permit number.

(12) Each medical waste transporter shall allow the following at reasonable times and locations:

- (a) The inspection of vehicles by Department Personnel; and
- (b) The inspection of all documents required by this Division.

(13) All medical waste transport vehicles shall be fully enclosed and secured when unattended.

(14) A spill cleanup kit shall be kept in all transport vehicles. All medical waste transporters shall notify the ~~Solid Waste Program of the~~ Department immediately by telephone at (334) 271-7700, if a spill of medical waste occurs. A written report addressing how the spill occurred, what impact if any it had on

the environment, any injury to individuals, method of clean-up, and final disposition of the waste. In addition, the transporter must address what steps will be taken in the future to minimize a similar occurrence. This report shall be filed with the Department within seven (7) calendar days from the date the spill occurred.

(15) All medical waste transporters shall maintain records for a period of at least three (3) years regarding the following:

(a) The quantity of untreated medical waste transported from each generator or storage facility per month. The quantity may be recorded in tons, pounds, cubic yards, cubic feet, or gallons.

(b) The name and location of any storage facilities ~~MWSE~~ utilized by the transporter prior to delivery to a treatment facility and the period of time the waste remained in storage.

(c) The date the waste was accepted from the generator or storage facility, and the date it was delivered to a treatment facility or another storage facility.

(d) Training records for current personnel shall be kept until closure of the company. Training records on former employees shall be kept for at least three (3) years from the date the employee last worked at the company. Employee training records may accompany personnel transferred within the same company facility.

(16) Transportation of medical waste and /or subsequent storage prior to treatment shall be ~~at temperatures less than 45 degrees Fahrenheit unless said transportation can be accomplished in less than four hours. All medical waste transport vehicles shall be equipped with refrigeration if necessary to comply with this rule~~ accomplished within fourteen (14) days.

(17) Each medical waste transporter shall prepare, maintain, and update as necessary, a Medical Waste Management Plan for the medical waste they handle.

(a) The Medical Waste Management Plan must address to the extent the information is applicable to the transporter:

1. The types of medical waste handled;

2. Transportation procedures;

3. Storage, treatment and disposal facilities that will be utilized;

~~4. Steps that will be taken to minimize the exposure of employers to untreated medical waste throughout the process of transporting and handling the waste;~~ Employee Training. Facility personnel whose duties have a direct effect on medical waste management, whether by direct contact with the medical waste or through medical waste management activities, shall receive appropriate medical waste management training.

5. The name of the individual responsible for the transportation and management of medical waste.

(b) The Medical Waste Management Plan must be kept at the permittee's principal place of business.

(c) The Medical Waste Management Plan must be made available to the Department upon request.

~~(d) The Management plan must be updated as needed.~~

(18) All medical waste transporters shall notify the ~~Solid Waste Branch of the Department immediately by telephone when untreated medical waste has been or is anticipated to be out of compliance with the refrigeration requirement as contained in paragraph 335-17-2-.01(3) while in their possession. A written report addressing why the waste was kept longer than seven days, without refrigeration being provided,~~ Department immediately by telephone at (334) 271-7700 when untreated medical waste has been or is anticipated to be out of compliance with the requirement as contained in paragraph 335-17-5-.01(16) while in their possession. A written report addressing why the waste was kept longer than fourteen (14) days, and what impact, if any, it had on the environment, how the occurrence was corrected, and what steps will be taken in the future to minimize a similar occurrence. This report shall be filed with the Department within seven (7) calendar days from the date noncompliance was noted.

Author: James L. Bryant. Ashley S. Powell

Statutory Authority: Code of Ala. 1975, §§22-27-9, 22-27-12.

History: New Rule: Filed December 12, 2011; effective January 16, 2012. **Amended:** Published December 31, 2024; effective February 14, 2025. Amended: Published ; effective .

335-17-5-.02 Transportation Of Treated Medical Waste.

Medical ~~Waste~~waste which has been treated shall meet the following requirements when transported off-site for disposal.

(1) Containers~~or vehicles~~ cannot be red in color, or contain markings that would indicate the material is untreated medical waste. Containers may be repacked or relabeled to indicate that treatment has occurred.

(2) Transporters shall deliver the waste to an approved ~~sanitary~~municipal solid waste landfill for disposal.

(3) Treated medical waste that meets the requirements of 335-17-6-.01 may be mixed with other solid waste for transportation to a disposal facility in vehicles where compaction of the waste will take place.

(4) When written certification is required on a per load basis as defined by the Department or the permittee of the disposal facility, transporters shall deliver the certification, provided by the person who treated the waste, to the permittee or his designee of the disposal facility utilized. Certifications required on a less frequent basis shall be provided by the treatment facility directly to the disposal facility permittee.

(5) Pursuant to the provisions of Code of Ala.~~Alabama~~ 1975, §22-22A-4(i), additional regulations addressing the transportation of solid waste remain within the function of the State Health Department pursuant to Code of Ala.~~Alabama~~ 1975, §22-22A-5~~and~~, §22-22A-8, and §22-27-9.

Author: James L. Bryant. Ashley S. Powell

Statutory Authority: Code of Ala. 1975, §§22-27-9, 22-27-12.

History: New Rule: Filed December 12, 2011; effective January 16, 2012. Amended: Published ; effective .