



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: April 7, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary *BJC*
Department of Health and Human Resources

RE: **Suspension of certain requirements regarding the generation, handling, storage, transportation, treatment and disposal of infectious medical waste - W. Va. C.S.R. § 64-56**

The Bureau for Public Health of the Department of Health and Human Resources requests that W. Va. C.S.R. §64-56, *Infectious Medical Waste*, be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020. This rule is operationally complex. Portions are being eased in order to accommodate the anticipated use of Alternate Care Sites that will generate infectious medical waste. In some of the sections, the agency seeks to enlarge the scope of time for certain operations.

W. Va. C.S.R. §64-56 establishes and sets forth the requirements regarding the generation, handling, storage, transportation, treatment and disposal of infectious medical waste. The Bureau for Public Health anticipates the operation of one or more alternative care sites (ACS) to enable the provision of medical care for injured or sick patients or continue care for chronic conditions in non-traditional environments. The operation of ACSs will result in the generation of associated infectious medical waste. Due to the temporary and exigent nature of ACS operation, strict compliance with the provisions that apply to non-commercial infectious medical waste facilities will hinder and delay necessary action in coping with the emergency declared by the Governor, and the agency will therefore observe a suspension for the duration of the declared emergency:

W. Va. C.S.R. §64-56.4.2. – Suspend requirement to obtain permit prior to the physical construction of a new non-commercial infectious medical waste management facility.

W. Va. C.S.R. §64-56.4.4, 4.4.a, 4.5 & 4.6.e – Suspend public notice and public participation requirements regarding intent to apply for permit.

W. Va. C.S.R. §64-56.4.13 – Suspend permit fee.

W. Va. C.S.R. §64-56.4.14 –*Suspend only the following provision:* “and has submitted the permit fee.”

W. Va. C.S.R. §64-56.4.16.c – Suspend limitation on increasing the amount of infectious waste.

W. Va. C.S.R. §64-56.6.2.d & 6.2.e – *Suspend only the requirement to use a certain color bag;* red or orange colored bag may be used, and the remaining provisions of these paragraphs shall remain in effect.

W. Va. C.S.R. §64-56.8.2 – Increase each expressed time limitation on the storage of hazardous waste by 30 days.

W. Va. C.S.R. §64-56.9.2.b – Increase the time frame for the delivery of infectious waste by 30 days.

W. Va. C.S.R. § 64-56.12.4 – Suspend requirement of signature by generator to permit transporter to accept waste without that signature.

W. Va. C.S.R. §64-56.12.5 - *Suspend only the following provision:* “in the presence of the generator or, in the event of multiple transporters, in the presence of the previous transporter” so that the signature need not be made in the presence of any particular person.

W. Va. C.S.R. §64-56.12.7 – *Suspend only the following provision:* “in the presence of the generator or transporter” so that the signature need not be made in the presence of any particular person.

W.Va. C.S.R. §64-56.13.4 – Suspend annual reporting provision *only* for alternative care sites operated during the declared emergency.