

CHAPTER 42: INFECTIOUS WASTE: This chapter was proposed in this package and submitted to OAL for review. Chapter 42 would have readopted management standards for infectious waste currently found in article 13 (commencing with Section 66835) of chapter 30 of division 4, title 22, CCR. However, AB 109 (Ch 1613, Stats of 1990) and AB 1641 (Ch 1614 Stats of 1990) repealed Health and Safety Code sections 25117.5, 25117.6, 25118, 25157.3, and 25173.5 and created new management standards for a class of hazardous waste called "biomedical waste". Repealed Health and Safety Code section 25117.5 was then replaced with a new section 25117.5 which states that:

"Waste which is hazardous only because it is medical waste as defined in the Medical Waste Management Act (Chapter 6.1 (commencing with Section 25015)) shall not be governed by, subject to fees assessed by, or otherwise subject to, the requirements of this chapter or regulations adopted pursuant to this chapter."

The new definition of "medical waste" enacted by Health and Safety Code section 25032.2 is broader in scope and less specific than the repealed definition of "infectious waste" and includes all those wastes identified previously as "infectious waste". Thus, the regulations proposed for chapter 42 are inconsistent with newly adopted Health and Safety Code section 25117.5. Consequently, the Department is not adopting proposed chapter 42. The current regulations, Article 13 commencing with section 66835 are being repealed as part of the repeal of existing title 22, CCR, division 4, chapter 30. This repeal is necessary because retention of the existing regulations would be inconsistent with Health and Safety Code section 25117.5.