

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JULY 18, 1989

Honorable Ron Wyden
Chairman
Subcommittee on Regulation, Business Opportunities, and Energy
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of June 26, 1989, regarding the Environmental Protection Agency's (EPA) data collection activities under the Medical Waste Tracking Act of 1988 (MWTa). EPA is firmly committed to carrying out the MWTa. As you know, EPA issued the regulations required by the Act in March 1989, well over a month ahead of the statutory deadline.

The information you have requested is primarily described in the first interim report to Congress, which is now undergoing internal EPA review. Nonetheless I am happy to have this opportunity to share our progress with you.

All of the topics in Section 11008(a) of the Act will be addressed in the first interim report. For each topic, we will present whatever information is readily available, and we will outline our plans to gather additional information and conduct further analyses. Therefore, the extent of detail will vary among the topics.

To make the best national estimates, information was gathered using a variety of techniques. For some topics, literature was reviewed, summarized, and analyzed. For numbers of generators and waste quantity estimates, EPA conducted a survey in New York and New Jersey, visited about 50 sites, and reviewed other relevant information.

No statistical analyses were conducted on these preliminary estimates. We intend to refine the estimates based on data submitted by medical waste transporters and operators of on-site incinerators in the participating States. The data will allow us to characterize the sources and amount of regulated medical waste generated nationwide with much greater certainty. We plan to use the data from the regulated States to extrapolate national estimates, and we are considering how this might best be accomplished.

EPA has dedicated one person on a full-time basis in fiscal year 1989 to coordinate all of the report to Congress activities. Additionally, several EPA staff (including some Regional personnel) have dedicated portions of their time to help collect information, and to draft and review chapters. This additional help approximately equates to three full-time people. We also

have committed approximately \$200,000 of contractor funds in FY89 to support these activities.

In FY90, EPA plans to devote at least the same level of staff support for activities directly related to the report, and to provide contractor resources of approximately \$400,000. Additional resources of approximately one full-time equivalent and \$200,000 will be committed to data managing associated with the regulations. The collected data will “feed” into the report to Congress. Total FY90 resources will be approximately five full-time equivalents and \$600,000.

Milestones and deadlines for the project are tied to the statutory deadlines and to EPA’s review process. We plan to begin work on the second interim report – due to Congress in June 1990 – as soon as we send the first interim report to the Office of Management and Budget for review later this summer. A number of levels of review by staff and management are required under EPA’s internal procedures. I expect review to begin on the second interim report in the spring of 1990.

As mentioned, a variety of sources of information will be used in the report, depending on the topic. Information collected under the regulations on waste quantities will be new. Other information will be collected from government agencies also studying and regulating medical waste. For example, the Agency of Toxic Substances and Disease Registry (ATSDR) is examining the potential health effects of medical waste under another section of the Medical Waste Tracking Act; we are working with ATSDR and plan to use the data its collects. Certain State regulatory agencies may be requiring test information on waste treatment systems, and we plan to collect and analyze this information if it is available.

We will also examine the effectiveness of the tracking program. We will compile the results from our facility inspections and will work closely with State agencies to determine which aspects of the regulations work well and which ones cause difficulties. Public comments on the tracking regulations will be carefully considered to identify areas where they can be improved and to evaluate their economic impacts. We have begun to analyze the current tracking program to determine strong points and limitations. Problems that are identified may be corrected by changing the regulations. Issues that may relate directly to the statute will be discussed in the reports to Congress.

Finally, we are in the process of determining whether a research program needs to be developed as a supplement to available information. For example, research may need to be done on the effectiveness of certain treatment techniques. We will consider the question over the next few months.

Thank you for your interest in the medical waste tracking program. If I can be of further assistance, please do not hesitate to contact me.

Sincerely yours,

Jonathan Z. Cannon
Acting Assistant Administrator