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Mr. Rieck

Washington State University (WSU) has reviewed the proposed changes to WAC 173-303 and respectively requests the following changes or clarification to the proposed revision.

Washington State University (WSU) requests the Washington State Department of Ecology to include exemption from management of controlled substances as Dangerous Waste, if the material is managed according to United States Drug Enforcement Agency (USDEA) regulations. Currently, WAC 173-303-071(3)(nn) allows for disposal of controlled substances, legend drugs and over the counter drugs, which are state only dangerous wastes, in a combustion unit meeting the parameters in this section. In the current proposal this exemption has been eliminated, and only includes exemptions within 173-303-555 *Special requirements for management of dangerous waste pharmaceuticals*. Many WSU researchers use controlled substances in their research which are excluded from the definition of Health Care Facilities (HCF). DOE defines HCF as any person that provides preventative, diagnostic, therapeutic, rehabilitative, maintenance and palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body. This definition, while including the Veterinary Teaching Hospital, definitely precludes research laboratories. Without the exemption, under the current WAC 173-303-071(3)(nn) or inclusion in 173-303-555, there is no affordable legal means for individuals outside of HCF to manage dangerous waste controlled substances.

WSU would like all USDEA controlled substances to be exempt from WAC 173-303 if these materials are managed according to USDEA regulations. Currently, 173-303-071(3)(nn) only exempts state-only dangerous wastes. The proposed federal regulations exempt all controlled substances from RCRA regulations if USDEA regulations are followed per Federal Register, Volume 80, No 186, page 58028.

WAC 173-303-555 *Special requirements for management of dangerous waste pharmaceuticals*: does not clarify if an entity under one EPA identification number, which has a Health Care Facility, is eligible for this rule if the entity's primary function is not health care. WSU would like parts of the entity to be eligible to use the new policy.

It appears there is conflicting guidance regarding container lids. Under 173-303-174(1)(c)(i) a lid may be left partially open for safety if the contents have the potential to create pressure. However, 173-303-200(3)(c)(ii) and 173-303-630(5) state the lid must be closed when waste is not being added. WSU proposes throughout WAC 173-303 the regulations allow lids to be left partially open if contents have the potential to create pressure.

WSU proposes regulations regarding labeling of Dangerous Waste at 173-303-171(e)(ix)(B), 173-303-174(f), and 173-303-630(3)(i) be changed from "legible at 25 feet" to "recognizable at 25 feet". WSU manages approximately 30,000 containers annually, many of them smaller due to micro-scale research. The containers are not big enough to have labels meeting these requirements as currently proposed.

Sincerely,



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