



December 19, 2017

Department of Ecology
HWTR Program Rules Unit
PO Box 47600
Olympia WA 98504-7600

SUBMITTED VIA EMAIL: hwtrrulemaking@ecy.wa.gov

To Whom It May Concern:

Stericycle, Inc. (Stericycle) appreciates the opportunity to comment on the Department of Ecology's (Ecology) proposed rule: Draft Amendments to the Dangerous Waste Regulations, Chapter 173-303 WAC, February 21, 2017 and specifically comments related to the generator improvement rule (GIR). At this time we have no further comments to the Hazardous Waste Import/Export Rule or the E-Manifest Rule. Stericycle is a publically traded corporation (NASDAQ: SRCL) based in Lake Forest, Illinois. In 2016, we had estimated revenues of approximately \$3.6B. We operate over 250 medical and hazardous waste facilities for customers throughout the U.S. primarily in the healthcare field. Our services include compliant collection, transportation and treatment of medical waste, collection/disposal of pharmaceutical waste and hazardous waste, management of pharmaceutical and medical device recalls and returns for major drug and device manufacturers, and consulting/training programs to help educate our customers on the proper handling of these hazardous and regulated waste streams. Our corporate vision is to be leaders in "Protecting People and Reducing Risk."

Stericycle appreciates the efforts of Ecology to proactively provide draft amendments to the Washington Administrative Code (WAC) in response to the changes made by the Federal Environmental Protection Agency (EPA) in 2016. This type of stakeholder participation and preparation helps industry members understand and have better input into the regulatory process. Stericycle has conducted an in depth analysis of the proposed rule. Additionally, Stericycle has submitted comments to the Federal EPA rule "Hazardous Waste Generator Improvements" (September 25, 2015; 80 Federal Register No. 186).

The main comment we have to make on the GIR proposed changes are related to waste containerization and identification. Previous guidance from Ecology regarding labeling has made it difficult to ensure compliance with the state regulations while also complying with the Federal Department of Transportation (DOT) Pipeline Hazardous Materials Safety Administration (PHMSA) regulations. DOT PHMSA has preemptive authority under section 49 CFR 107 Subpart C – Preemption. DOT regulations specify marking, labeling, container specification and shipping documents be substantively the same within state regulations. In the past guidance Ecology has used "major risk" as a standard to convey risk associated with certain hazard classes of materials, specifically under hazard class 9. We are concerned that now this will be considered a "hazard" which could cause confusion. Having to classify certain materials as WT02 Toxic, for example, does not match hazard classifications under DOT. While in the past Ecology has stated this has to be done to properly communicate the hazard to anyone who may come upon it, it conflicts with Federal DOT regulations. EPA has provided options so that individuals

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authorized on the handling of hazardous waste can chose the one most appropriate for their conditions. We believe that this option should be retained in the regulations. Hazardous wastes should not be left in areas where there is unauthorized access so the idea that the hazard should be communicated to anyone who may come upon it is not reasonable to require.

Lastly, considering much of the hazardous or dangerous waste generated in the state is shipped across state lines for treatment, it risks confusion in those other states as well as DOT compliance. In some instances, when we have encountered labeling as a problem, we were told that we would have to keep the labeling while in storage, prior to transport, and if we needed to, we could remove the labeling for transport; the containers must then be again labeled when in storage at another storage area (like a TSD). This becomes very confusing for the generator and the TSD. Additionally, this results in multiple parties handling the waste, risk of spillage, and still the risk for human error, risking compliance (either forgetting to remove the labeling or putting it back on, etc.) all without any true health and safety benefit. Proper marking and labeling of hazardous materials intended for transport should be marked/labeled at the time it is prepared and should remain as such throughout the transport process until final disposal per the Federal EPA and DOT PHMSA regulations.

SUMMARY

We appreciate the opportunity to submit comments on this important rule. We look forward to the next phase of the rule making process and will provide additional more detailed comments during that phase as well.

Should there be any additional stakeholder process we would appreciate the opportunity to participate. If you have any further questions or comments please feel free to contact me at 847-943-6685 or via email at shoboy@stericycle.com.

Sincerely,



Selin Hoboy
VP of Legislative and Regulatory Affairs
Stericycle, Inc.

Enclosures

CC: Matt Marra – SVP Environmental Safety and Health, Stericycle, Inc.