

ENVIRONMENTAL ALERT
September 9, 2008
Biomedical Waste Management Act

The Biomedical Waste Management Act, Act No.180 of August 6, 2008 (the “Act”), was enacted to prescribe minimum sanitary practices related to the management of regulated biomedical wastes, including segregation, handling, packaging, labeling, storage, transport, and treatment. Pursuant to Article 2(b)(1)-(6) of the Act, regulated biomedical wastes include:

1. Cultures, stocks of infectious agents and biological products
2. Pathological wastes
3. Human blood and blood derivative products
4. Sharp wastes (e.g., discarded articles that may cause puncture or cuts)
5. Animal wastes (e.g., contaminated animal carcasses, body parts)
6. Isolation materials (e.g., biological waste and discarded materials contaminated with blood, excrement, sweat, or secretion from human beings or animals which are isolated to protect others from contagious diseases.)

The Act applies to all facilities that generate, transport, store, or treat biomedical wastes to ensure that it is properly handled to protect the public health. It orders the Environmental Quality Board of Puerto Rico to amend the current relevant regulations in order to adapt them to the Act within 180 days from its date of effectiveness. Current regulations concerning biomedical waste management will remain in force unless they are found to be in conflict with the Act.

The Act lists minimum permitting standards for biomedical waste generators, storage facilities and treatment facilities, and for the registration of biomedical waste transporters. It follows the “cradle to grave” approach in the management of biomedical waste. As a result, it requires a “manifest” that will accompany the waste material throughout its life. This manifest is the form used for identifying the quantity, composition, volume, size, origin, routing, and destination of biomedical waste during its transportation from the point of generation to the point of off-site treatment, or disposal.

A person or entity found to be in violation of the Act or its corresponding regulations is exposed to an administrative fine of up to \$25,000 or judicial fines of up to \$50,000 per day of violation per violation and/or up to 5 years of imprisonment.

If you have any questions or comments, or wish additional information regarding this matter, please contact any of the attorneys listed below, members of our Environmental and Land Use Practice.

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