

Secretary's Policy  
*Revised*

**Subject:** Definition of Hazardous Waste in Kansas

**Purpose:** To Address the Management of Highly Infectious Wastes Contaminated by Viruses Capable of Causing Hemorrhagic Fever (Ebola Waste)

**Date:** December 19, 2014

**Background**

On October 6, 2014, Secretary Robert Moser, MD adopted the initial version of this policy. As knowledge has been gained and as circumstances materialized, it was determined that some modifications to the policy were necessary and appropriate; however, the primary conclusions and initial decision to classify Ebola waste as “hazardous waste” in Kansas have not changed.

Public Health Risk - There have been two separate outbreaks of Ebola virus disease (EVD) in Africa. The first outbreak was first reported in March, 2014 in the West African nations of Guinea, Liberia, Nigeria, and Sierra Leone. Travel-associated cases subsequently appeared in Nigeria, Senegal, Spain, the United States, and Mali. This is the largest EVD outbreak ever recorded and the first in West Africa. A new cluster of cases related to this was reported in Mali in mid-November. On September 30, 2014 the Centers for Disease Control and Prevention (CDC) confirmed the first imported case of EVD in the United States in a person in Dallas, Texas who had traveled from Liberia. Ebola virus causes Ebola hemorrhagic fever (Ebola HF), which is one of numerous Viral Hemorrhagic Fevers. It is a severe, often fatal disease in humans and nonhuman primates.

Ebola HF is caused by infection with a virus of the family *Filoviridae*, genus *Ebolavirus*. When infection occurs, symptoms usually begin abruptly. The first *Ebolavirus* species was discovered in 1976 in what is now the Democratic Republic of the Congo near the Ebola River. Since then, outbreaks have appeared sporadically. There are five identified subspecies of *Ebolavirus*. Four of the five have caused disease in humans: Ebola virus (*Zaire ebolavirus*); Sudan virus (*Sudan ebolavirus*); Taï Forest virus (*Taï Forest ebolavirus*, formerly *Côte d'Ivoire ebolavirus*); and Bundibugyo virus (*Bundibugyo ebolavirus*). The fifth, Reston virus (*Reston ebolavirus*), has caused disease in nonhuman primates, but not in humans.

Statutory Authority – K.S.A. 65-3430(e)(1)(B) defines “hazardous waste” as “any waste or combination of wastes which, because of its quantity, concentration or physical, chemical, biological, or infectious characteristics or as otherwise determined by the secretary poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed, or otherwise managed.” The secretary has clear authority to assess any waste type and determine that the waste does pose risks that require it to be managed under the full requirements of the Kansas hazardous waste regulatory program.

### **Secretary's Determination and Associated Requirements**

Based upon the proven risks posed by the Ebola HF and all other viruses capable of causing hemorrhagic fever, the secretary has determined that any waste materials, including body fluids generated by an infected patient, that are contaminated or potentially contaminated by such viruses are hazardous waste. This decision will ensure that any Ebola waste generated in Kansas will be managed in a manner that is protective of public health during on-site storage at a generating facility, during transportation to a storage location or disposal site, and at the facility where the waste is disposed.

This determination requires all Ebola waste to be managed in accordance with all Kansas hazardous waste management laws and regulations related to storage, transportation, treatment, and disposal, except the secretary may approve of alternate transportation services as necessary to facilitate the movement of waste to storage or disposal locations. Any transportation of Ebola waste on public roads and highways must be accompanied a uniform hazardous waste manifest, except the movement of containerized waste generated by emergency medical service providers to a secure storage location, such as a hospital. The secretary may approve of transportation to a final disposal facility by a non-registered hazardous waste transporter if the company demonstrates experience and capabilities related to the transportation of infectious waste including documentation of transportation protocols.

Unlike other medical waste, the hazardous waste classification prohibits the landfill disposal of Ebola waste as "special waste" in permitted municipal solid waste landfills. All Ebola waste must be disposed of at a permitted hazardous waste disposal facility.

Ebola waste is also classified as Category A Infectious Waste and therefore, it is subject to all U.S. DOT packaging and shipping requirements. Compliance with U.S. DOT shipping requirements will satisfy all applicable hazardous waste shipping requirements.

Any Ebola waste held in storage by Kansas generators must be stored and labeled in accordance with all applicable hazardous waste storage regulations. Ebola waste may be stored up to 90 days by a generator without a permit.

Any Ebola waste that has been treated in an on-site autoclave in accordance with department protocols may be managed as Category B medical waste; however, landfill disposal as a special waste will not be approved. Such waste must undergo additional treatment in a permitted medical waste incinerator.

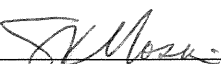
This revised policy is effective on December 15, 2014. It replaces the secretary's policy adopted on October 6, 2014 related to Ebola waste.

### **Notification of Effected and Interested Parties**

The department will make every effort to notify effected parties of this policy to facilitate compliance and the protection of public health.

### **Ongoing Review and Assessment**

The Department will continue to assess the risks posed by the infectious waste addressed by this policy to determine if any changes are appropriate to adequately protect public health.

  
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Susan Mosier, MD  
Interim Secretary, KDHE

12/29/14  
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Date