



October 17, 2018

Mr. Don A. Brown, Clerk
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Dear Mr. Brown:

On behalf of its over 200 hospital and nearly 50 health system members, the Illinois Health and Hospital Association (IHA) appreciates the opportunity to comment on Proposed Rules R2018-029, which seek to amend 35 Ill. Adm. Code Subtitle M: Biological Materials. In the notice of amendments, the Pollution Control Board sought public comment to specific questions in the proposed amendments. We request your consideration of the following comments:

Section 1420.102 - Definition of Class 4 Etiological Agent. The Board sought comments on whether the list of viral agents are complete and consistent with current Center for Disease Control (CDC) and National Institute of Health (NIH) listings and whether the sources relied on in the Board’s Note need to be updated or supplemented. While the CDC and NIH listings are appropriate, we ask the Board to also consider the Federal Select Agents and Toxins List, which is a broader list for this category. We also believe that the Illinois regulations that the Board uses in their Note are sufficient for this section of the code.

Section 1420.103 - Incorporations by Reference. The Board sought comments on whether the publications listed need to be updated by adding, removing or replacing a listed publication. We have no recommendations for changes to this section.

Sections 1420.104 and 1422.126 – Household Sharps. The Board sought comments as to whether the term “household sharps,” as utilized in Sections 56.1 (k) and (l) of the Illinois Environmental Protection Act, are “general household waste” and therefore, not subject to 35 Ill. Adm. Code 1422.126 or other rules related to potentially infectious medical waste (PIMW). As Sections 56.1 (k) and (l) focus on a person knowingly intermingling household sharps into residential recycling, we believe it is general household waste and outside of the stated scope and applicability as outlined in 35 Ill. Adm. Code 1422.120 which “applies to the owner or operator of a facility in Illinois that is designed to treat PIMW to eliminate its infectious potential.”

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Mr. Brown, IHA appreciates the opportunity to comment on the proposed rule. If you have any questions regarding our comments, please contact Lance Kovacs, Manager, Health Policy and Regulatory, at 630-276-5474 or lkovacs@team-iha.org.

Sincerely,

A handwritten signature in black ink, appearing to read "A.J. Wilhelmi". The signature is written in a cursive style with a large initial "A" and "W".

A.J. Wilhelmi
President & CEO