

ILLINOIS POLLUTION CONTROL BOARD
April 3, 2025

IN THE MATTER OF:)
)
POTENTIALLY INFECTIOUS MEDICAL) R 25-24
WASTE (PIMW): PROPOSED) (Rulemaking – Land)
AMENDMENT OF 35 ILL. ADM. CODE)
1422 APPENDIX A, TABLE B –)
INDICATOR MICROORGANISMS)

ORDER OF THE BOARD (by J.A. Van Wie):

On March 20, 2025, BioSAFE Engineering (BioSAFE) filed a rulemaking proposal (Prop.), which included its Statement of Reasons (SR) and proposed revision to Part 1422 of the Board’s potentially infectious medical waste (PIMW) rules. Accompanying the proposal was a motion for waiver of signature requirements (Mot.).

For the reasons below, the Board accepts the proposal for hearing, grants the motion for waiver of signature requirements, and directs its assigned hearing officer to proceed to hearing.

SUMMARY OF PROPOSAL

BioSAFE owns and operates an engineering and manufacturing company that manufactures a range of systems for treating of regulated infectious or potentially infectious waste. SR at 1, 2. It reports that both federal and state regulations address handling and treating these wastes, including by establishing validation protocols assuring the efficacy of treatment systems. *Id.* at 2. Microbiological validation protocols determine whether a treatment process deactivates “a known quantity of a well-studied ‘indicator’ organism, also known as a biological indicator.” *Id.* at 2-3.

BioSAFE manufactures an STI Series 2000, “which is a low-pressure steam-based treatment technology.” SR at 3. It reports that, in other states, the standard indicator organism for validation of this system is *Bacillus Atrophaeus*. *Id.* at 4. BioSAFE asserts that, although Appendix A, Table B of Part 1422 lists three other indicator organisms, they are “not appropriate for or not achievable by low pressure systems.” *Id.*; *see* 35 Ill. Adm. Code 1422.Appendix A, Table B. BioSAFE proposes to amend Table B to add *Bacillus Atrophaeus* and allow its use “as an indicator organism for efficacy testing of low pressure systems.” SR at 8; *see* Prop. at 2.

MOTION FOR WAIVER OF SIGNATURE REQUIREMENT

Section 102.202(g) of the Board’s procedural rules provides that, unless the proponent is IEPA or the Department of Natural Resources, a rulemaking proposal must include “a petition signed by at least 200 persons. . . .” 35 Ill. Adm. Code 102.202(g), citing 415 ILCS 5/28(a) (2022), 35 Ill. Adm. Code 102.410(b). However, BioSAFE moves that the Board waive the 200-signature requirement. Mot. at 1, 2, *citing* 415 ILCS 5/28(a) (2022); 35 Ill. Adm. Code

102.202(g); *see* SR at 17. BioSAFE argues that obtaining 200 signatures “would be unduly burdensome and unnecessary.” Mot. at 2. It adds that adopting its proposal would allow other entities to rely on another indicator microorganism and would have “no environmental impact.” *Id.* BioSAFE argues that this waiver is within the Board’s discretion under Section 28(a) of the Act and that the Board “has waived signature requirements in other rulemakings.” *Id.* at 2-3 (citations omitted).

“Within 14 days after service of a motion, a party may file a response.” 35 Ill. Adm. Code 101.500(d). The Board has received no response. The Board grants the unopposed motion for waiver of the signature requirement.

ORDER

- 1) The Board finds that BioSAFE’s proposal meets the requirements of the Act and the Board’s procedural rules at 35 Ill. Adm. Code 102.202 and accepts the proposal for hearing.
- 2) The Board grants proponent’s motion to waive the requirement to submit a petition signed by at least 200 persons.
- 3) The Board directs its assigned hearing officer to schedule and proceed to hearing under the Act and Board rules.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 3, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board