

SUBCHAPTER B: PACKAGING, LABELING AND SHIPPING REQUIREMENTS
§§326.17, 326.19, 326.21, 326.23
Effective May 26, 2016

§326.17. Identification.

Prior to packaging, labeling and shipping, health care-related facilities shall identify and segregate medical waste, as defined in §326.3(23) of this title (relating to Definitions), from ordinary rubbish and garbage produced within or by the facilities. Other municipal solid waste may be combined with medical waste or may be identified and segregated as a separate waste stream. Where medical waste and other municipal solid wastes are combined, the combined waste shall be considered to be medical waste.

Adopted April 27, 2016

Effective May 26, 2016

§326.19. Packaging.

(a) The generator shall place the container which contains medical waste in an outer container that is rigid, leak resistant, impervious to moisture, of sufficient strength to prevent tearing and bursting under normal conditions of use and handling, and sealed to prevent leakage or as otherwise required by the United States Department of Transportation under regulations set forth in 49 Code of Federal Regulations (CFR) §173.134 and 49 CFR §173.196 which include infectious substances.

(b) The generator shall place sharps in a rigid, marked, and puncture-resistant container designed for sharps as described in 49 CFR §173.134.

Adopted April 27, 2016

Effective May 26, 2016

§326.21. Labeling Containers Excluding Sharps.

(a) The generator shall conspicuously mark the outer container with a warning legend in English and in Spanish, along with the international symbol for biohazardous material as referenced under 29 Code of Federal Regulations (CFR) §1910.1030(g)(1)(i)(A). The warning must appear on the sides of the container, twice in English and twice in Spanish. The wording of the warning legend shall be: "CAUTION, contains medical waste which may be biohazardous" and "PRECAUCIÓN, contiene desechos medicos que pueden ser peligro biológico" or as otherwise required by the United States Department of Transportation under regulations set forth in CFR §173.134 and 49 CFR §173.196 which include infectious substances.

(b) The generator shall affix to each container a label that contains at the minimum the name and address of the generator, and the date of shipment.

(c) If the transporter assists with weighing containers and label preparation, the generator shall ensure that the container labels meet the requirements of this section before releasing them to the transporter.

(d) The generator shall record the weight or volume on the manifest for reporting and fee purposes. If the generator chooses to use weight, the generator may have the transporter weigh each container for the generator and note the weight on the container label prior to offsite transport. Applicable fees are provided in Subchapter G of this chapter (relating to Fees and Reporting) for each recording method.

(e) The generator shall ensure that the transporter affixes to each container a label that contains the name, address, telephone number, and state registration number of the transporter. This information may be printed on the container.

(f) The generator shall ensure that the printing on required labels is done in indelible ink with letters at least 0.25 inch in height.

(g) If a single label is used to identify the generator and the transporter, the transporter shall ensure the label is affixed to or printed on the container.

(h) The requirements of subsections (b) and (e) of this section shall not apply to shipments where the United States Postal Service or an equivalent delivery service is the transporter in accordance with the Mailing Standards of the United States Postal Service, Domestic Mail Manual, incorporated by reference in 39 CFR Part 111.

(i) The executive director may waive any or all of the requirements of this section if required to protect the public health and safety from the effects of a natural or man-made disaster.

Adopted April 27, 2016

Effective May 26, 2016

§326.23. Shipping.

(a) Generators may transport their own untreated waste or shall release medical waste only to transporters who are registered with the executive director to transport untreated medical waste, as required in §326.53 of this title (relating to Transporters) and in compliance with 49 Code of Federal Regulations §173.6(a)(4).

(b) Except for medical waste shipped via First Class or Priority Mail using the United States Postal Service, the generator shall obtain from the transporter a signed manifest for each shipment of medical waste.

(c) The generator shall maintain manifests regarding all shipments of untreated medical waste for a period of three years following the date of each shipment. This time period may be extended by the executive director for investigative purposes or in case of enforcement action.

(d) Generators and transporters shall maintain accurate and complete electronic or hard copy manifests for shipments of untreated medical waste and make them available for inspection by the executive director. Such manifest records shall be legible, complete and accurate originals or reproduced copies of the same, provided that any copy is authenticated by authorized personnel. The manifests may be available in electronic media with the capability for producing legible, accurate, and complete records for inspections. All documents must be available for viewing and/or copying at time of an inspection. The generator and transporter shall maintain adequate safeguards against tampering with and loss of records.

(e) Treated medical waste shipments including sharps or residuals of sharps originating from health care-related facilities shall be accompanied by a written statement to the solid waste landfill that the shipment has been treated by an approved method in accordance with 25 TAC §1.136 (relating to Approved Methods of Treatment and Disposition).

(f) Shipments of untreated medical waste shall be stored, processed or deposited only at a facility that has been authorized by the commission to accept untreated medical waste. Untreated medical waste that is transported out of the state must be deposited at a facility that is authorized by the appropriate agency having jurisdiction over such waste.

(g) Persons that transport untreated medical waste from Texas to other states or countries or from other states or countries to Texas, or persons that collect or transport waste in Texas but have their principal place of business in another state, shall comply with all applicable requirements of this chapter for such transportation activities. If such persons engage in any activity of managing medical waste in Texas by storage, processing, or disposal, they shall follow the applicable requirements for facility operators of such activities.