

The Texas Natural Resource Conservation Commission (commission) adopts an amendment to §330.2, concerning Definitions. The amendment is adopted without changes to the proposed text as published in the December 5, 1997, issue of the *Texas Register* (22 TexReg 12006) and will not be republished.

EXPLANATION OF ADOPTED RULE

The amendment implements legislative changes to Health and Safety Code, §361.560(3), regarding the definition of medical waste. House Bill 1644, 74th Legislature (1995), excluded from the definition of medical waste that medical waste produced on farmland and rangeland as defined in Agriculture Code, §252.001(6); and House Bill 956, 75th Legislature (1997), excluded from the definition those artificial, nonhuman materials removed from a patient and requested by the patient, including but not limited to orthopedic devices and breast implants.

FINAL REGULATORY IMPACT ANALYSIS

The commission has reviewed the rulemaking in light of the regulatory analysis requirements of the Texas Government Code §2001.0225 and has determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a “major environmental rule” as defined in the act, and it does not meet any of the four applicability requirements listed in §2001.0225(a). No comments on the proposal were received.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a Takings Impact Assessment for this rule pursuant to Texas Government Code Annotated §2007.043. The following is a summary of that assessment. The specific purpose of

the rule amendment is to revise the definition of medical waste to conform with legislative changes to the definition. The rule amendment substantially advances the specific purpose by incorporating the legislative changes into the definition of medical waste. Promulgation and enforcement of this rule amendment will not affect or create a burden on private real property because the amendment is only to revise the definition of medical waste by providing some legislatively-mandated exclusions. The exclusions will make the existing rule less stringent primarily by reducing the management standards for medical waste produced on certain farmlands and ranchlands.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

The commission has reviewed the rulemaking and determined that it is not an action that may adversely affect a coastal natural resource area that is subject to the Coastal Management Program (CMP). The rule does not govern any of the actions that must be subject to the goals and policies of the CMP, pursuant to 31 TAC §505.11.

COMMENTS

The proposed rule was published in the December 5, 1997, issue of the *Texas Register* (22 TexReg 12006), with a 30-day comment period which closed on January 5, 1998. No comments were received.

STATUTORY AUTHORITY

The amendment is adopted under Texas Water Code, §5.103, which provides the commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas; and the Solid Waste Disposal Act (Act), Texas Health and Safety

Code, §361.024, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the Act, and §361.560(3), which is the amended definition of medical waste.

SUBCHAPTER A : GENERAL INFORMATION

§330.2. Definitions

Unless otherwise noted, all terms contained in this section are defined by their plain meaning. This section contains definitions for terms that appear throughout this chapter. Additional definitions may appear in the specific section to which they apply. As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the feminine gender also include the masculine and neuter genders; words in the singular include the plural and words in the plural include the singular. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Medical waste - Waste generated by health-care-related facilities and associated with health-care activities, not including garbage or rubbish generated from offices, kitchens, or other non-health-care activities. The term includes special waste from health care-related facilities which is comprised of animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps as those terms are defined in 25 TAC §1.132 (relating to Definition, Treatment, and Disposition of Special Waste from Health-Care Related Facilities). The term does not include medical waste produced on farmland and ranchland as defined in Agriculture Code §252.001(6) (relating to Definitions - Farmland or ranchland), nor does the term include artificial, nonhuman materials removed from a patient and requested by the patient, including but not limited to orthopedic devices and breast implants.

