

4

Legislative, regulatory, and policy aspects

4.1 International agreements and underlying legislative and regulatory principles

International agreement has been reached on a number of underlying principles that govern either public health or safe management of hazardous waste. These principles—outlined below—should be taken into consideration when national legislation or regulations governing health-care waste management are formulated:

- **The Basel Convention**, signed by more than 100 countries, concerns transboundary movements of hazardous waste; it is also applicable to health-care waste. Countries that signed the Convention accepted the principle that the only legitimate transboundary shipments of hazardous waste are exports from countries that lack the facilities or expertise to dispose safely of certain wastes to other countries that have both facilities and expertise. Exported waste should be labelled according to the UN recommended standards outlined in section 7.3 (page 65).
- The **“polluter pays” principle** implies that all producers of waste are legally and financially responsible for the safe and environmentally sound disposal of the waste they produce. This principle also attempts to assign liability to the party that causes damage.
- The **“precautionary” principle** is a key principle governing health and safety protection. When the magnitude of a particular risk is uncertain, it should be assumed that this risk is significant, and measures to protect health and safety should be designed accordingly.
- The **“duty of care” principle** stipulates that any person handling or managing hazardous substances or related equipment is ethically responsible for using the utmost care in that task.
- The **“proximity” principle** recommends that treatment and disposal of hazardous waste take place at the closest possible location to its source in order to minimize the risks involved in its transport. According to a similar principle, any community should recycle or dispose of the waste it produces, inside its own territorial limits.

4.2 Legal provisions

National legislation is the basis for improving health-care waste practices in any country. It establishes legal controls and permits the national agency responsible for the disposal of health-care waste, usually the ministry of health, to apply pressure for their implementation. The ministry of environment or national environmental protection agency may also be involved; there should be a clear designation of responsibilities before the law is enacted.

The law should be complemented by a policy document, and by technical guidelines developed for implementation of the law. This legal “package” should specify regulations on treatment for different waste categories, segregation, collection, storage, handling, disposal, and transport of waste, responsibilities, and training requirements; it should take into account the resources and facilities available in the country concerned and any cultural aspects of waste-handling.

A national law on health-care waste management may stand alone or may be part of more comprehensive legislation such as the following:

- law on management of hazardous wastes: application to health-care waste should be explicitly stated;
- law on hospital hygiene and infection control: a specific chapter or article should be devoted to health-care waste.

The law should include the following:

- a clear definition of hazardous health-care waste and of its various categories;
- a precise indication of the legal obligations of the health-care waste producer regarding safe handling and disposal;
- specifications for record-keeping and reporting;
- specifications for an inspection system to ensure enforcement of the law, and for penalties to be imposed for contravention;
- designation of courts responsible for handling disputes arising from enforcement of or noncompliance with the law.

In addition, hospitals should be run, and health-care waste disposed of, in accordance with all other relevant national legislation, such as regulations pertaining to:

- waste in general;
- effects on public health and the environment;
- air quality;
- prevention and control of infectious disease;
- management of radioactive materials.

4.3 Policy document and technical guidelines

The policy document should outline the rationale for the legislation, plus national goals and the key steps essential to the achievement of these goals. It may contain the following:

- descriptions of the health and safety risks resulting from mismanagement of health-care waste;
- reasons for sound and safe health-care waste management practices in health-care establishments;
- listing of approved methods of treatment and disposal for each waste category;
- warning against unsafe practices, such as disposing of hazardous health-care waste in municipal landfills;
- management responsibilities within and outside health-care establishments;
- assessment of the costs of health-care waste management;

- key steps of health-care waste management: minimization, separation, identification, handling, treatment, and final disposal of waste; technical specifications for the implementation of each step should be described in separate technical guidelines;
- record-keeping and documentation;
- training requirements;
- rules governing the protection of workers' health and safety.

The technical guidelines associated with the legislation should be practical and directly applicable. They should include the following specifications, with sufficient detail to ensure that safe practices are observed and appropriate standards achieved:

- legal framework covering safe management of health-care waste, hospital hygiene, and occupational health and safety (limits of emission of atmospheric pollutants and measures for protection of water resources may be addressed here or in the other national guidelines);
- the responsibilities of public health authorities, of the national environmental protection body, of the heads of health-care establishments, of the scattered and smaller producers of health-care waste; and of the heads of any private or public waste-disposal agencies involved;
- safe practices for waste minimization;
- separation, handling, storage, and transport of health-care waste;
- recommended treatment and disposal methods for each category of health-care waste and for wastewater.

For ease of application, the definitions of health-care waste categories included in the law should be repeated in the technical guidelines.

Gradual implementation of the law is recommended in preference to any attempt to introduce all measures simultaneously, particularly where existing practices are inadequate.

Reference

UNEP (1997). *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1989, and Decisions Adopted by the First (1992), Second (1994) and Third (1995) Meetings of the Conference of the Parties*. Geneva, United Nations Environment Programme.