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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HEALTH AND SAFETY- HIGH-HEAT WASTE FACILITY ACT OF 2021

Introduced By: Representatives Caldwell, Serpa, Carson, Handy, Morales, Craven,
Bennett, Potter, Donovan, and Speakman

Date Introduced: February 24, 2021

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 19.17

4 HIGH-HEAT WASTE FACILITY ACT OF 2021

5 **23-19.17-1. Findings/Purpose.**

6 (1) As stated in §§ 23-19-3(14) and (16), solid waste incineration releases more than four
7 hundred (400) toxic pollutants including lead, mercury, dioxins, and acid gasses; poses
8 unacceptable threats to the health and safety of Rhode Islanders and the environment; and is the
9 most costly method of waste disposal;

10 (2) Other forms of high-heat waste processing including, but not limited to, gasification,
11 pyrolysis, plasma-arc, and chemical recycling, emit the same pollutants and pose the same
12 unacceptable threats to health, safety, and the environment as solid waste incineration, and are
13 likewise costly and unproven methods of waste disposal;

14 (3) Emissions from solid waste incineration and other high-heat waste processing facilities
15 and emissions from the combustion of fuels generated through gasification and pyrolysis contribute
16 to climate change;

17 (4) Energy derived from the combustion of solid waste, and from the combustion of fuels
18 derived from solid waste, is not renewable energy;

19 (5) To address the waste and plastic pollution that endanger health, safety, and the

1 environment, Rhode Island must work to reduce, divert, reuse, and recycle rather than burn waste;

2 (6) Solid waste incinerators and other high-heat waste processing facilities in the United
3 States are disproportionately located in communities of color and low-income communities, and
4 Rhode Island is committed to preventing the inequitable environmental burdens that come with the
5 construction and operation of such facilities;

6 (7) It is in the best interests of the health, safety, and welfare of residents of and visitors to
7 Rhode Island to protect our communities, environment, and natural resources by prohibiting the
8 construction and operation of solid waste incinerators and other high-heat waste processing
9 facilities.

10 **23-19.17-2. Definitions.**

11 As used in this chapter:

12 (1) Construction and demolition (C&D) debris" means non-hazardous solid waste resulting
13 from the construction, remodeling, repair, and demolition of utilities and structures and
14 uncontaminated solid waste resulting from land clearing. This waste includes, but is not limited to,
15 wood (including painted, treated, and coated wood, and wood products); land-clearing debris; wall
16 coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other
17 roof coverings; glass; plastics that are not sealed in a manner that conceals other wastes, empty
18 buckets ten (10) gallons or less in size and having no more than one inch of residue remaining on
19 the bottom; electrical wiring and components containing no hazardous liquids; and pipe and metals
20 that are incidental to any of the previously described waste. Solid waste that is not C&D debris
21 (even if resulting from the construction, remodeling, repair, and demolition of utilities, structures
22 and roads; land clearing) includes, but is not limited to, asbestos; waste; garbage; corrugated
23 container board; electrical fixtures containing hazardous liquids, such as fluorescent light ballasts
24 or transformers; fluorescent lights; carpeting; furniture; appliances; tires; drums; containers greater
25 than ten (10) gallons in size; any containers having more than one inch of residue remaining on the
26 bottom; and fuel tanks. Specifically excluded from the definition of construction and demolition
27 debris is solid waste (including what otherwise would be construction and demolition debris)
28 resulting from any processing technique, other than that employed at a department-approved C&D
29 debris processing facility, that renders individual waste components unrecognizable, such as
30 pulverizing or shredding.

31 (2) "Gasification" means a process through which materials are subjected to heat (generally
32 at, but not limited to, temperatures above nine hundred degrees Fahrenheit (900°F)) in a limited-
33 oxygen environment, converting carbon-based materials to synthetic fuels, chemical feedstocks,
34 waxes, lubricants, or other substances and solid residues, slag, ash, char, liquid wastes, and/or

1 wastewater.

2 (3) "Hazardous waste" means any waste or combination of wastes of a solid, liquid,
3 contained gaseous, or semisolid form which because of its quantity, concentration, or physical,
4 chemical, or infectious characteristics may:

5 (i) Cause or significantly contribute to an increase in mortality or an increase in serious
6 irreversible or incapacitating reversible illness; or

7 (ii) Pose a substantial present or potential hazard to human health or the environment.

8 (A) These wastes include, but are not limited to, those which are toxic, corrosive,
9 flammable, irritants, strong sensitizers, substances which are assimilated or concentrated in and are
10 detrimental to tissue, or which generate pressure through decomposition or chemical reaction. In
11 addition, these wastes include "industrial waste" as the term is used elsewhere, unless the context
12 shall clearly indicate otherwise.

13 (4) "High-heat waste processing facility" means a facility which:

14 (i) Generates electricity from the combustion, gasification, or pyrolysis of solid waste,
15 segregated solid waste, recyclable materials, construction and demolition (C&D) debris, hazardous
16 waste, or regulated medical waste;

17 (ii) Generates electricity from the combustion of fuel derived from the gasification or
18 pyrolysis of solid waste, segregated solid waste, recyclable materials, construction and demolition
19 (C&D) debris, hazardous waste, or regulated medical waste; or

20 (i) Disposes of, processes, or treats solid waste, segregated solid waste, recyclable
21 materials, construction and demolition (C&D) debris, hazardous waste, or regulated medical waste
22 through combustion, gasification, pyrolysis, or any process that exposes waste to temperatures
23 above four hundred degrees Fahrenheit (400°F).

24 (5)(i) "Regulated medical waste" means a special category of solid waste that includes
25 specific types of medical waste subject to the handling and tracking requirements. Regulated
26 medical wastes mixed with nonhazardous solid wastes are considered regulated medical wastes for
27 the purposes of this chapter.

28 (ii) A regulated medical waste is any waste generated in the diagnosis (including testing
29 and laboratory analysis), treatment, (e.g., provision of medical services), or immunization of human
30 beings or animals, in research pertaining thereto, or in the preparation of human remains for burial
31 or cremation, or in the production or testing of biologicals, or in the development of
32 pharmaceuticals, that is listed in this section but is not excluded or exempted in § 23-19.12-3(7)(iv).
33 Regulated medical waste becomes subject to the regulations in this chapter at the time and in the
34 location that the materials become waste.

1 (iii) The following categories of medical wastes are regulated medical waste:

2 (A) Cultures and stocks. Cultures and stocks of infectious agents and associated
3 biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of
4 infectious agents from research and industrial laboratories; wastes from the production of
5 biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer,
6 inoculate, and mix cultures.

7 (B) Pathological wastes. Human pathological wastes, including tissues, organs, and body
8 parts that are removed during surgery or autopsy, or other medical procedures.

9 (C) Human blood, blood products and body fluids:

10 (I) Liquid waste human blood or body fluids;

11 (II) Products of blood;

12 (III) Items saturated and/or dripping with human blood;

13 (IV) Items that were saturated and/or dripping with human blood that are caked with dried
14 human blood; including, but not limited to, serum, plasma, and other blood components and their
15 containers; or

16 (V) Specimens of body fluids and their containers.

17 (D) Sharps. Sharps that have been used in animal or human patient care or treatment
18 (including sharps generated from the preparation of human and animal remains for burial or
19 cremation), or in medical, research, or industrial laboratories, including, but not limited to,
20 hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades,
21 blood vials, needles with attached tubing, glass carpules, and glass culture dishes (regardless of
22 presence of infectious agents). Also included are other types of broken or unbroken glassware that
23 has been used in animal or human patient care or treatment, such as used slides and cover slips.

24 (E) Animal waste. Contaminated animal carcasses, body parts, and bedding of animals that
25 were known to have been exposed to infectious agents during research, (including research in
26 veterinary hospitals), production of biologicals, or testing of pharmaceuticals.

27 (F) Isolation wastes. Biological waste and discarded materials contaminated with blood,
28 excretion, exudates, or secretions from humans who are isolated to protect others from certain
29 highly communicable diseases, or isolated animals known to be infected with highly communicable
30 diseases. These diseases include:

31 INFECTIOUS AGENT DISEASE

32 Variola minor Alastrim

33 Variola major Smallpox

34 Monkey pox Human Monkeypox

- 1 [White pox Crimean hemorrhagic fever virus Crimean hemorrhagic fever](#)
- 2 [Junin virus Argentine hemorrhagic fever](#)
- 3 [Machupo virus Bolivian hemorrhagic fever](#)
- 4 [Herpes virus simiae \(Monkey B\) Oncogenic in primates](#)
- 5 [Lassa virus Lassa fever](#)
- 6 [Marburg virus Marburg virus disease](#)
- 7 [Russian spring-summer Russian spring-summer](#)
- 8 [encephalitis virus encephalitis](#)
- 9 [Kyasanur forest disease virus Kyasanur forest disease](#)
- 10 [Omsk hemorrhagic fever virus Omsk hemorrhagic fever](#)
- 11 [Central European Central European](#)
- 12 [encephalitis virus encephalitis](#)
- 13 [Venezuelan equine encephalitis virus Venezuelan equine encephalitis](#)
- 14 [Yellow fever virus Yellow fever](#)
- 15 [Ebola virus Ebola virus disease](#)
- 16 [Absettarov virus Tick-borne encephalitis](#)
- 17 [Hanzalova virus Tick-borne encephalitis](#)
- 18 [Hypr virus Tick-borne encephalitis](#)
- 19 [Kumlinge virus Tick-borne encephalitis \(G\) Any other diseases identified as Biosafety](#)
- 20 [Level 4 etiologic agents by the Center for Disease Control.](#)
- 21 [\(H\) The following diseases are included in the list of "highly communicable diseases"](#)
- 22 [associated with animals. Unless otherwise noted by an asterisk, these diseases are part of the](#)
- 23 [National Notifiable Disease Surveillances System list:](#)
- 24 [Anthrax](#)
- 25 [Botulism](#)
- 26 [Brucellosis](#)
- 27 [Eastern Equine Encephalitis](#)
- 28 [Leptospirosis](#)
- 29 [Lyme Disease](#)
- 30 [Plague](#)
- 31 [Psittacosis \(Chlamydiosis\)](#)
- 32 [Rabies](#)
- 33 [Salmonellosis](#)
- 34 [Trichinosis](#)

- 1 Tuberculosis
- 2 Tularemia
- 3 *Cat-Scratch Fever Disease
- 4 *Ebola Virus
- 5 *Ehrlichia canis
- 6 *Encephalomyocarditis
- 7 *Monkey B-Virus
- 8 *Monkey Marburg Virus
- 9 *Poxvirus
- 10 *"Q" Fever
- 11 *Rocky Mountain Spotted Fever
- 12 *Vesicular Stomatitis
- 13 (I) Unused sharps. Unused discarded sharps, including hypodermic needles, suture needles,
- 14 syringes, and scalpel blades.
- 15 (J) Spill/cleanup material. Any material collected during or resulting from the cleanup of a
- 16 spill of regulated medical waste.
- 17 (K) Mixtures. Any waste which is a mixture of regulated medical waste and some other
- 18 type of waste which is neither radioactive nor a hazardous waste of a type other than regulated
- 19 medical waste.
- 20 (iv) Exclusions and exemptions. The following categories of medical waste are specifically
- 21 excluded from the definition of regulated medical waste:
- 22 (A) Hazardous waste identified or listed under DEM hazardous waste regulations
- 23 promulgated under § 23-19.1-6. Regulated medical waste that is mixed with hazardous waste shall
- 24 be defined as hazardous waste and shall be regulated in accordance with DEM hazardous waste
- 25 regulations.
- 26 (B) Household medical waste, limited to medical waste generated by individuals on the
- 27 premises of a single-family home or single-family dwelling unit or by members of households
- 28 residing in single and multiple residences, hotels, and motels which serve as a residence for
- 29 individuals, provided the dwelling is not serving as a commercial or professional office where
- 30 individuals who are not members of the family residing at the dwelling are receiving medical care
- 31 by a health care professional.
- 32 (C) This exemption includes the wastes generated by health care providers in private homes
- 33 where medical services are provided to individuals who reside there.
- 34 (D) Medical waste generated and disposed of with residential solid wastes from a single

1 family residential premise or single-family dwelling unit shall be exempt from these regulations
2 except where regulated medical waste is generated from commercial or professional offices.

3 (E) Incinerator ash and treatment/destruction residue. Regulated medical waste that has
4 been both treated and destroyed is no longer regulated medical waste; this includes ash from the
5 incineration of regulated medical waste (provided the ash meets the definition for treated regulated
6 medical waste and destroyed regulated medical waste) and residues from wastes that have been
7 both treated and destroyed (e.g., waste that has been subjected to decontamination and grinding, or
8 chemical disinfection followed by grinding, or stream sterilization followed by shredding).

9 (F) Human remains, e.g., corpses and anatomical parts that are stored, transported, or
10 otherwise managed for purposes of interment or cremation. However, regulated medical waste
11 attached to, or within, a corpse is not exempt and must be removed and then managed as regulated
12 medical waste.

13 (G) Etiologic agents that are being transported intrastate and/or interstate between facilities
14 pursuant to regulations set by the U.S. department of transportation, the U.S. department of health
15 and human services, and all other applicable shipping requirements.

16 (H) Enforcement samples, including samples of regulated medical waste obtained during
17 enforcement procedures by authorized U.S. environmental protection agency personnel and the
18 state of Rhode Island.

19 (6) "Pyrolysis" means a process through which materials are subjected to heat (generally
20 at, but not limited to, temperatures above four hundred degrees Fahrenheit (400°F) in the absence
21 of oxygen, converting carbon-based materials to synthetic fuels, chemical feedstocks, waxes,
22 lubricants, or other substances and solid residues, slag, ash, char, liquid wastes, and/or wastewater.

23 (7) "Recyclable materials" means those materials separated from solid waste for reuse. The
24 director of the department of environmental management, through regulations, shall specify those
25 materials that are to be included within the definition of recyclables. The materials to be included
26 may change from time to time depending upon new technologies, economic conditions, waste
27 stream characteristics, environmental effects, or other factors.

28 (8) "Segregated solid waste" means material separated from other solid waste for reuse.

29 (9) "Solid waste" means garbage, refuse, tree waste as defined in § 23-18.9-7(14), and other
30 discarded solid materials generated by residential, institutional, commercial, industrial, and
31 agricultural sources, but does not include solids or dissolved material in domestic sewage or sewage
32 sludge or dredge material as defined in chapter 6.1 of title 46, nor does it include hazardous waste
33 as defined in chapter 19.1 of title 23, nor does it include used asphalt, concrete, or Portland concrete
34 cement.

1 **23-19.17-3. Prohibition on New High-Heat Waste Processing Facilities.**
2 Notwithstanding any other law, rule, or regulation to the contrary, no permit or license shall
3 be issued for the construction or operation of a new high-heat waste processing facility, and no
4 application for a permit or license for such a facility shall be granted or issued by the state.
5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY- HIGH-HEAT WASTE FACILITY ACT OF 2021

- 1 This act would prohibit new high-heat waste processing facilities.
- 2 This act would take effect upon passage.

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