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Commentary on A Strategy for the Development of New Biomedical Waste Management Facilities in Ontario

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The Institute was pleased to receive a copy of the Ministry of the Environment and the Ministry of Health's discussion paper A Strategy for the Development of New Biomedical Waste Management Facilities in Ontario. The paper attempts to address a number of long-standing concerns regarding hospital incinerators in the province of Ontario. Indications from the government of Ontario that it intends to act on the issue are welcome and appropriate.

The discussion paper's proposal to develop a number of regional facilities to deal with "biomedical" wastes is a sensible and rational approach. A single facility would require the transportation of wastes from remote areas of the province. This would involve substantial costs and increase the chance of the accidental release of wastes into the environment during transport. The development of facilities by each individual hospital would be extremely inefficient and expensive.

The question of the ownership of new facilities raises a number of important issues. As noted in the discussion paper, the new facilities must be operated in a cost effective manner, recognizing the funding constraints and limited resources available in the health care field. Given these considerations, the best approach might be to form non-profit cooperatives among the participating hospitals in each region to construct and operate the new facilities.

Cooperative arrangements currently exist among hospitals in a number of areas, such as security services and purchasing, and an extension of the model to biomedical waste management facilities would seem a reasonable step. The establishment of non-profit cooperatives would ensure that the charges for services would reasonably reflect the costs of operating the facilities. Members of the public are also more likely to have confidence in hospital cooperative operators than in private sector actors. This an especially significant consideration in light of the past record of some private firms in the field.[1]

The proposal to develop more precise definitions of biomedical wastes under Regulation 309 will be critical to the facilitation of 3Rs activities in hospitals. It also will be important in determining the size of the new facilities needed to deal with biomedical wastes requiring destruction. Consequently, the new definition should be implemented immediately. At the same time,

hospitals should begin to undertake 3Rs initiatives as recommended by the Recycling Council of Ontario.[2]

While the discussion paper's basic proposals for the development of regional biomedical waste management facilities are very sound, the suggested approvals process has the potential to lead to serious problems. The proposal to replace the environmental assessment process with regional planning committees, in particular, appears to invite difficulties.

There is a strong possibility that proposals to develop new facilities, particularly if the involve incineration, will provoke very strong negative responses from the likely host communities. It is far from certain that the proposed regional planning committees will have either the legitimacy or the expertise to respond to such situations. Indeed, the committees, as proposed, would have very strong representation from the proponents of the new facilities. This could lead to questions regarding the validity of their technical assessments of the available treatment technologies. Their siting decisions might also be challenged. It is not clear if the role of the planning committees is to evaluate technologies and potential sites, or to "sell" facility proposals to would-be host communities.

A better approach might be to apply the environmental assessment procedure to the proposed facilities, but to split the

process into two parts. The first would be a form of "class" environmental assessment, addressing the generic, policy-level issues related to the development of new facilities for the province. This would include the establishment of the need for new facilities, and the review of the available treatment technologies.

Once the need for new facilities had been established, and the best available treatment technologies identified, local processes might be started for each region. These would focus on the questions of the size and location of the new facilities to be constructed in the region. This narrower discussion would be facilitated by the establishment of a broad need for facilities during the first stage. However, the legitimating capacity of the Environmental Assessment Board, through the environmental assessment and Environmental Protection Act Part V processes, may be necessary to ensure public acceptance of siting decisions.

Variations on this sort of approach have been employed by the governments of Alberta and Manitoba in their efforts to establish hazardous waste treatment and disposal facilities. The Environment Council of Alberta and Manitoba Clean Environment Commission were both successful in establishing in the mind of the general public the need for construction of new facilities in a timely and efficient manner.[3] The similar technique also has been recently employed in Ontario regarding the establishment of mobile PCB destruction facilities. A Commission on the Regulatory Control of

Mobile PCB Destruction Facilities was created June, 1984, to develop administrative and regulatory procedures and evaluative criteria for applications for the establishment of mobile PCB destruction facilities. The Commission delivered its report in June, 1985.[4] The first PCB destruction facility, located at Smithville, Ontario, was approved in July, 1990, following a hearing before the Environmental Assessment Board.[5]

Concerns regarding the length of time needed to obtain approvals for undertakings under the Environmental Assessment Act should be addressed through structural reforms to the environmental assessment process. They should not be approached through a return to the past practice of exempting undertakings from the requirements of the Act. The effort to avoid the environmental assessment process proposed by the Ministries of the Environment and of Health's discussion paper further reinforces the need to accelerate the completion and implementation of the Environmental Assessment Process Improvement Project. It should be made possible for undertakings which are properly planned and designed, and for which there is a clear need, to move through the process within a reasonable time frame.

Endnotes

1.See, for example, "Biomedical waste charges laid in Quebec, Ontario," The Globe and Mail, September 7, 1991.

2.Brown, S.L., Kjollesdal, D.E., and Lee, M.H., and Kirkby, G., ed., Protecting Community Health: 3R's Solution to Health Care Waste, (Toronto: Recycling Council of Ontario, 1992), esp. pp. 38-59.

3.See Hazardous Waste Management in Alberta: Report and Recommendations, (Edmonton: Environment Council of Alberta, 1980) and the Manitoba Clean Environment Commission, Hearings on Hazardous and Special Wastes, (Winnipeg: Manitoba Department of the Environment, Workplace Safety and Health, 1984, 1987).

4.The Commission on the Regulatory Control of Mobile PCB Destruction Facilities, Report of the Commission, (Toronto: Ontario Ministry of the Environment, 1985).

5.See Ontario Environmental Assessment Board, Decision regarding An Application for ENSCO Inc. to Establish a Class 1 Mobile PCB Destruction Facility Waste Management System at Smithville Ontario, (Toronto: Environmental Assessment Board, May , 1990), EP-89-03.