

March 16, 2020

Jim Mullen, Acting Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590-0001

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**PETITION OF THE
NATIONAL WASTE & RECYCLING ASSOCIATION**

**FOR REGULATED MEDICAL WASTE COMPANIES TO BE INCLUDED IN EMERGENCY
DECLARATION NO. 2020-002**

The National Waste & Recycling Association (NWRA) submits this request on behalf of the waste and recycling industry, specifically the regulated medical waste sector, pursuant to 49 C.F.R. § 381.300 et seq. petitioning to be included in emergency declaration No. 2020-002 to be exempted from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs). NWRA asks for this inclusion to enable regulated medical waste (RMW) haulers to adequately respond to the increase in medical waste to be generated from the COVID-19 pandemic.

NWRA applauds the Federal Motor Carrier Safety Administration (FMCSA) for their quick action on exempting carriers of essential supplies, equipment, and persons. As more and more supplies are used, there will be an increase in medical waste and solid waste that will need to be disposed of properly to maintain public health. In addition, we need to be prepared for other impacts to facility operations such as our own employees becoming ill from community spread of the virus as well as limited availability of personal protective equipment (PPE) due to panic buying by the public. These could limit the operational efficiencies resulting in the need for additional regulatory flexibility. In order to maintain the waste disposal portion of public health, NWRA is asking for regulated medical waste companies be included in Emergency Declaration No 2020-002.

To maintain an acceptable level of public health, NWRA also asks FMCSA to monitor, in consultation with NWRA, the rest of the solid waste sector for indication that the pandemic is having an adverse affect on solid waste collection. If the industry does experience adverse affects that would result in degraded public health, NWRA asks that the entire waste and recycling industry be included in Emergency Declaration 2020-002.

BACKGROUND

NWRA is the trade association representing the private sector waste and recycling industry that is essential to maintaining the quality of American life by protecting public health and the environment. The delivery of waste and recycling services impacts all residential, commercial, and industrial properties on a daily basis. Our members collect, process, and manage waste, recyclables, organics, RMW and other healthcare wastes; operate and manage landfills in compliance with all federal and state laws; manage and service truck fleets and collection vehicles; design, manufacture, sell, and service equipment and supplies.

The association's mission is to provide leadership, education, safety expertise, research, and advocacy to promote the waste and recycling industry. NWRA's goal is to ensure a climate where our members can continue to provide safe, economically sustainable, and environmentally responsible services and jobs that benefit communities throughout America.

NWRA's Safety Committee provides insights and best practices on how to prevent injuries to the industry's workers. The association convenes a number of institutes that provide leadership on landfills, recycling, and healthcare waste. The association also serves as Secretariat for the American National Standards Institute (ANSI) Z245 Equipment Technology and Operations for Wastes and Recyclable Materials. Along with our partner Informa, we collaborate on WasteExpo, North America's largest waste and recycling exposition and conference. Our educational offerings are known and respected around the world.

Our members operate in all 50 states and the District of Columbia. Waste and recycling facilities number nearly 18,000 scattered throughout the U.S., mirroring population centers. Our nearly 700 members are a mix of publicly-traded and privately-owned local, regional, and Fortune 500 national and international companies. NWRA represents approximately 70 percent of the private sector waste and recycling market.

The solid waste industry directly employs about 470,000 people as of late 2019 with a total payroll of more than \$29 billion. It is estimated that the private sector waste and recycling industry is responsible for sustaining more than one million jobs.

Waste and Recycling Industry Fleet Operations Overview

The waste (garbage, trash, solid waste) and recycling (paper, plastic, aluminum, metal, compost) collection trucks that service nearly every American household and business are the most recognized part of the industry's fleet. Most Americans know these trucks when they see one as they are unique, highly-specialized vehicles.

Although waste and recycling collection trucks are virtually identical in most respects, they are significantly different in the means by which the material is emptied into the cargo area (e.g. rear-, front-, automated side-load, etc.). Depending on the line of business and the size of the company, drivers may slip-seat trucks or drivers may operate several trucks per week and in many cases drive more than one truck in a single day.

Residential collection: The national average of daily residential stops is between 400 and 600 customers per day for rear-load trucks. Some automated collection routes, however, are capable of as many as 1,500 to 2,000 stops in a day, requiring the driver to perform an auxiliary

function to operate the automated controls, but not necessarily requiring the driver to exit the truck. The driver is seated at the driving controls of the vehicle, but is unable to simultaneously perform the driving and auxiliary functions.

Commercial collection route trucks tend to have fewer stops than residential routes, but can average more than 80 stops per day. These stops often involve more vehicle backing and maneuvering to obtain access to the container and require the driver to perform an auxiliary function to operate the automated controls. These trucks travel on a wide variety of roadways including short distances on interstate highways, residential neighborhood streets, industrial complexes, and loading dock areas.

Regulated medical waste: The healthcare waste industry services hospitals, urgent care facilities, doctors' offices, nursing homes, laboratories, and other facilities serving the healthcare sector. They deliver RMW to transfer stations or treatment facilities.

Thank you for your consideration to include the Regulated Medical Waste Sector in Emergency Declaration 2020-002, as we enter these uncertain times. We look forward to working with you provide a safe working environment for our industry while maintaining public health through the COVID 19 pandemic.

Respectfully submitted,



Dr. Darrell K. Smith, PhD
President & CEO



1550 Crystal Drive, Suite 804, Arlington, VA 22202