

## **MINUTES**

### **MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY**

**Call to Order:** By Chairman Dorothy Eck, on March 15, 1991, at 3:30 p.m.

#### **ROLL CALL**

**Members Present:**

Dorothy Eck, Chairman (D)  
Eve Franklin, Vice Chairman (D)  
James Burnett (R)  
Thomas Hager (R)  
Judy Jacobson (D)  
Bob Pipinich (D)  
David Rye (R)  
Thomas Towe (D)

**Members Excused:** None.

**Staff Present:** Tom Gomez (Legislative Council)  
Christine Mangiantini (Committee Secretary)

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

#### **HEARING ON HOUSE BILL 162**

#### **Presentation and Opening Statement by Sponsor:**

Representative Bob Gilbert opened by saying this bill will require the Department of Health and Environmental Sciences (DHES) to establish minimum standards for the control of sewage from private and public buildings. It will also require local boards of health to adopt regulations that are no less stringent than the state standards and hopefully no more stringent for the control and disposal of sewage. In Montana, there is no regulation of septic systems. A recent series of water well tests performed by the Agricultural Extension Service in northeastern Montana found over 60 percent were contaminated by sewage related products. Hopefully, in the future the state will have rules for all new installations and all re-installations. This may also prompt DHES to research new types of septic systems instead of just drain field systems. Representative Gilbert passed to the committee Exhibit #1, a proposed amendment drafted by the Environmental Quality Council. As the bill is currently drafted, all variances would have to be approved by DHES. That is physically impossible. The new language will allow local boards of health to investigate variances.

Proponents' Testimony:

The first witness was Steve Pilcher, administrator for the Environmental Sciences division, DHES. He said there are some counties within Montana that do not have a program to control the installation and replacement of subsurface disposal systems. This bill would allow DHES to adopt rules to ensure that all installations met certain minimum public health and environmental protection standards. He said Mr. Rick Duncan from DHES was available to answer any questions.

The second witness was Howard Reid, representing the Lewis & Clark City/County Health Department. He said they support the bill and recognized the need for statewide standards. The proposed amendment has some problems. In effect, the appeal process would be allowed through DHES. Local health departments have more stringent standards than the minimum standards provided by the state. That language needs to be stricken from the proposed amendment.

The third witness was Linda Lee, representing the Montana Audubon Legislative Fund. She said on behalf of the 2,500 members across Montana, they urged passage of the bill.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Jacobson asked Mr. Reid if he supported the amendment offered by Representative Gilbert.

Mr. Reid said the amendment would make variance procedure activities a responsibility of the local boards of health. It also allows for a citizen to appeal a local boards variance which would in effect mean if a local board denies a variance the individual has the right to appeal to DHES. This will subvert local health department regulations that are more stringent than minimum requirements set by DHES.

Chairman Eck asked about the 60 percent well contamination.

Representative Gilbert said he thought it was actually 67 percent. They have 25-30 year old septic systems that need replaced or systems that have not been inspected that are improperly installed. Most residents did not even know their wells were infected.

Senator Burnett asked about the 67 percent calculation.

Representative Gilbert said it was the percentage of wells that the Extension Service tested, in one section of northeastern Montana.

Closing by Sponsor:

Representative Gilbert closed by asking the committee to adopt his amendment. He said Montanans have rights and if the rules do not allow for appealing their cases, then we have taken their rights away.

HEARING ON HOUSE BILL 239

Presentation and Opening Statement by Sponsor:

Representative Bob Raney opened by saying this bill is the Infectious Waste Management Act, a product of the Environmental Quality Council (EQC). This had more public participation than any bill drafted by EQC. The nation has recognized numerous special wastes such as oil, batteries and tires. During the last four or five years infectious waste has come to the forefront. It needs special handling. He said they worked with industry and their recommendations were implemented into the bill. EQC was the public forum for establishing the standards that are reflected in the bill. The standards are designed to protect the public health, safety, welfare and environment. He turned to page 2, section 3 (4) and read the definition of infectious waste. It is quite restrictive. Four elements are necessary to connotate infectious waste. Generators of infectious waste are required to separate it from other waste at the source of origin and store it in proper containers in a secure area until it is rendered non-infectious by methods such as incineration, chemical application or steam. Liquid waste may be disposed of in sewage and septic systems when proper criteria are met. The fiscal note denotes the highest possible cost of implementation. It will probably be less than that amount.

Proponents' Testimony:

The first witness was Nancy Oberg, representing the Montana Solid Waste Contractors organization. See Exhibit #2 for a copy of her testimony.

The second witness was Roger Tippy, representing the Montana Dental Association. This legislation, on the national scene, came from media stories such as syringes washing ashore on beaches. Locally, Representative Raney had a situation in his district just before the 1989 session when the incinerator in Livingston was considering burning large quantities of hospital waste from out-of-state sources. The people in the community were upset. Two years ago a similar bill was introduced that was patterned after east coast states' regulations, it proved unworkable for Montana. They had extensive permit systems through one state agency and were requiring all generators to receive annual permits or risk being shut down. In some states the annual fee was \$800.00 per year. One problem encountered was the exemption of small generators.

Mr. Tippy continued by saying the coalition for Infectious Waste Management was organized in the interim by Billings dentist, Dr. David Casagrande. He wrote to a number of people and sought input from other providers. Many groups participated. The genius of this bill is that it will cost less than 1 FTE to administer. The Board of Dentistry will adopt standards and use that information during license renewal. The House Committee adopted one amendment on page 6 (b), "liquid or semi-solid infectious waste may be discharged into a solution that provides secondary treatment or into a primary system if the waste were sterilized by chemical treatment." He said the Montana Dental Association supported the bill as it was currently written.

The third witness was Alan Towler, representing the City of Billings. See Exhibit #3 for a copy of handouts he submitted to the committee. He stressed that he was not speaking in opposition to the intent of the bill. He said they were concerned about a portion of the bill which allows the disposal of certain types of unsterilized, infectious waste into sanitary sewer systems. Specifically, section 5, paragraph 4, which allows for the discharge of liquid and semi-solid waste into a sanitary sewer system providing secondary treatment without sterilization. Their concern is the safety and health of the sewer system workers. Everyday these workers are exposed to contact with raw sewage. They try to follow recommended safety and health practices. In Billings, one worker was stuck by a discarded needle while working in the sewer system. This increases the risk of infection and disease. They are concerned about adding more infectious agents to the sewer system. Data is lacking on transmission of infectious diseases other than the HIV virus. The proposed legislation allows the disposal of blood and blood products. It is well established that these are a primary route of transmission for some infectious diseases. They are also concerned about the compound effects of exposure. He asked the committee to consider the following amendment: require any infectious waste disposed of in a sanitary sewer system be sterilized and require that any discharge of any such waste be subject to approval of the local sewer authorities.

The fourth witness was Jim Aherns, president of the Montana Hospital Association. He said a group of providers met for well over 18 months. Most experts agree that hospital infectious waste is not a problem. However, there is a public perception which makes it a problem. Hospital waste is probably less infectious than household waste. He said the bill reflects an agreement from the group of industry representatives that met during the interim. In 1993, hospitals can no longer put infectious waste into a landfill. It will have to be sterilized or chemically treated. He said he hopes there are not too many amendments put on the bill because it will increase the impact of hospital costs.

The fifth witness was Brian McNet, representing the Montana

Environmental Information Center. He said during the interim they learned much about infectious waste and it really is a perception problem. This bill establishes a good framework, it has been well planned. There may be a potential problem with importation of infectious waste into Montana. He said EIC is in favor of the bill as it stands.

The sixth witness was Richard Nisbet, representing the City of Helena. See Exhibit #4 for a copy of his remarks.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Burnett asked Mr. Aherns if hospitals had to ship infectious waste out of the state.

Mr. Aherns said not at this time. It is disposed of in a landfill, incinerated or sterilized.

Senator Pipinich asked Mr. Aherns if he agreed with the proposed amendments from the City of Billings.

Mr. Aherns reviewed the proposed amendments.

Senator Rye asked Representative Raney if he would respond to the testimony given by the representatives of the City of Billings.

Representative Raney said this process started 18 months ago and the City of Billings was notified of everything that was being discussed. Suddenly they have started participating in the last month and they do not seem to like much of what was agreed upon and accomplished. The proposed amendment does not make sense. He read from the bill along with the proposed amendment.

Mr. Towlerton said that was not their interpretation. If the waste is disposed of into a system with secondary treatment it does not need to be sterilized. The only time sterilization is applied is for primary treatment. That is how they interpreted the bill. If the intent is that any waste disposed of into a sanitary sewer system regardless of whether it is secondary or primary treatment, then that is o.k. He asked for clarification in the bill to avoid confusion.

Senator Towe asked Representative Raney to respond to those comments.

Representative Raney said the bill was written for rulemaking purposes. They were extremely careful when they wrote the language that they would not put small funeral homes out of business. He said they could not write an all encompassing bill.

Representative Raney continued by saying it was written for everyone, not addressing one particular situation. It was tough to gain agreement on this language. It is a credit to the industry. If the committee implements the recommendations from the City of Billings you will lose all of the small funeral homes in rural Montana.

Mr. Tippy said if the waste from the funeral homes or the dental chairside goes into secondary treatment to a sewer system it is directly disposed of. There are no municipal systems that provide primary treatment. This section was included for the protection of the environment. He said it was unrealistic to assume small generators could treat the waste before discharge into the system. It is not anymore dangerous than what is being generated from the home. It is a perception problem.

Senator Towe asked Mr. Towlerlton to respond.

Mr. Towerlton said that is not satisfactory. A 1990 report to Congress on the public health implications of medical waste indicated that limited data is available on communicable diseases attributable to medical waste. Limited information is available on the number of medical waste injuries or infections sustained by refuse workers. He asked the committee to err on the conservative side and provide protection for workers who may have an increased risk.

Representative Raney said the committee needs to remember what it took to put the bill together. If they want to write their own bill that would be fine with him. He said they focused on infectious waste, the definition is on page 3. If a municipal sewer worker is present where the main comes out of the hospital the potential for blood contamination is minute. Needles are considered solid infectious waste which is prescribed for elsewhere. The only thing they can be referring to is blood and spit. We run into the danger of amending the bill which will affect businesses you are not meaning to impact.

Mr. Tippy said the bill was carefully crafted over the interim. He said both municipalities that have testified are self-governing.

Mr. Aherns said if the proposed amendments require another permit he would have major concerns.

#### Closing by Sponsor:

Representative Raney said he hoped the committee did not amend the bill. He said they wrote this bill because of people being exposed to the waste in dumpsters. He thanked the committee for a good hearing.

HEARING ON HOUSE BILL 943

Presentation and Opening Statement by Sponsor:

Representative Ervin Davis opened by saying this bill relates to the licensure and regulation of sanitarians. He handed the committee testimony from Paddy Trusler. See Exhibit #4. He asked the chair to recognize the witnesses.

Proponents' Testimony:

The first witness was Jo Ann Chance, representing the Montana Surveyors Council. She said they supported the bill and said they appreciated the time Representative Davis had given to passage of the bill.

The second witness was Howard Reid, registered sanitarian for Lewis & Clark City/County Health Department. He said they support the bill but there is one portion regarding requirements at the local level that he has problems with. He read from the exemption clause in the bill. He said they would like to see certification and registration instead of exemption.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Burnett asked Representative Davis about the costs of the bill.

Representative Davis asked the chairman to recognize Helena Lee, administrative assistant to the Board of Sanitarians.

Ms. Lee said section 2, line 4, page 5 is a result of a meeting the Board of Sanitarians had with the Department of Health. It was their desire to insert this language into the legislation.

Senator Jacobson asked Mr. Reid about this language.

Mr. Reid said his understanding was that state employees and licensed professional engineers were exempt from registration as sanitarians although they are carrying out work in the same areas as registered sanitarians. He said they would like to have the same registration instead of the exemption.

Senator Burnett asked about the revenue and operational costs.

Mr. Steve Meloy, bureau chief for Professional and Occupational Licensing, Department of Commerce, responded by saying the funding was created by fees charged for licensure. This bill generates approximately \$3,470.00.

SENATE PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

March 15, 1991

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Mr. Meloy continued by saying there was no fee increase because that board has an \$18,000 cash balance. The board can draw down on that account.

Senator Pipinich asked if the expenditures would be paid for by fees, not the general fund.

Mr. Meloy said that was correct.

Senator Pipinich said he was confused about the proposed amendments.

Helena Lee said they pertained to exemptions. The Board of Sanitarians had met with the Department of Health. It was their desire that a registered sanitarian did not need another license.

Senator Rye asked Representative Davis why they needed the legislation.

Representative Davis said the bill is an up-date. It has been through the whole process and survived. He asked the chairman to recognize Jo Ann Chance.

Ms. Chance said she represents the engineers but is also a registered sanitarian. She spoke with Paddy Trustler, who represents the Sanitarian Association, he said sanitation used to be a field where they inspected restaurants and septic systems but because of the complexity of environmental fields sanitarians now approve removal of underground storage tanks, assist the Department of Health with hazardous waste management and air pollution control. The engineers are strongly opposed to being required to register as a sanitarian. Engineering is a technical field with a lengthy registration process. It is a harder exam than the sanitarians test. Chemists and hydrogeologists working in the same field are not registered sanitarians and should not have to be. They are qualified because of the specific knowledge of the field they are working in.

Senator Burnett wanted to know which department set the regulation on underground storage tanks.

Ms. Chance said the Department of Health is the main regulatory body.

Senator Pipinich asked if they assisted in checking air quality.

Ms. Chance said some sanitarians are called upon to assist in that area. For example, if someone wants to have an 'open burn' they have to acquire a permit from the county sanitarian. Some county health departments have programs on wood stoves.

Senator Towe wanted to know who was present from the Board of Sanitarians.

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Ms. Lee said she was their administrative assistant. She said she approved of the bill. She read from Exhibit #4. The statutes were last revised in 1981 and needed to be up-dated.

Senator Franklin asked who was the chairman of the Board of Sanitarians.

Ms. Lee said it was Mr. Sancalvet from Chester, Montana.

Senator Towe asked Mr. Meloy about the amendment in section 2, exemptions. He read from this section of the bill.

Mr. Meloy said he was frustrated that a member of the Board of Sanitarians was not present. He said the bill was not a part of the Department of Commerce legislative package. The Board found a sponsor and Ms. Lee is hear to answer questions. He said he will have a member of the Board available at executive action.

Senator Towe read the exemption clause of the bill and asked about the intent.

Ms. Lee said the amendment originated from Jo Ann Chance.

Ms. Chance said the intention is to meet all criteria. She said right now there are environmental engineers who may be licensed as professional engineers. She said many work in the areas listed under the definition of sanitarian. The test has nothing to do with the field of environmental engineering. It is unfair to those professionals to require them to take the sanitarians exam.

Senator Towe said that the intent was to have just government employees to take the exam.

Ms. Chance said she was not speaking for the Sanitarians Association. It primarily regulates the county sanitarians.

Senator Pipinich asked how many there were.

Ms. Lee said approximately 159.

Closing by Sponsor:

Representative Davis thanked the committee for the hearing. He said he was asked to carry the bill by Paddy Trustler. He asked the committee to contact him prior to executive action and he would have representatives from the sanitarians organizations in attendance.

HEARING ON HOUSE JOINT RESOLUTION 16

Presentation and Opening Statement by Sponsor:

Representative Bob Gervais he said this resolution is required because of a change in the federal Department of Health and Human Services regulations restricting Native American veterans use of contract health services. This bill gives Native Americans the option of using contract health services instead of veterans health services. On the reservation the Native American veterans are discriminated against because they have an honorable discharge and cannot use Indian Health Services. They were not told this when they entered the armed services. This bill only asks for the option of allowing honorably discharged Native Americans to be able to use Indian Health Services as well as the veterans hospital.

Proponents' Testimony:

The first witness was George Poston, representing the Veterans Committee of Montana. He said they were in favor of this bill because it eliminates discrimination against Montana veterans. He urged passage.

The second witness was Hal Mansion, representing the American Legion of Montana. They are very much in favor of the bill. It is wrong that an individual of a tribe that honorably served their country and loses the right to health care. Some reservations, Blackfeet and Fort Peck, are a long way from Veteran Administration hospitals. It is not convenient for a person with little money to make it to the veterans hospitals.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

Representative Gervais closed by thanking the committee for the hearing.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 16

Motion:

Senator Franklin moved concurrence.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being no objections the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 943

Motion:

Senator Burnett moved to table HB 943.

Discussion:

Senator Jacobson said Representative Davis asked the committee to hold the bill until he could locate the sanitarians.

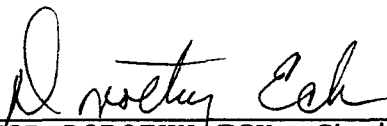
Senator Pipinich said tabling the bill would not kill it.

Recommendation and Vote:

There being no objections the motion carried.

ADJOURNMENT

Adjournment At: 5:00 p.m.

  
\_\_\_\_\_  
SENATOR DOROTHY ECK, Chairman

  
\_\_\_\_\_  
CHRISTINE MANGIANTINI, Secretary

DE/cm

ROLL CALL

PUBLIC HEALTH, WELFARE  
AND SAFETY

COMMITTEE

Date March 15

| NAME             | PRESENT | ABSENT | EXCUSED |
|------------------|---------|--------|---------|
| SENATOR BURNETT  | X       |        |         |
| SENATOR FRANKLIN | X       |        |         |
| SENATOR HAGER    | X       |        |         |
| SENATOR JACOBSON | X       |        |         |
| SENATOR PIPINICH | X       |        |         |
| SENATOR RYE      | X       |        |         |
| SENATOR TOWE     | X       |        |         |
| SENATOR ECK      | X       |        |         |
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Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 18, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Joint Resolution No. 16 (third reading copy -- blue), respectfully report that House Joint Resolution No. 16 be concurred in.

Signed: \_\_\_\_\_

*Dorothy Eck*  
Dorothy Eck, Chairman

*191 3-18-91*  
App. Coord.

*191 3-18-91*  
Sec. of Senate

SENATE HEALTH & WELFARE

EXHIBIT NO. 1

DATE 3/15/91

H BILL NO. 162

Amendments to House Bill No. 162  
Third Reading Copy

Requested by Rep. Gilbert  
For the Senate Committee on Public Health, Welfare and Safety

Prepared by Gail Kuntz  
February 5, 1991

1. Page 1, line 24 through page 2, line 2.

Following: "BY"

Strike: remainder of line 24 through "SCIENCES." on line 2, page 2

Insert: "local boards of health. The rules must also provide a procedure for persons to appeal a local board of health's decision on a variance to the department of health and environmental sciences."

Ex. 1a  
3-15-91  
HB 162

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 15 day of March, 1991.

Name: Howard Reed

Address: 6001 Birdseye Rd  
Helena, MT 59601

Telephone Number: 447-8352 wk 443-3245 Hm

Representing whom?

Law & Clark County Health Dept.

Appearing on which proposal?

HB 162

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

Amending language of 3rd reading version  
allows appeal of local variance to DHEC.  
Request that language be struck.





HB 239

SENATE BILL WELFARE

2

DATE 3/15

# BILL NO. 239

For the record, I am Nadine Oberg, and I represent the Montana Solid Waste Contractors, Inc., a trade association representing private industry engaged in solid waste collection and disposal in the State of Montana.

Medical or infectious waste disposal has been an issue of particular concern since the summer of 1988, when news of medical debris washed ashore at beaches across the country flooded the national media. HB 239 is especially important to us because it specifies the treatment and packaging of infectious material for disposal, which in turn protects the environment, handlers of infectious waste, and above all, the public.

We in Montana may not have to worry about medical wastes washing up on beaches, but the problem of handling infectious material is already with us. One of our members has supplied us with a letter describing how abruptly a person's life can be affected, which I will submit to you as well.

~~In June of 1991, the Medical Waste Tracking Act program expires, and significant information will be available for states to evaluate in forming public policy with respect to the ultimate disposal and tracking of infectious material. For now, we are pleased to see this reasoned and substantive approach toward medical waste disposal. We urge your support of HB 239.~~

SENATE HEALTH & WELFARE  
EXHIBIT NO. 2  
DATE 3-15-91  
BILL NO. HB 239

March 14, 1991

Attn: Sue Weingartner  
Senate Public Health Committee  
36 S. Last Chance Gulch Suite A  
Helena, MT 59601

RE: House Bill 239

Dear Committee Members:

A new era in the solid waste collection, transportation, and disposal industry has come into effect over the last few years, mainly because the public has demanded it. The reason for these new regulations are to protect the industry's employees, the general public, and the environment in which we all live.

As professional solid waste haulers, our employees undergo extensive training to assure the proper handling of solid waste. Even though this training is provided, accidents still happen. To give you an example, I would like to share with you an incident that happened last March of 1990. One of my employees was poked with a needle as he was servicing a dumpster site at Pryor, Montana. He was emptying the dumpster and was poked with a used syringe. Even though the syringe had a safety cap in place, the needle protruded through the safety cap, through his glove, and into his thumb. He was treated in the emergency room the same day and received a series of hepatitis shots. He was also given the opportunity of HIV testing baseline at the time of the treatment. It was necessary to inform this employee that he could possibly have come in contact with the AIDS Virus. This employee has been administered a series of followup shots and testing over the last year. Even though we investigated the source in which the needle came from, he still had to undergo the testing and shots. I'm sure you can imagine the stress this employee has had to go through.

In closing, I feel any regulations pertaining to special wastes that can assist me as a manager to protect the safety of my employees, the general public, and the environment will be a benefit for all. I am asking you at this time to support House Bill 239. Thank you for your consideration.

Sincerely,

Dennis Johnston  
District Manager

py



CHAUFFEURS, TEAMSTERS, AND HELPERS

Local Union No. 190

Affiliated with the International Brotherhood of Teamsters,  
Chauffeurs, Warehousemen and Helpers of America  
P.O. BOX 1017 BILLINGS, MONTANA 59103-1017

SENATE HEALTH & WELFARE

EXHIBIT NO. 3

DATE 3/15/91

H BILL NO. 239

437 Kuhlman Drive  
Telephone (406) 248-2653  
FAX (406) 248-1303  
James E. Waldo  
Secretary/Treasurer &  
Business Representative

Affiliated With  
Joint Council of Teamsters  
Western Conference of Teamsters  
Master Freight Division



March 12, 1991

TO WHOM IT MAY CONCERN:

Teamsters across the State of Montana are becoming concerned with the progress of HB 239 and the impact that this unamended bill might have on wastewater treatment employees, of which a great many are brother Teamsters.

We all understand and encourage a bill of this type is needed in our state, and we fully support our Legislators in this effort. However, Montana Teamsters are concerned and strongly believe that all health-care facilities must be required to sterilize their infectious waste before discharging them into any sanitary sewer system. We must insure ourselves that our wastewater treatment people are afforded the utmost in protection from exposure to infectious wastes.

Also, all health-care facilities should be directed to secure permission from their local sewer authority before discharging infectious wastes into any sewer system. This has been the practice in our state in the past and it has worked extremely well, and we do not believe that compliance with this regulation should be abandoned.

In closing, Montana Teamsters believe that these types of amendments will reduce the degree of hazard and the potential for exposure of all wastewater employees to infectious diseases.

*Chuck Benboe*

Chuck Benboe  
Business Representative  
Teamsters Local #190

Alan Fowler



CITY OF BILLINGS  
PUBLIC UTILITIES DEPARTMENT

P.O. BOX 30958  
BILLINGS, MT 59111  
PHONE (406) 657-8305

March 11, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 3/15

H BILL NO. 239

Honorable Dorothy Eck  
State Senator  
Chair, Senate Public Health,  
Welfare and Safety Committee

Dear Senator Eck:

We are writing to you about House Bill 239, which we understand has been referred to the Senate's Public Health, Welfare and Safety Committee.

This bill, if approved as currently amended by the House, will allow health-care facilities to discharge untreated infectious wastes into our municipal sanitary sewers. This increases the degree of hazard and the potential for exposure of our wastewater employees, plumbers and public works contractors to infectious diseases.

Accordingly, we ask that you consider amending HB 239 as follows:

(b) Liquid or semisolid infectious waste may be discharged into a sewer system ~~that provides secondary treatment or into a primary treatment sewage system~~ if waste is first sterilized. ~~by chemical treatment.~~ Discharge of such wastes is subject to approval of the local sewer authorities. Unsterilized wastes may be discharged into a subsurface disposal system installed and operated in accordance with state or local sanitary regulations. ~~is, for the purpose of this subsection (b), a sewer system providing secondary treatment.~~

Best available information indicates that only TREATED, liquid biological wastes should be discharged into the municipal sanitary sewers. Municipal sewer disposal is also an option for certain TREATED solid wastes that lend themselves to grinding and flushing.

Historically, local sewer authorities have determined the types and nature of the wastes that may be discharged into their sanitary sewers. Best available information indicates that this procedure should also apply to infectious wastes.

Thank you for this consideration.

*Gerald D. Underwood*

Gerald D. Underwood, PE  
Utilities Director

cc: file

Ex 4  
3/15/91  
HB 239

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 15 day of March, 1991.

Name: Richard A. Nisbet

Address: 316 N. Park Ave  
Helena,

Telephone Number: 406-447-8426

Representing whom?

City of Helena

Appearing on which proposal?

HB 239

Do you: Support?        Amend? ✓ Oppose?       

Comments:

The City of Helena supports HB 239  
but request consideration of the City  
of Billings amendment.

SENATE HEALTH & WELFARE

EXHIBIT NO. 4

DATE 3/15/91

H BILL NO. 239

TESTIMONY ON HOUSE BILL #239

CHAIRMAN SENATOR ECK AND MEMBERS OF THE COMMITTEE

MY NAME IS RICHARD A. NISBET, DIRECTOR OF PUBLIC WORKS FOR THE CITY OF  
HELENA.

RATHER THAN TAKE A LOT OF THE COMMITTEE'S TIME, THE CITY OF HELENA  
SUPPORTS THE RECOMMENDED AMENDMENTS SUGGESTED IN A MARCH 11, 1991,  
LETTER TO CHAIRMAN ECK. THE AMENDMENTS REQUIRE THAT ALL INFECTIOUS  
WASTES BE STERILIZED BEFORE THE WASTES ARE DISCHARGED INTO SANITARY  
SEWER SYSTEMS. WITH THESE AMENDMENTS, OUR WASTEWATER EMPLOYEES,  
PLUMBERS AND CONTRACTORS WILL HAVE THE MAXIMUM AMOUNT OF PROTECTION AND  
MINIMAL EXPOSURE TO INFECTIOUS DISEASES. ~~IT IS MY UNDERSTANDING THAT~~ P  
~~MOST HEALTH CARE FACILITIES ALREADY STERILIZE THEIR WASTE, SO THIS~~  
~~AMENDMENT SHOULD NOT CREATE A PROBLEM.~~

THANK YOU.

Senate Public Health Committee  
Testimony on HB 943  
March 15, 1991

Madam Chairperson, members of the committee, my name is Paddy Trusler; I am Vice-Chairman of the board of Sanitarians and a registered Sanitarian employed by Lake County.

The revisions contained within this proposed legislation are a culmination of over a year's work requiring many meetings and several drafts. The Board of Sanitarians has several objectives, one of which is to work with the people they regulate. The professional organization of Montana sanitarians is known as the Montana Environmental Health Association (MEHA). The registration board worked closely with the directors of this organization asking what they would like to see in a professional registration bill. In addition, the Board has met twice with the membership as a whole to accept comments and proposals. This registration act is truly an act for improving the status of a sanitarian. It is unfortunate that the President of MEHA, Mr. Tim Read, was not able to attend this hearing, but the bill was referred to committee quickly and previous commitments did not allow him to attend. He has however, indicated that he will send written testimony prior to executive action.

There are several revisions contained within the Bill. I will attempt to explain the rationale behind the proposed changes.

- 1) "Practice of the Profession of Sanitarian"  
The definition is expanded to more thoroughly explain the functions of a sanitarian. The sanitarian field is complex in that local sanitarians may very well provide all of the services contained within the definition, whereas, some larger health departments and State agencies have specialized sanitarian services. This definition is intended to outline one and all services performed by the sanitarian.
- 2) "Sanitarian in Training"  
In many locales, budgets do not permit employment of two registered sanitarians. At the request of local jurisdictions, we are proposing that an individual who meets the minimum criteria for registration may, for a period of up to one year, work under the supervision of a registered sanitarian. This practice is common in some cases required in other professional organizations.

On page 5, line 19, the Board's rule-making authority is more clearly defined. It allows, following administrative procedures, establishing standards of conduct, govern educational equivalency, prescribe requirements for continuing education and define standards for sanitarian-in-training.



Ex. 4  
3-15-91  
HB 943

Finally, I would draw your attention to page 10. There have been occasions where persons have practiced the profession of Sanitarian without a license. In these rare instances, the Board is seeking the power to have injunctive relief.

Other sections which are proposed for revision for most part can be considered points of clarification. In areas where disciplinary action is contemplated, the Montana Administrative Procedures Act must be followed.

As I stated earlier, the Board of Sanitarians has many objectives. This proposed legislation will allow us to put qualified people into the workforce. With concerns about hazardous waste, air and water pollution, leaking underground petroleum tanks, and many other environmental problems facing Montana, it only seems logical to have the best people in the field to meet the challenges.

I respectfully request your favorable consideration of this bill and thank you for the opportunity to present this testimony.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 15, 1991 HJR ~~EXM~~ No. 16 Time 4:49 p.m.

| NAME             | YES | NO |
|------------------|-----|----|
| SENATOR BURNETT  | X   |    |
| SENATOR FRANKLIN | X   |    |
| SENATOR HAGER    | X   |    |
| SENATOR JACOBSON | X   |    |
| SENATOR PIPINICH | X   |    |
| SENATOR RYE      | X   |    |
| SENATOR TOWE     | X   |    |
| SENATOR ECK      | X   |    |
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\_\_\_\_\_  
Secretary

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Chairman

Motion: Senator Franklin moved concurrence. There being no objections  
the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 15, 1991 H Bill No. 943 Time 4:57 p.m.

| NAME             | YES | NO |
|------------------|-----|----|
| SENATOR BURNETT  | X   |    |
| SENATOR FRANKLIN | X   |    |
| SENATOR HAGER    | X   |    |
| SENATOR JACOBSON | X   |    |
| SENATOR PIPINICH | X   |    |
| SENATOR RYE      | X   |    |
| SENATOR TOWE     | X   |    |
| SENATOR ECK      | X   |    |
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Secretary

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Chairman

Motion: Senator Burnett moved to table. There being no objections  
the motion carried.

DATE. 2/15/91

COMMITTEE ON

HB 162, 239, 943, HJR 16

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)