



State of Ohio Environmental Protection Agency

OHIO E.P.A.

JUN 27 2007

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ENTERED DIRECTOR'S OFFICE JUN 27 2007
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JUN 27 2007

CERTIFIED MAIL

Ms. Cathrine Harshman
Hunter, Carnahan, Shoub, & Byard
3360 Tremont Road, 2nd Floor
Columbus, Ohio 43221

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Jerry Jackson Date: 6-27-07

RE: Verified Complaint Filed on Behalf of Mr. Cresercio Ferral

Dear Ms. Harshman:

The purpose of this letter is to respond to the verified complaint (#SW-06-002) filed by you on behalf of Mr. Cresercio Ferral in which he alleges being made to manage infectious waste without proper training or warning of possible risks.

The verified complaint alleges, in pertinent part, that Mr. Ferral, janitor for MidAmerican Cleaning Contractors, had been asked to clean the employee health clinic at JP Morgan Chase (Chase), 1111 Polaris Parkway, Columbus, Ohio, where he disposed of infectious waste into the regular dumpster without following or being made aware of the requirements in Ohio Revised Code § 3734.021. Further, the complaint requests that Ohio EPA conduct an investigation to determine if Chase and its janitorial contractor, MidAmerican Cleaning Contractors, were complying with Ohio Revised Code § 3734.021 and all other applicable regulations.

Ohio EPA has investigated this complaint and determined the following. On July 31, 2006, Mr. Isaak Khozin of the Columbus Public Health Department conducted a complaint investigation regarding the same allegations and sent Chase a summary letter on August 1, 2006. Mr. Khozin's letter indicated that a specific monthly log of waste generation was not being kept, and the treatment shipping papers for the waste being sent off-site did not contain information about the weight of the waste sent off-site for treatment. On August 10, 2006, Chase responded to Mr. Khozin's letter with additional actions that Chase intended to implement. These actions included keeping a monthly infectious waste log documenting the weight of the waste generated, developing a specific spill clean-up

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procedure, placing placards in the restrooms reminding employees that syringes can be disposed of through Health Management Services, and a note about syringe disposal in the August 2006 on-line newsletter.

On November 8, 2006, Mr. Phil Farnlacher of Ohio EPA, accompanied by Mr. Khozin, conducted an investigation in response to the verified complaint that was received by Ohio EPA. Both inspectors discussed the possibility of custodians getting stuck with sharps in the regular trash with Mr. Ken Staats who is responsible for overall building maintenance at Chase. Mr. Staats was not aware of anyone reporting a needle stick injury. Mr. Staats also called in Mr. Barney Martin who is the on-site supervisor for the contracted cleaning company, Mid American Cleaning Contractors. Mr. Martin was not aware of any needle stick injuries, but was aware of one instance where a syringe was found in the regular trash. Per Mr. Martin, the needle and syringe was generated by an outside vendor who self injected medication. Also per Mr. Martin, all cleaning employees have been directed to contact their supervisors if any needles or syringes are discovered in the regular trash. Once discovered, the needles and syringes are to be taken to Health Management Services for disposal. Mr. Staats also showed the inspectors 152 signs that are going to be placed in the 76 sets of restrooms at Chase reminding employees to not dispose of syringes in the regular trash. He indicated the signs would be put up once the mounting frames arrive.

After discussing the complaint with Mr. Staats and Mr. Martin, the inspection proceeded to the Health Management Services employee clinic. Per discussion between the inspectors and Chase, and based upon visual evidence, there are usually four sharps containers in place in the clinic that are used to dispose of needles and syringes. Once filled, the sharps containers are stored in a cabinet in the small lab until the quarterly pick-up by Stericycle, the outside vendor used to collect all infectious waste. Chase indicated that it now weighs all of the infectious waste being generated and sent off-site for disposal with Stericycle. These weights are also being recorded in a specific log book to document how much infectious waste is being generated. According to Stericycle's billing records, Chase meets the criteria for being a "small generator" of infectious waste (less than 50 pounds per month).

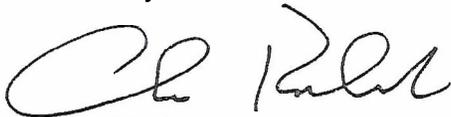
Based upon the joint inspection on November 8, 2006, and the information that Chase provided in response to Mr. Khozin's July 31, 2006 inspection, Ohio EPA concludes:

1. JP Morgan Chase Bank is a small generator of infectious waste, but has elected to use a licensed infectious waste transporter (Stericycle) to remove the infectious waste it generates instead of placing this waste into the regular trash.
2. All of the sharps containers produced in the Health Management Services employee clinic are stored until such time as the waste is removed by Stericycle.
3. JP Morgan Chase Bank has about 7,500 employees at this location and will be putting up signs in each restroom to remind employees to properly dispose of the syringes that the employees may generate while at work.

Because Chase has made several modifications to its infectious waste handling procedures at its on-site clinic, Health Management Services, any violations of Ohio Revised Code Chapter 3734 that may have occurred are likely not to recur. As such, Verified Complaint #SW-06-002 is hereby dismissed.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Board. An appeal may be filed with the Environmental Review Appeals Commission, 309 South 4th Street, Room 222, Columbus, OH 43215.

Sincerely,



Chris Korleski
Director

cc: Carl Mussenden, DSIWM, CO
Jeff Hurdley, Legal
Columbus Health Department

Duane Snyder, DSIWM, CDO
Ed Gortner, DSIWM, CO
Phil Farnlacher, DSIWM, CDO