

## **Alert** | Environmental



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### **Businesses Administering COVID-19 Vaccine Are at Risk for Mishandling Biomedical Waste**

On April 30, 2021, the United States Environmental Protection Agency’s enforcement office issued a memorandum titled “[Strengthening Enforcement in Communities with Environmental Justice Concerns](#).” In light of the Biden administration’s recent focus on environmental justice and other social responsibility initiatives within environmental regulation, there is heightened scrutiny around compliance with environmental requirements; therefore, supermarkets, box stores, and other commercial businesses administering COVID-19 vaccines should consider the reputational risk of improper handling and disposal of medical wastes.

Biomedical waste, red waste, or medical waste are potentially infectious because they contain blood and other bodily fluids. Used needles and bandages, surgical gloves, blood-stained cotton swabs, and nose swabs are examples of biomedical waste.

Companies that are hosting and administering COVID-19 vaccines and handling a surge in biomedical waste are required to have a biomedical waste disposal plan that includes employee training and hiring of a properly licensed regulated waste hauler.

The Biden administration may well pursue aggressive enforcement of existing regulations to protect against water pollution. Red waste often ends up in the oceans, contributing to red tide. This waste typically comprises used needles and vials and poses significant health risks to children at the beach.

To avoid reputational damage associated with environmental enforcement action, and because the improper handling of red waste can result in significant federal and state fines, COVID-19 vaccination providers should review their biomedical waste handling practices to ensure compliance.

Finally, irrespective of any consulting agreement that may provide for indemnification for the mishandling of biomedical wastes, companies should evaluate their potential for joint and several liability for the mishandling of biomedical wastes under applicable federal and state regulations.

For more information and updates on the developing situation, visit [GT's Health Emergency Preparedness Task Force: Coronavirus Disease 2019](#) and [Business Continuity Amid COVID-19](#) page.

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