



State of Ohio Environmental Protection Agency

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4595

September 9, 2008

Ms. Sharon Caliguri, R.N
c/o Health Unit
Pierre Foods
9990 Princeton Rd
Cincinnati, Ohio 45246

**Re: Pierre Foods (IW REG# 09-G-01057), Butler County
Notice of Violation –Large Generator Inspection**

Dear Ms. Caliguri:

On August 27, 2008, Monte Bluebaum and I with the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) met with you to conduct a comprehensive infectious waste large generator inspection of the Pierre Foods (Facility) located at 9990 Princeton Rd, Cincinnati, Ohio. Mike Clark, Safety Director from Pierre Foods accompanied us during the inspection.

The purpose of this inspection was to determine compliance with Ohio's Infectious Waste Regulations. I inspected the infectious waste handling areas, infectious waste storage areas, spill kit and procedures, conducted a records review including treatment shipping paperwork, and checked for a valid registration certificate.

The following observations were made during our inspection:

1. Mr. Clark and Ms. Caliguri assisted Ohio EPA during the review portion of the infectious waste treatment shipping paperwork and registration for the Facility during this inspection. A valid amended Ohio EPA Generator of Infectious Waste Certificate of Registration (Registration), generator registration number 09-G-01057 was on file, dated May 14, 2010. The Registration for this Facility was granted May 15, 2007. Stericycle, Inc (Stericycle), transporter registration number 00-T-00199, was identified as the Facility's Infectious Waste Transporter.



2. Upon my review of the infectious waste treatment shipping papers for the Facility, I observed several white (original) copies had not been returned to the generator as required by OAC Rule 3745-27-33(B)(6) which states in part:

"The shipping papers shall be returned to the generator within forty-five days of treatment of the waste at a treatment facility. If the copy is not returned then a legible copy of the original shipping paper and a brief letter outlining the generator's efforts to locate the waste shall be submitted to the board of health having jurisdiction and to the Ohio EPA."

As discussed during the inspection, I also will be contacting Stericycle regarding their failure to return the original shipping papers within forty-five (45) days of treatment to the generator which is a violation of OAC Rule 3745-27-33(B)(6). The Facility did not have documentation in the file demonstrating their efforts to contact Stericycle regarding the missing original shipping papers which verifies treatment of the infectious waste. This is a violation of OAC Rule 3745-27-33(B)(2) which states in part: "the shipping papers need to be complete and legible".

3. Per our discussion on the 5.25% sodium hypochlorite (it is the same as household bleach) found in the prepackaged infectious waste spill kit (see Figures 1, 2 and 3), Ohio EPA determined that this dissolvable tablet form of sodium hypochlorite **does** meet the requirements pursuant to Ohio Administrative Code (OAC) Rule 3745-27-30(B)(11)(b), as a disinfectant. However, the shelf life is approximately one (1) year (according to chemical companies), so the Facility should replace the chemical within the kits on an annual basis and if there is no expiration on the bottle then the invoice purchase date should be used as the one year replacement date. The storage locker (see Figure 4) located next to the Health Unit at the Facility maintains the infectious waste spill kit and it was locked and was labeled with an international biohazard symbol. The spill kit was determined to be in substantial compliance with OAC Rule 3745-27-30(B)(11). The only storage for infectious waste boxes to be transported from the facility is located next to the storage locker, and there were no violations observed in this area (see Figure 5).



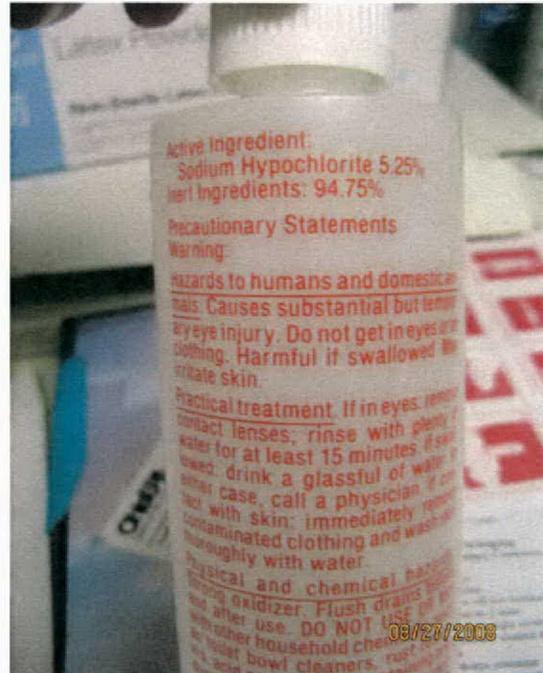


Figure 1 & 2: 5.25% Sodium Hypochlorite Disinfectant (tablet in container) in the infectious waste spill kit

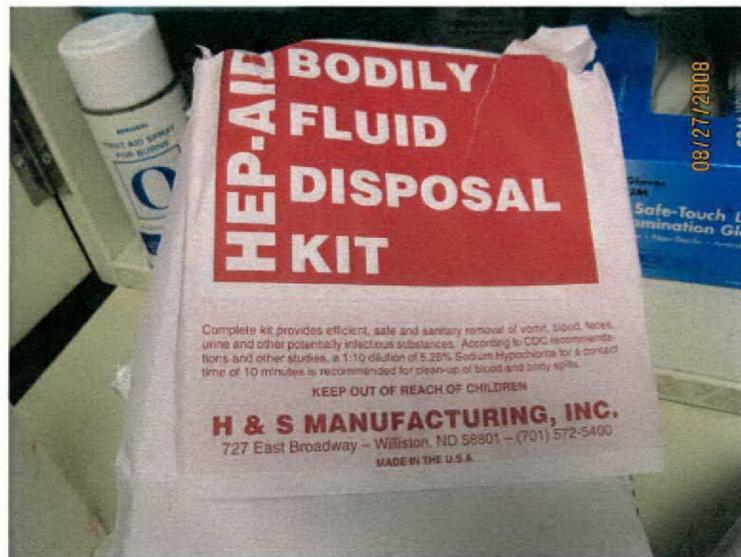


Figure 3: Prepackaged infectious waste spill kit





Figure 4: Infectious waste spill kit locker



Figure 5: Infectious waste storage area

4. The Health Unit treatment room has one in-use sharps container, and there were no violations observed in this area (see Figure 6).



Figure 6: In use sharps container in the Health Unit treatment room

5. The Facility was missing the spill containment and clean-up procedures. Failure to develop and maintain the spill containment and clean-up procedures is a violation of OAC Rule 3745-27-30(10) which states in part:

“Develop a spill containment and clean-up procedure. A copy of the procedure shall be posted or readily available on the premises to persons likely to handle infectious waste, including janitorial services. The name, address, and telephone number of the infection control manager or infectious waste control manager and their back-up, along with the location of all spill containment and clean-up materials/kits at this facility, shall be listed at the top of the spill containment and clean-up procedure. Copies of the procedure shall be provided at the request of the board of health with



jurisdiction or the director of the Ohio EPA or their authorized representative;

[Comment: These procedures can be the same procedures that were developed in response to OSHA's blood borne pathogen regulations.]"

As discussed during the inspection, please develop a spill containment and clean-up procedure and place it with your spill kit.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734 or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

As such, corrections of the violations cited herein are expected to begin immediately.

If you have any questions, please contact me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

Cc: Mike Clark -Safety Director, Pierre Foods
Chief of Environmental Services, Butler County Health Department

ML/mab

