

branches of the Federal Government in a demonstration State (1) having jurisdiction over any solid waste management facility or disposal site at which medical waste is disposed of or otherwise handled, or (2) engaged in any activity resulting, or which may result, in the disposal, management, or handling of medical waste shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting control and abatement of medical waste disposal and management in the same manner, and to the same extent, as any person is subject to such requirements, including the payment of reasonable service charges. The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders, civil, criminal, and administrative penalties, and other sanctions, including injunctive relief, fines, and imprisonment. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such order, penalty, or other sanction. For purposes of enforcing any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil, criminal, administrative penalty, or other sanction), against any such department, agency, or instrumentality, the United States hereby expressly waives any immunity otherwise applicable to the United States. The President may exempt any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

**(b) "Person" defined**

For purposes of this chapter, the term "person" shall be treated as including each department, agency, and instrumentality of the United States.

(Pub. L. 89-272, title II, §11006, as added Pub. L. 100-582, §2(a), Nov. 1, 1988, 102 Stat. 2954.)

**TERMINATION OF REPORTING REQUIREMENTS**

For termination, effective May 15, 2000, of provisions in subsec. (a) of this section requiring the President to report annually to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113

of Title 31, Money and Finance, and the 10th item on page 20 of House Document No. 103-7.

**§ 6992f. Relationship to State law**

**(a) State inspections and enforcement**

A State may conduct inspections under<sup>1</sup> 6992c of this title and take enforcement actions under section 6992d of this title against any person, including any person who has imported medical waste into a State in violation of the requirements of, or regulations under, this subchapter, to the same extent as the Administrator. At the time a State initiates an enforcement action under section 6992d of this title against any person, the State shall notify the Administrator in writing.

**(b) Retention of State authority**

Nothing in this subchapter shall—

- (1) preempt any State or local law; or
- (2) except as provided in subsection (c) of this section, otherwise affect any State or local law or the authority of any State or local government to adopt or enforce any State or local law.

**(c) State forms**

Any State or local law which requires submission of a tracking form from any person subject to this subchapter shall require that the form be identical in content and format to the form required under section 6992b of this title, except that a State may require the submission of other tracking information which is supplemental to the information required on the form required under section 6992b of this title through additional sheets or such other means as the State deems appropriate.

(Pub. L. 89-272, title II, §11007, as added Pub. L. 100-582, §2(a), Nov. 1, 1988, 102 Stat. 2955.)

**§ 6992g. Repealed. Pub. L. 105-362, title V, § 501(h)(1)(A), Nov. 10, 1998, 112 Stat. 3284**

Section, Pub. L. 89-272, title II, §11008, as added Pub. L. 100-582, §2(a), Nov. 1, 1988, 102 Stat. 2956, related to Administrator's report to Congress concerning demonstration medical waste tracking program.

**§ 6992h. Health impacts report**

Within 24 months after November 1, 1988, the Administrator of the Agency for Toxic Substances and Disease Registry shall prepare for Congress a report on the health effects of medical waste, including each of the following—

- (1) A description of the potential for infection or injury from the segregation, handling, storage, treatment, or disposal of medical wastes.
- (2) An estimate of the number of people injured or infected annually by sharps, and the nature and seriousness of those injuries or infections.
- (3) An estimate of the number of people infected annually by other means related to waste segregation, handling, storage, treatment, or disposal, and the nature and seriousness of those infections.
- (4) For diseases possibly spread by medical waste, including Acquired Immune Deficiency

<sup>1</sup> So in original. Probably should be "under section".

Syndrome and hepatitis B, an estimate of what percentage of the total number of cases nationally may be traceable to medical wastes.

(Pub. L. 89-272, title II, §11008, formerly §11009, as added Pub. L. 100-582, §2(a), Nov. 1, 1988, 102 Stat. 2957; renumbered §11008, Pub. L. 105-362, title V, §501(h)(1)(B), Nov. 10, 1998, 112 Stat. 3284.)

#### PRIOR PROVISIONS

A prior section 11008 of Pub. L. 89-272 was classified to section 6992g of this title prior to repeal by Pub. L. 105-362, §501(h)(1)(A).

### § 6992i. General provisions

#### (a) Consultation

(1) In promulgating regulations under this subchapter, the Administrator shall consult with the affected States and may consult with other interested parties.

(2) The Administrator shall also consult with the International Joint Commission to determine how to monitor the disposal of medical waste emanating from Canada.

#### (b) Public comment

In the case of the regulations required by this subchapter to be promulgated within 9 months after November 1, 1988, the Administrator may promulgate such regulations in interim final form without prior opportunity for public comment, but the Administrator shall provide an opportunity for public comment on the interim final rule. The promulgation of such regulations shall not be subject to the Paperwork Reduction Act of 1980.<sup>1</sup>

#### (c) Relationship to subchapter III

Nothing in this subchapter shall affect the authority of the Administrator to regulate medical waste, including medical waste listed under section 6992a of this title, under subchapter III of this chapter.

(Pub. L. 89-272, title II, §11009, formerly §11010, as added Pub. L. 100-582, §2(a), Nov. 1, 1988, 102 Stat. 2957; renumbered §11009, Pub. L. 105-362, title V, §501(h)(1)(B), Nov. 10, 1998, 112 Stat. 3284.)

#### REFERENCES IN TEXT

The Paperwork Reduction Act of 1980, referred to in subsec. (b), is Pub. L. 96-511, Dec. 11, 1980, 94 Stat. 2812, as amended, which was classified principally to chapter 35 (§3501 et seq.) of Title 44, Public Printing and Documents, prior to the general amendment of that chapter by Pub. L. 104-13, §2, May 22, 1995, 109 Stat. 163. For complete classification of this Act to the Code, see Short Title of 1980 Amendment note set out under section 101 of Title 44 and Tables.

#### PRIOR PROVISIONS

A prior section 11009 of Pub. L. 89-272 was renumbered section 11008 and is classified to section 6992h of this title.

### § 6992j. Effective date

The regulations promulgated under this subchapter shall take effect within 90 days after

promulgation, except that, at the time of promulgation, the Administrator may provide for a shorter period prior to the effective date if he finds the regulated community does not need 90 days to come into compliance.

(Pub. L. 89-272, title II, §11010, formerly §11011, as added Pub. L. 100-582, §2(a), Nov. 1, 1988, 102 Stat. 2958; renumbered §11010, Pub. L. 105-362, title V, §501(h)(1)(B), Nov. 10, 1998, 112 Stat. 3284.)

#### PRIOR PROVISIONS

A prior section 11010 of Pub. L. 89-272 was renumbered section 11009 and is classified to section 6992i of this title.

### § 6992k. Authorization of appropriations

There are authorized to be appropriated to the Administrator such sums as may be necessary for each of the fiscal years 1989 through 1991 for purposes of carrying out activities under this subchapter.

(Pub. L. 89-272, title II, §11011, formerly §11012, as added Pub. L. 100-582, §2(a), Nov. 1, 1988, 102 Stat. 2958; renumbered §11011, Pub. L. 105-362, title V, §501(h)(1)(B), Nov. 10, 1998, 112 Stat. 3284.)

#### PRIOR PROVISIONS

A prior section 11011 of Pub. L. 89-272 was renumbered section 11010 and is classified to section 6992j of this title.

## CHAPTER 83—ENERGY EXTENSION SERVICE

### §§ 7001 to 7011. Repealed. Pub. L. 102-486, title I, § 143(a), Oct. 24, 1992, 106 Stat. 2843

Section 7001, Pub. L. 95-39, title V, §502, June 3, 1977, 91 Stat. 191, related to congressional declaration and statement of purposes.

Section 7002, Pub. L. 95-39, title V, §503, June 3, 1977, 91 Stat. 192, provided for establishment of Energy Extension Service.

Section 7003, Pub. L. 95-39, title V, §504, June 3, 1977, 91 Stat. 192, provided for development and implementation of comprehensive program.

Section 7004, Pub. L. 95-39, title V, §505, June 3, 1977, 91 Stat. 193, provided for initial implementation of State energy extension service plans.

Section 7005, Pub. L. 95-39, title V, §506, June 3, 1977, 91 Stat. 195, provided for national implementation of State energy extension service plans.

Section 7006, Pub. L. 95-39, title V, §507, June 3, 1977, 91 Stat. 198, related to administration of Energy Extension Service.

Section 7007, Pub. L. 95-39, title V, §508, June 3, 1977, 91 Stat. 199, related to energy education, extension, and information.

Section 7008, Pub. L. 95-39, title V, §509, June 3, 1977, 91 Stat. 199, provided for establishment of National Energy Extension Service Advisory Board.

Section 7009, Pub. L. 95-39, title V, §511, June 3, 1977, 91 Stat. 201, related to records.

Section 7010, Pub. L. 95-39, title V, §512, June 3, 1977, 91 Stat. 201, related to authorization of appropriations.

Section 7011, Pub. L. 95-39, title V, §513, June 3, 1977, 91 Stat. 202, set out definitions.

#### SHORT TITLE

Pub. L. 95-39, title V, §501, June 3, 1977, 91 Stat. 191, which provided that this title, which enacted this chapter and amended sections 5813 and 5818 of this title, could be cited as the "National Energy Extension Service Act", was repealed by Pub. L. 102-486, title I, §143(a), Oct. 24, 1992, 106 Stat. 2843.

<sup>1</sup> See References in Text note below.