

# Infectious waste generators, owners and manifesting groups

PUB-WA-1819  
Revised February 2017



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This document explains the terms “infectious waste generator,” “infectious waste owner” and “manifesting group” and will help you determine whether you should file its infectious waste annual report with others or individually. It also explains who should file the report, who should keep records and where to find the online report form.

## What is an “infectious waste generator”?

The medical waste rule defines an **infectious waste generator** as “**a person or group of persons under the same corporate ownership and located on the same property who produces infectious waste.**” [s. NR 500.03(111), Wis. Adm. Code].

Based on this definition, each of the following examples is considered to be one IW generator:

- **A single physician’s office** (*one owner, one location*)
- **A medical practice employing several doctors in the same location** (*one owner, one location*)
- **A medical facility which has several departments all generating infectious waste in one building** (*one owner, one location*)
- **A hospital campus which has several buildings all on one parcel of land not separated by public roads** (*one owner, one location*)
- **A medical office building, in which all the suites are owned by the same owner.** The suites, collectively, are considered to be one generator (*one owner, one location*).

## What is an “infectious waste owner”?

IW generators are unique combinations of both **location and owner**. **For purposes of annual reporting, the DNR is using tax IDs as the basis for ownership**, as follows:

- **“IW Owner”** means an organization which generates infectious waste as part of its operations under a single federal Employer Identification Number (EIN, also known as FEIN).
- **“IW Owner’s Report Year Start Date”** means the first day on which an IW Owner generated infectious waste in a particular location during a particular reporting year (e.g., 2015). When the IW owner is continuing operations from a previous year, the IW Owner’s Report Year Start Date is 01/01 of the reporting year (that is, for reporting year 2015, the start date is 01/01/2015).
- **“IW Owner’s Name”** means the legal name associated with an EIN, exactly as it was on the IW Owner’s Report Year Start Date.

To clarify, the IW Owner:

- Is the direct (lowest level) owner which generates infectious waste as part of its operations.
- *Is not* a holding company, a higher level owner, a brand or a corporate affiliation.

- *Is not* a subcontractor who manages operations on behalf of the owner.
- May or may not be the same as the owner of the property where the infectious waste is generated.
- May operate in one or more locations, however, each location is considered to be a separate IW generator.
- May be a partnership, because when partnerships are formed, the partnership must obtain a new EIN.

If you have any questions about ownership, please contact the DNR Medical Waste Coordinator at [DNRMedicalWaste@wisconsin.gov](mailto:DNRMedicalWaste@wisconsin.gov). The terms used above may change or be clarified in the future. Your input may improve the definitions the agency uses in future annual report forms.

## What happens if something changes?

If the EIN (tax ID number) changes, you must also notify the DNR so the agency can create separate annual reports for the same location during the same year. Even if the facility’s name, the IW Owner’s Name and/or employees have stayed the same, the change in EIN is what the DNR considers to be a change in ownership.

You may notify the DNR of changes to your facility name, owner, Tax ID and/or contact names by sending an email to [DNRMedicalwaste@wisconsin.gov](mailto:DNRMedicalwaste@wisconsin.gov).

## What is a “manifesting group”?

Sometimes several generators in the same location manage their wastes together and use one manifest (shipping paper) to accompany the waste from the generating location to an infectious waste treatment facility.

Wisconsin’s medical waste rule, ch. NR 526, Wis. Adm. Code, is intended to simplify reporting for infectious waste generators that, as a group, send infectious waste to an infectious waste treatment facility using one manifest.

According to s. NR 526.15(1), “Infectious waste generators who manifest infectious waste as a group may choose to submit a single annual report on behalf of the group and which is signed by the director of each generator in the group...” Although this rule citation does not mention the location of the generators, the fact that they are using the same manifest implies that they are in the same location.

Therefore, “**manifesting group**” means ***two or more infectious waste generators, with separate IW Owners, all in the same physical location, who manifest their waste together as a group to an infectious waste treatment facility or medical waste incinerator.***

### What must the reporting member of the manifesting group do?

The reporting member files Section B of the online annual report form on behalf of the group, pays the filing fee, obtains the signatures of the non-reporting members and sends the signatures to the DNR.

Detailed instructions for doing this are in the annual report form’s instructions, in the appendices.

### What must the non-reporting member(s) of the manifesting group do?

The non-reporting members must sign the annual report form. They may need to file a separate annual report regarding medical waste reduction. See the side bar on page 5.

Table 1, on page 3, describes situations involving two or more generators and indicates whether those situations involve manifesting groups or not. Each situation is described in more detail in the pages that follow.

**Table 1**

Situations involving two or more generators	Are the generators a manifesting group?
<p><b>Situation 1</b> (<i>same location, same owner</i>) A building has tenants that are all under the same IW Owner (same Tax ID) and all tenants generate infectious waste.</p>	<p>No. Tenants which are under the same IW owner at one address are considered to be “one” generator, collectively. See Situation 1, below.</p>
<p><b>Situation 2</b> (<i>different locations, same owner</i>) An IW Owner operates in several locations. The infectious waste from the other locations is transported to a central location, from which the infectious waste is sent off for treatment.</p>	<p>No. Infectious waste generators in separate locations, whether owned by the same IW Owner or not, are never considered to be a manifesting group. See Situation 2, below.</p>
<p><b>Situation 3</b> (<i>same location, different owners</i>) Two tenants with separate IW Owners (different Tax IDs), located in the same building, both generate infectious waste. They each have their own contract with the same infectious waste hauler.</p>	<p>No. IW generators with separate contracts for infectious waste disposal are never considered to be a manifesting group. See Situation 3, below.</p>
<p><b>Situation 4</b> (<i>same location, different owners</i>) Two or more independently-owned infectious waste generators (each having different Tax IDs) are tenants in the same building and manifest their waste together.</p>	<p>Yes. These two (or more) generators are a manifesting group. See Situation 4, below. For more complex situations, see Situations 5 and 6, below.</p>
<p><b>Situation 5</b> (<i>same location, different owners</i>) A building owner rents to several independent (separately owned, with separate Tax IDs) infectious waste generators. The building owner manages the infectious waste from all the tenants in that building.</p>	<p>Yes. The building owner and the tenants are a manifesting group. See Situation 5, below.</p>
<p><b>Situation 6</b> (<i>same location, some same and some different owners</i>) A large infectious waste generator has some tenants who are under the same Tax ID as itself and some who are not. The largest generator manages all the infectious waste generated in that location.</p>	<p>Yes. The generators under the same Tax ID number are “one” generator as in Situation 1. However, the “one” IW generator plus the other IW generators constitute a manifesting group. See Situation 6, below.</p>

**Situation 1** A building has tenants that are all under the same IW Owner (same Tax ID) and all generate infectious waste. (*same location, same owner*)

If the tenants are all owned by one IW Owner, this is not a manifesting group. Rather, collectively, they are considered to be one IW generator. As one generator, they may work together to audit their wastes and create a Medical Waste Reduction policy and plan.

**Example 1:** ABC Hospital rents part of the hospital to two clinics and a laboratory. The hospital, two clinics and the laboratory are all owned by the same IW Owner. ABC Hospital manages the tenants’ waste. Collectively, they are considered to be one generator (one owner, one location) and have a single Medical Waste Reduction Plan. They are not a manifesting group.

**How to fill out the annual report in Example 1:** The hospital prepares the annual report. In Section A, ABC hospital should check off the generator types “Hospital” (for itself) and “Clinic” and “Laboratory” for any activities done under the same IW Owner. Only the hospital’s director signs the report.

**Situation 2** An IW Owner operates in several locations. The infectious waste from the other locations is transported to a central location, from which the infectious waste is sent off for treatment. (*different locations, same owner*)

These generators are NOT a manifesting group. Generators in separate locations, whether affiliated or not, are never considered to be a manifesting group.

**Example 2a:** A hospital accepts waste from other infectious waste generators in the same town, each of whom generate less than 50 lb per month. Every month, the other generators transport their own infectious waste to the hospital. These generators are not a manifesting group.

**How to fill out the annual report in Example 2a:** The hospital's annual report is for the hospital only. In Section B, the hospital puts its own waste on Lines 1a, 1b and 1c of the annual report. The waste from the other locations goes on Line 2, Accepted From Other Generators. The other generators don't transport enough to have to file annual reports.

**Example 2b:** A hospital owns five satellite clinics in nearby towns. The hospital has an infectious waste transportation license, picks up waste from the satellite clinics and sends it all out for treatment. These generators are not a manifesting group.

**How to fill out the annual report in Example 2b:** The hospital's annual report is for the hospital only, as in Example 2a, above. The clinics may need to file reports too (see sidebar, p. 4).

**Example 2c:** A university campus has a main campus and a few buildings separated by public roads with different street addresses. The university's maintenance DNR sends a vehicle around to pick up waste from the various buildings (note: if transporting 50 lb or more in any one month, the vehicle would need an infectious waste transportation license.) The university is not a manifesting group because it is a single owner generating waste in several locations.

**How to fill out the annual report in Example 2c:** The university's annual report is for the contiguous properties only (those not separated by public roads). The university reports the waste from its contiguous properties on Lines 1a, 1b and 1c of the online form. The waste from any buildings on non-contiguous properties is reported on Line 2, Accepted From Other Generators. If the non-contiguous buildings are medical facilities, they may need to file reports (see sidebar, p. 4).

**Situation 3** Two tenants with separate IW Owners (different Tax IDs), both located in the same building, both generate infectious waste. They each have their own contract with the same infectious waste hauler (*same location, different owners*)

Infectious waste generators with separate contracts for infectious waste disposal are never a manifesting group because they use separate manifests. They must have their own Medical Waste Reduction Plans and file separate annual reports, unless exempt.

**Example 3:** Three independent physicians groups rent separate suites in the same medical office building. Each physician group has a separate contract with a medical waste vendor.

**How to fill out the annual report in Example 3:** The three physician groups must file their own separate annual reports, unless exempt.

**Situation 4** Two or more independently-owned infectious waste generators (each having different Tax IDs) are tenants in the same building and manifest their waste together (*same location, different owners*)

If two or more infectious waste generators in a building manifest their waste together, they are a manifesting group. They may choose to file an annual report on behalf of the group.

**Example 4:** Three independent dental offices rent suites in the same building and share a contract with a medical waste company. Clinic X manifests their waste.

**How to fill out the annual report in Example 4:** The three dental offices choose to file one annual report for the manifesting group. Clinic X stores the manifest records and files the annual report on behalf of the group. The other two offices keep records of the amounts they generate and sign the annual report. The clinics may need to file a separate Medical Waste Reduction Progress Report. (See side bar).

**If you are a non-reporting member of a manifesting group, when might you have to file a separate annual report, as well?**

While the **Off-Site Treatment Report** (Section B of the online form) can be filed by a manifesting group, the **Medical Waste Reduction Progress Report** (Section C of the online form) may only be filed by single generators.

Unless exempt, all hospitals, clinics and nursing homes must file their own Medical Waste Reduction Progress Reports (Section C of the online form).

If you are not sure whether your facility must file Section C of the annual report, fill out the Exemption Worksheet (WA-1801) available at [dnr.wi.gov](http://dnr.wi.gov) search “infectious waste annual report.”

**Situation 5** A building owner rents to several independent infectious waste generators (with separate Tax IDs). The building owner manages the infectious waste from all the tenants in that building (*same location, different owners*)

If the owner or manager of a building arranges for the disposal of both the owner’s infectious waste (if any) and for all of the building’s tenants, the owner and the tenants are a manifesting group. If the group chooses to file one annual report, the owner would file the report.

**Example 5a:** Acme, Inc., owns a building that leases space to two clinics and a clinical laboratory. Acme’s custodian manages the infectious waste from each of the tenants as a part of the lease. Acme does not generate any infectious waste; it only manages the tenants’ waste. Acme and the tenants are a “manifesting group” and may choose to file the Offsite Treatment Report together as a group.

**How to fill out the annual report in Example 5a:** If the generators choose to file a shared report, Acme will report on behalf of the group. Acme’s generator type is “Other” (not “Clinic” or “Laboratory”) because it does not generate infectious waste itself. Acme enters zeroes in Lines 1a, 1b and 1c. The tenants’ waste goes on Line 2. Section C of the report will not appear. All four entities (Acme, clinics and laboratory) must sign the signature page. The clinics may need to file a separate Medical Waste Reduction Progress report.

**Example 5b:** Ball Healthcare, Inc., owns Ball Hospital. Ball Hospital rents space to three groups of physicians (clinics) and a dialysis center and manages their infectious wastes. None of the tenants is owned by Ball Healthcare, Inc. The hospital and the tenants together are a manifesting group and may choose to file a single Offsite Treatment Report on behalf of the group.

**How to fill out the annual report in Example 5b:** At this location, Ball Hospital’s generator type is simply “Hospital”. The hospital is reporting for the manifesting group. In Section B, the hospital puts its own waste in Lines 1a, 1b, and 1c and puts its tenants’ wastes on Line 2. The hospital fills out Medical Waste Reduction Progress Report (Section C of the online form) regarding its own waste and activities. All the tenants sign the hospital’s annual report (signing for Section B, only). The

tenants may need to file individual Medical Waste Reduction Progress Reports (Section C of the online form), unless they are exempt from filing it.

**Situation 6** A large infectious waste generators has some tenants who are under the same Tax ID as itself and some who are not. The largest generator manages all the infectious waste generated in that location. (*same location, some under the same owner and some under different owners*)

If a larger generator rents to tenants having the same Tax ID, as in Situation 1, the larger generator and those tenants are considered to be “one” generator and would have one collective Medical Waste Reduction Plan. Any other tenants are separate generators. If the owner manages waste for everyone in the building, the “one” generator (that is, all those under the same Tax ID) and the other tenants are a manifesting group as in Situation 5.

**Example 6:** A hospital rents space in the hospital to two clinics and a laboratory, and they are all under the same IW Owner, as in Example 1. It also leases space to three clinics and a dialysis center which have different Tax IDs, as in Example 5b. The hospital manages the waste of all the tenants.

**How to fill out the annual report in Example 6:** In Section A of the online form, the hospital would check off all the generator types: “Hospital” and “Clinic” and “Laboratory” because they are considered to be one generator (one owner, one location) as in Example 1. The hospital’s generator type is not a “Dialysis clinic” because it does not own the dialysis center. The hospital signs the report on behalf of the clinics and the laboratory which are under its same IW Owner. The other clinics and dialysis center DO sign the report. As in Example 5b, the three other clinics and dialysis center must each file their own Medical Waste Reduction Progress Reports, unless exempt.

*If your situation does not seem to fit the situations described above, contact [DNRMedicalWaste@wisconsin.gov](mailto:DNRMedicalWaste@wisconsin.gov).*

## Who keeps the records?

Every infectious waste generator, except households and sharps collection stations, must keep records of the amounts of waste they send offsite for treatment. Even if someone else sends your infectious waste to a treatment facility, you must still keep separate records for yourself.

The person who manages infectious waste for the manifesting group should keep the copies of the infectious waste manifests, the certificates of destruction and the annual reports for five years for medical facilities, or three years for all other facilities. That person should give copies of the annual reports to each member of the manifesting group and may choose give them copies of the other documents as well.

For more information about records, see s. NR 526.14(1) and (2), Wis. Adm. Code.

## Who files the annual report?

If the members of a manifesting group choose to file as a group, the person who arranges for shipment of the infectious waste and receives the manifests and certificates of destruction is the one who reports on behalf of the group. Specifically, that person (the “reporting member” of the group) files the **Off-site Treatment Report** (Section B of the annual report). The other “non-reporting” members of the manifesting group must sign the annual report for the Off-site Treatment Report (Section B of the online form). The manifesting group, collectively, will pay for one annual report filing fee.

## Where is the annual report?

The Infectious Waste Annual Report is an online form. The links to the report and its instructions are on the Infectious Waste Annual Report webpage. Go to [dnr.wi.gov](http://dnr.wi.gov) and search “infectious waste annual report.”

## For more information

### Visit our webpages and download publications

Go to [dnr.wi.gov](http://dnr.wi.gov) and search for “Infectious waste”

### Contact the DNR’s medical waste coordinator

E-mail: [DNRMedicalWaste@wisconsin.gov](mailto:DNRMedicalWaste@wisconsin.gov)

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## WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

### DOCUMENT ID

WA-19-1819-C

### DOCUMENT TITLE

Infectious waste generators, owners and manifesting groups

### PROGRAM/BUREAU

Waste and Materials Management

### STATUTORY AUTHORITY OR LEGAL CITATION

Ch. 287, 289 Wis. Stats.; chs. NR 500-599, Wis. Adm. Code

### DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

December 2, 2019

### DATE FINALIZED

December 26, 2019

### DNR CERTIFICATION

*I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.*

December 26, 2019

Signature

Date