Memorandum of Understanding

Washington State Department of Ecology

And

Washington State Hospital Association

Parties

The Washington State Department of Ecology (Ecology) is the state's environmental agency that has enforcement responsibility under federal and state environmental laws for the purpose of this Memorandum of Understanding (MOU).

The Washington State Hospital Association (WSHA) is a voluntary membership association of hospitals in Washington, representing over 100 medical facilities in the state.

Purpose of MOU

Ecology and WSHA enter into this MOU for the primary purpose of reducing and ultimately eliminating mercury-containing products and wastes, minimizing persistent bioaccumulative toxic (PBT) pollutants, and assuring compliance with applicable environmental laws and regulations.

To help carry this out, Ecology will provide to WSHA members and other health care professionals pollution prevention (P2) opportunities, best management practices and technical assistance regarding mercury-containing products and wastes, PBT and other regulated waste that exist with respect to the health care industry in Washington.

Ecology and WSHA believe that information transfer and technical assistance, together with the implementation of P2 opportunities, will better enable Washington hospitals and other facilities in the health care industry to use fewer mercury-containing products, decrease waste volumes, minimize the production of PBT pollutants, improve waste stream segregation, reduce waste management costs and ensure regulatory compliance for regulated waste streams.

Both parties acknowledge the importance of implementing mercury-reduction actions published in the Washington State Mercury Chemical Action Plan, "Medical Facilities - Recommended Actions."

Nature of MOU

Ecology will exercise its regulatory discretion to pursue a voluntary compliance strategy with WSHA to maximize timely reductions of mercury and other regulated wastes from hospitals. Ecology will also continue to abide by and carry out its regulatory duties as required by law to address threats to human health and the environment. This is consistent with the goals of the Washington State Mercury Chemical Action Plan, (Ecology publication No. 03-03-001, January 2003) and Ecology's PBT strategy (Ecology publication No. 00-03-054, December 2000).

MOU Goals

Ecology and WSHA each will support and advocate for the following goals:

1. Wherever practical, eliminate mercury-containing products from Washington hospitals by the end of June 2007. Products of focus include mercury-containing equipment, mercury-containing medicines, pharmaceuticals and laboratory chemicals.
2. Eliminate mercury waste from Washington hospitals. This includes mercury waste discharged or released to sewer treatment plants, solid waste facilities and medical waste autoclaves.
3. Minimize the use and production of PBT pollutants in accordance with Ecology's PBT strategy and Best Management Practices (BMPs) for hospitals.
4. Reduce total volume of all wastes generated by the healthcare industry by 30 percent.
5. Increase sustainable practices, including energy and water conservation.
6. Collect, share and address data that measures progress toward meeting these goals 1, 2, 4 and 5.

Activities to be conducted by Ecology and WSHA

1. Ecology becomes a "**Champion**" as part of the national "Hospitals for a Healthy Environment" (H2E) program.
2. WSHA becomes an "**Endorser**" as part of the H2E program.
3. **Workshops.** Ecology and WSHA will co-sponsor two workshops, with a common agenda, for hospitals and related medical facilities. One will be on the east side of the Cascades, the other on the west side. The workshops will take less than a full day and be free to participants. The workshops will:

    a. Cover this MOU, its intent and activities that it supports.

    b. Review Ecology's new Best Management Practices Guide for Washington State Hospitals.

    c. Engage with participants to prioritize and plan how to better address BMPs that are of greatest interest and concern to the hospital sector and the environment. The goal is to better determine where prioritized technical assistance from Ecology and other resources is needed, and how to most effectively deliver such assistance.

4. **Topic-Specific Seminars.** Ecology and WSHA will co-sponsor shorter, more focused seminars around the state in follow-up to the workshop activities listed in 3.c., above. The seminars will support the purpose and goals of this MOU by providing more specific technical information on targeted P2, BMP and sustainable practice opportunities for health care professionals.

   The exact number, locations, and topics of the seminars will be jointly determined after the workshops have been conducted and assessed by both parties. Content may vary or be duplicated between seminars. The seminars will be based on similar efforts conducted by the Puget Sound Regional Medical Industry Waste Prevention Round Table (MIRT). This is a group that brings together local and state expertise to better address BMPs for specific activities and/or departments within hospitals and the medical industry.

   The seminars will be shorter in duration, lasting 2-3 hours each. To help keep costs down, they may be located (for example) in hospital conference rooms or available county health facilities. They will be scheduled at least two months in advance, with both parties agreeing to help market the seminars on respective web pages and through other available means. Ecology and WSHA will coordinate to promote attendance at the seminars by appropriate professionals and hospital staff.

Tracking Progress

Parties agree to track reductions in the use of mercury-containing products, reductions of mercury wastes, proper mercury waste management activities, and the application of BMPs as addressed within both H2E and Ecology's BMP guidance for the hospital industry in Washington. Parties will work together to compile and review the aggregate data that will be used to measure progress toward meeting MOU goals statewide.

The primary means of collecting such data will be through surveys discussed below. Other resources, as available, may also be used to help track progress. Data from the surveys and other jointly-sponsored MOU activities will be shared between parties as soon as they are collected. Data collection, management and sharing relative to these efforts will be agreed to in advance of collection to ensure a clear understanding of process, data reliability (and limitations) and common usability of the data relative to software.

In addition to surveys addressed within this agreement, parties will welcome other pertinent data and information to acknowledge prior waste reduction efforts accomplished by the industry in Washington. Such information may help document progress over a longer period, better recognize prior successes and help establish baseline measures against which accomplishments that result from this agreement can be compared. Parties will review such information and together agree upon its use before it is incorporated into measurements that result from this agreement.

1. **Surveys.** For purposes of collecting and assessing baseline information and tracking successes toward meeting the MOU's goals, three surveys will be applied to this agreement. They will be via questionnaires conducted by WSHA. The first survey was conducted by WSHA in 2002, prior to this agreement, which will be used to establish mercury related baseline information on the state's hospital sector as of that time. A second and third survey will be conducted, based on the first survey, to include additional questions and content to be agreed upon in advance by both parties.

   The second survey will take place within four months of the MOU's signing and will be used to update baseline mercury-related and P2 information and document progress since the 2002 initial survey. Results from the second survey will also be used to help determine the content of the workshops and seminars noted in "Activities to be Conducted by Ecology and WSHA" above. The third survey will be distributed within the final six months of the MOU to measure progress relative to the hospitals and the MOU.

   For consistency and comparative purposes, surveys will be similar in content, recognizing some modifications will be needed. Parties will coordinate to identify all licensed, non-WSHA member hospitals located in Washington to ensure surveys will be distributed to all licensed hospitals in the state regardless of WSHA membership.

2. **Set and Track Goals.** If not specified elsewhere in this agreement, parties agree to set comprehensive statewide reduction goals for the MOU effort, based upon all available and relevant data including individual hospital goals. Parties agree to encourage hospitals to set specific reachable goals for mercury reductions and to share their respective accomplishments in meeting those goals. The purpose of this effort is to track and address cumulative statewide goals rather than focus on individual facilities.

   Parties understand that WSHA is not accountable for the collection or accuracy of information provided from individual facilities or WSHA members. Rather, a primary source of data to track this agreement's goals will be solicited from H2E member facilities in Washington, in conjunction with their respective H2E pledges and efforts. Both parties will encourage all facilities to share what they're already tracking along with possible new measures relevant to this effort, understanding that such data sharing is a voluntary prerogative of each facility.

   The statewide goals will be determined after the second survey (in early 2006) has been assessed, but no later than midway through the MOU (September 30, 2006). This will include reductions in the number of mercury-containing pieces of equipment in use at hospitals throughout the state and reductions in pounds of mercury waste. The mercury-reduction results will be posted by both parties as part of this MOU once they're known. Parties agree to actively encourage work to meet these goals.

Agreements to Process

In order to foster the successful completion of this MOU, Ecology and WSHA agree to the following terms and conditions:

1. **Duration.** The MOU will commence upon signature by both parties and will conclude June 30, 2007.

2. **Cost Sharing.** To the extent practical, hard costs (non-staff related) to carry out the MOU will be equally shared. Costs are expected to include publications, mailings, surveys and jointly-sponsored events such as workshops and seminars. Both parties agree to keep these costs reasonable and will agree to them before they're accrued.

3. **Modification of Activities.** By mutual agreement, which may be either formal or informal, Ecology and WSHA may modify the list of activities set forth above and/or further determine the practical manner by which the goals, purposes and activities of this MOU will be accomplished. However, any modification to any other written part of this MOU must be made in writing and signed by both Ecology and WSHA.

4. **Disputes.** Ecology and WSHA pledge in good faith to go forward with this MOU and to further the goals and purposes of this MOU. The parties shall attempt to resolve disputes through good faith discussions in a timely manner.

5. **Early Termination.** Either Ecology or WSHA may unilaterally withdraw at any time from this MOU by transmitting a signed writing to that effect to the other party.

6. **At the End of the MOU.** The parties through this MOU are committed to encouraging hospitals to achieve additional mercury reduction. At the termination of this MOU, our agreed goal is that all hospital facilities in the state of Washington will be operating under prescribed mercury waste reduction and mercury management actions consistent with the Washington State environmental laws, published guidances and the Mercury Chemical Action Plan recommendations.

Notification

Communications and notices between the parties will be as follows:

If to Ecology: John Ridgway	Phone:	360-407-6713
Department of Ecology	FAX:	360-407-6715
Hazardous Waste Toxics Reduction Program	E-mail:	jrid461@ecy.wa.gov
P.O. Box 47600		
Olympia, WA 98504-7600		

If to WSHA: Robb Menaul	Phone:	206-216-2514
Senior Vice-President	FAX:	206-283-6122
Washington State Hospital Association	E-mail:	robbm@wsha.org
300 Elliot Avenue West, Suite 300		
Seattle, WA 98119-2514		

Effectiveness

This MOU will take effect on the date signed by both parties and remain in effect through June 30, 2007.

Executed to take effect as stated above.

Jay J. Manning, Director
Washington State Department of Ecology

Date 12/9/05

Robb Menaul, Senior Vice President
Washington State Hospital Association

Date 12/14/12