



# Perpetual Liability: What You Need to Know

When you want it done without liability, do it yourself.

Your liability for sharps and red bag waste does not end at your door. Unfortunately, you are responsible for your waste from cradle-to-grave, no questions asked, even if you pay a third party to haul it away and dispose of it. Protect yourself from this liability by making sure that biomedical waste items are disposed of properly, right at your facility.

## What you Need to Know About Cradle-to-Grave Liability

The Resource Conservation and Recovery Act (Environmental Protection Agency, 42 U.S.C. s/s 6901 et seq. 1976) describes the perpetual, or cradle-to-grave liability as incumbent upon hazardous/infectious waste generators. The concept that these waste generators are liable for the hazardous/infectious nature of the biomedical waste from point of generation is supported by federal, state, and local law. This liability is inclusive of all steps including storage, transport, handling, processing and ultimate disposal. Indeed, original waste generators may be held as culpable for improper handling or illegal disposal of their biomedical waste as the company engaging in such misconduct. This ultimately requires the generator to diligently pursue proof of, and document, the proper processing and disposal of their biomedical waste, regardless of method or state requirements.

## Legal Precedents for Perpetual Liability

### United States v. Paccione (1991)

Operators of a medical waste management operation were found guilty of fraud, conspiracy and other crimes related to forged certification documents and improperly obtained permits and licenses for the disposal of hazardous and medical waste. Doctors and hospitals who entrusted their waste to the operation for proper processing and disposal were held jointly liable for both civil and criminal fines.

### Kenney v. Scientific

Individual waste generators (including a variety of healthcare practitioners) were held liable, along with the owners and operators of two landfills, in this lawsuit filed by local residents regarding improper and/or ineffective waste disposal.

### Carnell Rivers Trucking Company (1993 - 1995)

Original medical generators (doctors, hospitals) were held liable for damages and clean-up costs related to the actions of this hazardous/infectious waste hauler who had neglected to maintain adequate insurance and liability protection.

## The Demolizer® II Solution

The Demolizer® II system offers a cost-effective, safe, simple and secure approach to compliant waste processing, documentation and disposal.

The system converts both sharps and red bag waste to non-biohazardous, non-infectious solid waste that can be disposed of as common trash. The Demolizer® II system meets or exceeds all EPA, OSHA, and CDC guidelines. It is approved or meets requirements for treatment in 46 states. When used properly, the Demolizer® II system eliminates cradle-to-grave liability.

# Demolizer® II Technology

## Three Easy Steps

### Three Easy Steps to Complete a Waste Processing Cycle

#### Step 1

Place the sharps or red bag Collector into the Demolizer® II



#### Step 2

Select either the Sharps or Red Bag Waste option from the Demolizer® II menu.



#### Step 3

Press Start button to begin process.



### Three Easy Steps of Proper Documentation

#### Step 1

Complete a Demolizer® II processing cycle. Two certification labels will automatically print with a successful cycle completion.



#### Step 2

Apply the first label to the Collector and toss into the garbage as common trash.



#### Step 3

Apply the second label to the log book for official documentation. This label contains quality control data for the treatment cycle and documentation of all critical operating parameters.



When used properly, the Demolizer® II system eliminates waste generator cradle-to-grave liability under the Resource Conservation and Recovery Act.



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