

# 1. The Occupational Health and Safety Act

This gives workers the right to a healthy and safe work environment.

Employers **must** make sure that the workplace is safe and healthy and mustn't allow any worker to do work which is potentially dangerous. Employers must:

- Provide protective clothing and equipment where necessary.
- Reduce any dangers to a minimum before issuing protective clothing.

*If* an employer expected their daily cleaning staff to clean and empty feminine hygiene units, they would need to comply with the above regulations regarding protective clothing (especially gloves to prevent needle-stick injuries as contaminated needles are often disposed of into FHUs).

Due to the fact that sanitary waste is a blood product, there is a high risk of illness caused by cross-contamination for cleaners that do not have suitable PPE. However, you should still be asking the following questions:

- Where would the daily cleaner **put** the sanitary waste?
- Has the sanitary waste been treated in any way?

The reason for these questions has to do with the nature of sanitary waste - which as a blood product is by its very nature is a 'risk' waste. Initial technicians are trained to safely handle contaminated waste and are issued with all the required PPE to do so with risking their health, or the health and safety of our customers.

# 2. The National Environmental Management: Waste Act, 59 of 2008 (NEMWA) (pg 12)

This categorises waste into 2 categories: General Waste and Hazardous waste.

- **General waste** is defined as waste that **does not pose an immediate hazard** or threat to health or to the environment and includes domestic waste.
- **Hazardous waste** is defined as any waste that contains organic or inorganic elements or compounds that may - owing to the inherent physical, chemical or toxicological characteristics of that waste - have a **detrimental impact on health and the environment**.

The possibility of cross-contamination from infected blood logically puts sanitary waste into the Hazardous category. Based on the above definition of Hazardous waste, the Western Cape Government has stated their position on sanitary waste as follows:

"All sanitary waste - *excluding that generated in households (domestic)* - **must be treated** before it can be disposed of at any waste disposal site in the Western Cape."

This means that businesses in the Western Cape (and, we would argue - the rest of the country) cannot simply throw **untreated sanitary waste** into municipal rubbish bins.

By expecting that of their cleaning staff, they would not only be in breach of the OHSA, but they would also be in breach of NEMWA, as sanitary waste is hazardous waste and must, therefore, be treated before it can be disposed of.

In addition, hazardous waste may only be disposed of at hazardous landfill sites, to which the general public does not have access. Initial FHUs contain a biological agent which not treat the sanitary waste, but also deodorise the units.

**NEMWA (Part 6: treatment, processing and disposal)** also goes on to state that:

No person may dispose of waste in a manner that is likely to cause pollution of the environment or harm to health and wellbeing. Subsection 1 (above) need not be complied with if:

a) the waste was generated as a result of **normal household activities**.

Normal household activities cover domestic sanitary waste, meaning that domestic sanitary **may** be disposed of in the municipal waste stream (landfill). But commercial volumes of sanitary waste (hazardous waste) may not because by doing so one would **cause pollution of the environment or harm to health and wellbeing**.

### **3. The Draft Health Care Risk Waste Regulations (part of NEMWA, act 59 of 2008)**

This defines Health Care Risk waste as *waste capable of producing disease*, and includes, but is not limited to:

- Infectious waste
- Pathological waste etc

Infectious waste is defined as *material suspected to contain pathogens (bacteria, viruses parasite or fungi) in sufficient concentrations or quantity to cause disease* in susceptible hosts. Based on this definition, sanitary waste is also classed as Infectious waste.

However, the National Regulations on Health Care Risk Waste (HCRW) also define HCRW as waste that is generated specifically at a *healthcare* facility, which of course the average commercial customer is not. Hence the gap in the legislation.

### **4. The Department of Water Affairs and Forestry**

Furthermore, the Department of Water Affairs and Forestry states in its *Policy on the Disposal of Sanitary Waste* a that their preferred method of treatment for large volumes of sanitary

waste is incineration. Again, this option is not available to the general public. In order to utilise any other disposal and treatment methods, one must submit an application and a motivational report.

I hope the above clarifies why commercial volumes of sanitary waste cannot simply be disposed of into the rubbish bin, to wind up on the local landfill, and why you should invest in a feminine hygiene service from a reputable hygiene services provider.

**Did you know that we have an industry expert endorsement for our PLUS by Initial service? Read our endorsement from Dr A Baldwin on our [website](#).**