

What is an Urgent Care Operator's Liability Concerning Trash Disposal?

Urgent Message: Medical and non-medical waste produced by urgent care centers must be handled in accordance with federal, state, and local regulations.

Alan A. Ayers, MBA, MAcc

Citation: Ayers A. What is an Urgent Care Operator's Liability Concerning Trash Disposal? *J Urgent Care Med.* 2025; 20(1):49-51

Key Words: Urgent Care, Practice Management, Ancillary Services, Business Operations

The United States Supreme Court has ruled that garbage is public property once it is set on the curb.¹ The Supreme Court opined that “[i]t is common knowledge that plastic garbage bags left on or at the side of a public street are readily accessible to animals, children, scavengers, snoops, and other members of the public.”² If you set your trash out for collection, it's believed that you have given up any “reasonable expectation of privacy.”³

However, the question remains who can be found liable if that trash is not disposed of properly and in accordance with federal, state, and municipal law. This article will examine what urgent care owners should know about trash disposal at their locations.

Federal regulations play a major part in molding waste management practices in the U.S. The Resource Conservation and Recovery Act (RCRA)⁴ is one of the most significant federal laws that regulates hazardous waste management. The RCRA provides the Environmental Protection Agency (EPA) with the authority to control hazardous waste at all stages, including generation, transportation, treatment, and storage. Most of the compliance monitoring responsibility under the RCRA has been delegated to the states and local authorities.

The EPA regulates household, industrial, and man-



ufacturing solid and hazardous waste under the RCRA. The Act's goals include protecting the public from the hazards of waste disposal.⁵

Analysis

In an urgent care center, waste is generally categorized based on its origin and composition, which determines the appropriate method of disposal. There are 3 types of waste to be considered:

- Personal health information (PHI) displayed on documents
- Non-regulated waste such as general trash or food
- Regulated waste, such as pharmaceutical products and medical waste

Author affiliations: Alan A. Ayers, MBA, MAcc, is President of Urgent Care Consultants and is Senior Editor of *The Journal of Urgent Care Medicine*.

Regulated medical waste includes:⁶

- Human blood and blood products
- Needles and syringes (sharps)
- Laboratory waste
- Human pathological waste
- Material contaminated with blood, body fluids, or other infectious waste

An urgent care center typically has processes for the following:

- Segregating and shredding paperwork containing PHI (either shredder on-site or a shred bin serviced by a third party)
- Disposal of biohazard materials via sharps containers or biohazard containers/bags/boxes serviced by a third party, stored in an enclosed biohazard space with a warning sign
- Emptying of trash cans for dry and wet waste by janitor services
- Recycling locally specified waste

Legal Issues

Federal Regulations for the Destruction of PHI

The HIPAA Privacy Rule requires that covered entities apply appropriate administrative, technical, and physical safeguards to protect the privacy of PHI, in any form.⁷ As such, covered entities—like urgent care centers—must implement reasonable safeguards to limit incidental, and avoid prohibited, uses and disclosures of PHI, including in connection with the disposal of this information. In addition, the HIPAA Security Rule requires that covered entities implement policies and procedures to address the final disposition of electronic PHI and/or the hardware or electronic media on which it is stored, as well as to implement procedures for removal of electronic PHI from electronic media before the media are made available for reuse.⁸

As such, urgent cares aren't allowed to just abandon or dispose of PHI in dumpsters or other containers that are accessible by the public. However, the Privacy and Security Rules don't require a particular disposal method. Covered entities must review their own circumstances to determine what steps are reasonable to safeguard PHI through disposal and develop and implement policies and procedures to carry out those steps.⁹

A covered entity may, but isn't required to, hire a business associate¹⁰ to appropriately dispose of PHI on its behalf.¹¹ Thus, for example, an urgent care may hire an outside vendor to pick up paper records or electronic media from its premises, shred, burn, pulp, or pulverize the PHI, or purge or destroy the electronic media, and deposit the deconstructed material in a landfill or other

appropriate area.

Failing to follow HIPAA can result in civil monetary penalties ranging from \$141 to \$2,134,831 per violation, depending on the level of culpability. In addition, criminal penalties can also be imposed for intentional HIPAA violations, leading to fines and potential imprisonment.¹²

State Laws Governing Regulated Waste

Each state has specific laws concerning the disposal of biohazards, along with penalties for failure to comply with state regulations. State agencies are usually tasked with overseeing local waste management authorities and programs, which include the collection, transportation, processing, and disposal of waste.

For example, New York State has strict requirements on the storage, transport, and disposal of certain biological or healthcare-related materials. It is illegal to dispose of these materials with household trash or recycling. Fines for biohazard waste violations can range from \$5,000 to \$70,000 per violation, depending on the severity of the infraction.¹³

A violator of the Colorado Hazardous Waste Act or of a related compliance order may be subject to an administrative penalty of up to \$15,000 per violation per day. Moreover, violators may also be subject to a civil penalty of up to \$25,000 per violation per day.¹⁴

In Minnesota, a person who knowingly disposes of or arranges for the disposal of infectious waste as defined in Minnesota state law is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than 364 days or assessed a fine of not more than \$10,000, or both.¹⁵

Municipal Regulations Governing Ordinary Trash

Large and small communities across the country have rules for the collection of "ordinary trash." Some provide trash collection as a part of city services, and others contract with 1 or multiple waste management companies to complete the task.¹⁶

For example, the city and county of Los Angeles (California) prohibit disposal of household hazardous waste in the trash and instead provide designated centers for residents to properly dispose of such waste.¹⁷ Cincinnati (Ohio) considers these items to be hazardous and therefore unacceptable for regular trash collection: hazardous or infectious waste; propane or other pressurized gas tanks; liquid paint; acids; household chemicals; and more.¹⁸

Recycling

According to EPA, the total generation of municipal

solid waste equals 292.4 million tons or 4.9 pounds per person per day. Of the municipal solid waste generated, approximately 69 million tons are recycled, and 25 million tons are composted. Together, almost 94 million tons of waste are recycled and composted, equivalent to a 32.1% recycling and composting rate.¹⁹ Many communities have recycling services, but whether an urgent care would have access to local recycling may depend on how the locality regards recycling from commercial businesses. Statistics show that 73% of all U.S. households have recycling access, however.²⁰

The State of California enacted mandatory recycling laws, for example. Since January 1, 2022, all businesses and multifamily complexes are required to subscribe to organics collection, which includes food waste and yard trimmings. In addition, because the commercial sector generates nearly three-fourths of the solid waste in California, the passage of Assembly Bill 341 in 2011 requires all businesses that generate 4 cubic yards or more of trash per week to arrange for recycling services. The law leaves enforcement to be “consistent with a jurisdiction’s authority, including a structure for fines and penalties.”²¹

Other Trash Considerations

Finally, consider some of the common questions about trash.

- **Stealing your trash:** Commonly referred to as “dumpster diving,” stealing trash set out for collection is not against the law. That’s because the owner of the trash loses any expectation of privacy by placing it in public.
- **Unauthorized use of your dumpster:** This constitutes illegal dumping, and throwing trash in someone else’s dumpster without their permission is a crime, the severity of which depends on where this occurs. In New Jersey, a perpetrator could be faced with \$50,000 in fines and arrest as well as the confiscation of the vehicle used to transport the waste. The vehicle will be forfeited to the state.²² In California, fines can be imposed up to \$20,000.²³
- **Trespassing:** This is knowingly entering another’s property or land without permission, which encroaches on the owners’ privacy or property interest. If an individual enters the property and dumpster dives or dumps trash, he or she would be guilty of trespass. The consequences would depend on the specific jurisdiction.
- **Injury sustained in dumping or stealing:** If someone is injured by waste while going through your dumpster, he or she may have a claim for damages. However, the success of an injured party’s claim

will depend on many factors. Primarily, a facility may be able to show the person was contributorily negligent—that the injured person contributed to their injury and that negligence is a bar to recovering damages. For example, a dumpster diver may be trespassing when the injury occurs.

Conclusion

Urgent care owners and managers should educate themselves on the laws and regulations concerning trash. Consult a local attorney to be certain you are in compliance with federal, state, and local laws. ■

References

1. *California v Greenwood*, 486 US 35, 41; 108 S Ct 1625; 100 L Ed 2d 30 (1988).
2. *Greenwood*, 486 US at 40. St. Charles County, Missouri. Recycle Works – Central. <https://www.sccmo.org/892/Recycle-Works—Central>. Accessed August 14, 2025.
3. *Greenwood*, *supra*; *United States v Shelby*, 573 F2d 971, 973 (7th Cir 1978).
4. 42 USC § 6901 et seq.
5. US Environmental Protection Agency. Regulatory and guidance information by topic: waste. Updated May 23, 2024. <https://www.epa.gov/regulatory-information-topic/regulatory-and-guidance-information-topic-waste>. Accessed August 14, 2025.
6. New York City Department of Sanitation. Medical and healthcare waste. <https://www.nyc.gov/site/dsny/businesses/materials-handling/medical-health-care-waste.page>. Accessed August 14, 2025.
7. 45 CFR § 164.530(c); 45 CFR § 160.103; 45 CFR § 164.514; *Planned Parenthood of the St. Louis Region & Sw Mo v Bailey*, No. ED112842, 2025 Mo App LEXIS 316, at *41 (Ct App May 6, 2025).
8. 45 CFR § 164.310(d)(2)(i)-(ii).
9. US Environmental Protection Agency. Disposal of protected health information. <https://www.epa.gov/regulatory-information-topic/regulatory-and-guidance-information-topic-waste>. Accessed August 14, 2025.
10. US Department of Health and Human Services. Business associates. <https://www.hhs.gov/sites/default/files/ocr/privacy/hipaa/understanding/coveridentities/businessassociates.pdf>. Accessed August 14, 2025.
11. 45 CFR §§ 164.308(b), 164.314(a), 164.502(e), 164.504(e).
12. HIPAA Journal. What are the penalties for HIPAA violations? <https://www.hipaajournal.com/what-are-the-penalties-for-hipaa-violations-7096/>. Accessed August 14, 2025.
13. New York City Sanitation Penalty Schedule § 3-122.
14. 6 CCR 1007-3, Part 1.
15. Minn Stat § 609.671(11).
16. Missouri Division of Environmental Health and Protection. Solid waste management. <https://www.sccmo.org/852/Solid-Waste-Management>. Accessed August 14, 2025.
17. City of Los Angeles. Hazardous waste. https://sanitation.lacity.gov/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd/s-lsh-wwd-s-c/s-lsh-wwd-s-c-hw?_adf.ctrl-state=7x2ejke61_58_afrLoop=16472776346095972#!. Accessed August 14, 2025.
18. City of Cincinnati Department of Public Services. Garbage collection guidelines. <https://www.cincinnati-oh.gov/public-services/garbage-collection/>. Accessed August 14, 2025.
19. US Environmental Protection Agency. National overview: facts and figures on materials, wastes and recycling. <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials>. Accessed August 14, 2025.
20. The Recycling Partnership. Report shows only 21% of US residential recyclables are captured, points to policy and investment as immediate solutions. January 10, 2024. <https://recyclingpartnership.org/report-shows-only-21-of-u-s-residential-recyclables-are-captured-points-to-policy-and-investment-as-immediate-solutions/>. Accessed August 14, 2025.
21. State of California. AB 341. February 10, 2011. http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0301-0350/ab_341_bill_2011006_chaptered.html. Accessed August 14, 2025.
22. New Jersey Department of Environmental Protection. Enforcement. <https://www.nj.gov/dep/stopdumping/enforcement.htm>. Accessed August 14, 2025.
23. Cal Penal Code § 374.3.