

**BOSTON UNIVERSITY MEDICAL CENTER'S  
ENVIRONMENTAL, HEALTH, AND SAFETY RECORD  
(January 2000-August 2004)**

**SUMMARY OF THE RECORD**

Since January 2000, Boston University's Medical Campus (BUMC):

- Violated limits on toxic discharges to the sewer 75 times.
- Violated 2 hazardous waste storage and handling regulations.
- Violated health and safety rules 3 times.
- Violated rules for reporting about its biological research activities.
- Received 30 enforcement notices and orders for violating environmental, health, and safety laws and regulations.

**BUMC'S VIOLATIONS OF WASTEWATER LAWS AND REGULATIONS**

- 41 discharges of waste mercury above allowable limits to the sewer.
- 15 discharges of waste silver above allowable limits to the sewer.
- 10 discharges of waste formaldehyde above allowable limits to the sewer.
- 3 discharges of waste total xylenes above allowable limits to the sewer.
- 3 discharges of waste total toxic organics above allowable limits to the sewer.
- 1 discharge of waste chloroform above allowable limits to the sewer.
- 1 discharge of waste ethylbenzene above allowable limits to the sewer.
- 1 discharge of waste copper above allowable limits to the sewer.
- No staffing plan for its wastewater treatment facility.
- No operation and maintenance manual for its wastewater treatment facility.
- In Significant Noncompliance for violating discharge limits every year: July 2000-June 2001; July 2001-June 2002; July 2002-June 2003, and July 2003-June 2004.

**BUMC'S VIOLATIONS OF HAZARDOUS WASTE LAWS AND REGULATIONS**

- Containers of hazardous waste oil not marked and labeled.
- No warning signs at its waste oil storage area.

**BUMC'S VIOLATIONS OF SAFETY AND HEALTH LAWS AND REGULATIONS**

- Sewage odors spread throughout many areas of the hospital, caused by a failure to follow maintenance protocols. Employees became nauseous. In response, BUMC shut down the building's ventilation system, even though many areas of the building have no windows and receive air only from the ventilation system.
- No working X-RAY IN USE sign at a cardiac laboratory.
- Employees working in the Emergency Department had respiratory irritation and distress caused by workers stripping and refinishing floors. There was no employee access to a Material Safety Data Sheet for a chemical used for the work.

**BUMC'S VIOLATIONS OF BIORESEARCH LAWS AND REGULATIONS**

- More than six months late filing its 2002 annual report with the Boston Public Health Commission on the recombinant DNA research it had done.

**ENFORCEMENT NOTICES AND ORDERS ISSUED TO BUMC SINCE FEBRUARY 2001**

- August 25, 2004: Notice of Violation issued by the Massachusetts Water Resources Authority (MWRA).
- May 19, 2004: Notice of Violation issued by MWRA.
- March 3, 2004: **Cease and Desist Order** issued by MWRA. BU must stop its sewer discharge from a location because it was **consistently discharging excessive amounts of waste mercury to the sewer in violation of regulations after being given the opportunity to correct the violations.**
- December 24, 2003: Notice of Violation issued by MWRA.
- November 19, 2003: Notice of Violation issued by MWRA.
- October 15, 2003: Notice of Violation issued by MWRA.

- September 8, 2003: Notice of Violation issued by MWRA.
- July 30, 2003: Notice of Alleged Safety or Health Hazards issued by the U.S. Department of Labor Occupational Safety and Health Administration (OSHA).
- July 10, 2003: Notice of Violation issued by MWRA.
- June 12, 2003: Notice of Noncompliance issued by the Massachusetts Department of Environmental Protection (DEP).
- May 29, 2003: **Penalty Assessment Notice** issued by MWRA because BU was **consistently discharging excessive amounts of waste silver to the sewer after being given the opportunity to correct the violations.**
- December 18, 2002: Notice of Alleged Safety or Health Hazards issued by OSHA.
- November 27, 2002: Notice of Violation issued by MWRA.
- September 26 2002: Notice of Violation issued by MWRA.
- September 16, 2002: Notice of Alleged Safety or Health Hazards issued by OSHA.
- August 7, 2002: Notice of Noncompliance and Order issued by MWRA.
- August 1, 2002: Notice of Violation issued by MWRA.
- May 17, 2002: Notice of Violation issued by MWRA.
- February 14, 2002: Notice of Violation issued by MWRA.
- November 5, 2001: Notice of Violation issued by MWRA.
- October 18, 2001: Notice of Violation issued by MWRA.
- September 18, 2001: Notice of Violation issued by MWRA.
- September 17, 2001: Notice of Violation issued by MWRA
- August 14, 2001: Notice of Violation issued by MWRA.
- July 27, 2001: Notice of Violation issued by MWRA.
- July 10, 2001: Notice of Noncompliance and Order to Take Corrective Action issued by MWRA.
- June 11, 2001: Notice of Noncompliance and Order to Take Corrective Action issued by MWRA.
- May 15, 2001: Notice of Violation issued by MWRA.
- April 19, 2001: Notice of Violation issued by MWRA.
- February 5, 2001: Notice of Violation issued by MWRA.

#### **PENALTIES PAID**

- September 4, 2003: Paid a \$22,600.00 penalty to MWRA for ten reported instances in which it discharged excessive amounts of silver to the sewer system in violation of state regulations, its permit, and an MWRA enforcement order.

#### **CONCLUSION**

- BUMC has a poor environmental record, with numerous violations -- and these are not old, rare, or trivial violations. BUMC's most recent violation was in July 2004. BUMC has been in "Significant Noncompliance" of wastewater discharge requirements for the past four years, including the most recent year. "Significant Noncompliance" means that at least one-third of the discharges violated the limits for a pollutant.
- BUMC's explanations for its poor record are false and misleading. BUMC claims that when it has a violation it fixes the problem, that it fixed all the violations "either on the spot or within a time frame acceptable to the respective regulating agency," and that "almost always no further action is needed or taken by MWRA." BUMC's claim is nonsense. BUMC has many violations after being told to fix the problem. MWRA issued and BUMC paid a financial penalty for 10 violations of the silver discharge limit after it failed to fix the problem. This year, MWRA ordered BUMC to stop a discharge because BU had such a longstanding record of violating the mercury discharge limit. BUMC also received an enforcement order from DEP because it did not even have a manual on how to operate its wastewater treatment system or a staffing plan for the system. BUMC claims that the manual and plan were "missing." The plan and manual were not "missing." BUMC did not have a plan or manual. It had to write them and needed an extension of time to submit them.
- Boston University and its Medical Center should not own or operate a bioterrorism lab that will house and research deadly and exotic disease causing agents considering its history of repeatedly violating environmental, health, and safety regulations at its medical and research facilities. Operation of a BSL4 laboratory must be near perfect at all times to try to avoid releases of dangerous viruses -- but BU has shown that it is incapable of operating its facilities without numerous environmental, health, and safety problems.