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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

July 12, 1996

MEMORANDUM

To: Mary F. Toro, Compliance Officer
Consumer Product Safety Commission

From: Gregory Helms
Office of Solid Waste

Re: Management and Disposal of Waste Vinyl Mini blinds

We have received your questions about management and disposal of lead-bearing vinyl mini blinds that are being discarded by homeowners or retailers in connection with your recommendations that they be replaced due to their potential to cause lead poisoning. The attachment to this memo restates and answers each of your questions.

The Resource Conservation and Recovery Act (RCRA) only applies when blinds become a waste, i.e., they are being discarded or disposed; any blinds being sent back to a manufacturer for sale in other markets (e.g., for export) would not be regulated under RCRA. However, given the health concerns about the blinds CPSC has identified, we hope you will encourage those with stocks of blinds not to export these products. Key points in managing and disposing of waste blinds are: 1) waste blinds from households or other residential buildings may be disposed of as ordinary household trash (i.e., they are exempt from Federal hazardous waste regulation under RCRA); 2) whoever discards blinds from sources other than households or residential buildings is responsible for determining whether they contain enough lead to be considered a hazardous waste, although such a determination can make use of information from other reliable sources; 3) management and disposal requirements for hazardous waste blinds vary depending on

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the volume of waste being disposed; 4) there is a federal minimum set of management requirements, but states may have additional requirements, and should be consulted in planning management and disposal of waste blinds.

QUESTIONS ON LEAD-BEARING MINIBLINDS

1. What is the appropriate disposal method that consumers should be using for their lead-bearing vinyl miniblinds?

EPA's regulations state that wastes from households (i.e., garbage and trash) are not regulated as hazardous waste under the Resource Conservation and Recovery Act (see 40 CFR 261.4(b)(1)). Therefore, consumers may dispose of their miniblinds in the same manner that they discard ordinary household trash. They may put the blinds out with the garbage, or they may contact a commercial trash hauler.

2. If consumers have numerous miniblinds in their homes to dispose of, e.g., if a household had 15 miniblinds for disposal, would this be treated differently than a household that had only one or two miniblinds?

No. EPA's regulations provide that wastes from households are not regulated as hazardous, and there are no limitations on the quantity of the wastes.

3. What is the appropriate disposal method for apartment complexes, hotels, military bases and hospital facilities that house many people and may have over 1,000 lead-bearing miniblinds to dispose of?

EPA's regulations provide that wastes from single and multiple residences, hotels, motels, bunkhouses, crew quarters, and ranger stations are considered household wastes and are not regulated as hazardous under RCRA (see 40 CFR 261.4(b)). These facilities may therefore dispose of the blinds in the same manner that they discard other trash or garbage.

However, hospitals and other non-residential buildings are not considered generators of household wastes. They are subject to the same disposal requirements that apply to retailers, which are described in the answer to question #4 below. Therefore, waste

blinds generated from military base housing units would be exempt, while waste blinds generated from offices, day care centers, and other buildings would not be exempted as household waste.

4) How should retailers dispose of the miniblinds they have in inventory if they decide to dispose of them and not return them to the place of manufacture? Retailers may have tens of thousands of blinds in inventory.

Once a retailer decides to dispose of the miniblinds, he must 1) determine whether they are a hazardous waste (see 40 CFR 262.10 and #6 below), and if they are hazardous, 2) determine his size status as a generator, because requirements vary depending on the quantity of a hazardous waste generated. He should then contact his state hazardous waste agency for more information on management and compliance in his state because states may have their own regulations governing hazardous waste.

The retailer can determine his generator status by calculating how much hazardous waste he or she generates in a calendar month (40 CFR 262.10(b) and 261.5(b) and (c)). If the retailer generates less than 100 kg of hazardous waste (mini-blinds plus any other hazardous waste generated on site) then the retailer would be classified as a Conditionally Exempt Small Quantity Generator (CESQG). A retailer who generates between a 100 kg and 1000 kg of hazardous waste in a calendar month would be classified as a Small Quantity Generator (SQG); and a retailer who generates more than 1000 kg of hazardous waste in a single calendar month is classified as a Large Quantity Generator (LQG).

Conditionally Exempt Small Quantity Generators have minimal requirements for handling hazardous waste (40 CFR 261.5), and may dispose of waste blinds in non-hazardous waste facilities, although disposal must be in state approved facilities. Some states have additional requirements for CESQGs beyond the Federal minimum, so retailers should always contact their state hazardous waste agency for complete information on applicable requirements.

Both SQGs and LQGs are required to handle hazardous waste under EPA's hazardous waste regulations (40 CFR 262 - 270), and ultimately ensure their disposal in regulated hazardous waste disposal facilities. The requirements for SQGs are similar but less stringent than those for LQGs. Both SQGs and LQGs may be

required to:

- obtain an EPA identification number (40 CFR 262.12)
- prepare the hazardous waste for shipment (package, label, mark, placard) (40 CFR 262.30 - 262.33)
- manifest the waste for shipment to a hazardous waste treatment, storage, disposal, or recycling facility (40 CFR 262.20 - 262.23, 262.42)
- manage the hazardous waste on site in an environmentally sound manner (40 CFR 262.34)
- do record keeping and/or reporting (40 CFR 262.40 - 262-41)
- ensure the waste meets treatment standards before land disposal (40 CFR 268)
- comply with export and import requirements when necessary (40 CFR Subparts E and F).

Again, some state requirements may vary from the minimum federal requirements, so contacting the state regulatory agency is important.

5. Should retailers treat consumer returned merchandise differently than inventoried products?

As state regulations vary, generators of hazardous waste should always check with their state hazardous waste authority for more information on management and compliance.

Assuming the blinds are a hazardous waste, generally, retailers may dispose of miniblinds returned from consumers and those from inventoried stock either separately or together. A retailer who chooses to handle them separately may take advantage of the household waste exclusion for the blinds returned from households (see questions 1, 2, and 3). However, the inventoried stock must be managed as described in the response to question 4. Because only miniblinds generated in a household (as defined in 40 CFR 2661.4 (b)(1)) are eligible for the household waste exclusion, the retailer must be certain that miniblinds returned from other regulated sources such as businesses and commercial facilities are not mixed with those from households. The miniblinds returned from sources other than households should be handled along with the inventoried stock as a regulated hazardous waste.

If a retailer does not wish to segregate different groups of

blinds, or if he wishes to adopt the most environmentally conservative approach, he may handle both groups together as described in the response to question 4.

6. Does EPA require testing to determine that waste is hazardous?

Once the retailer (or manufacturer) decides to dispose of the miniblinds, he is required to determine whether they are a hazardous waste. This means the retailer must either test a representative sample of the miniblinds to see if they are considered a hazardous waste (see #7 below), or the retailer or manufacturer may also rely on knowledge of the composition and properties of the blinds in making this determination (40 CFR 261.10(a)(2)). If the retailer does not want to test the miniblinds, the most conservative approach is to handle all of the miniblinds as if they were hazardous waste. Although testing is not required, if subsequent testing by EPA or others demonstrates that the waste was hazardous, an incorrect determination made based on knowledge would leave a waste generator (the retailer or manufacturer) vulnerable to enforcement action.

7. What test method does the EPA recommend to retailers to determine whether their inventory is hazardous? Are there certified laboratories that can conduct these tests?

The toxicity characteristic leaching procedure (TCLP; Method-1311) test would be used to determine whether lead-bearing vinyl mini-blinds are a hazardous waste when disposed. EPA does not certify laboratories that perform the TCLP test. However, many reputable commercial laboratories are capable of performing the test. Testing labs can be identified by contacting the International Association of Testing Labs, at 703-739-2188, or ACIL, at 202-887-5872.

8. Where can retailers get a copy of the test method?

Retailers will generally want to rely on a testing lab to understand the test method details. Copies of the TCLP test method are available as a part of the EPA analytic methods manual, SW-846 (through NTIS, 703-487-4650), or from the analytical methods information communication exchange (MICE) hotline, at 703-821-4690.

9. What level of lead is hazardous for purposes of disposal?

The TCLP test uses a sample of the waste and a leaching solution (in a ratio of 1:20). After mixing the waste with the leaching solution, the leaching solution is tested for hazardous constituent concentration. If lead in the leaching solution is present at a concentration higher than 5 mg/l (or ppm), the waste would be considered to be hazardous, and would be required to be managed and disposed as a hazardous waste.

10. Is there a contact person at EPA that can offer retailers guidance on disposal if their inventory is determined to be hazardous?

For further assistance in understanding the applicable hazardous waste regulations, the retailer should contact the hazardous waste agency in his or her state. Other assistance resources include the EPA Resources Centers, the RCRA hotline (800/424-9346 or 703/412-9810), or the EPA Regional office.