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LABORATORIES, RCRA REGULATION IMPACT

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

NOV 28 1990

Ms. Kathleen Ream  
American Chemical Society  
1155 Sixteenth Street, N.W.  
Washington, D.C. 20036

Dear Kathy:

Thank you for your letter of November 5, 1990, requesting that the Environmental Protection Agency (EPA) give special consideration to the impacts of the Resource Conservation and Recovery Act's (RCRA's) regulations on laboratories. I am pleased to be able to provide some insights on your very thoughtful comments.

Some of the concerns identified in your White Paper appear to relate to the Department of Transportation's (DOT's) regulations that govern the transport of hazardous materials. Thus, you may wish to contact DOT directly on those issues. A contact there is George Cushmae at (202) 366-4488.

With respect to the RCRA regulatory issues, as you have pointed out, some of the concerns your White Paper identifies as problems do not require regulatory changes, and may result from an incorrect reading of the regulations. For example, the question of when a chemical becomes a waste is not addressed directly in the regulations; EPA views commercial chemical products as non-wastes until a decision is made to discard them. Surplus chemicals that are intact and unused are classified as commercial chemical products. In contrast to the statement made on page 2 of the White Paper, 40 CFR Section 261.1(c)(8) does not require that at least 75 percent of commercial chemical products be recycled or transferred for recycling in a calendar year. Under Section 261.2(c)(4), commercial chemical products that are accumulated speculatively are not solid wastes, and thus are not subject to the RCRA regulations. Your proposed solution, "Guidelines for Chemical Exchange," is consistent with EPA's

leading of the applicability of RCRA Subtitle C regulations for reagent chemicals and solvents in their original condition and original containers.

Thank you once again for the useful information you provided. If you need further assistance, please contact Becky Cuthbertson of my staff at (202) 475-9715.

Sincerely yours,

Don R. Clay  
Assistant Administrator