

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT  
April 2003

**1. RCRA Regulations for Electronic Materials That Are Reused or Resold**

*Computer equipment, including monitors and processing units, along with other electronics are often resold or donated to be reused. Typically, repairs such as rewiring or replacing defective parts are necessary before electronics can be reused. A business sends used electronics, which have the potential to be RCRA hazardous wastes, to a reseller who tests and identifies whether the equipment can be resold, repaired, or recycled. Is a business sending used electronics to a reseller considered a RCRA generator that must comply with RCRA Subtitle C requirements?*

Pursuant to EPA regulations, a business that sends electronics to a reseller for potential reuse is not a RCRA generator. Under these circumstances, the electronic equipment is still considered a commercial product because materials used and taken out of service by one person are not considered wastes if a second person reuses them in the same manner without first reclaiming them (40 CFR Section 261.2(e)). Repairing electronics before resale is not considered reclamation, and such repair and replacement activities do not constitute waste management. Therefore, electronics from a business are not considered solid wastes when sent to resellers and would not be subject to RCRA requirements. To minimize the amount of electronics sent for disposal, EPA encourages reuse to extend the life and delay the waste generation of these items (67 FR 40508, 40511; June 12, 2002).

While used electronics sent to a reseller are not solid wastes, used electronics sent to a recycler could, under certain circumstances, be considered spent materials undergoing reclamation and could therefore be solid wastes. However, EPA believes that in some instances, electronics sent for recycling do not resemble spent materials. To determine how electronics must be managed in particular situations, users and recyclers of electronics should check with their implementing agencies to see which, if any, RCRA Subtitle C requirements apply when used electronics are sent toward specific recycling pathways (67 FR 40508, 40511; June 12, 2002). In the case of cathode ray tubes (CRTs), the Agency has encouraged states to take approaches consistent with its recent proposal, which, if finalized, would exclude CRTs being recycled from the definition of solid waste when they are managed under certain streamlined conditions (67 FR 40508; June 12, 2002).