

Frank F. Murray
Hangsterfer's Laboratories, Inc.
175 Ogden Road
P.O. Box 128
Mantua, NJ 08051

Dear Mr. Murray:

Thank you for your letter of October 15, 2003, in which you requested information on Resource Conservation and Recovery Act (RCRA) classification(s) as they apply to hazardous waste. In your letter, you state that you had previously sent several letters requesting this information. We apologize for the delay in this response.

You raised several questions concerning products that contain toluene and/or carbon tetrachloride that will be eventually disposed. First, you ask if a product containing small amounts of both chemicals (< 3.0% for toluene, < 20 ppm for carbon tetrachloride) warrant statements on an applicable Material Safety Data Sheet (MSDS) listing the product as a RCRA waste, with the applicable RCRA waste code(s). The Occupational Safety and Health Administration (OSHA) is the agency responsible for overseeing the development and distribution of MSDS's. I recommend that you contact the Marlton New Jersey Area Office of OSHA for information on completing the MSDS. The Marlton Area Office covers the area in which your company is located. The phone number for the Marlton Area Office is (856) 757-5181, then 0 for the operator, and request to speak to the Duty Officer.

Second, you asked if a product, which contains these chemicals, warrants being deemed a hazardous waste by RCRA standards when disposed of. Toluene and carbon tetrachloride are "U" listed wastes, U220 and U221, respectfully. However, in order for the "U" listing to be applicable, it must simultaneously meet three criteria. These criteria are 1) an unused commercial chemical product (CCP) must be discarded or spilled; 2) a chemical ingredient in the CCP is listed in 40 CFR 261.33 (e) or (f); and, 3) the chemical on the "U" list is the sole active ingredient in the product (i.e., the chemical identified on the "U" list is the only chemically active component of the product, for the function of the product). If the discarded product does not meet all three criteria it would not be a listed hazardous waste. However, it could be hazardous if the discarded product exhibits any of the hazardous waste characteristics such as ignitability, corrosivity, or reactivity as defined in 40 CFR Part 261.20.

Thank you for bringing this matter to our attention. If you have any further questions please do not hesitate to contact James Michael of my staff at (703) 860-5450.

Sincerely yours,

Robert Springer, Director
Office of Solid Waste

cc: James Michael, OSW
Laura Spina, OSHA
George Meyer, Region 2

RO 14686