



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Michael Beckel
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3E Company
1905 Aston Ave
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OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

JUN 6 - 2008

Dear Mr. Beckel:

Thank you for your letter of April 24, 2008, requesting clarification on whether or not a Material Safety Data Sheet (MSDS) can be used to identify if a retail product is a hazardous waste under the Resource Conservation and Recovery Act (RCRA), when discarded.

The generator of a solid waste must determine if the waste it generates is regulated as hazardous, under 40 CFR 262.11. This determination can be made either by testing the waste or applying knowledge of the waste and the RCRA regulations.

As you noted in your correspondence, a product's MSDS is often the only information available that can be used to determine the chemical components of a product. Using the MSDS of a product is generally an acceptable means to determine whether or not any of the product's constituents or properties would make it a characteristic or listed waste, when discarded. Although an MSDS may often be adequate, other information can also be relevant.

The Agency often uses information from an MSDS to classify or characterize hazardous wastes in discarded retail or consumer products. For example, an MSDS may identify whether a product contains a chemical that would make it a P or U listed hazardous waste when discarded. The Agency also clarified the role of information such as an MSDS in applying the narrative hazardous characteristic criteria to waste in the attached Federal Register Notice from October 20, 2003 (68 FR 59939-40). In this case, the MSDS of a product indicated that the product did indeed pose a potential hazard.

I hope this letter provides useful information on the use of a retail product's MSDS to make a hazardous waste determination. Should you have any questions, please contact Tavera Culpepper at culpepper.tavera@epa.gov or 703-308-8463.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Hale".

Matt Hale, Director
Office of Solid Waste

Attachment