

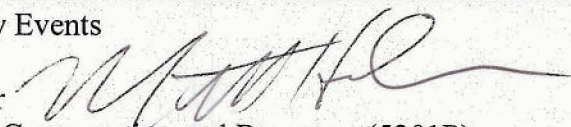


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 15 2010

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

SUBJECT: Management of Contaminated Human Remains and Personal Effects from
Homeland Security Events

FROM: Matt Hale, Director 
Office of Resource Conservation and Recovery (5301P)

TO: Debbie Dietrich, Director
Office of Emergency Management (5104A)

This is in response to your question concerning the applicability of the Resource Conservation and Recovery Act (RCRA) on the management of contaminated human remains and personal effects as a result of a homeland security (chemical, biological, radiological or nuclear) event. As you may be aware, OSWER in 1990 responded to a request for an interpretation from the Oak Ridge National Laboratory (ORNL) on the applicability of RCRA subtitle C to the U.S. Army's Chemical Stockpile Disposal Program in the event of a chemical agent release that was great enough to cause fatalities. At that time, the concern was whether RCRA permitting requirements must be satisfied before burying any contaminated human remains or personal effects.

In our response we stated that, "EPA does not consider RCRA to apply to human remains that are cremated or buried." In support of that statement we further stated, "For instance, under regulations implementing the Medical Waste Tracking Act (RCRA Subtitle J), EPA excluded human corpses, remains, and anatomical parts that are intended for interment or cremation from the medical waste tracking requirements (see 40 CFR 259.30(b)(1)(v)). Thus, the local communities may make appropriate planning arrangements without considering how RCRA requirements would apply to the human remains." Although the Medical Waste Tracking Act has since expired, EPA's position remains unchanged, and EPA still does not consider RCRA to apply to human remains that are cremated or buried. While the 1990 letter was in response to contaminated human remains from a chemical agent release, EPA also does not consider RCRA to apply to contaminated human remains from a biological, radiological or nuclear event.

With respect to personal effects that are contaminated with a listed hazardous waste, the principles that we laid out in the 1990 letter remain the same, in that RCRA requirements may vary depending on the location of the effects when they are discarded. There is an exemption from the hazardous waste requirements for household wastes, where such wastes are generated by people in their homes, and thus, most personal effects would likely be exempt from the federal hazardous waste requirements. See 40 CFR 261.4(b)(1). Thus, an individual managing

these personal effects need not comply with federal hazardous waste requirements when disposing of them, but should of course consider any state and local requirements that may apply.

This letter has described the federal hazardous waste requirements; states or localities can have stricter regulations, or requirements that are broader in scope so that in response to a homeland security event the appropriate state and local agencies may have to determine what their requirements may cover.

If you have further questions, please contact James Michael, Chief, Waste Characterization Branch at (703) 308-8610.

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