



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

JUL 19 2017

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

Ms. AnnMarie Beattie
Harmonized Customs Brokers, Inc.
Interfreight Harmonized Logistics
221 Sheridan Blvd
Inwood, New York 11096

Dear Ms. Beattie,

This letter is in response to your June 8, 2017, email inquiry which requested assistance in determining whether unused cigarettes and cigars made from tobacco are regulated as hazardous waste under the Resource Conservation and Recovery Act (RCRA) regulations when discarded. Specifically, your question was whether cigarettes and cigars are considered P075 ("Nicotine & salts") listed hazardous waste due to the presence of nicotine in the tobacco.

Nicotine and its salts are among the commercial chemical products that are "P-listed" acute hazardous wastes in 40 CFR 261.33(e). When discarded in unused form, nicotine and salts are considered P075. EPA defines the term "commercial chemical product" as chemical substances that are either (1) "commercially pure grade of the chemical, any technical grades of the chemical" or (2) "all formulations in which the chemical is the sole active ingredient." (See the comment in 40 CFR 261.33(d).) Cigarettes and cigars made from tobacco are not in the form of pure or technical grade chemicals, nor are they formulations in which the chemical is the sole active ingredient. Therefore, EPA does not consider unused cigarettes and cigars to be P075 listed hazardous wastes when discarded.

While the cigarettes and cigars are not considered to be P075 listed hazardous wastes and EPA has no evidence that cigarettes exhibit any of the four hazardous waste characteristics, it is the generator's responsibility to determine whether or not they exhibit any of the hazardous waste characteristics under 40 CFR 261.21 - 261.24. The generator can make this determination by either testing the waste according to the methods set forth in subpart C of 40 CFR part 261 or by applying knowledge of the hazard characteristic of the waste. Finally, please be aware that States authorized to implement and enforce the RCRA programs can be more stringent than the federal regulations. Therefore, we recommend that you contact the appropriate state regulatory agencies for a final determination as to the status of specific waste materials in those states.

Thank you for your inquiry. If you have further questions concerning this matter, please feel free to contact Narendra Chaudhari of my staff at (703) 308-0454.

Sincerely,

A handwritten signature in black ink that reads "Barnes Johnson". The signature is written in a cursive style with a long horizontal flourish at the end.

Barnes Johnson, Director
Office of Resource Conservation and Recovery