OFFICE OF RESOURCE CONSERVATION AND RECOVERY
WASHINGTON, D.C. 20460

July 23, 2026

Mr. Brian D. Israel
Paul Hastings LLP
1999 Avenue of the Stars
Los Angeles, CA 90067

Dear Mr. Israel:

This letter responds to your letter of September 10, 2025, regarding the application of the Resource Conservation and Recovery Act (RCRA) to telecommunications cables that "remain[] in their original place of installation." In your letter, you state that RCRA should not apply to these "in-place" lead-clad telecommunications cables (including accessory equipment). The purpose of this letter is to convey the EPA's interpretation of the application of RCRA to the circumstances generally described in your letter in which telecommunications cables remain in their original place of installation and have not fallen from it nor been removed and the telecommunications infrastructure on which they have been placed remains in use.

Consistent with past guidance and practice, EPA does not interpret RCRA to apply to telecommunications cables that have not fallen from their place of installation and remain affixed to the unabandoned telecommunication pole and cables. See, e.g., RO 11543, Letter from Sylvia K. Lowrance, Dir., Off. of Solid Waste, EPA, to Sen. Richard G. Lugar (July 19, 1990), https://rcrapublic.epa.gov/files/11543.pdf (utility poles) ("Once electric utility poles have served their original purpose and are removed, they would meet the RCRA definition of a solid waste."); RO 11841, Letter from Michael Shapiro, Dir., Off. of Solid Waste, EPA, to Kenneth M. Kastner, Bryan Cave (June 3, 1994), https://rcrapublic.epa.gov/files/11841.pdf (buildings) ("an intact, standing building . . . should not be considered to be 'discarded'" and subject to RCRA "until it is actually destroyed").

This interpretation represents the best reading of the statute. RCRA governs the treatment, storage, and disposal of "solid waste."[1] RCRA would apply to telecommunications cables only if they have become "solid waste," which RCRA defines as "garbage, refuse, sludge . . . and other discarded material."[2] Telecommunications cables that have neither been removed nor fallen from their place of

[1] 42 U.S.C. §§ 6901–03.
[2] 42 U.S.C. § 6903(27).

installation, which itself remains in use, have not been discarded, nor are they "garbage," "refuse," or "sludge."[3]

Once telecommunications cables are removed for disposal, they may become solid waste within the scope of RCRA. Until the cables on unabandoned poles are removed, however, they would be outside RCRA's scope, regardless of whether the cables continue to be used for telecommunications or other purposes. This letter does not in any way limit EPA's other authorities that may apply.

EPA's interpretation set forth in this letter is limited to those general circumstances explicitly discussed herein. A difference in one or more of the aforementioned circumstances, or any other factors or circumstances not discussed in this letter, may result in a different conclusion on the applicability of RCRA to such other telecommunications cables.

Finally, please note this letter discusses only the federal hazardous waste regulations. Some states have promulgated regulations that are more stringent than the federal RCRA regulations. Under Section 3006 of RCRA, individual states can be authorized to administer and enforce their own hazardous waste programs in lieu of the federal program and they have authority to promulgate regulations that are more stringent than the federal program.

If you have any additional questions, please contact me or Nick Hilosky at (202) 566-1942 or Hilosky.Nick@epa.gov.

Sincerely,

ANDREW BACA

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Andrew Baca
Director
Office of Resource Conservation and Recovery

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This letter is not intended, and cannot be relied upon, to create any rights, substantive or procedural, enforceable by any party in litigation with the United States.

[3] The canons of statutory construction further support this reading. For example, ejusdem generis instructs that "a general or collective term at the end of a list of specific items"—like "other discarded material" here—must be construed "in light of any common attributes shared by the specific items." Bissonnette v. LePage Bakeries Park St., LLC, 601 U.S. 246, 252 (2024) (citation omitted). As applied here, "other discarded material" must have the same attributes as garbage, refuse, and sludge. Cables that remain in place bears no resemblance to garbage, refuse, or sludge, so they cannot be "other discarded material."