

Pesticides: Universal Waste & Manifest Questions

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Questions

- Materials that are registered as pesticides that have other (perhaps more common) uses, e.g., propionic acid and pool sanitizers. Can these be manifested as universal waste since they are registered pesticides?
- Manifesting in general as it relates to state-sponsored pesticide collection programs.
- Tracking pesticide wastes

Caveats

- RCRA program works through state delegation; states other than except Iowa & Alaska run own program.
- States can be more stringent than federal regs.
- The information here represents the **federal regs**; requirements could be different if a state has more stringent requirements.
- Thanks to Kathy Lett, Office of Resource Conservation & Recovery, for technical info.

Universal Wastes - General

- This part (40 CFR Part 273) provides an alternative set of management standards in lieu of regulation under 40 CFR parts 260 – 272. [40 CFR 273.1]
 - Not a full exemption from regulation; materials are still considered hazardous waste
 - Universal waste regs are **alternative hazardous waste standards.**

Question 1: Pesticides with other common uses

- Agricultural pesticide collection programs encounter materials that are registered as pesticides that have other (perhaps more common) uses, e.g., propionic acid (hay preservative) and pool sanitizers (chlorine/bromine-based chemicals).
- Can these be manifested as universal waste since they are registered pesticides?

Answer 1

- Materials being managed as universal wastes are not required to be shipped under a Uniform HW Manifest.
- If the pesticides meet the definition of pesticide in 40 CFR 273.9 and conditions in 40 CFR 273.3, they would not have to be manifested.
- If the Universal waste pesticide is mixed with or contaminated with another HW, the universal waste provisions would no longer apply and the material must be managed under regular RCRA Subtitle C requirements for HW (including manifesting).

Answer 1: Definition of Pesticide in 40 CFR 273.9

- Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:
 - Is a new animal drug;
 - Is an animal drug that HHS has determined is not a new animal drug; or
 - Is an animal feed under FFDCA.

Answer 1: Conditions in sec. 273.3

- The universal waste requirements apply to persons managing pesticides meeting the following conditions:
 - Recalled pesticides that are...
 - **Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.**

Question 2: Manifesting

- Manifesting in general as it relates to state-sponsored pesticide collection programs
- What are the legal requirements for manifesting?
- Is a Uniform Hazardous Waste manifest required?
- Are waste codes necessary for universal wastes?
- Many states require Certificates of Disposal. Are these legal documents? If not should states be requesting other documentation?

Answer 2

- No Uniform Hazardous Waste Manifest is required under federal regulations for universal waste being sent from a universal waste handler (someone generating the waste or accumulating it from generators to be sent to another handler or to a destination facility).
- Once a universal waste arrives at a destination facility, where it will be treated, disposed of or recycled, it is no longer universal waste and must be managed under RCRA Subtitle C hazardous waste regulations.

Answer 2 (cont.)

- Certificates of Disposal are not a federal requirement.
- If a state requires them, seems likely that they are legal documents (but confirm with states).

Question 3: Tracking Pesticide Waste

- In most state programs, the pesticide waste is collected and manifested to a facility where the waste is either bulked or repackaged prior to shipment to the final disposal facility on a second manifest. Some states require tracking of their waste to ensure the waste is properly disposed.
- Should states be requiring this?
- If so, how best to achieve?

Answer 3

- If states want to add tracking requirements to their universal waste regulations beyond the federal regs, they can do that by requiring that the material travel under a manifest or by some other requirement.
- Could include this as a requirement in their contract with the hazardous waste handler. Possible language in 40 CFR 261.4(a)(24) -

Answer 3 (cont): Exclusion from hazardous waste

- (C) The reclaimer and intermediate facility must send to the hazardous secondary material generator confirmations of receipt for all off-site shipments of haz secondary materials. Confirmations of receipt must include:
 - Name & address of the reclaimer or intermediate facility
 - Type & quantity of haz secondary materials received
 - Date the materials were received.
- Can be satisfied by routine business records (financial records, bills of lading, DOT shipping papers, or electronic confirmations of receipt.

Other Questions?

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