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**Attention: Docket ID No. EPA-HQ-OLEM-2017-0463**

***Submitted Electronically through Federal eRulemaking Portal <https://www.regulations.gov/>***

**Re: Proposed Rule: Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations (83 FR 11654)**

Stericycle, Inc. (Stericycle) has reviewed the proposed rule Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations published in the Federal Register on March 16, 2018 (83 FR 11654). Stericycle supports this proposed rule and appreciates the opportunity to provide valuable input and comments regarding the proposed changes in the regulations.

Stericycle is a publically traded corporation (NASDAQ: SRCL) based in Lake Forest, Illinois. In 2017, we had revenues of \$3.56B. We operate over 250 medical and hazardous waste facilities providing services for customers throughout the U.S. representing all commercial, retail, industrial, and governmental Generators. Our services include compliant collection, transportation and treatment of medical waste, pharmaceutical and hazardous wastes, and secure document destruction. We operate 13 RCRA Part B hazardous waste facilities across the country and numerous 10 day TSDFs in the United States managing aerosol cans, among other hazardous wastes. Our corporate vision is to be leaders in “Protecting What Matters.”

## **GENERAL COMMENTS**

Stericycle has conducted an in-depth analysis of the proposed rule and respectfully submits the following comments. We agree with the overall analysis used to include aerosol cans in the Universal Waste regulations and agree that the proposed changes provide a clear and practical management system and will benefit the wide variety of establishments generating and managing waste aerosol cans.

### Definition of Aerosol Cans

EPA defines aerosol can as follows: “*Aerosol can* means an intact container in which gas under pressure is used to aerate and dispense any material through a valve in the form of a spray or foam.” Stericycle recommends expanding the definition to include the phrase “any non-refillable” to better align with the U.S. Department of Transportation Hazardous Materials Regulations 49 CFR 171.8, which defines an aerosol as “any non-refillable receptacle containing a gas compressed, liquefied or dissolved under pressure, the sole purpose of which is to expel a nonpoisonous (other than a Division 6.1 Packing Group III material) liquid, paste, or powder and fitted with a self-closing release device allowing the contents to

be ejected by the gas." Adding the clarifying term of "any non-refillable" to the definition of an aerosol would make it clear as to what items the EPA intends to include in the Universal Waste regulations.

Also, Stericycle would recommend that the Agency provide an expanded description and definition of what constitutes an "intact container." The lack of definition of "intact" could lead to widely varying interpretations, based upon the condition of the aerosol can. For example, would any of these conditions lead to the aerosol container being considered *not* intact: missing a cap, missing an actuator, dented can, rusted can, bulging can, missing/illegible label?

#### Part 273 Applicability – RCRA Hazardous Aerosol Cans

In part 273, the Agency intends to exclude any aerosol cans that do not meet the definition of a RCRA hazardous waste. Part 273.6(b)(2) says "An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in part 261, subpart C of this chapter or the aerosol can contains a substance that is listed in part 261, subpart D of this chapter." Although it is understood that the current structure of the Universal Waste regulations require EPA to only include hazardous waste aerosol cans as Universal Waste, Stericycle would encourage the Agency to consider allowing non-RCRA hazardous waste regulated aerosol cans to be handled and managed for disposal as Universal Waste. It would not be necessary to require non-hazardous aerosol cans to be managed under the Universal Waste regulations because of the limitations of the existing Universal Waste regulatory structure. However, non-hazardous and RCRA hazardous waste aerosol cans are often managed through the same handling, processing, and disposal processes and facilities and allowing empty aerosol cans to be managed as Universal Waste could lead to capturing more discarded aerosol cans for recycling. It is stated in the preamble to the proposed rule that it is intended to ease the regulatory burden on the retail sector. Aerosol cans represent one of the largest waste streams generated by the retail sector. Determining if an aerosol product meets the definition of a RCRA hazardous waste can be very challenging for the average retailer, considering the prevalence of retail products now offered/sold in an aerosol format. Removing this uncertainty and decision making process will ease the burden on the retail sector and ensure that all aerosol cans are captured for recycling.

#### Part 273 Applicability – Empty Aerosol Cans

Also under part 273, the Agency intends to exclude empty cans from those that can be managed under the Universal Waste regulations. Part 273.6(b)(3) says "Aerosol cans that meet the standard for empty containers under part 261.7 of this chapter". Part 261.7(b)(2) defines an empty aerosol container as being empty as follows "(2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric." Stericycle would encourage the Agency to allow empty aerosol cans to be managed under the Universal Waste regulations.

Stericycle assumes that empty aerosol cans are excluded from the Universal Waste regulations because empty aerosol cans do not meet the definition of a hazardous waste. However, Stericycle believes that including empty aerosol cans in the Universal Waste regulations would actually encourage greater amounts of aerosol can recycling. No reliable methods exist for a Generator to determine with a visual inspection whether or not the internal pressure of an aerosol can approaches atmospheric pressure, so the only method of ensuring no pressure remains is to puncture the aerosol can. Many Generators do not

want to puncture aerosol cans to avoid the additional regulatory and health and safety burdens associated with that activity. Even if an aerosol can seems empty, how does a Generator determine if the entire amount of contents and propellant have been totally removed from the can, or if the actuator simply failed?

Also, maintaining separate standards for empty and non-empty aerosols would require Generators to have two separate accumulation containers wherever waste aerosol cans are generated: one accumulation container for empty aerosol cans and one accumulation container for non-empty. It is understood that the empty aerosol cans could be recycled as scrap metal, but there would be no harm in allowing empty aerosols to be managed as Universal Waste. This would also have the added environmental benefit of ensuring that any residual propellants or contents leftover in an aerosol can that was thought to be empty would be captured and managed through to proper disposal. Any uncertainty on the part of a Generator as to whether an aerosol can is empty, may lead to aerosol cans being sent to landfill disposal instead of recycling. However, including empty aerosol cans would provide a clear decision process for Generators to include all aerosol cans--empty, full, or partially full--for proper handling and disposal as Universal Waste.

It would not be necessary to require empty aerosol cans to be managed under the Universal Waste regulations because Generators may still want to manage empty aerosol cans as scrap metal for recycling. However, allowing empty aerosol cans to be managed as Universal Waste could lead to capturing more discarded aerosol cans for recycling.

Again, overall Stericycle is in support of including waste aerosol cans in the Universal Waste rule and we do hope that states would also adopt this position moving forward as well. We appreciate the opportunity to submit comments. Should you have any further questions or comments, please feel free to contact me at 847-943-6685 or via email at [shoboy@stericycle.com](mailto:shoboy@stericycle.com).

Sincerely,



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Stericycle, Inc.