

April 10, 2018

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**Re: Docket ID Number EPA-HQ-OLEM-2017-0463; Proposed Rule for Increasing Recycling:
Adding Aerosol Cans to the Universal Waste Regulations**

The Household & Commercial Products Association¹ (HCPA) offers the following comments on the recent proposed rule for Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations by the U.S. Environmental Protection Agency (EPA). Specifically, HCPA supports the inclusion of the disposal of aerosol cans as universal waste. HCPA provides the following comments for consideration, primarily on behalf of the HCPA Aerosol Products Division which represents the interest of its members that manufacture, formulate and market a wide variety of products packaged in aerosol form.

I. HCPA Supports the Proposed Rule to Add Aerosol Cans to the Universal Waste Regulations

HCPA supports the EPA's proposed rule to add aerosol cans to the universal waste program under the federal Resource Conservation and Recovery Act (RCRA) regulations. This proposed change would benefit manufacturers and marketers of aerosol products, suppliers of aerosol product packaging and retailers who sell aerosol products by easing the regulatory burdens of disposing aerosol products and promote the collection and recycling of aerosol cans.

II. HCPA comments on which aerosol products are included and excluded

HCPA would like to offer the following comments regarding which aerosol products are included within the proposed rule to add aerosol cans to the Universal Waste regulations and which aerosol products are excluded.

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

a. HCPA proposes to harmonize the definition of an aerosol can with the UN Model Regulations

HCPA supports the harmonization of the definition of aerosol cans; however, HCPA would propose that the definition be harmonized with the international community. The definition in the UN Model Regulations:

Aerosol or aerosol dispenser means a non-refillable receptacle meeting the requirements of 6.2.4 (embedded at end), made of metal, glass or plastics and containing a gas, compressed, liquefied or dissolved under pressure, with or without a liquid, paste or powder, and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state or in a gaseous state.

Adoption of this definition would be more inclusive than the proposed definition of aerosol cans and wouldn't exclude aerosol products that are not dispensed as a spray or foam.

b. HCPA supports the exclusion of aerosol products which are empty.

HCPA supports not including aerosol cans that meet the definition of an empty container². Empty aerosol containers are currently not regulated as hazardous waste and should continue to be recycled for their scrap metal.

c. HCPA proposes that EPA modify their language around intact containers

The proposed rules exclude aerosol cans that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. EPA intends that aerosol cans that are not intact continue to be subject to the full hazardous waste standards. HCPA agrees that aerosol cans that are leaking or show signs that they may leak (such as container corrosion) should not be shipped as a universal waste; however, HCPA would appreciate EPA including language to encourage the generator to safely puncture and drain the aerosol can so that the container can still be recycled and the chemical mixture be disposed of properly.

III. HCPA proposes that EPA not adopt a size limitation on aerosol cans

At this time, EPA has not included a size limitation on universal waste aerosols cans. HCPA agrees with this approach as the Department of Transportation (DOT) already limits the capacity of a container to one liter³. Since aerosol cans would need to follow this limitation when in transportation, it is not necessary to duplicate the limitation within this proposal. If the agency wishes to set a size limitation within the proposal, HCPA would ask that the limitation be identical to DOT's limitation as every aerosol produced and shipped in the United States follows this capacity limitation rather than Utah's size limitation of twenty-four ounces⁴.

² As defined by 40 CFR § 261.7

³ 49 CFR § 173.306

⁴ Utah Administrative Code R315-273-9(a) – "Aerosol can" means a container with a total capacity of no more than 24 ounces of gas under pressure and is used to aerate and dispense any material through a valve in the form of a spray or foam

IV. HCPA supports the practice of generators puncturing and draining aerosol cans

HCPA supports the practice of generators puncturing and draining aerosol cans. As noted in section II subsection c, HCPA would appreciate EPA including language to encourage the generator to safely puncture and drain the aerosol can so that the container can still be recycled and the chemical mixture be disposed of properly. Generators that choose to puncture and drain their own aerosol cans should have procedures on how to safely puncture and drain aerosol cans, segregation of incompatible wastes, proper waste management practices to prevent fires or releases, and ensure employees are trained to safely perform all procedures that they engage in.

V. HCPA would like to clarify some background information

HCPA is unclear of the basis for which the EPA cites their background information regarding heating or over-pressurization of metal containers, specifically their information about a metal aerosol can “may fragment as it bursts, releasing metal shards”. The aerosol industry has been performing fire tests on metal aerosol products since the 1980s when fire codes were developed for the safe manufacturing and storage of these products. In our experience, when a metal aerosol can is over-heated or is over-pressurized, the pressure will be released at the weak point of the container. For a metal aerosol product, this would be at the crimp or possibly at a seam for a two-piece or three-piece container. The resulting burst would not result in the container releasing metal shards. HCPA respectfully asks that EPA to substantiate this statement or remove from the proposed rule.

VI. Conclusion

In conclusion, HCPA supports EPA’s proposed rule to add aerosol cans to the universal waste regulations. HCPA believes that this addition will help ease burdens when disposing of aerosol cans and promote the recycling of aerosol products. HCPA is pleased to provide input and thanks EPA for taking these comments into consideration. If you have any questions, please contact me at ngeorges@thehcpa.org or 202-833-7304.

Sincerely,



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Household & Commercial Products Association