



May 15, 2018

Office of Land and Emergency Management  
U.S. Environmental Protection Agency  
Attn: Tiffany Kollar  
1200 Pennsylvania Ave., N.W.  
Mail Code 5304P  
Washington, DC 20460

**ATTN: Comments on Docket ID No. EPA-HQ-OLEM-2017-0463**

Please accept the following comments from Tyson Foods, Inc. ("Tyson") on proposed rule Docket ID No. EPA-HQ-OLEM-2017-0463 related to Aerosol Cans ("Rule") being added to the Universal Waste Program published in the *Federal Register* on March 16, 2018 starting on page 11655.

Tyson supports the Rule proposed by EPA and the positive steps that it takes to allow for discarded aerosol cans to be managed as a Universal Waste which promotes recycling of the metal containers. Tyson also supports the Rule allowing for more options for the handling of the containers as a Universal Waste – such as consolidation into larger shipments for transport. These changes along with the other proposed requirements increase the opportunity and option to recycle these cans and allows for sustainable alternatives for aerosol cans.

While Tyson supports the proposed Rule it believes it is important for the EPA to allow flexibility in the recycling options while promoting sustainability. Tyson would not be in support of a mandatory recycle standard – as we believe businesses must be able to decide what is best for the business plan and model they have in place.

Regarding the two items that EPA specifically requested comments on:

1. *Should there be restrictions to prevent puncturing aerosol cans with specific contents such as ethyl ether, chlorinated compounds, pesticides, herbicides, freons, foams, corrosive cleaners, and unknowns?*



Tyson believes that all cans should have the ability to be punctured and emptied to be sent for recycle. Creating categories based upon the contents of the can creates more room for error as to how those can should be handled. A universal rule for application to all aerosol cans is easier to apply and regulate. Also, it is simpler from a recycling standpoint since there would be a clear and easy to apply rule. If there are specific safety risks associated with the puncture of aerosol cans due to unique contents, the Agency could prohibit those materials from puncture.

2. *Should puncturing and draining practices be limited to non-commercial handlers, and commercial facilities be required to be permitted as a destination facility, including a permit required for storage of hazardous waste aerosol cans prior to recycling?*

No, all handlers should be able to puncture and drain cans as deemed suitable and within the rules and regulations.

Thank you for accepting our comments for consideration.

Sincerely,

Jamie Burr  
Associate Director Environmental