



# The Graphic Arts Coalition

## Representing the Graphic Communications Industries

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Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
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To whom it may concern:

On behalf of the Graphic Arts Coalition, composed of the Specialty Graphic Imaging Association (SGIA) and the Printing Industries of America (PIA), the following comments are submitted regarding the proposed rule Proposed Rule for Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations published in Docket No. EPA-HQ—OLEM-2017-0463 on March 16, 2018.

Collectively, the GAC represents the printing industry with approximately 50,000 individual operations involved in printing, packaging, and publishing. The printing industry employs more than 1.2 million people and produces goods exceeding \$301 billion. It is also important to note that about 80% of the printing industry are small businesses with 20 or fewer employees. Printing is a prime example of small business involved in manufacturing.

The GAC supports the addition of hazardous waste aerosol cans to the universal waste program under the federal Resource Conservation and Recovery Act (RCRA) regulations. We believe the streamlined management rules for Universal Wastes would simplify regulated waste management procedures for generators and handlers, result in significant cost savings, provide additional waste management options for aerosol cans, and promote recycling of aerosol cans while providing a framework to manage these waste streams in a safe, responsible, and compliant way.

The GAC suggests that EPA be clear in defining an "intact aerosol can" if the rule is finalized as proposed. For example, in the preamble, EPA is clear the definition is intended to be "limited to sealed containers whose intended use is to dispense a material by means of a propellant or compressed gas." However, in the proposed 40 CFR Part 260.10 definitions aerosol can is defined as "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." We recommend that the Agency formally adopt the definition contained in the proposed rule. Further, we support EPA's decision not to include a statutory size limit on the aerosol cans as the size does not impact how the containers will be managed.

Currently, punctured, empty aerosol cans that are recycled are exempt from RCRA regulation if the puncturing is performed as part of a recycling process, and many companies have invested in can puncturing equipment to render aerosol cans “RCRA-empty” and thus, the cans (not the “drained contents”) are considered exempt from hazardous waste rules. EPA proposes that in the future, where puncturing and draining would render cans empty, they would not be subject to Universal Waste rules. The issue of whether “puncturing” by the generator (versus the waste handler) is hazardous waste treatment can vary from state to state, and the proposed rule does not provide clarity for generators. The GAC recommends that the Agency provide clearer regulatory guidance that allows generators that puncture and drain their cans prior to recycling not be considered hazardous waste treatment.

We do support the exclusion of aerosol cans that meet the definition of “empty” continue to be managed as non-regulated materials. However, the US EPA should codify rather than rely upon an interpretation of how a generator can determine if an aerosol can is empty. The options for determining an “empty” aerosol can should include those that are identified in the interpretation, however, we have recently encountered several enforcement actions involving the industry where EPA Regional staff have penalized companies for not solely puncturing cans. According to the current interpretation, puncturing is only one approach to ensuring an aerosol can is empty. While some within the industry do puncture aerosol cans, not all do, and nor can they afford to purchase the equipment necessary to puncture cans.

Thank you for the opportunity to comment on this important regulatory initiative. If you have any questions, our contact information is listed below.

Sincerely,



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