**EPA Finalizes Aerosol Can Universal Waste Regulation**

As we [first reported here](https://isienvironmental.com/index.php/aerosol-can-blog/) in April 2018, and is now finalized, EPA is allowing generators to handle aerosol cans as a universal waste rather than a hazardous waste.  The rule becomes effective February 7, 2020.

The final rule looks a bit different than the proposed ruling, and has clarified some issues, especially in the puncturing and draining of cans.

The goal of classifying aerosol cans as universal waste is to reduce regulatory costs, ease regulatory burdens on retail stores and other businesses that discard aerosol cans, promote the collection and recycling of the cans, reduce the amount of cans going to landfills, and save over $5.3 million per year.

**Who’s Affected?**

The new rule applies to all persons that generate, transport, treat, recycle or dispose of aerosol cans. It does NOT apply to very small quantity generators or households.

**Aerosol Can Definition**

In terms of what can be included as an aerosol can, EPA decided to broaden its definition to be more in line with DOT regulations. Their definition:

*“…aerosol can is defined as a non-refillable receptacle containing a gas compressed, liquefied or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.…Because compressed gas cylinders, unlike aerosol cans, require special procedures to safely depressurize, it would not be appropriate to include them in the final rule.”*

**Labeling**

Each aerosol can, or a container in which contains aerosol cans, must be labeled or marked with any of the following phrases: “Universal Waste—Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”

**Storage**

Handlers must ensure their management of universal waste aerosol cans do not create releases to the environment.

* Cans must be accumulated in containers that are structurally sound and compatible with the contents of the can, and show no evidence of leaks, spills, or damage that could cause leaks.
* Universal waste can be stored for up to one year.
* Handlers may sort aerosol cans by type and consolidate intact aerosol cans in larger containers.
* Handlers can remove actuators to reduce the risk of accidental release.
* Cans may be punctured and drained when the emptied cans are to be recycled.
* Leaking and damaged cans must be packaged in a separate closed container, overpacked with absorbents, or punctured and drained.

**Puncturing/Draining Written Procedures**

Puncturing and draining must be conducted by a device specifically designed for that purpose, and must effectively contain the residual contents and any resulting emissions. Commercially-manufactured and custom designed or retrofitted machines are acceptable, as long as they meet acceptable engineering and design standards are met and that specific procedures are followed.

To ensure the process and devices safely puncture cans, effectively contain residual contents, and control emissions, EPA is requiring handlers to develop and follow written procedures that take the necessary precautions to protect human health and environment. The procedures require:

* Operation and maintenance of the unit (e.g., including manufacturer’s and state guidances);
* Segregation of incompatible wastes;
* Proper waste management practices (e.g., ensuring that ignitable wastes are stored away from heat or open flames, wearing proper PPE, keeping containers closed, not overfilling containers, etc.);
* Maintain a copy of manufacturer’s instructions onsite; and,
* Ensure employees operating the machines are trained in proper procedures.

**Handling**

* It will be the handler’s responsibility to ensure wastes are compatible with each other for worker safety, environmental safety, and fire prevention purposes.
* Puncturing equipment must be placed on solid, flat surfaces in well-ventilated areas.
* The hander must *immediately* transfer contents from the can to a container or tank.
* The handler becomes the generator of the waste and should manage it in accordance with RCRA guidelines. As such, after transfer of contents to the container/tank, a hazardous waste determination should be made.

**Spill and Leak Prevention Written Procedures**

The rule requires written procedure be in place in the event of a spill or leak. In addition, a spill clean-up kit should be provided. All aerosol can spills or leaks should be cleaned up promptly.

**Land Disposal Restriction**

Aerosol cans, as other universal wastes, will be exempt from land disposal restriction requirements. Aerosol can universal waste will be added to the LDR requirements.

**State Requirements**

EPA considers this rule less stringent than current federal programs, and thus, states will not be required to adopt this rule. However, EPA says that many states already recognize aerosol cans as universal waste, and they are encouraging states to adopt this recognition. Check the regulations in your state before adopting these policies.

**Questions?**

If you have questions about the new regulation or about your company’s compliance with it, [contact us](https://isienvironmental.com/index.php/contact-us/) today! If you need to learn more about hazardous waste regulations in general, check out our [hazardous waste management and RCRA Refresher class schedule](https://isienvironmental.com/index.php/safety-training/rcra-hazardous-waste-management-training/) or [arrange for one at your facility](https://isienvironmental.com/index.php/pricing/)!