

US EPA ARCHIVE DOCUMENT

## RCRA REVISION CHECKLIST 142 C

## Universal Waste Rule: Specific Provisions for Pesticides

60 FR 25492-25551

May 11, 1995

(RCRA Cluster V, non-HSWA provisions)

Note: This checklist, which addresses the specific universal waste provisions for pesticides, is one of five revision checklists developed for the Universal Waste Rule. To be authorized for this checklist, a State must also be authorized for Revision Checklist 142 A which addresses the general universal waste provisions.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
<b>PART 260--HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>								
<b>SUBPART B--DEFINITIONS</b>								
† DEFINITIONS								
add "Pesticide"	260.10							
to definition of "Universal Waste", add subparagraph addressing pesticides	260.10							
<b>PART 261--IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>								
<b>SUBPART A--GENERAL</b>								
† REQUIREMENTS FOR UNIVERSAL WASTE								
add paragraph addressing pesticides	261.9(b)							
<b>PART 264--STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES</b>								
<b>SUBPART A--GENERAL</b>								
† PURPOSE, SCOPE AND APPLICABILITY								
add subparagraph addressing pesticides	264.1(g)(11)(ii)							

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;  
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

**PART 265--INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

**SUBPART A--GENERAL**

† **PURPOSE, SCOPE AND APPLICABILITY**

add subparagraph  
addressing pesticides

265.1(c)(14)(ii)

**PART 268--LAND DISPOSAL RESTRICTIONS**

**SUBPART A--GENERAL**

† **PURPOSE, SCOPE AND APPLICABILITY**

add subparagraph  
addressing pesticides

268.1(f)(2)

**PART 270--EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT  
PROGRAM**

**SUBPART A--GENERAL INFORMATION**

† **PURPOSE AND SCOPE OF THESE REGULATIONS**

add subparagraph  
addressing pesticides

270.1(c)(2)(viii)(B)

**PART 273--STANDARDS FOR UNIVERSAL WASTE MANAGEMENT**

**SUBPART A--GENERAL**

† **SCOPE**

add subparagraph  
addressing pesticides

273.1(a)(2)

† **APPLICABILITY--PESTICIDES**

requirements of Part 273  
apply to persons managing  
273.6 pesticides, except  
those in 273.3(b) list

273.3(a)

recalled pesticides that are:

273.3(a)(1)

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;  
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
stocks of suspended and cancelled pesticides as per FIFRA §19(b), including, but not limited to those owned by the registrant responsible for conducting the recall	273.3(a)(1)(i)					
stocks of suspended and cancelled pesticides, or pesticides not in compliance with FIFRA, that are part of a voluntary recall by the registrant	273.3(a)(1)(ii)					
stocks of other unused pesticide products collected and managed as part of a waste pesticide collection program	273.3(a)(2)					
requirements of Part 273 do not apply to persons managing the following pesticides:	273.3(b)					
recalled 273.3(a)(1)&(2) pesticides managed by farmers in compliance with 262.70	273.3(b)(1)					
pesticides not meeting the 273.3(a) conditions; these pesticides must be managed in compliance with Parts 260 through 272	273.3(b)(2)					
pesticides that are not wastes under Part 261, including those that do not meet the 273.3(c) criteria for waste generation or those that are not 273.3(d) wastes	273.3(b)(3)					

RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;  
Specific Provisions for Pesticides (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
pesticides that are not hazardous waste (i.e., is not listed nor exhibits a characteristic)	273.3(b)(4)					
a recalled 273.3(a)(1) pesticide becomes a waste on the first date on which both of the following conditions apply:	273.3(c)(1)					
the generator of the recalled pesticide agrees to participate in the recall	273.3(c)(1)(i)					
the person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery)	273.3(c)(1)(ii)					
an unused pesticide product described in 273.3(a)(2) becomes a waste on the date the generator decides to discard it	273.3(c)(2)					
pesticides that are not wastes:	273.3(d)					
recalled 273.3(a)(1) pesticides, provided that the person conducting the recall:	273.3(d)(1)					
has not made a decision to discard the pesticide; until decision is met, it does not meet the definition of "solid waste"; pesticide remains subject to FIFRA	273.3(d)(1)(i)					

RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;  
Specific Provisions for Pesticides (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
has made the decision to use a management option under 261.2 that does not cause the pesticide to be a solid waste and, therefore, not a hazardous waste; this pesticide, including a recalled pesticide exported to a foreign destination for reuse, remains subject to FIFRA	273.3(d)(1)(ii)					
unused pesticide products described in 273.3(a)(2), if the generator has not decided to discard them. These pesticides remain subject to FIFRA	273.3(d)(2)					

## † DEFINITIONS

add "FIFRA"	273.6					
add "Pesticide"	273.6					
add a subparagraph addressing pesticides to the definition of "Universal Waste"	273.6					

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;  
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

**SUBPART B--STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE**

† **WASTE MANAGEMENT**

small quantity handlers of universal waste must manage waste pesticides to prevent release; universal waste pesticide must be contained in one or more of the following:	273.13(b)					
a container that remains closed, structurally sound, compatible with the pesticide, and lacks evidence of leakage, spillage, or damage that could cause a leak	273.13(b)(1)					
a container that does not meet the requirements of 273.13(b)(1), provided that the unacceptable container is overpacked in a container that meets the 273.13(b)(1) requirements	273.13(b)(2)					
a tank meeting the Part 265, Subpart J requirements (except for 265.197(c), 265.200 and 265.201)	273.13(b)(3)					
a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause a leak	273.13(b)(4)					

† **LABELING/MARKING**

**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;  
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for recalled 273.3(a)(1) pesticides, the container (or multiple container unit), tank, transport vehicle or vessel must be labeled/marked with:	273.14(b)					
the label that was on or accompanied the product as sold or distributed	273.14(b)(1)					
the words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)"	273.14(b)(2)					
for unused 273.3(a)(2) pesticides, the container, tank or transport vehicle or vessel must be labeled/marked with:	273.14(c)					
the label that was on the product when purchased, if still legible	273.14(c)(1)(i)					
if 273.14(c)(1)(i) labeling not feasible, then the appropriate label as required under 49 CFR Part 172	273.14(c)(1)(ii)					
if 273.14(c)(1)(i) or (ii) labeling not feasible, then another label prescribed or designated by the waste pesticide collection program administered or recognized by a State	273.14(c)(1)(iii)					
the words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)"	273.14(c)(2)					

**SUBPART C--STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE**

† NOTIFICATION



**RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;  
Specific Provisions for Pesticides (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
this paragraph should be adopted as part of Revision Checklist 142A; because Revision Checklist 142C is also being adopted, the first part of the first sentence should read: "Except as provided in paragraphs (a)(2) and (3)"	273.32(a)(1)					
a large quantity handler of 273.3(a)(1) recalled pesticides who has send EPA notification as per 40 CFR 165 is not required to notify under 273.32 for those recalled universal wastes	273.32(a)(3)					

† **WASTE MANAGEMENT**

large quantity handlers of universal waste must manage waste pesticides to prevent release; universal waste pesticide must be contained in one or more of the following:	273.33(b)					
a container that remains closed, structurally sound, compatible with the pesticide, and lacks evidence of leakage, spillage, or damage that could cause a leak	273.33(b)(1)					
a container that does not meet the requirements of 273.33(b)(1), provided that the unacceptable container is overpacked in a container that meets the 273.33(b)(1) requirements	273.33(b)(2)					

RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;  
Specific Provisions for Pesticides (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
a tank meeting the Part 265, Subpart J requirements (except for 265.197(c), 265.200 and 265.201); or	273.33(b)(3)					
a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause a leak	273.33(b)(4)					

† LABELING/MARKING

for recalled 273.3(a)(1) pesticides, the container (or multiple container unit), tank, transport vehicle or vessel must be labeled/marked with:	273.34(b)					
the label that was on or accompanied the product as sold or distributed	273.34(b)(1)					
the words "Universal Waste--Pesticide(s)" or "Waste--Pesticide(s)"	273.34(b)(2)					
for unused 273.3(a)(2) pesticides, the container, tank or transport vehicle or vessel must be labeled/marked with:	273.34(c)					
the label that was on the product when purchased, if still legible	273.34(c)(1)(i)					
if 273.34(c)(1)(i) labeling not feasible, then the appropriate label as required under 49 CFR Part 172	273.34(c)(1)(ii)					

RCRA REVISION CHECKLIST 142 C: Universal Waste Rule;  
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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if 273.34(c)(1)(i) or (ii) labeling not feasible, then another label prescribed or designed by the pesticide collection program	273.34(c)(1)(iii)					
the words "Universal Waste--Pesticide(s)" or "Waste--Pesticide(s)"	273.34(c)(2)					