

US EPA ARCHIVE DOCUMENT

American Chemical Society Comments In Response to
EPA's request for information under Project XL
and Labs 21—Flexibility needs under environmental
policies or regulations that affect laboratories.

Nina Bonnelycke
Mail Code 1802
U.S. EPA
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Dear Ms. Bonnelycke:

The American Chemical Society (ACS) submits the following comments in response to the U.S. Environmental Protection Agency's (EPA) request for information under Project XL and Labs 21, "Flexibility needs under environmental policies or regulations that affect laboratories," published in the June 6, 2000, *Federal Register* (Volume 65, Number 109). The Society supports the agency's intent to provide flexibility under environmental policies and regulations for laboratories and hopes that you find these comments valuable to the process.

The ACS has consistently supported efforts to reduce undue regulatory burdens that are faced by laboratories. We believe that a more flexible approach to managing wastes in laboratories could help reduce these regulatory burdens while promoting prudent and safe waste treatment and disposal practices, chemical reuse and recycling, and increased resource efficiency. Such an effort could result in significant cost savings to laboratories while, most importantly, protecting human health and the environment.

We embrace efforts to improve the energy- and water-efficiency of laboratories and support EPA's intent to provide regulatory flexibility to laboratories as a means of encouraging participation in the Laboratories for the 21st Century program (Labs 21). However, we believe that the suggestions for regulatory flexibility in laboratories outlined in this statement are prudent and should be implemented even in the absence of any conservation program such as Labs 21.

The ACS submits the following recommendations in response to EPA's request for specific examples of environmental regulations or policies under which the benefit to the environment appears to be small compared to the implementation burden faced by the affected laboratory:

- Environmental permitting systems can impose costly and often inefficient burdens to laboratories. Providing laboratories with regulatory flexibility through the permitting system would undoubtedly result in greater efficiency without sacrificing environmental performance.

The ACS believes no permit should be required for small-scale, on-site treatment of laboratory wastes.

- The ACS continues to support two issues that were recommended in 1996 by the EPA Permits Improvement Team and have yet to be implemented:
 - The Office of Solid Waste (OSW) should establish a general permit and promote its application to non-commercial storage or treatment facilities, including, for example, laboratories. The general permit conditions may need to be supplemented, in some cases, with site-specific conditions identified by the permitting authority or through local public participation. In this situation the permit would be a hybrid permit.
 - OSW should extend the generator storage time frames from 90 to 270 days for non-commercial laboratories.
- Allow single EPA identification numbers to be used for the contiguous portions of a college or university campus. The current EPA system requires an ID number for every city block, resulting in costly record keeping of waste transportation between each block.
- Make regulations more flexible for generators of mixed low-level radioactive waste (MLLW) who are subject not only to EPA regulations, but also to the often redundant regulations of the Nuclear Regulatory Commission. The ACS supports a conditional exemption from EPA's hazardous waste regulations for MLLW because it would reduce redundant or dual requirements of the current system. (See attached ACS comments regarding EPA-ANPR: Approach to Reinventing Regulations of Storing Mixed Low-Level Radioactive Waste, April 14, 1999.)
- Because research laboratories generate waste at unpredictable paces and sometimes at unusual times of day, week, and year compared to the normal schedules of the operational staff, the 3-day satellite accumulation requirements under hazardous waste management regulations can pose an extraordinary hardship on universities for no environmental benefit. The ACS recommends that EPA allow flexibility for certain unusual waste generation situations.
- The ACS is also supportive of the concept of identifying and implementing “consensus best practices” as an alternate system for managing chemicals in laboratories. This concept is being proposed as part of a collaborative project for managing hazardous wastes in academic research institutions sponsored by the Howard Hughes Medical Institute and was recently supported by report language in the current EPA appropriations bill.

The ACS supports the intent of the Project XL program for University Laboratories in New England (Lab XL) which provides greater regulatory flexibility in exchange for improved environmental performance. However, it has since come to our attention that some of the participants of the Lab XL program are reporting higher costs than anticipated. Therefore, we would urge a careful review of the effectiveness of the incentives provided by the Lab XL program before considering this a model for regulatory flexibility for laboratories.

The ACS is a non-profit scientific organization of 161,000 chemists and chemical engineers. As the largest scientific society in the world, our members include researchers in industry, academia, and government. We look forward to working with EPA to implement these suggestions and to

encourage laboratories to participate in the Labs 21 program. Please contact Bruce Beardmore at (202) 872-4467 to let us know how ACS can be of further assistance.

Sincerely,

Daryle H. Busch