

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MARCH 24, 1988

Dr. Jeffrey Mirsky, President
National Diagnostics
1013-1017 Kennedy Boulevard
Manville, NJ 09935

Dear Mr. Mirsky:

This is in response to your letter to Mr. Matthew Straus dated February 4, 1988, in which you request an interpretation of the regulatory status of Ecoscint A and Ecoscint O under the Federal hazardous waste rules. My staff has reviewed the data on the two Ecoscint formulations that you enclosed with your letter dated February 4, 1988. Neither Ecoscint A nor Ecoscint O is listed under 40 CFR 261.31, 261.32, or 261.33.

However, a waste may still be hazardous if it exhibits one or more of the characteristics of hazardous waste (i.e., ignitability, corrosivity, reactivity, or extraction procedure (EP) toxicity) as described in 40 CFR 261.21, 261.22, 261.23, or 261.24. The data you enclosed indicates that neither product is EP toxic and, based on their flashpoints, neither product is ignitable. There is, however, insufficient data provided to make a determination on whether the products are corrosive or reactive. Therefore, if you wish to dispose of these formulations as non-hazardous wastes, you must first determine that they do not satisfy any of the criteria for corrosivity (see section 261.22) or reactivity (see section 261.23).

In addition, any State in which you generate, transport, treat, store, or dispose of these formulations may have regulations that are more stringent than the Federal hazardous waste rules. You, therefore, should check with the State agencies to determine what regulations, if any, apply to handling waste Ecoscint A and Ecoscint O.

If you have any further questions, please contact Wanda LeBleu-Biswas at (202) 382-7392.

Sincerely,

Sylvia K. Lowrance
Director
Office of Solid Waste

FaxBack # 11336