

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 7, 1997

Jeffrey Gunnulfsen  
Chemical Manufacturers Association  
1300 Wilson Boulevard  
Arlington, VA 22209

Dear Mr. Gunnulfsen:

As you know, the EPA has been evaluating two options for modifying the definition of solid waste: the In-Commerce option, and the Transfer-Based option. Instead of moving forward with the above options, we intend to pursue a three-part strategy. First, we intend to propose the standardized permit that was part of the Transfer-Based option. Second, we are working to develop a data collection strategy that will enable us to better estimate the types and quantities of currently exempt recyclable materials, as well as better understand their management practices. Third, we intend to propose some incremental improvements to the current framework. Among these improvements are product stewardship arrangements and the identification of commodity-like materials. As our plans for the above activities become more refined, we will provide you with a schedule for these activities. We also will be evaluating how the SBREFA process relates to the new strategy.

Our decision not to propose the two broad options at this time is based on strong stakeholder concerns and our conclusion that we needed a better understanding of the environmental and economic consequences of such options. With respect to the In-Commerce option, concern was expressed by the States and environmental community that EPA would be losing jurisdiction over secondary materials that should continue to be subject to RCRA Subtitle C (hazardous waste) regulatory controls. Conversely, many in industry were concerned that the Transfer-Based option would increase compliance costs significantly by subjecting currently exempt secondary materials to RCRA jurisdiction for the first time, only because these materials were sent off-site for recycling.

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Thank you for your continued interest in the definition of solid waste. At the appropriate time, we will inform you of our future course in more detail

Sincerely yours,

Elizabeth A Cotsworth,  
Acting Director  
Office of Solid Waste