

9441.1995(28)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

August 24, 1995

Ann M. Dolan  
Manager, Environmental, Health & Safety  
Ansell Perry Inc.  
1875 Harsh Avenue S.E.  
P.O. Box 550  
Massillon, Ohio 44648-0550

Dear Ms. Dolan:

I am writing in response to your letter of August 10, 1995 which requests an interpretation of the recently effective Carbamate Listing Determination (60 FR 7824, February 9, 1995) as it relates to the latex process wastes generated by your company.

From your letter, we understand that Ansell Perry, Inc. uses a dithiocarbamate product (ethyl zimate) in the formulation of latex mixtures for the production of surgical and specialty gloves as a reactant to vulcanize latex. You said you believed that your manufacturing process wastes are not regulated under the carbamate final rule. You also indicated that your company believed you do not meet the definition of a discarded commercial chemical product because ethyl zimate is not the sole active ingredient in the product. You suggested that the P and U waste codes do not refer to manufacturing process wastes that contain these substances.

In response, I note that wastes to be identified as K161 are limited to the production of dithiocarbamate acids and their salts. Ansell Perry Inc. is not a producer of wastes from the production of dithiocarbamate chemicals, and, therefore, the wastes produced in your process would not meet the K161 hazardous waste description.

Regarding your second point, any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in 40 CFR 261.33(e) or (f) is a hazardous waste if and when such a residue is discarded or intended to be discarded, unless the container is empty as

defined in 40 CFR 261.7(b). Ethyl zimate is chemically bis(diethylcarbomodithiato-S,S')-zinc (CASRN 14324-55-1) and is designated as U407 under 40 CFR 261.33(f), effective August 9, 1995 (60 FR 7854). The Agency also understands that ethyl zimate is not the sole active ingredient in the formulation and is not the sole active ingredient in the final product. Therefore, such latex process wastes would not be U407 because the ethyl zimate was used as a reactant and not as a sole active ingredient in the formulation or in the final product.

Thank you for your inquiry. If you have any further questions, please contact John Austin at (202)260-4789.

Sincerely,

David Bussard  
Director  
Characterization and Assessment Division

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Attachment  
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Ansell Perry, Inc.  
1875 Harsh Avenue S.E.  
P.O. Box 550  
Massillon, OH 44648-0550

August 10, 1995

Mr. Michael H. Shapiro  
Director, Office of Solid Waste  
401 M Street SW  
Washington, DC 20460

RE: RCRA Carbamate Final Rule  
40 CFR Parts 261, 271 and 302

Dear Mr. Shapiro:

Ansell Perry, Inc. manufactures latex surgical and specialty gloves. We use dithiocarbamates in formulating our latex mixtures. Ethyl zimate, a dithiocarbamate, is used to control the vulcanization process. We believe that our manufacturing process wastes are not regulated upon review of the Final Rule. We request your interpretation as it relates to our specific waste streams.

Upon review of Per 40 CFR 261.33, we do not feel we meet the definition of a discarded commercial chemical products, and off specification species. The use of ethyl zimate in the compounding process chemically reacts to vulcanize latex. Ethyl zimate is not the sole active ingredient in the formulation and is not the sole active ingredient in the final product. Additionally, we interpret that the listed P&U waste codes do not refer to manufacture process wastes that contain these substances.

We will manage the raw materials received at our facility as hazardous substances defined by CERCLA and SARA guidelines and meet all reporting and spill requirements.

We look forward to your written response and interpretation of the application of this final rule. Ansell Perry, Inc. is committed to ensure compliance with all RCRA and environmental regulations. We

RO 11943

appreciate the time and effort you and your associates will extend to this request.

Respectfully submitted,

ANSELL PERRY INC.

Ann M. Dolan  
Manager, Environmental, Health & Safety