

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

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Tom Rolle
Vice President
NexTec, Inc.
4050 Westmark Drive
Dubuque, IA 52002-2464

Dear Mr. Rolle:

Thank you for your letter of June 23, 1997 to Elizabeth Cotsworth, Acting Director, Office of Solid Waste, regarding your product "Pretox 2000" and incorporation of it into paint stripper to be used for the removal of leaded paint from buildings and structures.

As I am sure you well know, leaded paint was widely used in the past on many residential and industrial structures. Use of leaded paint was banned some years ago, but many structures on which it was used are still in service and these can become a source of lead exposure for children.

Lead is also one of the hazardous constituents for which the Agency has developed a toxicity characteristic concentration. Wastes for which the leachate (using the TCLP test) exceeds the 5 mg/l TC level are classified as hazardous waste and must undergo LDR treatment and disposal in a RCRA subtitle C landfill. It is the Agency's experience that leaded paint scrapings and blasted paint typically fail the TC level for lead, although it is the waste generator's obligation to make a determination whether or not a waste is hazardous.

The use of additives to paint strippers or blasting grit to mask leaching of hazardous constituents is not illegal under current rules, although the Agency does not recommend its use, as any masking of hazardous constituent leaching may only be temporary. A hazardous waste determination by the waste generator is still required. Also, use of such materials does not relieve the generator of CERCLA liability should non-hazardous disposal of these materials result in their eventual release and damage to the environment.

I hope this clarifies the Agency's views and concerns about the use of "Pretox 2000" and similar agents. If you have further questions please contact my office, or call Gregory Helms of my staff at 703-308-8845.

RO 14252

Sincerely,

David Bussard, Director
Hazardous Waste Identification Division
Office of Solid Waste

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June 23, 1997

Elizabeth Cotsworth
Acting Director
Office of Solid Waste
M/S: 5304 W
410 M Street SW
Washington, D.C. 20460

Dear Ms. Cotsworth:

NexTec, Inc. (a division of Progressive Technologies, Inc.) is the manufacturer of Pretox 2000. PreTox 2000 is a product that when applied to lead paint and removed by standard coating removal methods, results in a nonhazardous waste by TCLP testing results for lead toxicity.

NexTec is developing a new product that exhibits the same TCLP testing results from use of chemical paint stripper, formulated to contain and utilize the patented PreTox 2000 technology. The product under development is a chemical paint stripper. Our product is applied to the painted surface and allowed to soak or set. The coating would become flaccid, thus easily removed from the surface using light scraping with flat-edged tools. Because the stripper product contains the patented PreTox 2000 technology, the waste generated by the scraping has shown no lead (Pb) toxicity when tested by the TCLP procedure.

Review by the EPA for adherence to regulations is an important consideration in the development process, as well as, in the application of the product once developed. We, therefore, ask for a written determination to ensure that proper permitting, handling, and disposal regulations are followed.

Sincerely,

Tom Rolle
Vice President
TR:klh

RO 14252