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United States Environmental Protection Agency
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Office of Solid Waste and Emergency Response

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FROM: Richard J. Guimond
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Assistant Surgeon General, USPHS

TO: Richard Vaille, Chief
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Hazardous Waste Management Division
EPA Region IX

Thank you for forwarding to my office a copy of your recent letter which details events regarding the issue of solder skimmings (e.g. solder dross) and a lawsuit brought by the State of California. This memorandum is intended to eliminate any confusion that might exist on the status of Don Clay's letters of November 27, 1991 and December 3, 1991 on solder skimmings.

EPA's current position is that, in light of historical events including previous official statements from the Agency and reliance on those official statements, oxidized skimmings from solder baths (solder dross) are treated as by-product material. We understand that such skimmings contain base metals like lead and tin as well as other materials, such as fluids. As stated in the November 27th letter, EPA would need to gather more data on industry practice and undertake the proper rulemaking procedures prior to the time that any change in the status of solder skimmings as by-product would occur.

I trust that this information will clarify our position at this time. Of course, California, as recently authorized to administer the RCRA program, is now fully empowered to make its own prospective determinations under its own RCRA authority.

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