

9441.1990(12)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

MAY 9 1990

Annetta Watson
Oak Ridge National Laboratory
P.O. Box 2008
Oak Ridge, TN 37831

Dear Ms. Watson:

This letter is in response to your letter of April 2, 1990, concerning the applicability of the Resource Conservation and Recovery Act (RCRA) to the U.S. Army's Chemical Stockpile Disposal Program, and asked for EPA's interpretation of how the hazardous waste regulations apply in the event of a chemical weapon agent release.

In your letter, you asked whether, in a situation where an agent's release is great enough to cause fatalities, RCRA permitting requirements must be satisfied before burial of any agent-contaminated human remains or personal effects. You stated that you understood that the agent was federally listed as a hazardous waste, and was also listed by the states of Kentucky and Oregon.

EPA does not consider RCRA to apply to human remains that are cremated or buried. For instance, under regulations implementing the Medical Waste Tracking Act (RCRA Subtitle J), EPA excluded human corpses, remains, and anatomical parts that are intended for interment or cremation from the medical waste tracking requirements (see 40 CFR 259.30(b)(1)(v)). Thus, the local communities may make appropriate planning arrangements without considering how RCRA requirements would apply to the human remains.

With regard to the personal effects that are contaminated with a listed hazardous waste, RCRA requirements may vary depending on the location of the effects when they are discarded. There is an exclusion for household wastes, generated by consumers in their homes, that would be likely to exclude most personal effects from the federal hazardous waste requirements. See 40 CFR 261.4(b)(1). Thus, persons managing these effects need not comply with permitting or other hazardous waste requirements when disposing of them.

This letter has described the federal hazardous waste requirements; states or localities can have stricter regulations, or requirements that are broader in scope. I suggest that you contact the appropriate state and local agencies to determine what their requirements cover.

If you have further questions, please contact Becky Cuthbertson at (202) 475-9715.

Sincerely,

Original Document signed

Sylvia Lowrance, Director
Office of Solid Waste

cc: EPA Regions 1-10