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HOTLINE QUESTIONS AND ANSWERS

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RCRA

1. Nitroglycerin Pills as Commercial Chemical Products

A pharmaceutical company manufactures pills that contain a low percentage of nitroglycerine, with inert ingredients making up the remainder of the content. The manufacturer must throw away a batch of pills that has exceeded its shelf life. When discarded, are the pills a hazardous waste? If so, what waste code would apply?

The pills discarded by the manufacturer are a hazardous waste with the waste code P081. Several hundred commercial chemical products are listed in 40 CFR §§261.33(e) and (f). Nitroglycerine is listed in §261.33(f) with the waste code PO81. The Comment in §261.33(d) defines the term "commercial chemical product" as unused chemicals that are either (1) pure or technical grades, or (2) formulations that contain the listed chemical as the only active ingredient. The P- and U- listings apply to such unused formulations of commercial chemical products regardless of the concentration of the sole active ingredient; except for the listings for warfarin and salts (P001 and U248) and zinc phosphide (P122 and U249), there is no critical percentage or cut-off concentration of the sole active ingredient that will cause a waste to fall within, or be excluded from, the listing. In this example, the pills constitute a formulation containing nitroglycerine as the sole active ingredient. Since the pills have not been used for their intended purpose (simply incorporating the nitroglycerine into the formulation does not constitute use), and nitroglycerine is the only component serving the function of the product (i.e., as medicine), the discarded pills are appropriately classified as hazardous waste PO81.