

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

September 17, 1996

Mr. Angus Macbeth  
Sidley & Austin  
1722 Eye Street, N.W.  
Washington, D.C. 20006

Dear Mr. Macbeth:

Thank you for your letter of August 30, 1996 concerning the regulatory status of industrial wipers contaminated with de minimis amounts of solvents listed as hazardous under the Resource Conservation and Recovery Act (RCRA). In your letter, you identify a specific issue of concern to your client, Kimberly-Clark, about differences in the regulatory status of disposable and reusable wipers by the Environmental Protection Agency's (EPA's) Regions.

Historically, EPA policy has been to implement national rules at the regional and state levels because proper application of those rules often depends on site-specific factors. However, we also understand that this policy may result in unintended consequences. When such problems arise, we try to resolve them at the national level. Such is the case with disposable and reusable wipers. I recognize your letter raised some issues about the Regions implementing national rules consistently. I intend to review your issue more comprehensively as we address your client's concern with disposable and reusable wipers.

As stated in your letter, you are very much aware of my staff's ongoing efforts to address the problematic issue of disposable wipers contaminated with de minimis amounts of solvents listed as hazardous under RCRA. I also appreciate your efforts to ensure that any necessary data are collected and provided to us in this effort. Currently, we are developing a data collection strategy in order to draw reliable conclusions about when and under what conditions, disposable and reusable wipers contaminated with solvents pose, or do not pose, an environmental concern. As part of this process, we intend to invite representatives from Kimberly-Clark and other interested parties to review and provide comments on this data collection strategy so that we meet the above objective of drawing reliable conclusions in the most cost-effective manner possible. At present, my staff has tentatively identified a meeting date of late November to review this strategy, with actual data collection to begin during December 1996 and January 1997.

FaxBack # 14128

Your request for meeting with the Administrator is under consideration. You will be contacted separately concerning that request. In the meantime, please contact me if I can be of further assistance on this issue.

Sincerely yours,

Michael Shapiro, Director  
Office of Solid Waste