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RCRA/Superfund/OUST Hotline Monthly Report Question

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3. Beryllium Dust (P015); Applicability

Beryllium is listed in 40 CFR §261.33(e) as an acutely hazardous waste (P015). Does the P015 listing apply to all forms of unused beryllium that are discarded?

The hazardous waste listing P015 applies only to unused commercial chemical product beryllium dust that is discarded (see §261.33(d) for a definition of commercial chemical product). On May 19, 1980, beryllium dust was listed in an interim final rule as an acutely hazardous waste in 40 CFR §261.33(e) because of its acute toxicity to humans when inhaled (45 FR 33084). The listing was finalized on November 25, 1980 (45 FR 78532). In the April 22, 1988, Federal Register, which made technical corrections to the list of commercial chemical products in §§261.33(e) and (f), the word "dust" was inadvertently omitted from the listing (53 FR 13382). Despite this omission, the applicability of the listing remains unchanged. The April 22, 1988, Federal Register was intended only to amend certain typographical errors in the hazardous waste lists. EPA never proposed to change the listing from "beryllium dust" to "beryllium" and does not intend the listing to apply to beryllium. Therefore, despite this typographical error in 40 CFR §261.33(e), the scope of the listing remains unchanged, and the hazardous waste code P015 applies only to beryllium dust.