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February 17, 2023

via electronic transmission

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Subject: Proposed Amendments to 310 CMR 30.000 *Hazardous Waste*

The Household & Commercial Products Association¹ (HCPA) appreciates the opportunity to offer comments to the Massachusetts Department of Environmental Protection (MassDEP) on their proposal to amend the 310 CMR 30.000 *Hazardous Waste*. The proposed amendments include adding aerosol cans in Massachusetts' Universal Waste Program. HCPA supports MassDEP's proposed amendments as it is based on EPA's Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations² rule.

HCPA represents a wide range of products, from household cleaners and air fresheners to commercial disinfectant and pest control whose use of aerosol technology makes the aerosol industry an integral part of the household and commercial products industry. HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division, representing the interest of companies that manufacture, formulate, supply, market and recycle a variety of products packaged in an aerosol form.

The proposed revisions to the MassDEP not only maintains consistency with the Federal Resource Conservation and Recovery Act (RCRA), but it provides a clear, protective system for managing discarded waste aerosol cans; alleviates the regulatory burden on retail stores, aerosol product manufacturers, aerosol product marketers and others that discard waste aerosol cans by reducing the number of cans that must be treated as hazardous waste; promotes the collection and recycling of aerosol cans; and encourages the development of municipal and commercial programs to reduce the quantity of aerosol can waste going to municipal solid waste landfills.

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

² 83 FR 11654-11667; <https://www.govinfo.gov/content/pkg/FR-2018-03-16/pdf/2018-05282.pdf>

With that said, HCPA does have one request for consideration which we believe would add greater clarity to the proposal. Within Section 30.1010 for the definitions, HCPA would like to request that the note following the definition of universal waste include aerosol cans with batteries, pesticides, and lamps as “not all ... are hazardous wastes, and therefore, they do not all qualify as universal wastes...”. HCPA recommends this item reads as:

Universal Waste means any of the following hazardous wastes, as further described in 310 CMR 30.1020, that are managed under the universal waste requirements of 310 CMR 30.1000:

- (a) Batteries;
- (b) Pesticides;
- (c) Thermostats;
- (d) Mercury-containing device; ~~and~~
- (e) Mercury-containing lamps; ~~and~~
- (f) **Aerosol Cans**

[Note: Not all batteries, pesticides, ~~and lamps~~, and **aerosol cans** are hazardous wastes, and therefore, they do not all qualify as universal wastes; such wastes may instead be managed as nonhazardous solid wastes.]

With this modification, it will be clear that, like with batteries, pesticides, and lamps, not all aerosol cans are hazardous waste and thus do not qualify as universal wastes.

Overall, MassDEP’s proposal incorporates flexibility for handlers of discarded waste aerosol cans and lessens the regulatory burden on the regulated community, allowing more aerosol cans that are properly discarded to be recycled. Through this proposal, MassDEP ensures that programs developed in Massachusetts can also be safely and universally implemented in other states so that waste handlers with multiple locations within the United States can have one consistent program to handle aerosol cans across multiple sites.

For the reasons stated above, HCPA supports MassDEP’s proposed revision. If you have any questions about our support or about aerosol cans, please do not hesitate to contact me directly at (202) 833-7304 or ngeorges@thehcpa.org.

Sincerely,



Nicholas B. Georges
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Household & Commercial Products Association