



Inside EPA - 08/24/2012

Industry Urges OMB To Release EPA Rule On Waste Exemptions For Wipes

Posted: August 22, 2012

Industry is urging the White House to release EPA's long-stalled final rule to ease waste-handling requirements for reusable and disposable industrial towels, saying it is a "win-win-win" for President Obama as it has broad industry support because it will lift regulatory burdens in line with the administration's bid to streamline rules.

"What industry is hoping to achieve is basically reducing what are currently excessive regulatory burdens on non-laundered wiping products," according to one industry source. EPA has acknowledged that the hazardous waste requirements currently in place for disposable wipes are excessive given the risks, the source adds.

Industry officials most recently held an Aug. 14 meeting with administration officials to ask for issuance of the final rule, which the source says is likely delayed due to regulatory backlog rather the controversy over the policy.

EPA sent the final Resource Conservation & Recovery Act (RCRA) rule easing the requirements for White House Office of Management & Budget (OMB) review April 23. OMB is now well past the typical 90-day review period, and EPA's Unified Agenda of pending rules had predicted a June release for a final rule. However, the agency's "Rulemaking Gateway" of upcoming regulations says that the agency plans to publish the rule sometime this month.

Uncertainty over the timing of the rule -- and what at least one regulatory review expert says is the likelihood that OMB approval of rules will slow as the November election approaches -- is now prompting industry to meet with EPA and White House officials to urge them to conclude review of the rule and formally release it.

The "Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes," is largely uncontested by industry and would help thousands of small businesses and others by reducing what the industry source says are over-burdensome mandates on the disposal and cleaning of industrial wipes and towels.

"You have a real opportunity here to move a rule that is a veritable win-win-win for the Obama Administration," the source adds, noting that the measure would align with the White House's recent emphasis on "the importance of smart regulations," including OMB's bid to streamline existing regulatory burdens. The wipes rule, the source says, is an "opportunity to remove an excess regulatory burden that EPA has acknowledged is over-burdensome."

The rule will likely set controls on the disposal of one-time wipes and sludge from laundering reusable wipes. At issue are a 2003 proposal and a 2009 notice of data availability (NODA) that have been at the center of a longtime battle between industrial laundries and disposable towel makers who compete for business among printers and other companies that use the wipes and towels to clean equipment. The 2003 proposal would have conditionally excluded disposable wipes from the definition of hazardous waste, a change that will free users of stringent disposal requirements, and conditionally excluded laundered towels from the definition of solid waste.

The agency published the NODA in 2009 that sought additional comment on the proposed risk assessment. The changes helped address concerns in the disposable towels industry over the 2003 proposal, which it argued would have unfairly favored the reusable towels industry. The NODA also sought comment on two new proposals for regulating contaminated wipes and laundry sludge. One of the proposals would allow the disposal of solvents with a low risk in any municipal or non-hazardous waste landfill, whether lined or unlined. Solvents that did show a potential risk could only be disposed of in lined landfills, such as a RCRA subtitle D municipal or industrial landfill.

The second approach would establish conditions that allow all solvent-contaminated wipes, no matter which solvents they contain, except for perhaps perchloroethylene, to be sent to a subtitle D landfill. EPA says this approach would be simpler because the generator would not need to separate its wipes.

The change will reduce the disposal costs of the wipes, making the product more available to small businesses who currently use the less expensive laundered towels to clean equipment, the industry source says.

EPA estimates in prior years have said more than 100,000 industrial facilities could be effected, roughly 96 percent of which are small businesses, according to the source.

At the Aug. 14 meeting with OMB and EPA officials, representatives from the Association of the Nonwoven Fabrics Industry -- otherwise known as INDA -- pushed for issuance of the rule, the industry source says.

The source says that a backlog of regulations undergoing OMB review could be to blame for the stall in issuing the wipes rule. If that is the case, the rule could face further delay as the November elections approach.

Jim Tozzi, a former administrator of OMB's Office of Information & Regulatory Affairs (OIRA), said in an Aug. 9 interview that as the election approaches, the number of rules OIRA will approve for release will drop.

"If you have a real real significant rule that comes over six weeks before the election, and you see there's going to be a big controversy, I always tried to read it -- but slowly," Tozzi said. The administration will likely punt controversial rules sent to OIRA until after the election, Tozzi said, as its focus will increasingly be on re-election. -- *Jenny Hopkinson*

2408122

Inside EPA

Clean Air Report

Water Policy Report

Superfund Report

Inside Cal/EPA

Risk Policy Report

Defense Environment Alert

Environmental Policy Alert

Air

Water

Waste

Energy

Climate Change

On Capitol Hill

Budget

Litigation

Toxics

Natural Gas

Election 2012

Daily News

Documents

Insider

Blog

SPECIAL REPORTS

Federal Facilities Watch

Outlook 2012

About Us

Terms and Conditions

Privacy Policy

Home Page

Economical site license packages are available to fit any size organization, for a few people at one location to company wide access. For more information on how you can get greater access to InsideEPA.com for your office, contact Online Customer Service at 703-416-8505 or iepa@iwpnews.com.