

# RCRA Guidance/Alcohol-Based Hand Sanitizers: U.S. Environmental Protection Agency Addresses Options for Repurposing/Recycling



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The United States Environmental Protection Agency (“EPA”) addressed in a February 11th letter a question regarding the potential for repurposing or recycling alcohol-based hand sanitizers under the Resource Conservation and Recovery Act (“RCRA”) regulations.

EPA was responding to a January 4th letter from Ms. Jennifer Gibson of the National Association of Chemical Distributors (“NACD”).

NACD in its January 4th letter informed EPA that the Food and Drug Administration had withdrawn its temporary guidance for alcohol-based hand sanitizers. As a result, certain sanitizers can no longer be sold or distributed by manufacturers after March 31st. NACD expressed concern that its members did not have sufficient time to sell or donate their stock and would be forced to discard remaining sanitizer.

Alcohol-based sanitizers are stated to be RCRA ignitable hazardous waste (D001). NACD noted that addressing the remaining sanitizer could therefore be a significant financial burden. Therefore, NACD asks whether EPA regulations might allow repurposing or recycling of the sanitizers.

The stock of sanitizers is stated to be divided into a portion that is stored in bulk form and the remaining greater amount that has already been packaged for resell. The significance of the retail packaging is its potential to inhibit the sanitizers recyclability.

EPA suggests that in the event the sanitizer must be disposed of as a hazardous waste NACD members might explore:

. . . the possibility of disposing the excess hand sanitizer under the episodic generator provisions of 40 CFR 262, Subpart L.

This regulatory provision allows a very small quantity generator or small quantity generator to maintain its generator category while generating an increased amount of hazardous waste that does not normally occur during their operations. Certain conditions of course must be met.

As to bulk sanitizer, EPA’s letter notes that the hand sanitizer would be classified as a commercial chemical product under the RCRA regulations. Further, a commercial chemical product is not a solid waste when it is reclaimed.

The EPA letter states:

. . . For example, if a hand sanitizer manufacturer (or a third party) could extract ethanol from the hand sanitizer and the ethanol could be used as an ingredient to make a new product, then the hand sanitizer would not be a solid waste.

The letter further notes that hand sanitizer is not a solid waste if it is destined for legitimate recycling and may be stored as a commercial chemical product without the need of a RCRA storage permit or otherwise being subject to RCRA hazardous waste requirements. The caveat is provided that in such event the company must be prepared to demonstrate that there is a known market or disposition for the material. Further, they must be able to provide appropriate documentation (contract showing that a second person uses the materials and ingredient in a production process) to demonstrate the material is not waste, per 40 CFR 261.2(f).

A copy of the letter can be downloaded [here](#).