

Polyvinyl Chloride (PVC)/RCRA: U.S. Environmental Protection Agency Addresses Center for Biological Diversity Petition to List



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) in an April 26th Federal Register Notice issued a final decision in response to a rulemaking Petition from the Center for Biological Diversity (“CBD”) requesting that discarded polyvinyl chloride (“PVC”) be listed as hazardous waste under the Resource Conservation and Recovery Act (“RCRA”). See 89 Fed. Reg. 32416.

CBD submitted a Petition to EPA in 2014 requesting that EPA undertake such listing.

CBD and EPA had previously entered into a subsequent Consent Decree requiring that the federal agency make a listing decision no later than January 20, 2023, pursuant to 40 C.F.R. 260.20(c).

EPA states that it has decided to deny the Petition.

The EPA response concludes that the Petition and subsequent supplied information received through the public comment period contains insufficient information to justify listing discarded PVC as a hazardous waste at this time under either:

- 40 C.F.R. 261.11(a)(1)
- 40 C.F.R. 261.11(a)(3)

The Federal Register preamble citing the Petition states that it does not:

... provide sufficient information that discarded PVC is “capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed” based on the eleven factors provided in 40 CFR 261.11(a)(3).

A copy of the Federal Register Notice can be downloaded [here](#).