

40 CFR PART 273

Subpart A—General

Sec.

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273.9 Definitions.

§273.1 Scope.

(a) This part establishes requirements for managing the following:

(1) Batteries as described in 40 CFR 273.2;

(2) Pesticides as described in §273.3;

(3) Thermostats as described in §273.4; and

(4) Lamps as described in §273.5.

(b) This part provides an alternative set of management standards in lieu of regulation under 40 CFR parts 260 through 272.

[Source Note: At 64 FR 36488, July 6, 1999, revised (a)(2) and (a)(3) and added (a)(4).]

§273.2 Applicability—batteries.

(a) *Batteries covered under 40 CFR part 273.*

(1) The requirements of this part apply to persons managing batteries, as described in §273.9, except those listed in paragraph (b) of this section.

(2) Spent lead-acid batteries which are not managed under 40 CFR part 266, subpart G, are subject to management under this part.

(b) *Batteries not covered under 40 CFR part 273.* The requirements of this part do not apply to persons managing the following batteries:

(1) Spent lead-acid batteries that are managed under 40 CFR part 266, subpart G.

(2) Batteries, as described in §273.9, that are not yet wastes under part 261 of this chapter, including those that do not meet the criteria for waste generation in paragraph (c) of this section.

(3) Batteries, as described in §273.9, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in part 261, subpart C of this chapter.

(c) *Generation of waste batteries.*

(1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

(2) An unused battery becomes a waste on the date the handler decides to discard it.

Editor's Note: Certain batteries are automatically regulated under the universal waste regulations pursuant to the Mercury-Containing and Rechargeable Battery Management Act (PL. 104-142) regardless of the state's status on the adoption of Part 273. (See exhibit entitled "Batteries: What's Regulated How".)

[Source Note: At 64 FR 36488, July 6, 1999, revised (a)(1), (b)(2), and (b)(3).]

§273.3 Applicability—pesticides.

(a) *Pesticides covered under this part 273.* The requirements of this part apply to persons managing pesticides, as described in §273.9, meeting the following conditions, except those listed in paragraph (b) of this section:

(1) Recalled pesticides that are:

(i) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA Section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or

(ii) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.

(2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

(b) *Pesticides not covered under 40 CFR part 273.* The requirements of this part do not apply to persons managing the following pesticides:

(1) Recalled pesticides described in paragraph (a)(1) of this section, and unused pesticide products described in paragraph (a)(2) of this section, that are managed by farmers in compliance with 40 CFR 262.70. (40 CFR 262.70 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 40 CFR 261.7(b)(3));

(2) Pesticides not meeting the conditions set forth in paragraph (a) of this section. These pesticides must be managed in compliance with the hazardous waste regulations in 40 CFR parts 260 through 272;

(3) Pesticides that are not wastes under part 261 of this chapter, including those that do not meet the criteria for waste generation in paragraph (c) of this section or those that are not wastes as described in paragraph (d) of this section; and

(4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in 40 CFR part 261, subpart D or if it exhibits one or more of the characteristics identified in 40 CFR part 261, subpart C.

(c) *When a pesticide becomes a waste.*

(1) A recalled pesticide described in paragraph (a)(1) of this section becomes a waste on the first date on which both of the following conditions apply:

(i) The generator of the recalled pesticide agrees to participate in the recall; and

(ii) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

(2) An unused pesticide product described in paragraph (a)(2) of this section becomes a waste on the date the generator decides to discard it.

(d) *Pesticides that are not wastes.* The following pesticides are not wastes:

(1) Recalled pesticides described in paragraph (a)(1) of this section, provided that the person conducting the recall:

(i) Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 40 CFR 261.2; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this part 273. This pesticide remains subject to the requirements of FIFRA; or

(ii) Has made a decision to use a management option that, under 40 CFR 261.2, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this part 273. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

(2) Unused pesticide products described in paragraph (a)(2) of this section, if the generator of the unused pesticide product has not decided to

discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

[Source Note: At 64 FR 36488, July 6, 1999, revised (a).]

§273.4 Applicability—mercury thermostats.

(a) *Thermostats covered under this part 273.* The requirements of this part apply to persons managing thermostats, as described in §273.9, except those listed in paragraph (b) of this section.

(b) *Thermostats not covered under 40 CFR part 273.* The requirements of this part do not apply to persons managing the following thermostats:

(1) Thermostats that are not yet wastes under part 261 of this chapter. Paragraph (c) of this section describes when thermostats become wastes.

(2) Thermostats that are not hazardous waste. A thermostat is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR part 261, subpart C.

(c) *Generation of waste thermostats.*

(1) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

(2) An unused thermostat becomes a waste on the date the handler decides to discard it.

[Source Note: At 64 FR 36488, July 6, 1999, revised (a).]

§273.5 Applicability—Lamps.

(a) *Lamps covered under this part 273.* The requirements of this part apply to persons managing lamps as described in §273.9, except those listed in paragraph (b) of this section.

(b) *Lamps not covered under this part 273.* The requirements of this part do not apply to persons managing the following lamps:

(1) Lamps that are not yet wastes under part 261 of this chapter as provided in paragraph (c) of this section.

(2) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in part 261, subpart C of this chapter.

(c) *Generation of waste lamps.*

(1) A used lamp becomes a waste on the date it is discarded.

(2) An unused lamp becomes a waste on the date the handler decides to discard it.

[Source Note: At 64 FR 36488, July 6, 1999, revised section, including heading.]

§273.6 [Reserved]

[Source Note: At 63 FR 71230, December 24, 1998, revised "Small Quantity Handler of Universal Waste." At 64 FR 36488, July 6, 1999, redesignated §273.6 as §273.9 and reserved §273.6.]

§273.7 [Reserved]

§273.8 Applicability—household and conditionally exempt small quantity generator waste.

(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of this part:

(1) Household wastes that are exempt under §261.4(b)(1) of this chapter and are also of the same type as the universal wastes defined at §273.9; and/or

(2) Conditionally exempt small quantity generator wastes that are exempt under §261.5 of this chapter and are also of the same type as the universal wastes defined at §273.9.

(b) Persons who commingle the wastes described in paragraphs (a)(1) and (a)(2) of this section together with universal waste regulated under this part must manage the commingled waste under the requirements of this part.

[Source Note: At 64 FR 36488, July 6, 1999, added §273.8.]