

Advocacy Submits Comments on Possible Revisions to the 2008 Definition of Solid Waste Final Rule

On August 13, 2009, the Office of Advocacy of the U.S. Small Business Administration (Advocacy) submitted a comment on possible revisions to the 2008 final rule regarding Environmental Protection Agency's (EPA) *Revisions to the Definition of Solid Waste* (DSW). A copy of Advocacy's comments can be found at www.sba.gov/advo/laws/comments.

The DSW final rule excludes certain hazardous secondary materials from regulation as hazardous under three very specific circumstances: (1) when materials are generated and legitimately reclaimed under the control of the waste generator, (2) when materials are transferred to another company for recycling under specific conditions, or (3) on a case-by-case basis, when EPA or the authorized State agency determines that materials are non-wastes via a petition process.

Advocacy believes that EPA should allow implementation of the DSW final rule without revision. The 2008 DSW final rule was the result of a process that began in 1992, and was crafted from years of compromise and litigation between industry stakeholders, environmental organizations, and EPA.

- As the record shows, EPA conducted an extensive risk analysis of the DSW rule prior to the final rule being promulgated, and concluded that there would be no net risks to future environmental, human health, and safety overall expected from the rule.
- Advocacy believes that the DSW final rule will yield substantial economic savings to tens of thousands of small business generators, well in excess of EPA's current estimate, while still meeting the statutory goals of protecting human health and the environment.
- The DSW final rule should encourage more responsible recycling, not less, and will increase the market for recoverable materials that otherwise would require disposal. Furthermore, it provides an alternative to the consumption of virgin materials.

For more information, visit Advocacy's webpage at www.sba.gov/advo or contact Kevin Bromberg at 202-205-6964 or Anna Rittgers at 202-205-7348.