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United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

April 23, 1992

Mr. Hugh Allerton, Manager
Environmental Affairs
TRW Inflatable Restraints
TRW Vehicle Safety Systems, Inc.
4505 West 26 Mile Road
Washington, Michigan 4809

Dear Mr. Allerton:

Thank you for your letter of November 8, 1991 regarding the regulatory status of undeployed automotive airbag inflators under the Resource Conservation and Recovery Act (RCRA). Thank you also for meeting with my staff on January 9, 1992 to discuss your concerns.

We understand that the airbag inflators in question are sealed metallic devices containing propellants that generate a prescribed volume of nitrogen gas when they are activated. Some of the manufactured inflators are not used because they fail your quality control testing program. The undeployed inflators are then reclaimed off-site for their metal value. We also understand that the undeployed inflators are not characteristically hazardous under RCRA.

According to the facts you presented, the undeployed inflators appear to be "off-specification" commercial chemical products. Under the RCRA regulations (40 CFR 261.2(c)(3)), commercial chemical products (even if they are listed hazardous wastes) are not considered solid wastes when reclaimed. They are therefore not subject to the federal hazardous waste management program under Subtitle C of RCRA.

This interpretation reflects only the federal regulations governing hazardous waste. States with authorized RCRA programs have the authority to make regulatory determinations about the

materials which constitute solid and hazardous wastes under their programs, and they may impose more stringent requirements. I urge you to contact each State in which your company conducts operations to ascertain their requirements.

I hope this letter has addressed your concerns. If you have any further questions, please contact Marilyn Goode of my staff at (202) 260-8551.

Sincerely yours,
Sylvia K. Lowrance
Director
Office of Solid Waste