

Advocacy Submits Comments on Proposed Revisions to the Definition of Solid Waste (Recycling) Final Rule

On October 20, 2011, the Office of Advocacy of the U.S. Small Business Administration (Advocacy) submitted a comment on the proposed 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 <http://www.sba.gov/advocacy/816>. Related comments were submitted to EPA on August 13, 2009.

The 2008 final rule excludes certain hazardous secondary materials from regulation as hazardous under three very specific circumstances including when materials are transferred to another company for recycling under specific conditions. EPA essentially has proposed to eliminate this option for the so-called transfer-based exclusion, and modify significantly the legitimate recycling requirements.

- Advocacy believes that EPA should allow implementation of the 2008 final rule with some small revisions. 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. Advocacy urges EPA to retain the 2008 final rule provisions, particularly those related to the transfer-based exclusion and the requirements for legitimate recycling.
- As the record shows, EPA conducted an extensive risk analysis of the 2008 rule prior to the final rule being promulgated, and concluded that there would be no net risks to future environmental, human health, and safety from the rule.
- Advocacy believes that the 2008 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 and promoting recycling.

For more information, visit Advocacy's webpage at <http://www.sba.gov/advocacy> or contact Kevin Bromberg at 202-205-6964 or Kevin.Bromberg@sba.gov.