Executive Summary

In 1995, US EPA passed the Universal Waste Rule, which created relaxed standards for managing common hazardous wastes like light bulbs (lamps), batteries, mercury-containing equipment, and more. While universal wastes are subject to less stringent regulations than “fully regulated” hazardous wastes, there are still rules to follow to manage them properly.

Use this guide to spot and correct common universal waste errors before they result in a notice of violation during a Federal or State inspection.
Did you know that 1 out of 10 RCRA hazardous waste violations is related to the mismanagement of universal waste?

40 CFR 273 creates alternative management standards for certain specified hazardous wastes that are inherently low-hazard and generated in small amounts by nearly everyone. Federal universal wastes include pesticides, batteries, mercury-articles, and "lamps."

Many states include additional wastes as universal ones, such as aerosol cans, antifreeze, photo-finishing solutions, paints, CRTs, and e-waste. The streamlined requirements for universal waste can save facilities time and money—as long as the generator complies with the unique rules at 40 CFR 273. When sites fail to comply with the universal waste rules, RCRA fines can be as high as $74,552 per day, per violation.

So, how can generators avoid the most common violations assessed for improper universal waste management? Awareness is the first step; knowing the most common mistakes will help you identify and correct red flags in the way your site manages universal waste.

Why Do Universal Waste Regulations Exist?

The universal waste regulations at 40 CFR 273 are less burdensome alternatives to the RCRA requirements of 40 CFR 260–270 that apply to regular hazardous waste. Part of US EPA’s reason for creating universal waste rules was that small and conditionally exempt (now called “very small”) generators create a high volume of universal waste.

Without the less burdensome alternative management standards, small businesses and facilities that generate only relatively low-hazard wastes like batteries and lamps may face an undue burden.
Common Universal Waste Mistake #1:  
Unmarked or improperly marked universal waste containment units

Typically, universal waste containers must be marked with the words that clearly indicate the type of waste in the container, for example, “Universal waste – Batteries.” This requirement is stated at 40 CFR 273.13 and 273.34; these sections also list some different naming conventions for batteries, lamps, mercury-containing equipment, and pesticides.

Common mistakes here include not labeling containers at all or marking the container with “Universal Waste” but not including the type of waste. In addition, generators may not use unapproved abbreviations, such as “bat” for “batteries.” The most commonly misnamed type of universal waste is fluorescent “lamps.” These must not be called “bulbs” or “fluorescent tubes.” Only “Universal waste—lamps” is acceptable.

Common Universal Waste Mistake #2:  
Lack of accumulation start dates or inventory records for universal waste

All hazardous waste containers—including containers of universal waste—should be marked with an accumulation start date, meaning the date on which the first “piece” or “drop” of waste touched the container.

If you do not mark the accumulation start date on a container of universal waste, you must have in place an alternate inventory tracking system to show you are in compliance with the universal waste accumulation time limit, which is 1 year.
Common Universal Waste Mistake #3:
Improper universal waste storage

Universal waste must be stored “in a manner that will prevent releases.” When storing fluorescent lamps, for instance, an open container is a common violation. Boxes containing universal waste lamps should be shut and secured with tape or velcro to prevent the lamps from jostling around, breaking, or spilling out of the box.

Common Universal Waste Mistake #4:
Failure to identify State universal wastes

As stated above, the Federal rules identify lamps, batteries, pesticides, and mercury-containing equipment as eligible for management as universal waste. States that are authorized to oversee their own hazardous waste program may add to the list of universal wastes. Texas, for example, allows generators to manage paint and paint-related wastes as universal wastes. In California, electronic devices like TVs, CPUs, DVD players, cell phones, and cathode ray tubes can be managed as universal waste.

Generators need to ensure that they treat these universal wastes according to State regulations. Generators don’t HAVE to follow universal waste regulations. But while so-called “over management” of these wastes may not be a violation of Federal or State rules, doing so may result in unnecessary payments for hazardous waste compliance, treatment, and disposal costs.

Read more about unique State universal waste rules here.
New! Managing Aerosol Cans

In March 2018, US EPA proposed adding aerosol cans to the RCRA universal waste program.

The proposal defines an aerosol can as “an intact container in which gas under pressure is used to aerate and dispense any materials through a valve in the form of a spray or foam.

The proposed rule would explicitly allow universal waste handlers to “treat” cans on site using a commercial puncturing or crushing device specifically designed for that purpose. To take advantage of this relief, handlers must “establish a written procedure detailing how to safely puncture and drain universal waste aerosol cans...” and follow other rules.*

A Final Rule is expected in September 2019.

Until then, aerosol cans must be managed as hazardous waste unless they meet the RCRA definition of “empty.”

Read more: How to Manage Aerosol Cans Under RCRA

*Check your State regulations: Some authorized State hazardous waste programs currently allow this form of aerosol can treatment without a permit.
Building Confident Compliance Teams

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