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United States Environmental Protection Agency

April 2, 1986

Mr. Lean E. Lataille
Senior Environmental Scientist
Mabbett, Capaccio, and Associates, Inc.
2067 Massachusetts Avenue
Cambridge, Massachusetts 02140

Dear Mr. Lataille:

This is in response to your letter dated March 12, 1986, concerning the regulatory status of off-spec and broken mercury thermometers that are reclaimed under the Resource Conservation and Recovery Act hazardous waste rules. In general, these off-spec and broken mercury thermometers are not subject to any of the hazardous waste regulations. In particular, the hazardous waste regulations indicate that commercial chemical products 1/that are reclaimed are not solid wastes. Since a material must be a solid waste in order that it be hazardous, they are not defined as a hazardous waste. The mercury thermometers (as I understand) are unused products that are either off-spec or are broken during the manufacturing process; thus, these thermometers are defined as commercial chemical products. Therefore, these mercury thermometers are not subject to the RCRA hazardous waste rules.

You should be aware, however, that States may choose to regulate these materials when they are sent for reclamation. Therefore, you need to contact representative in the State hazardous waste program to determine the regulatory status of these off-spec and broken mercury thermometers under the State hazardous waste rules.

Please feel free to give me a call at (202) 475-8551 if I can be of any further assistance.

Sincerely,

Matthew A. Straus, Chief
Waste Identification Branch