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8. Definition of Solid Waste and Reclamation

A distributor of a U-listed commercial chemical product finds that the product is no longer saleable (for example, it is past its shelf life). If the distributor ships it back to the manufacturer for reclamation, the material is not a solid waste under 40 CFR 261.2 because listed commercial chemical products are not solid wastes when reclaimed. However, in many cases the manufacturer will not know whether the material can be reclaimed until a sample is analyzed. Could the distributor ship the entire lot back to the manufacturer, while not knowing whether the material was a solid waste?

Yes. The distributor can ship the entire lot back to the manufacturer, while not knowing whether the material was a solid waste. There are no provisions in the RCRA regulations restricting shipments of commercial chemical products. Technically, it remains a commercial chemical product until such time as they are discarded or intended to be discarded (Section 261.2 and Section 261.33). This decision is made by the manufacturer. The U-listed commercial chemical product would still be shipped pursuant to applicable DOT and U.S. Postal Service regulations. It would not need to be manifested as a hazardous waste.