UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

March 4, 2008

John Duclos, Administrator
Hazardous Waste Management Bureau
Waste Management Division
NHDES
P.O. Box 95, 29 Hazen Drive
Concord, New Hampshire 03302-0095

Re: Request for Interpretation Regarding the Handling of Undeployed Air Bag Units

Dear Mr. Duclos:

The purpose of this letter is to respond to your request for a regulatory interpretation from EPA regarding the handling and management of undeployed air bag units which contain sodium azide. In particular, you had three specific questions you were seeking input on. Those questions have been summarized below and are followed by EPA's response.

1. Should undeployed air bag units be regulated as a reactive hazardous waste?

As with all waste determinations it is the generator's responsibility to determine if the waste they are creating is hazardous. If the units are destined for disposal and not reuse then they must be managed as a waste. Once the units are removed from vehicles (and thus considered separately), they are likely to be a reactive hazardous waste.

2. What permits would be required to operate a facility that collects and then deploys intact air bag units, then disposes of the deployed units as solid waste?

If a facility is collecting hazardous waste from a generator and then treating it to remove a hazardous characteristic it would be considered a treatment facility and would need a RCRA permit.

3. If a generator intentionally deploys an air bag unit, would that constitute generator treatment in tanks and containers which is exempt from the permitting requirements, where the vehicle or the housing of the air bag unit comprises the "container"?

This issue has been addressed by EPA in an email dated January 3, 2006, from Ernest Waterman to the six New England state RCRA managers (see attached). The email states that the intentional deployment of sodium azide containing modules could be viewed as treatment in tanks and containers since the module housing can be defined as the "container". At the federal level, these operations would be exempt from RCRA permitting in accordance with 40 CFR 270.1 (c)(2)(i).

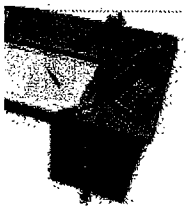
We apologize for the time it has taken to respond to this request. If you have any questions regarding this response, please do not hesitate to contact Sharon Leitch, of my staff, at (617)918-1647.

Sincerely,

Ernest Waterman, Chief
Hazardous Waste Unit

enclosure

cc: D.Brown, Chief RCRA Enforcement Unit, EPA
J. Fowley, Atty., ORC-EPA
A. Simpson, Atty., OES-Enforcement
J. Miller, Chief, Waste Branch, MADEP
R. Isner, Director, WEED, CTDEP
L. Grandchamp, Chief, Waste Management, RIDEM
S. Ladner, Supervisor, Licensing Unit, MEDEP
S. Simoes, Hazardous Materials Management Division, VTDEC



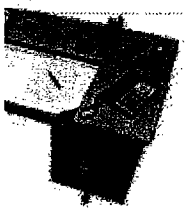
Ernest Waterman/R1/USEPA/US
01/03/2006 12:19 PM

To Robert.Isner@po.state.ct.us, Stacy.A.Ladner@maine.gov, James.Miller@state.ma.us, jduclos@des.state.nh.us, Leo.Hellested@dem.ri.gov, Peter.Marshall@state.vt.us
cc Jeff Fowley/R1/USEPA/US@EPA, Ken Rota/R1/USEPA/US@EPA
bcc
Subject R1 Response on an airbag question

This is just an FYI on how we responded to a request from a TSD in Missouri on a question regarding airbags and seatbelt pretensioners. EPA has two somewhat inconsistent statements on the issue in RCRA online so we referred them to HQ with a generic caveat that the states can be more stringent and advice to talk to specific states they are interested in. I don't expect this is going to generate any inquiries to Region 1 states. If it does, I wanted to share with you that Jeff and I figured that the intentional deployment of the sodium azide containing modules could be viewed as treatment in containers and tanks (with the module housing being viewed as the container) and can be performed without a permit at LQGs and SQGs. Whether or not the same theory can be extended to CESQGs is a state specific question that depends on whether this is an activity they allow under 40 CFR 261.5(G)(3)(iii).

We can share our thoughts in more detail and also point you to the relevant RCRA online responses if you do get a question from this facility.

---- Forwarded by Ernest Waterman/R1/USEPA/US on 01/03/2006 11:36 AM ----



Ernest Waterman/R1/USEPA/US
01/03/2006 11:35 AM

To Tara.Davis@ebveec.com
cc Jeff Fowley/R1/USEPA/US@EPA, Ken Rota/R1/USEPA/US@EPA, Juiyu Hsieh/R1/USEPA/US@EPA, GailAnn Cooper/DC/USEPA/US@EPA
Subject Fw: Hazardous Waste Information

Dear Ms. Davis:

The purpose of this e-mail is to respond to your inquiry regarding the management of airbags and seatbelt pretensioners. Region 1 agrees that undeployed airbag inflation modules and similar seatbelt pretensioner modules should not be disposed of in the trash.

Noting that your facility is located within Missouri, a state covered by EPA's Region 7 office, we assume that you are trying to obtain an nationwide answer with respect to the question of whether intentional deployment is treatment that requires a permit. We, therefore, wish to direct you to Gail Cooper, Chief of the Hazardous Waste Generator and Characterization Branch, in the Office of Solid Waste to get a nationwide answer to your question.

We also wish to note that states can be more stringent than the federal government. You should, therefore, contact each specific state in which you are interested as there may be legitimate state to state variation in the correct answer to this question.

Please let me know if I can be of any further assistance.

Ernest Waterman, Chief
Hazardous Waste Unit
Office of Ecosystem Protection
US EPA, New England Region

One Congress Street
Suite 1100, CHW
Boston, MA 02114-2023

Phone: 617-918-1369
Fax: 617-918-0369

----- Forwarded by Ernest Waterman/R1/USEPA/US on 01/03/2006 11:00 AM -----

Ken Rota/R1/USEPA/US
12/08/2005 02:07 PM

To Ernest Waterman/R1/USEPA/US@EPA
cc Sharon Leitch/R1/USEPA/US@EPA, Austine Frawley/R1/USEPA/US@EPA
Subject Fw: Hazardous Waste Information

Ernie,

Austine Frawley sent me a regulatory request message that should have gone to you. I think the answer to the question is in RCRAOnline anyway but I wanted to make sure this lands in the right spot.

Ken

Kenneth B. Rota, Chief
RCRA Compliance Unit
US EPA - New England Region
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Direct Tel: (617) 918-1751
Office Fax: (617) 918-1809

----- Forwarded by Ken Rota/R1/USEPA/US on 12/08/2005 02:05 PM -----

Austine Frawley/R1/USEPA/US
12/08/2005 02:02 PM

To Ken Rota/R1/USEPA/US@EPA
cc Tara.Davis@ebveec.com
Subject Fw: Hazardous Waste Information

Hi Ken. Im forwarding you this question on air bags and seatbelt pretensioners and HW regs for response. Thanks.

Austine Frawley, US EPA-New England
Office of Ecosystem Protection (CIP)
TEL: 617/918-1065
FAX: 617/918-0065
Frawley.Austine@EPA.GOV
----- Forwarded by Austine Frawley/R1/USEPA/US on 12/08/2005 01:58 PM -----

Tara.Davis@ebveec .com

12/08/2005 11:57 AM

To Austine Frawley/R1/USEPA/US@EPA
cc
Subject Hazardous Waste Information

To Whom It May Concern,

I am writing in regards of treating airbags and seatbelt pretensioners as a hazardous waste. The air bag's inflation system reacts sodium azide (NaN3) with potassium nitrate (KNO3) to produce nitrogen gas. Hot blasts of the nitrogen inflate the air bag. The air bag system ignites a solid propellant, which burns extremely rapidly to create a large volume of gas to inflate the bag. The bag then literally bursts from its storage site at up to 200 mph. Like airbags, pretensioners are triggered by sensors in the car's body, and most pretensioners use explosively expanding gas to drive a piston that retracts the belt. Pretensioners also lower the risk of "submarining", which is when a passenger slides forward under a loosely worn seat belt.

I am aware an airbag module is considered as hazardous waste so my question is this: If an individual deploys an airbag (without a permit) on his own watch would this be considered as treating a hazardous waste? We are a hazardous waste disposal facility and this concept varies from state to state due to the interpretation of the hazardous waste regulations. To give an example: if an auto dealer receives a automobile that is to be repaired under warranty replacement and the old airbag module is removed. A new module is put in the automobile. The dealership is not allowed to just throw the airbag away in the trash or elsewhere. So if the mechanic deploys the airbag and then discards it, would this be considered as though the dealer has treated a hazardous waste? I understand that once the airbag module is deployed it is no longer considered as a hazardous waste that is why the airbag is deployed by the individuals before discarding the equipment. The alternative to the mechanic deploying the airbag is to send the airbag as is to a hazardous waste disposal company and let them properly dispose of them. The same question for seat belt pretensioners as far as deactivating them and at that point throwing them away also.

Any assistance with clarifying what is considered treatment for these devices would be greatly appreciated. If you are unable to provide an answer please guide me in the direction to resolve the question. Thank you for taking the time in assisting me.

Best Regards,

Tara Davis
Business Development Specialist
EBV Explosives Environmental Company
tara.davis@ebveec.com