

# Program Implementation Policy

## Hazardous Waste/Toxics Use Reduction

### Policy Title: Applicability of the RCRA Household Waste Exclusion to Wastes and Debris Containing Lead-Based Paint

**Policy Number:** 2001-PO-001

(Revised -- Supersedes Policy Number 1996-PO-001)

**Effective Date:** February 8, 2001

#### Purpose:

This policy interpretation clarifies the regulatory status under RCRA of wastes that may contain lead-based paint, but which can be considered household wastes [as defined in 40 CFR §261.4(b)(1)], and are thus exempt from regulation as hazardous wastes under RCRA. It does not address the regulatory status of lead paint wastes that are generated from other sources, such as from commercial or public buildings, structures, or other non-residential sources. This policy reflects the EPA July 31, 2000, revised household waste lead-based paint policy listed at the website at the end of this policy. This policy supersedes previous Department hazardous waste policy number 1996-PO-001.

#### Description:

Wastes which may contain lead-based paint that are generated from normal household activities are considered household wastes, and therefore, are not regulated as hazardous wastes under RCRA. Such wastes are considered normal household refuse for regulatory purposes.

The types of wastes that are subject to this exclusion include paint scrapings, rags, plastic sheets, painted architectural components (*e.g.*, doors, windows, trim, support structures, and other interior or exterior wood debris) and other similar wastes generated from household maintenance, renovation, remodeling and or other normal household activities. Such wastes could be generated by the householder, or by a person or business hired by the householder to do the work. The term "household" in this context includes units described in 40 CFR 261.4(b)(1) such as single and multiple family residences, hotels and motels.

Whole structure demolition debris containing lead-based paint is not considered household waste, since whole structure demolition is not considered normal "household" activity, even if

the demolished structure is a house or other type of dwelling unit.

#### Analysis:

In recent years, there has been an increasing emphasis on managing the hazards that can result from exposure to lead paint, especially by children, in the household environment. As lead abatement programs have developed at the local, State and Federal levels, there has been increasing focus on the issue of how RCRA applies to wastes that contain lead paint. Some lead-based paint wastes can exhibit a hazardous characteristic when tested in accordance with the Toxicity Characteristic Leaching Procedure (TCLP). In EPA's proposed regulations under TSCA title X for lead-based paint activities (59 FR 45872, September 2, 1994), the Agency discussed how RCRA standards may actually "over-regulate" these wastes, and can impede high-priority lead abatement actions. Those final regulations are expected to defer RCRA regulation of lead abatement wastes, in favor of an alternate regulatory framework established under TSCA authorities. The TSCA regulations will not, however, address lead-based paint wastes that are considered household hazardous wastes under RCRA.

In applying this policy clarification certain case-specific questions may arise concerning the scope of "normal household activities" that may generate lead paint wastes, and whether such wastes should be considered household wastes. Such questions should be directed to Abby Boudouris at (503) 229-6108 or Rick Volpel at (503) 229-6753.

#### Additional Information:

To learn more about management of lead-based paint waste, refer to the following websites:

- EPA Household Waste -- Lead-Based Paint Policy  
<http://www.epa.gov/lead/fslbp.htm>
- Oregon State Health Division Lead-Based Paint Program  
<http://www.ohd.hr.state.or.us/leadpaint/index.cfm>



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