



Management Standards for P075 Listing for Nicotine Fact Sheet

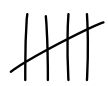
In 2021, Oregon Environmental Quality Commission adopted a federal rule removing U.S. Food and Drug Administration-approved, over-the-counter nicotine replacement therapies, such as nicotine patches, gums and lozenges, from the P075 hazardous waste listing. This change will result in significant cost savings and burden reduction when managing these types of nicotine waste. This fact sheet describes the rule in more detail.



Who is affected?

The new rule affects any organization disposing of FDA-approved, over-the-counter nicotine replacement therapies.

Key Benefits



Do not count toward generator status – Waste nicotine patches, gums and lozenges are no longer hazardous waste and, therefore, no longer counted.



Less paperwork – There is no need for hazardous waste manifests, determinations, or adherence to land disposal requirements.



No accumulation times – EPA removed accumulation time limits on FDA-approved, over-the-counter nicotine replacement therapy wastes.



Not a hazardous waste – Waste nicotine patches, gums and lozenges are no longer considered hazardous wastes, making them OK to throw away in standard garbage.

What changed?

This rule exempts discarded FDA-approved, over-the-counter nicotine replacement therapies from regulation as Resource Conservation and Recovery Act hazardous waste. Specifically, these wastes are exempt from the RCRA Hazardous Waste Code P075 for nicotine. Under state and federal hazardous waste regulations, generators of these wastes, such as retail stores, may now discard them as non-hazardous waste.

	Subject to the P075 hazardous waste listing	Exempt from P075 hazardous waste listing
Nicotine wastes	<ul style="list-style-type: none"> • E-cigarettes. • Nicotine-containing e-liquids (vape-pen cartridges). • Prescription nicotine replacement therapies. • Other over-the-counter NRTs that are not FDA-approved gums, lozenges and patches. • Nicotine used in manufacturing or research. 	<ul style="list-style-type: none"> • FDA-approved, over-the-counter nicotine replacement therapies, such as nicotine patches, gums and lozenges.
Management standards	<ul style="list-style-type: none"> • A healthcare facility must manage its hazardous waste pharmaceuticals under 40 Code of Federal Regulations Part 266 subpart P. This includes nicotine-containing pharmaceuticals, such as e-liquids, e-cigarettes and prescription forms of nicotine. • All other non-pharmaceutical forms of nicotine hazardous waste, such as nicotine used in manufacturing or research, are regulated under 40 CFR part 262 even when generated by healthcare facilities (or possibly as a universal waste under Part 273 if it is a pesticide). • A non-healthcare facility generating nicotine hazardous waste pharmaceuticals is regulated under 40 CFR Part 262. 	<ul style="list-style-type: none"> • Dispose of as standard, non-hazardous waste. • As a best practice, DEQ recommends over-the-counter waste from nicotine replacement therapies be placed in trash receptacles with controlled access to prevent illicit diversion, such as dumpster diving. This will mitigate risks to the public and limit potential liability.

Why the change?

FDA-approved, over-the-counter nicotine replacement therapy products, such as lozenges, gums and patches, are low-level risks and no longer considered hazardous because they do not meet listing criteria for acute hazardous waste originally meant for certain commercial chemical products in their purest form. Oregon's new amendment to the P075 listing allows generators to manage these specific wastes as non-hazardous and discard them with their solid waste.

Where to find more information?

See 40 CFR 261.33(e). Oregon Environmental Quality Commission adopted this rule by reference at Oregon Administrative Rule 340-100-0002.

Have questions?

DEQ has made it easy to get your questions answered. To learn more and request free, non-regulatory technical assistance, please visit oregon.gov/deq/Hazards-and-Cleanup.

Alternate formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.oregon.gov.