

Proper Management of E-Cigarette Waste for Oregon Retailers

WHAT?

Nicotine is an acute, P-listed hazardous waste. Lithium-ion batteries are universal hazardous waste that pose a fire and safety hazard.

Under Oregon law, both nicotine and lithium-ion batteries must be properly disposed of as hazardous waste.



Liquid nicotine **cannot** go down the drain.



Cartridges or pods, used or unused, **cannot** be thrown in the garbage.

SO WHAT?

Improper disposal of nicotine or lithium-ion batteries is serious and could be considered a criminal offense.

Regulations impacting tobacco retailers and resulting in increased waste include:

- **The U.S. Food and Drug Administration (FDA) Deeming Rule:** The Tobacco Control Act and “Deeming Rule” require electronic cigarette manufacturers to apply to the FDA for authorization to sell their products. They must receive an affirmative marketing order from the FDA in order to continue to sell their products. Products that do not receive an affirmative marketing order from the FDA must be removed from retailer shelves and disposed of appropriately.
- **Oregon Department of Environmental Quality (DEQ) Oregon Administrative Rule (OAR) 340-100-0002, 340-101-0007 and 340-102-0500:** These rules apply to retailers, manufacturers, distributors and any other entity that produces nicotine or e-cigarette waste. These regulations include, but are not limited to, proper disposal of nicotine and e-cigarette waste, and registration as a hazardous waste generator with DEQ (depending on how much waste the generator produces in a calendar month).

NOW WHAT?

Determine your hazardous waste generator status.

Based on the amount of hazardous waste generated in a calendar month, a tobacco retailer will be classified under state and federal law within one of the categories listed on the next page.

HAZARDOUS WASTE GENERATOR STATUS

Generator Category	Generation and Accumulation Limits	Storage/Shipping Schedule
Very Small Quantity Generator (VSQG)	<p>In one calendar month you generate any of the following:</p> <ul style="list-style-type: none"> • 220 pounds or less of hazardous waste. • 220 pounds or less of spill cleanup debris containing hazardous waste. • 2.2 pounds or less of acute hazardous waste. <p style="text-align: center;">— OR —</p> <p>At any time you accumulate any of the following:</p> <ul style="list-style-type: none"> • 2,200 pounds or less of hazardous waste on-site. • 2.2 pounds or less of acute hazardous waste on-site. 	<p>2,200 pounds or less of hazardous waste, or 2.2 pounds or less of acute hazardous waste, may be stored indefinitely on-site.</p>
Small Quantity Generator (SQG)	<p>In one calendar month you generate any of the following:</p> <ul style="list-style-type: none"> • More than 220 pounds but less than 2,200 pounds of hazardous waste. • More than 220 pounds but less than 2,200 pounds of spill cleanup debris containing hazardous waste. <p style="text-align: center;">— OR —</p> <p>At any time you accumulate any of the following:</p> <ul style="list-style-type: none"> • 13,228 pounds or less of hazardous waste on-site. • 2.2 pounds of acute hazardous waste on-site. 	<p>Waste must be shipped off-site within 180 days after the waste was first placed in a container. If the receiving facility is more than 200 miles from the generation site, the SQG may store waste up to 270 days.</p>
Large Quantity Generator (LQG)	<p>In one calendar month you generate any of the following:</p> <ul style="list-style-type: none"> • 2,200 pounds or more of hazardous waste. • 2,200 pounds or more of spill cleanup debris containing hazardous waste. • More than 220 pounds of spill cleanup debris containing an acute hazardous waste. • More than 2.2 pounds of acute hazardous waste. <p style="text-align: center;">— OR —</p> <p>At any time you accumulate any of the following:</p> <ul style="list-style-type: none"> • More than 13,228 pounds of hazardous waste on-site. • More than 2.2 pounds of acute hazardous waste on-site. 	<p>All accumulated hazardous waste must be shipped off-site within 90 days of the accumulation start date. If the 90-day deadline is not met, the generator is required to obtain a hazardous waste storage facility permit.</p>

HOW TO HANDLE E-CIGARETTE WASTE

- Keep a spill kit stocked with binders (sand/diatomaceous, earth/sawdust) and gloves nearby.
- Have a [Safety Data Sheet](#) for e-liquids available (this can be found via an internet search).
- Using gloves, place the e-liquids, cartridges and pods in a container that is in good condition and has a lid that can be securely closed. Label the container with the words “Hazardous Waste Nicotine,” and “DANGER – Toxic in contact with skin.”
- Keep a log of the amount of waste as it is collected, and make arrangements with a transporter and disposal company to pick up the waste BEFORE you accumulate the maximum limit (e.g., 1 kg for VSQG).
- Store lithium-ion batteries away from heat and direct sunlight. Prevent terminals from touching by storing each battery in a plastic bag or by covering the terminals.
- Place damaged lithium-ion batteries in a plastic bag and then place the bag in an inert material, like sand. Lithium-ion batteries that have an odor, are discolored, deformed, bulging or swollen are damaged and have the potential to catch fire when they absorb moisture.

All generators should manage lithium-ion batteries either as hazardous waste (like nicotine waste) or send them to a universal waste handler or destination facility.

Universal waste batteries can only be accumulated for up to a year, so be sure to keep track of when the batteries began accumulating by marking the start date on the container.

If batteries are damaged or leaking, put them in a container with a lid that can be securely closed. Label the container “Universal waste batteries,” “Waste batteries,” or “Used batteries.”

Waste pick-up and disposal: You can call or email the statewide toxic waste hotline (1-844-841-4938, hazwaste@deq.state.or.us) to find a hazardous waste transporter in your area.

DISPOSING OF LARGE, UNANTICIPATED QUANTITIES OF HAZARDOUS WASTE (“EPISODIC EVENTS”)

In the event that an electronic cigarette retailer that is usually a VSQG generates a large, unanticipated quantity of hazardous waste, this may be defined as an “episodic event.” In accordance with episodic event requirements, the retailer can maintain its status as a VSQG.

If you think your business has experienced an episodic event, you must contact DEQ within 72 hours. If you do not notify DEQ, you may not be able to maintain your status as a VSQG, or face other consequences.

For more information about episodic events or to notify DEQ of an episodic event, use the contact information below.

CONTACT DEQ:

Have hazardous waste questions?

DEQ has made it easy for you to get your questions answered. Below are the regional technical assistance contacts:

Eastern Region – Brian Allen, 541-633-2014

Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties

Northwest Region – Alex Bertolucci, 503-869-2884, Pete Anderson 503-229-5070

Clackamas, Clatsop, Columbia, Multnomah, Tillamook, and Washington Counties

Western Region – Bart Collinworth, 503-378-5071

Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, and Yamhill Counties

Statewide Hazardous Waste Hotline | 1-844-841-4938, hazwaste@deq.state.or.us

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