



April 4, 2011

Improving Regulations Docket
Environmental Protection Agency, EPA Docket Center
Mailcode: 2822T
1200 Pennsylvania Ave., NW.
Washington, DC 20460

RE: EPA's Plan for Retrospective Review under Executive Order 13563: Waste (Docket ID: EPA-HQ-OA-2011-0160)

IPC – Association Connecting Electronics Industries appreciates the opportunity to comment on EPA's Plan for Retrospective Review under Executive Order 13563. These comments will focus on EPA's plan for retrospectively reviewing regulations related to the program area of waste. IPC believes that EPA should review the hazardous waste listings under the Resource Conservation and Recovery Act (RCRA) as one or more of these listings are no longer relevant due to technological changes in the processes and industries that generate the wastes. In particular, IPC recommends a review of the listing for F006, Wastewater Treatment Sludge from Electroplating. By re-examining this and other hazardous waste listings made obsolete by technological change, EPA will remove costly and unnecessary regulatory burdens that discourage recycling.

IPC, a U.S. headquartered global trade association, represents all facets of the electronic interconnection industry, including design, printed board manufacturing and electronics assembly. Printed boards and electronic assemblies are used in a variety of electronic devices that include computers, cell phones, pacemakers, and sophisticated missile defense systems. IPC has more than 2,700 member companies, 1,700 of which are located in the U.S.

Under RCRA, wastewater treatment sludges from certain electroplating operations are considered an F006 listed hazardous waste. EPA "listed" the wastewater treatment sludges from certain electroplating operations as a hazardous waste (hazardous waste code F006) under Subtitle C of RCRA in 1980 based on a variety of factors (45 F.R. 74884, November 12, 1980). Key to this decision were typically high levels of cadmium, nickel, hexavalent chromium and complex cyanides in the sludge that could pose a substantial present or potential hazard to human health and the environment if improperly managed.

The hazardous constituents upon which the F006 listing was based are no longer commonly found in electroplating sludge from the printed circuit board industry. Over the past decades, there have been significant changes in the circuit board manufacturing process which have removed many of the hazardous constituents from the manufacturing process and the resultant wastewater and wastewater treatment sludge. For example, printed circuit board manufacturers have replaced chromic acid in desmear operations and eliminated mercury in electroless copper

baths. Additional evidence for the mismatch between the hazardous waste listing and the current characteristics of the waste is provided by review of delisting petitions granted by EPA. An EPA review of the delisting program¹ found F006 to be the waste code for which delisting petitions were most frequently granted. Electroplating sludge should not be a listed hazardous waste.

Unfortunately, because F006 is a listed hazardous waste, these wastes continue to be regulated as if they were hazardous regardless of actual characteristics. The designation of electroplating sludge as a hazardous waste discourages reuse, recycling and reclamation by greatly increasing the cost of recycling these valuable materials. Despite the lack of hazardous constituents in most F006 sludge, the high cost of pursuing a delisting petition has discouraged the majority of affected facilities from seeking delisting petitions. The result of the regulatory status of F006 is that a large quantity of valuable metal bearing sludges are disposed of in hazardous waste landfills rather than being recycled.

Changes in technology and efforts to reduce the use of hazardous substances have likely resulted in changes to the hazardousness of a number of listed hazardous wastes. F006 is only one example of a hazardous waste that is no longer regularly hazardous. EPA should identify and prioritize all listed hazardous wastes whose listing should be reviewed. In identifying and prioritizing these wastes, EPA should review the frequency of delisting petitions being granted, the volumes of affected wastes, the number of affected facilities, potential reduction in regulatory burden, and potential increases in recycling.

We believe that EPA should review the original listing of F006. Should they find, as we believe they will, that F006 is no longer hazardous on a consistent and regular basis, the listing should be repealed. Electroplating sludges will still be subject to RCRA characteristic waste requirements resulting in regulation as hazardous waste only when truly hazardous. We believe that this repeal will result in an increase in the recycling of these valuable metal sludges while at the same time decreasing unnecessary regulatory burdens.

Sincerely,

Fern Abrams
Director, Government Relations and Environmental Policy

¹ RCRA Hazardous Waste Delisting: The First 20 Years, EPA 2002