

**INITIAL STATEMENT OF REASONS  
LAB PACK MANAGEMENT AT SCHOOLS HAZARDOUS WASTE COLLECTION,  
CONSOLIDATION, AND ACCUMULATION FACILITIES (SHWCCAFs) UNDER  
PERMIT BY RULE (PBR)**

**Department of Toxic Substances Control Reference Number: R-02-11  
Office of Administrative Law Notice File Number: Z-03-0422-02**

**EFFORT TO AVOID DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

The proposed regulations will not duplicate or conflict with federal hazardous waste management regulations because the regulations address management of only those hazardous wastes that are either not Resource Conservation and Recovery Act (RCRA) hazardous wastes or are RCRA hazardous wastes whose transportation and management at the SHWCCAF is exempt from, or is not otherwise regulated pursuant to, the federal act.

**STUDIES RELIED ON**

The Department has prepared a draft of the Notice of Exemption (NOE), which is available for review with the rulemaking file.

**ALTERNATIVES CONSIDERED**

The Department considered the following alternative to the proposed regulations and has rejected the alternative for the reasons indicated.

1. "Do nothing" alternative: Under this alternative, school districts choosing to operate a SHWCCAF under PBR would expend extra time and money to manage and ship numerous small lab packs (or standard size lab packs containing only one or two bottles) of science lab wastes. School districts would be forced to either apply for a time-limited variance to the PBR requirements for this activity; forego operating economically under PBR for this activity altogether; or operate the facility outside of the requirements for this activity and risk enforcement action.

**DETAILED STATEMENT OF REASONS**

**Amend subsection 67450.42(c)(1):**

This subsection is amended to renumber the existing subsection as 67450.42(c)(1)(A) and make 67450.42(c)(1) the heading for requirements at contributing schools. This change is necessary to clearly identify what waste management conditions must be met at contributing schools in order for science laboratory hazardous wastes to be managed at a SHWCCAF.

**Add/amend subsection 67450.42(c)(1)(A):**

As noted above, the existing text of subsection 67450.42(c)(1) is the now renumbered/added as subsection 67450.42(c)(1)(A). The text is amended to delete the phrase "...and the physical properties of the chemicals..." and add "...to prevent reactions with the contained waste and ensure that incompatible wastes are not placed within the same outer container." This change is necessary because the term "physical properties of the chemicals" is unclear. The amended language clarifies that the intent of the requirement is to prevent reactions between the waste contained in the lab pack and the lab pack materials, as well as between incompatible wastes packed in the same container. The added language is somewhat duplicative of the requirements found in sections 66264.316(c) and (d), which are incorporated by reference. However, the language is added here to emphasize the need to pack wastes only with materials that won't react with the wastes and ensure that incompatible wastes are not packed together in the same lab pack container, thereby helping to prevent dangerous reactions between incompatible wastes or packing materials if any of the original waste containers are broken or leak.

**Add/amend subsection 67450.42(c)(1)(B):**

The existing subsection 67450.42(c)(2) is renumbered as subsection 67450.42(c)(1)(B) and the existing text is amended to delete "or at the SHWCCAF." This change is necessary to clearly establish the requirement as a condition that must be met at a contributing school in order for science laboratory hazardous wastes to be managed at a SHWCCAF.

In addition, by deleting "or at the SHWCCAF," the change also removes the prohibition that lab packs not be reopened or repacked at a SHWCCAF. This change is necessary to allow school districts the opportunity to reopen and economically repackage lab packs at a SHWCCAF.

**Amend subsection 67450.42(c)(2):**

This subsection is amended to renumber the existing subsection as 67450.42(c)(1)(B) and make 67450.42(c)(2) the heading for requirements at a SHWCCAF. This change is necessary to clearly identify what waste management conditions must be met at a SHWCCAF in order for science laboratory hazardous wastes to be managed there.

**Add subsection 67450.42(c)(2)(A):**

This subsection is added to ensure that lab packs that are reopened/repackaged at a SHWCCAF are also repacked in accordance with section 66264.316. This requirement is consistent with the lab packing requirement for contributing schools in subsection 67450.42(c)(1)(A). As with subsection 67450.42(c)(1)(A), the text here is somewhat duplicative of the requirements found in sections 66264.316(c) and (d), which are incorporated by reference. However, this is necessary to emphasize the need to pack wastes only with materials that won't react with the wastes and ensure that incompatible wastes are not packed together in the same lab pack container, thereby helping to prevent dangerous reactions between incompatible wastes or packing materials if any of the original waste containers are broken or leak.

**Add subsection 67450.42(c)(2)(B):**

This subsection is added to ensure that lab packs repackaged at a SHWCCAF are properly marked and not reopened during transport to an authorized recycling or disposal facility. The subsection is also consistent with the subsection 67450.42(c)(1)(B) marking requirement and reopening during transport prohibition for contributing schools.

**Add subsection 67450.42(c)(2)(C):**

This subsection requires that all lab pack reopening/repackaging be conducted within an appropriate spill containment system. This requirement is necessary to ensure that any spills that may occur during reopening or repackaging of lab packs at a SHWCCAF are adequately contained.

**Add subsection 67450.42(c)(2)(D):**

This subsection allows only the outer lab pack to be reopened/repackaged at a SHWCCAF. Reopening or repackaging of the sealed primary waste container (such as a bottle or vial) is prohibited unless the waste is eligible for consolidation (bulking) per subsection 67450.42(d), or the primary container is damaged or leaking. This requirement is necessary to ensure that, except for laboratory specimen/formaldehyde solutions, science lab chemical wastes are not consolidated or bulked at a SHWCCAF.

**Add subsection 67450.42(c)(2)(E):**

This subsection requires that leaking or damaged lab packs and primary waste containers be immediately managed and cleaned up according to established facility procedures. This requirement is necessary to ensure that leaking or damaged lab packs do not release hazardous wastes to the environment, and, if releases do occur, they are managed immediately according to established protocols.

**Add subsection 67450.42(c)(2)(F):**

This subsection requires that personnel reopening or repackaging lab packs at the SHWCCAF be trained and work practices be managed in accordance with applicable California Occupational Safety and Health Administration (Cal/OSHA) requirements for hazardous waste operations and personal protective equipment. This requirement is necessary to ensure that personnel handling lab packs are appropriately trained according to applicable Cal/OSHA hazardous waste worker safety requirements and that work place conditions and practices support worker safety.

**Amend subsection 67450.42(c)(3):**

This subsection is amended to specify that personnel handling laboratory hazardous wastes at a SHWCCAF, as well as at a contributing school or in transit, are to be trained in hazardous waste management and transport in accordance with sections 66265.16 and 67450.47. This amendment is necessary to emphasize and ensure that all personnel handling science lab wastes to be managed at a SHWCCAF are properly trained in the safe and lawful management of those wastes.

**Amend section Note:**

The section authority and reference note is amended to add Health and Safety Code section 25200 as a statutory authority for the proposed regulations. This amendment is a non-substantive change that clarifies the authority under which the regulations are being proposed.