



INTERIM ADVISORY ON HANDLING AND MANAGEMENT OF ALCOHOL-BASED HAND SANITIZER

March 16, 2023

The coronavirus pandemic triggered the need for large volumes of alcohol-based hand sanitizer for businesses, schools, and other entities across California. Some of these entities procured alcohol-based hand sanitizer in excess of need and could not consume or manage the excess material. Alcohol-based hand sanitizer generally has a high alcohol content (usually at least 60%). Much of that alcohol-based hand sanitizer is now expiring. Alcohol-based hand sanitizer may be considered a hazardous material, and additionally, an ignitable hazardous waste once it is no longer usable for its intended purpose. When alcohol-based hand sanitizer is discarded, it is identified as an ignitable hazardous waste (D001), according to the federal Resource, Conservation, and Recovery Act (RCRA). The United States Environmental Protection Agency (U.S. EPA) has issued several memoranda providing guidance on RCRA management of excess alcohol-based hand sanitizer, including most recently on [November 17, 2022](#). As of March 2, 2023, U.S. EPA also has a webpage, "[How to Dispose of and Recycle Alcohol-Based Hand Sanitizer](#)." Other information regarding alcohol-based hand sanitizer can be found on the [U.S. Food and Drug Administration's website](#).

This interim advisory supplements U.S. EPA guidance memoranda and is intended to provide guidance under State law regarding the proper management of alcohol-based hand sanitizer as a hazardous material and/or a hazardous waste. It is not a rule or regulation and does not replace or supersede applicable statutes or regulations.

REQUIREMENTS FOR THE HANDLING OF ALCOHOL-BASED HAND SANITIZER AS A HAZARDOUS MATERIAL

In the State of California, alcohol-based hand sanitizer is generally considered a hazardous material as defined in California Health and Safety Code (HSC) [section 25501\(n\)\(1\)](#). Hazardous materials are subject to regulation under the Hazardous Materials Business Plan (HMBP) program.

A business that handles alcohol-based hand sanitizer or expired alcohol-based hand sanitizer may be required to submit a [business plan](#) if the business meets any of the conditions in HSC [section 25507](#). In general, if a business handles a quantity of liquid (or gel) alcohol-based hand sanitizer that at any one time is equal to, or greater than, 55 gallons, the business must submit a business plan. This includes any alcohol-based hand sanitizer that is managed as a hazardous waste as specified below.

Business plans are submitted electronically via the [California Environmental Reporting System \(CERS\)](#) and must contain detailed information, as specified in HSC [section 25505\(a\)](#), that includes:

- An inventory of hazardous materials at a facility;
- Emergency response plan and procedures to be followed in the event of a release or threatened release of a hazardous material;
- Requirements to train employees in safety procedures in the event of a release or threatened release of a hazardous material; and
- A site map.

A business that sells alcohol-based hand sanitizer as a consumer product at a retail establishment may be exempt from submitting a business plan if the consumer product exemption requirements are met (HSC [section 25507\(b\)\(5\)](#)).

It is important to note that the local regulatory agency, known as the Unified Program Agency (UPA), implements the HMBP program at the local level. The UPA may regulate hazardous materials, including alcohol-based hand sanitizer, below State thresholds and/or have reporting requirements in addition to the State HMBP requirements. A business may locate and contact its UPA using the [Unified Program Regulator Directory](#).

LAWS AND REGULATIONS CONCERNING THE MANAGEMENT OF ALCOHOL-BASED HAND SANITIZER AS A HAZARDOUS MATERIAL

California laws and regulations governing the management of alcohol-based hand sanitizer as a hazardous materials are found in the Health and Safety Code, Division 20, Chapter 6.95, and in Title 19 of the California Code of Regulations (19 CCR). Specific statutes and regulations regarding these matters include, but are not limited to, the following:

- HSC [sections 25500 - 25519](#); and
- 19 CCR [sections 2620 – 2671](#).

REQUIREMENTS FOR MANAGEMENT OF ALCOHOL-BASED HAND SANITIZER AS A RETROGRADE MATERIAL OR HAZARDOUS WASTE

Federal and State regulations require proper handling, transportation, storage, treatment, and disposal of alcohol-based hand sanitizer. U.S. EPA has issued three memoranda – in [June 2021](#), [February 2022](#), and [November 2022](#) – about the disposal of alcohol-based hand sanitizer.¹ The memoranda describe the ways in which requirements of federal law apply to alcohol-based hand sanitizer. California has

¹ If U.S. EPA issues additional memoranda on this matter, CalEPA and DTSC may revise this guidance to remain consistent with applicable U.S. EPA requirements.

additional requirements for the management of hazardous waste that are not addressed in the U.S. EPA memoranda.²

PROHIBITIONS FOR ALCOHOL-BASED HAND SANITIZER

- Do not pour alcohol-based hand sanitizer down the drain, in the garbage, or dispose of it on the ground. Both federal and State law prohibit disposal of alcohol-based hand sanitizer in these ways because they are potentially harmful to public health and the environment. Illegal disposal of alcohol-based hand sanitizer may result in civil or criminal penalties.
- Do not attempt to store alcohol-based hand sanitizer indefinitely. Federal and State law place limits on how long alcohol-based hand sanitizer can be stored at any location before it must be recycled or disposed. The limits on storage vary depending on particular circumstances.

Regardless of whether the alcohol-based hand sanitizer is in bulk or packaged for retail use, the requirements regarding its proper management as a hazardous waste remain the same.

The three options for managing waste alcohol-based hand sanitizer are managing it as a retrograde material, recycling it, or disposing of it as hazardous waste.

- **Retrograde Material:** If the alcohol-based hand sanitizer is returned to and accepted by its original manufacturer or owner within one year of its expiration date, it is considered a “retrograde material” and not a hazardous waste. Retrograde material can be returned to the original manufacturer or owner using any carrier authorized by law to transport hazardous materials.
- **Recycling:** If the alcohol-based hand sanitizer is not sent back to the original manufacturer within one year of its expiration date, the alcohol-based hand sanitizer is now identified as a hazardous waste which is potentially recyclable. The only lawful way to recycle alcohol-based hand sanitizer that has become a hazardous waste is to send it to facility that is allowed by law to accept the waste and process the waste to recover the alcohol which is then used to produce a product that is not a fuel (or contained in fuel) and is not applied to land (or contained in a product applied to land). There are certain requirements regarding storage, labelling, transportation, and record-keeping or reporting for alcohol-based hand sanitizer that is to be recycled. These requirements vary depending on how much material is to be recycled, and where and when the material is to be recycled. Your UPA or DTSC can help you identify which requirements apply to your situation.

² Hazardous waste laws generally apply to a broader scope of businesses and other entities than State hazardous materials laws. Businesses and other entities are responsible for determining which specific laws apply to them.

- **Disposal:** If there are no recycling options available, the waste alcohol-based hand sanitizer must be disposed of at a facility permitted to receive hazardous waste for disposal. This option is usually more costly than recycling, and there are specific requirements associated with this alternative. Your UPA or DTSC can help you identify which facilities are allowed to accept hazardous wastes for disposal and can help you identify the requirements you will have to meet if you choose the disposal option.

LAWS AND REGULATIONS CONCERNING THE RECYCLING AND DISPOSAL OF ALCOHOL-BASED HAND SANITIZER

California laws and regulations governing the recycling and disposal of alcohol-based hand sanitizer are found in [HSC, Division 20, Chapter 6.5](#), and in [Title 22 of the California Code of Regulations](#) (22 CCR). Specific statutes and regulations regarding these matters include, but are not limited to, the following:

- HSC sections 25113, 25120.5, 25121.5, 25124, 25143.2, 25143.9, and 25143.10;
- 22 CCR sections 66261.2, 66261.3, 66261.6, 66261.21;
- [Generator requirements](#) are found in 22 CCR sections 66262.10 through 66262.89; and
- Transporter requirements are found in 22 CCR sections 66263.10 through 66263.46.

CONTACT INFORMATION

If you have any questions regarding the handling of alcohol-based hand sanitizer as a hazardous material, please contact CalEPA at HMBP@calepa.ca.gov.

If you have any questions or need further clarification on how to submit a business plan to CERS, please contact your UPA using the [Unified Program Regulator Directory](#).

If you have any questions regarding the management of alcohol-based hand sanitizer as a hazardous waste, please contact DTSC's [Regulatory Assistance Office](#) at 800-728-6942 or email RAO@dtsc.ca.gov.