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RCRA Guidance: U.S. Environmental Protection Agency Background Paper Addressing the Use of Cathode Ray Tubes as Glass /Substitute for Lead Oxide in Ceramic Tile Manufacturing

Arkansas Environmental, Energy, and Water Law Blog

06/20/2016

The United States Environmental Protection Agency ("EPA") previously issued on September 10, 2015 guidance addressing the use of cathode ray tube ("CRT") funnel glass as a substitute for lead oxide in the production of ceramic tiles. *See memorandum from Barnes Johnson, Director, Office of Resource Conservation Recovery to Chris York, Sims Recycling Solutions, September 10, 2014.*

EPA issued a January 20, 2016 paper that provides background information regarding the information used by the agency in developing the previously referenced CRT guidance.

EPA determined in the September 10, 2014 letter that CRT funnel glass could be excluded from the RCRA Subtitle C regulations under the use/reuse exclusion. (40 C.F.R. 261.2 (e)) for hazardous secondary materials used as an ingredient to make a product or used as an effective substitute for a commercial product, as long as that use is legitimate. The federal agency notes in the January 20th background paper that it has no specific testing requirements for products made from recyclable hazardous materials.

In order to constitute legitimate recycling, EPA states that one of the factors that must be met is the products in the recycling process must be comparable to legitimate products. However, the agency also notes that a generator can use any number of methods for making this determination, including using generator knowledge of specifications that address the hazardous constituents, to determine if the product of recycling is comparable to a legitimate product. Of course, this is the generator's responsibility (i.e. to determine legitimate recycling [if claiming a recycling exclusion from the regulations]).

The January 20th background paper provides additional information on the agency's consideration of the various legitimacy factors, which include:

1. Does the CRT funnel glass provide a useful contribution?
2. Are the ceramic tiles a valuable product?
3. Is the CRT glass managed as a valuable commodity?
4. Do the ceramic tiles contain "toxics along for the ride?"

The background paper also includes laboratory test results on ceramic tiles manufactured using CRT glass.

[A copy of the background paper can be downloaded here.](#)