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Post-Consumer E-Cigarettes/RCRA: U.S. Environmental Protection Agency Interpretive Letter Addressing Potential Application of the Household Hazardous Waste Exemption

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The United States Environmental Protection Agency (“EPA”) in a January 7th Interpretive Letter addressed whether:

... the Household Hazardous Waste (HHW) exemption apply to post-consumer e-cigarettes throughout the entire collection and recycling supply chain.

EPA was responding to a September 4, 2025 query from TerraCycle.

The question refers to e-cigarettes collected at drop-off points, aggregated, sorted, with their lithium batteries recovered at a Material Recovery Facility, and the unrecoverable fractions sent for disposal.

EPA states that many, but not all post-consumer e-cigarettes are exempt from the federal Resource Conservation and Recovery Act (“RCRA”) Subtitle C Hazardous Waste Regulations due to the hazardous waste exclusion in 40 C.F.R. 261.4(b)(1).

EPA notes that TerraCycle is interested in collecting post-consumer e-cigarettes from households to facilitate the recycling of the lithium-ion batteries and the nicotine e-liquid. Such collecting is described as requiring the disassembly of the post-consumer e-cigarettes into their primary components:

- Lithium-ion battery.
- Nicotine e-liquid.
- Plastic housing/mouthpiece.
- Heating coil.
- Small amount of electronics.

EPA addresses the question from the federal standpoint stating that the RCRA hazardous waste exclusion applies to the entire collection and recycling supply chain for hazardous waste. This is conditioned on the household waste being kept separate from regulated hazardous waste.

Specifically, the pre-consumer and post-consumer e-cigarettes from households are excluded from RCRA Subtitle C hazardous waste regulation when collected, stored, and transported and treated, e.g. recycled. Further, the various waste streams that are generated from the disassembly which includes the non-recyclable components that are sent for disposal, are stated to remain exempt from RCRA Subtitle C

hazardous waste regulations as household waste if they are kept separate from regulated hazardous waste.

EPA does however further note:

- As with all household hazardous waste, strongly encourages the public to keep household hazardous waste out of the household trash, especially any waste that contains lithium batteries, and bring it to household hazardous waste collection locations for proper management.
- Supports TerraCycle's goal of collecting household e-cigarettes to divert them away from municipal wastestreams and to recover the valuable components for recycling and eventual reuse.
- The Interpretive Letter discusses only the federal hazardous waste regulations, recognizing that some states have promulgated regulations that are more stringent than the federal RCRA regulations with respect to household hazardous waste.

A copy of the Interpretive Letter can be found [here](#).