Scrap Tires Combusted in Cement Kilns/Non-Hazardous Secondary Materials Regulations: U.S. Environmental Protection Agency Proposed Designation as Non-Waste Fuel.



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03/23/2026

The United States Environmental Protection Agency ("EPA") is proposing a rule designating scrap tires (including previously abandoned scrap tires) that are combusted in cement kilns as non-waste fuel. See 91 Fed. Reg. 13804 (March 23, 2026).

EPA is also proposing to revise the definition of a tire collection program to include abandoned scrap tires that are recovered for use as fuel so they can be managed in the same manner as collected scrap tires.

The agency argues that the proposed rule supports goals of the federal Resource Conservation and Recovery Act ("RCRA") by:

- Facilitating the use of abandoned scrap tires as a non-waste fuel and ingredient in Portland cement manufacturing.
- Simultaneously reducing risks to human health and addressing environmental harms caused by tire piles.

The proposed rule constitutes amendments to the Non-Hazardous Secondary Materials ("NHSM") regulations. These regulations provide the standards and procedures for identifying whether non-hazardous secondary materials are solid wastes when legitimately used as fuels or ingredients in combustion units. They are found at 40 CFR Part 241 under the authority of Sections 2002(a)(1) and 1004(21) of RCRA.

Note that the Arkansas Department of Energy and Environment – Division of Environmental Quality ("ADEQ") and Arkansas regional solid waste districts have played a role for many years in seeking the appropriate collection and disposition of scrap tires.

ADEQ operates the Tire Accountability Program whose goals include:

- Reducing the amount of waste tire sites by promoting individual and corporate responsibility.
- Eliminating the need for waste tire landfills and monofils.

- Transforming the business of waste tires to one that utilizes tires as reusable and eco-friendly resources.

Scrap tires are managed locally by the states' regional solid waste management districts. Each district is allowed to operate their own program or form an inter-district program with other districts. Further, regional solid waste management boards are required by state law to have a plan for the disposal and recycling of tires withing their districts.

A copy of the proposed rule can be found here.