



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Application of the RCRA to Telecommunications Cables: U.S. Environmental Protection Agency Interpretive Letter

08/20/2026

The United States Environmental Protection Agency ("EPA") Office of Resource Conservation and Recovery addressed in a July 23rd interpretive letter:

... the application of the Resource Conservation and Recovery Act (RCRA) to telecommunications cables that "remain[] in their original place of installation."

The letter was transmitted from Andrew Baca, Director of EPA's Office of Resource Conservation and Recovery to Brian D. Israel of Paul Hastings LLP.

The interpretive letter responds to Mr. Israel's September 10, 2025 letter that stated in part:

... RCRA should not apply to these "in-place" lead-clad telecommunications cables (including accessory equipment).

EPA states that the purpose of the interpretive letter is to convey the agency's interpretation of the application of RCRA to the circumstances generally described in Mr. Israel's letter in which:

- Telecommunications cables remain in their original place of installation;
- have not fallen from it nor been removed; and,
- the telecommunications infrastructure on which they have been placed remains in use.

Lead sheath power and telecom cables have been the subject of some attention over the past few years in part due to a Wall Street Journal article:

... America Is Wrapped in Miles of Toxic Lead Cables, (July 9, 2023).

Subsequent to this article, the Environmental Defense Fund and two other organizations sent a July 17, 2023 letter to EPA asking that the federal agency investigate:

... the uncontrolled release of lead into the water or surface soil from more than 2,000 lead-sheath telecom and power cables across the nation with more than 300 of these cables posing a threat to the source of drinking water for communities.

EPA states in its July 23rd interpretive letter that:

... Consistent with past guidance and practice, EPA does not interpret RCRA to apply to telecommunications cables that have not fallen from their place of installation and remain affixed to the unabandoned telecommunication pole and cables.

Two prior EPA interpretive letters are cited.

The July 23rd interpretive letter further states that RCRA governs the treatment, storage, and disposal of solid waste, and would only apply to telecommunications cables only if they have become "solid waste," which RCRA defines as:

... garbage, refuse, sludge ... and other discarded material.

The federal agency further notes that telecommunications cables that have neither been removed nor fallen from their place of installation, which itself remains in use, have not been discarded, nor are they "garbage," "refuse," or "sludge."

In contrast, EPA states that such cables that are removed for disposal, may become solid waste within the scope of RCRA. However, it states that until the cables on unabandoned poles are removed they would be outside RCRA's scope, regardless of whether the cables continue to be used for telecommunications or other purposes.

Two caveats are noted, generally summarized as follows:

1. The interpretive letter is limited to those general circumstances explicitly discussed.
2. The letter discusses only the federal hazardous waste regulations, and some states may have promulgated regulations that are more stringent than the federal RCRA regulations.

A copy of the interpretive letter can be found [here](#).