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## Questions & Answers

### Universal Waste Aerosol Cans

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THIS POLICY DOES NOT HAVE THE FORCE OF LAW

Hazardous Waste Program

*On October 23, 2022, Ohio EPA revised the Ohio-specific universal waste rules to no longer include hazardous non-empty aerosol waste cans. Hazardous non-empty aerosol waste cans can now be managed as a universal waste under Ohio Administrative Code (OAC) rule **3745-273-06** instead of under OAC rule **3745-273-89**. This change was the result of U.S. EPA adding aerosol cans to the Universal Waste Regulations. Below are frequently asked questions regarding the management of universal waste aerosol cans.*

1. A universal waste handler punctures and empties aerosol cans and collects the liquid from the aerosol cans in a drum. Is the collected liquid eligible to be classified as a universal waste?

**Answer:** The liquid collected from aerosol cans no longer meets the definition of aerosol can and therefore is not eligible to be classified and managed as a universal waste. An exception is if the collected liquid consists solely of paint which is still eligible to be classified as a universal waste paint.

2. Do aerosol cans managed under the universal waste rules have to be punctured or is that just an option?

**Answer:** Puncturing aerosol cans is an optional method that can be used by a handler to manage aerosol cans. Unpunctured aerosol cans can be classified as a universal waste by the handler and sent for management at a destination facility or sent to another universal waste handler.

3. Can I classify used containers of Mapp gas as universal waste and dispose of them as universal waste?

**Answer:** Mapp gas cylinders are not included in the definition of aerosol can since the product is not dispensed as a spray, foam or gel by means of a gas propellant. Mapp gas is a flammable compressed fuel gas contained in a cylinder. It is used to form a torch for heating, soldering and brazing.

4. When is an aerosol can that held non-acute hazardous waste empty?

**Answer:** An aerosol can that has held non-acute hazardous waste is empty when it meets the criteria in **OAC rule 3745-51-07(B)(1)** which generally states that (1) all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating (applicable in all cases), and (2) no more than 2.5 centimeters (one inch) of residue remains on the bottom of the container or inner liner, or (3) no more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size. In addition, a container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric pressure.

5. When is an aerosol can that held an acute hazardous waste empty?

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**Answer:** In the case of a container that has held an acute hazardous waste listed in OAC rule [3745-51-31](#) or [3745-51-33\(E\)](#), the container is considered empty when it has been triple rinsed or has been cleaned by another method that has been shown in scientific literature, or by tests conducted by the generator to achieve equivalent removal, per [OAC rule 3745-51-07\(B\)\(3\)](#). Also, a container that has held an acute hazardous that is a compressed gas meets the definition of empty when it approaches atmospheric pressure, as defined in OAC rule [3745-51-07\(B\)\(2\)](#). EPA has stated that it is not aware of a chemical commonly found in aerosol cans that would be listed as an acute hazardous waste, but if such an aerosol can product does exist, it would have to meet the OAC rule [3745-51-07\(B\)\(2\)](#) or [\(B\)\(3\)](#) standard to be considered “empty” under the regulations.

6. How are aerosol cans which are punctured, drained, and being recycled regulated under the universal waste rules?

**Answer:** Aerosol cans which are punctured and drained prior to recycling are considered exempt scrap metal under [OAC rule 3745-51-06\(A\)\(3\)\(b\)](#), and therefore all such punctured/drained aerosol cans would be exempt from hazardous waste requirements when recycled.

7. If I choose to puncture and drain my aerosol cans, must I recycle the aerosol cans in order to manage them under the universal waste regulations?

**Answer:** Yes. In order to manage aerosol cans which are punctured and drained pursuant to the universal waste regulations, the aerosol cans must be recycled (e.g., scrap metal).

8. Are empty aerosol cans required to be managed as universal waste (if empty due to puncturing see question #7)?

**Answer:** No, however handlers may choose to manage empty aerosol cans as universal waste. U.S. EPA clarifies this in [84 FR 67209-67211](#). If the aerosol can meets the standard for an empty container outlined in rule [3745-51-07](#) of the Ohio Administrative Code, the aerosol can is specifically excluded from being subject to the universal waste requirements (see [OAC rule 3745-273-06\(B\)\(3\)](#)). If not managed under the universal waste rules, Ohio EPA recommends the empty aerosol cans be managed as scrap metal and sent for recycling. When managed as scrap metal, the empty aerosol cans are not be subject to any regulations ([OAC 3745-51-04\(A\)\(13\)](#)).

9. When does the one-year accumulation time limit begin?

**Answer:** Pursuant to the recently modified rules, the one-year accumulation start date begins the date the universal waste is accumulated and placed in a container. Prior to this modification Ohio did allow for satellite accumulation of aerosol cans, but because Ohio rules must be at least as stringent as their federal equivalent Ohio was required to modify this rule and remove this option.

## Contact

For more information, contact the Hazardous Waste Compliance Assurance Section of the [Division of Environmental Response and Revitalization](#) at 614-644-2924.