

Missouri's Requirement of DOT Packaging, Marking, & Labeling, of Haz Waste Containers
During Onsite Storage

One Attendee's Thoughts from the Meeting of May 19, 2011
Respectfully submitted to the Hazardous Waste Forum

It was my observation that there were 4 items of contention that warrant additional discussion.

1. The requiring of DOT labeling while in storage is unique to Missouri and essentially is unduly burdensome.
2. The requiring of DOT labeling while in storage increases the regulatory requirements. Once DOT labeled the containers are under the purview of DOT in addition to MDNR/EPA.
3. The requiring of DOT labeling does not serve a useful purpose; some MDNR inspectors may lack sufficient knowledge to determine if the label is correct.
4. The DOT labeling provides necessary and useful information for the MDNR inspector to perform the inspection.

Number 1: Unique and Burdensome.

The practice of states having additional requirements is found throughout various environmental regulations and is a sound principle. This allows states to deal with their unique situations without impacting the rest of the nation. I am sure many of us remember the days when cars sold in California had to meet different emission standards. Another example is the unique DOT labels in New Jersey & California.

As to the additional burden this labeling requirement causes, I suspect there will not be consensus. I am sure the thoughts run the full spectrum from "It's just one label; what's the big deal" to "This is ridiculous; why is Missouri the only state to require this labeling" For the moment lets agree we will never see eye to eye on this issue but continue to work towards a win-win compromise solution.

Number 2: Additional Regulatory Exposure

The gentlemen representing Wal-Mart and Home Depot made quite a compelling argument. I must admit I had not been aware of the nature of the situation if the containers were not intended to be the shipping containers. Whatever solution the forum decides is the best approach must address the issue of storage in good and sound containers that are not intend for transportation.

Number 3 & Number 4: Not Useful – Some Inspectors may not be knowledgeable and provides necessary information to conduct the inspection.

Due to the similarity of number of 3 and 4 for the purpose of this discussion I have addressed them together.

There are a number of items that could result in the label being considered incorrect yet useful information would still be on the label. For example if a drum at a coating manufacturer said the shipping name was Waste Pain Related Material. I believe most everyone would know that it was Waste Pain**T** Related Material. So while it is entirely possible that an inspector may not be able to determine if every label they encounter is 100% correct it still may contain information useful for the completion of the inspection.

Evaluation of Proposals/Concepts vs. the 4 items of Contention

Proposal/Concept	Resolve #1 Unique & Burdensome	Resolve#2 Subject to DOT	Resolve #3 Inspector unable to determine if correct	Resolve #4 Inspector needs more than “Haz Waste”
REGFORM’s Preferred Proposal	Yes MO no longer unique or added burden	Yes, DOT labeling not required until waste in shipment container	Yes, DOT labeling not required until shipment	No
REGFORM’s Option Two If Generator chose Federal If Generator Chooses Current State	Yes	Yes	Yes	No
	No	No	No	Yes
REGFORM’s Option Three Hazard ID Warnings “Recommended”	Yes	Yes	Yes	Only if generator chooses to “follow” the recommendation
MDNR’s Concept 1 Tiered Regulatory System.	No Burden switches from labeling to maintaining a log. Also may create confusion. [See Page 4 of REGFORM’s “White Paper”]	Yes	Yes	Yes
MDNR’s Concept 2 “In Process” container option.	No Burden switches from labeling to maintaining a log.	Yes	Yes	Yes

Based on this analysis it appears the closes we come to finding a workable compromise is to tweak REGFORM's option 3. A lot of the information required on the well known yellow Hazardous Waste label is redundant when you consider a typical inspection of a generator. The inspector knows the generator's name, address, & EPA ID number. So the major information the inspector gains from requiring the label is the shipping name; i.e. the contents. Obviously, the DOT hazard class labels also provide useful information as well.

What if the requirement was at minimum a label with the words Hazardous waste and the contents? I have included a jpeg of a label readily available. This label is not a DOT label so it does not increase regulatory requirements. Those who might want to use the "scaled down" label with the DOT hazard class labels would be in compliance. Those who would chose to continue to use the full DOT labeling would be in compliance. Yes, Missouri would remain unique but the only added burden is simply including a description of the contents.

