

FREQUENT QUESTIONS ABOUT THE REGULATION OF AIRBAG WASTE

1. WHAT IS AIRBAG WASTE AND HOW DOES EPA REGULATE IT UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)?

“Airbag waste” is any hazardous waste airbag inflator or hazardous waste airbag module. An airbag inflator consists of a casing containing an igniter, a booster material and a gas generant used to inflate an air bag in a supplemental restraint system in a motor vehicle. An “airbag module” is the airbag inflator plus an inflatable bag assembly.

Undeployed airbag inflators and airbag modules are generally reactive (D003) and/or ignitable (D001) due to the propellant contained in the inflator, and therefore hazardous wastes under the RCRA when discarded. Deployment of the airbag module consumes the propellant and removes the reactivity and ignitability characteristics.

Hazardous airbag waste is subject to applicable RCRA hazardous waste regulations. However, airbag waste may also be eligible for a conditional exemption from hazardous waste requirements or may be conditionally excluded from federal hazardous waste regulation, as described in question number two below.

Finally, RCRA authorized state programs may be more stringent than the RCRA federal program and therefore may have additional or different requirements for managing airbag waste. EPA maintains [a list of links to the state hazardous waste programs](#).

2. WHAT IS THE AIRBAG WASTE EXEMPTION FOUND AT TITLE 40 OF THE CODE OF FEDERAL REGULATIONS (CFR) SECTION 261.4(j), AND WHAT TYPES OF AIRBAG WASTE QUALIFY?

The airbag waste exemption found at 40 CFR section 261.4(j) provides a conditional exemption from hazardous waste requirements for the generation and accumulation of airbag waste at the airbag waste handler location and during transport to an airbag waste collection facility or designated facility, if certain conditions are met.

All types of airbag waste (including both recalled and non-recalled airbag modules and inflators) may be managed under this exemption, provided the conditions of the rule are met. The exemption is voluntary; airbag waste generators may choose instead to continue to manage their airbag waste as hazardous waste, or, when applicable, under one of the other exclusions and exemptions discussed in question number 11 below.

3. WHO IS CONSIDERED AN AIRBAG WASTE HANDLER, AND WHAT MUST THEY DO TO MANAGE THEIR AIRBAG WASTE UNDER THE AIRBAG WASTE EXEMPTION FOUND AT 40 CFR SECTION 261.4(j)?

An “airbag waste handler” is an entity that generates airbag waste under the conditional exemption, and can include automobile dealers, independent repair facilities, collision centers and salvage vendors.

To be conditionally exempt from hazardous waste requirements, an airbag waste handler must:

1. Accumulate no more than 250 airbag modules and airbag inflators (combined) at one time;
2. Accumulate their airbag waste for no longer than 180 days;
3. Package their airbag waste in a container designed to address the risk posed by the airbag waste;
4. Label their airbag waste “Airbag Waste-Do Not Reuse;”
5. Send their airbag waste directly to either:
 - A. An airbag waste collection facility in the United States under the control of a vehicle manufacturer or their authorized representative, or under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration, or
 - B. A designated facility as defined in 40 CFR section 260.10;
6. Ensure their airbag waste shipments comply with all applicable U.S. Department of Transportation (DOT) regulations in 49 CFR part 171 through 180 for airbag waste during transit; and
7. Maintain at the airbag handler facility for no less than three (3) years records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility.

For each shipment, these records must, at a minimum, contain the name of the transporter and date of the shipment; name and address of receiving facility; and the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment.

Confirmations of receipt must include the name and address of the receiving facility; the type and quantity of the airbag waste (i.e., airbag modules and/or airbag inflators) received; and the date which it was received.

Shipping records and confirmations of receipt must be made available for inspection and may be satisfied by routine business records (e.g., electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

4. WHAT IS MEANT BY PACKAGED IN A “CONTAINER DESIGNED TO ADDRESS THE RISK POSED BY THE AIRBAG WASTE”?

As described above, airbag waste can be reactive and/or ignitable hazardous waste. Containers designed to address these risks posed by airbag waste include containers that meet DOT requirements for shipping airbag modules or airbag inflators per 49 CFR part 173. For questions about shipping hazardous materials under DOT regulations, [contact DOT’s Hazardous Materials Information Center](#).

5. IF AN AIRBAG HANDLER STORES A PALLET FULL OF AIRBAG WASTE CONTAINERS THAT ARE COVERED IN SHRINK WRAP, DOES EACH CONTAINER NEED TO BE INDIVIDUALLY LABELED, OR CAN THE ENTIRE PALLET HAVE ONE LABEL?

If the pallet of shrink-wrapped airbag waste containers is intended to be shipped as a single unit, and it is clear that the airbag waste label applies to the entire pallet, then it is acceptable to have one label for the entire pallet of containers for the purpose of the exemption.

6. DOES AIRBAG WASTE THAT IS MANAGED UNDER 40 CFR SECTION 261.4(j) COUNT TOWARDS A COMPANY'S HAZARDOUS WASTE GENERATOR STATUS (I.E., LARGE QUANTITY GENERATOR VERSUS SMALL QUANTITY GENERATOR VERSUS VERY SMALL QUANTITY GENERATOR) UNDER 40 FR SECTION 262.13?

No, airbag waste handlers managing their airbag waste under 40 CFR section 261.4(j) are not subject to the requirements of 40 CFR part 262 for their airbag waste, and therefore, do not need to count their airbag waste when making their generator category determination.

7. DO SHIPMENTS OF AIRBAG WASTE NEED A HAZARDOUS WASTE MANIFEST WHEN TRAVELING FROM THE AIRBAG WASTE HANDLER TO THE AIRBAG WASTE COLLECTION FACILITY OR FROM THE AIRBAG WASTE HANDLER TO A RCRA HAZARDOUS WASTE DESIGNATED FACILITY?

No, the airbag waste managed under 40 CFR section 261.4(j) is exempt from the requirements of 40 CFR part 263 when traveling from the airbag waste handler to the airbag waste collection facility or to a RCRA hazardous waste designated facility, and therefore, does not need a hazardous waste manifest for those shipments. The airbag waste remains subject to all applicable DOT hazardous materials regulations in 49 CFR part 171 through 180.

However, when the airbag collection facility ships the airbag waste to the designated facility, the airbag collection facility is considered a hazardous waste generator, and the shipment to the designated facility is required to have a hazardous waste manifest and to meet all other applicable hazardous waste requirements. See question number eight (8).

8. WHAT IS AN AIRBAG WASTE COLLECTION FACILITY, AND WHAT MUST THEY DO UNDER THE AIRBAG WASTE EXEPTION FOUND AT 40 CFR SECTION 261.4(j)?

An "airbag waste collection facility" receives airbag waste from airbag handlers subject to the airbag waste exemption found at 40 CFR section 261.4(j), and accumulates the waste for more than ten (10) days. (Facilities that accumulate airbag waste for less than ten days are considered transfer facilities as defined in 40 CFR section 260.10).

Under the airbag waste exemption found at 40 CFR section 261.4(j), an airbag waste collection facility must be under the control of a vehicle manufacturer or their authorized representative (e.g., a certified auto parts dealer), or under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration.

Once the airbag waste arrives at an airbag waste collection facility, it becomes subject to all applicable hazardous waste regulations, and the facility receiving airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste regulations and must comply with the requirements of 40 CFR part 262.

9. WHAT IS A RCRA HAZARDOUS WASTE DESIGNATED FACILITY, AND WHAT MUST HEU DO UNDER THE AIRBAG WASTE EXEMPTION FOUND AT 40 CFR SECTION 261.4(j)?

A "RCRA hazardous waste designated facility" is defined in 40 CFR section 260.10, and is authorized to accept hazardous waste for treatment, storage, disposal or recycling. Under the airbag waste exemption, the designated facility would be considered the generator for any airbag waste received

directly from airbag waste handlers and must comply with the requirements of 40 CFR part 262 for that waste.

10. IF A SALVAGE YARD SENDS AIRBAG MODULES TO A SALVAGE VENDOR FOR EVALUATION TO DETERMINE IF THE MODULE IS PART OF A RECALL, OR IF IT CAN BE SAFELY REUSED OR DEPLOYED AND RECYCLED AS SCRAP METAL, DOES THE SALVAGE YARD NEED TO FOLLOW THE REQUIREMENTS APPLICABLE TO AN AIRBAG WASTE HANDLER FOUND AT 40 CFR SECTION 261.4(j)?

No. In cases where a salvage vendor obtains an airbag module from a salvage yard to evaluate, then this evaluation step would be considered the point of generation for the salvaged airbag. Thus, it would be the salvage vendor, not the salvage yard, that would be considered the airbag waste handler of any airbag waste resulting from this evaluation process.

11. IN ADDITION TO THE AIRBAG WASTE EXEMPTION FOUND AT 40 CFR SECTION 261.1(j), WHAT OTHER EXEMPTIONS AND EXCLUSIONS MAY APPLY TO AIRBAG WASTE?

Below is a summary of other federal RCRA exemptions and exclusions that, in addition to 40 CFR section 261.4(j), may apply to airbag waste. Further information on these provisions can be found in the [June 2017 EPA airbag memo](#) (PDF) (3 pp, 783 K, [About PDF](#)) and the [July 2018 EPA airbag memo](#).

- Recalled airbag modules and airbag inflators that are subject to a DOT preservation order or similar legal hold are not considered solid waste *while they remain subject to such an order*, and therefore, are not hazardous waste, until the order is lifted.
- Unused airbag modules and airbag inflators that fail quality assurance/quality control programs and are never installed in vehicles for sale are off-specification commercial chemical products and are not solid waste when legitimately reclaimed and not discarded. (40 CFR section 261.2(c)(3)).
- Used airbag modules and airbag inflators (i.e., airbag items that were installed in a vehicle for sale) that can be legitimately reused are still considered to be a product (i.e., not yet a spent material under 40 CFR section 261.2(c)(3)) unless discarded. Recalled airbags cannot be legitimately reused; such reuse is considered sham recycling under 40 CFR section 261.2(g).
- Airbag modules (recalled and non-recalled) installed in cars and remaining in the car when it is recycled as scrap metal are considered part of vehicle and exempt scrap metal when legitimately recycled. (40 CFR section 261.6(a)(3)(ii)).
- Used airbag modules (not inflators) removed from vehicles that can safely undergo electronic deployment prior to recovery of metal are considered exempt scrap metal when electronically deployed and legitimately recycled for metal value. (40 CFR section 261.6(a)(3)(ii)). Modules containing airbag inflators recalled due to a potential shrapnel-producing defect (e.g., Takata airbag inflators) are not considered to be able to safely undergo electronic deployment.

12. IS THE AIRBAG WASTE EXEMPTION FOUND AT 40 CFR SECTION 261.4(j) IN EFFECT IN ALL STATES?

No. This interim final rule makes changes to the federal hazardous waste program that are less stringent and thus, authorized states are not required to adopt them. Affected entities should check with their state regulatory agency to determine if the conditional exemption for airbag waste is available for them to use. EPA maintains [a list of links to the state hazardous waste programs](#).

13. WHAT HAPPENS WHEN EXEMPT AIRBAG WASTE IS SHIPPED THROUGH A STATE THAT HAS NOT ADOPTED THE AIRBAG WASTE EXEMPTION FOUND AT 40 CFR SECTION 261.4(j)?

If a shipment of exempted airbag waste is being transported through a state that has not adopted the exemption, that transit state's hazardous waste regulations could apply once the shipment reaches the border of that state. Persons transporting exempt airbag waste are encouraged to check with the applicable state regulatory agencies to determine how the state regulations apply to airbag waste moving across the state. EPA maintains [a list of links to the state hazardous waste programs](#).