

9441.1986(42)

MAY 20 1986

Mr. Paul B. Guptill
Missouri Hospital Association
P.O. Box 60
4713 Highway 50 West
Jefferson City, Missouri 65102

Dear Mr. Guptill:

This is in response to your letter dated April 14, 1986, regarding the regulatory status of used x-ray film being sent to refiners for silver reclamation. In order to answer this question, one must first determine whether the used x-ray film is considered a solid waste. Under the hazardous waste rules, all spent materials, and listed sludges and listed by-products that are sent for reclamation are defined as solid wastes, (see 40 CFR 261.2(c), used x-ray film would be defined as a spent material.^{1/} Therefore, used x-ray film would be defined as a solid and hazardous waste if it is listed or exhibits one or more of the hazardous waste characteristics (i.e., ignitability, corrosivity, reactivity, or extraction procedure (EP) toxicity).^{2/} Since these films are not specifically listed, they would only be defined as hazardous if they exhibit any of the hazardous waste characteristics. Based on test data provided by the National Association of Photographic Manufacturers (NAPM),

- 1/ A spent material is any material that has been used and as a result of such use can no longer serve the purpose for which it was produced without processing.
- 2/ In your letter, you argue that used x-ray film going to a refiner would not be considered hazardous, regardless of their hazardous levels. However, the Agency has always defined the hazardousness of the waste based upon the characteristics of the waste and not how it is managed.

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these films, in and of themselves, do not appear to be hazardous under RCRA. Therefore, used x-ray films are probably not subject to the Federal hazardous waste management regulations (see enclosure).

You should be aware, however, that although the data provide by NAPM appears to suggest that these films are non-hazardous, each generator is still responsible for making this determination. If the generator determines that their used x-ray films are hazardous, they would be subject to the hazardous waste rules. However, the only requirements under the Federal regulations that would be imposed upon the generator would be to get an identification number and to comply with the uniform hazardous waste manifest. I, therefore, question the cost figures estimated by the Missouri Department of Natural Resources (DNR) for hospitals to comply with the hazardous waste rules.

Please feel free to give me a call if I can be of any further assistance my telephone number is (202) 475-8551.

Sincerely,

Matthew A. Straus
Chief
Waste Identification Branch

Enclosures