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Client Alert: Paint and Related Wastes to be Regulated as Universal Waste in Ohio

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Ohio will soon join Texas and New Jersey as the only states to regulate “paint and paint-related waste” as a Resource Conservation and Recovery Act (RCRA) *universal waste*. The Environmental Protection Agency’s (EPA) universal waste regulations are a set of streamlined regulations within RCRA affording a less onerous standard of care for certain hazardous wastes that are commonly generated by a wide variety of industries. The federal universal waste regulations cover batteries, pesticides, mercury containing equipment, and lamps (most commonly, but not limited to, florescent lamps). Federal law permits States to add additional universal wastes without those wastes being first added at the federal level.

On December 8, 2017, Ohio EPA adopted new universal waste rules adding paint and paint-related wastes, aerosol containers, and anti-freeze to its list of universal wastes. These rules will be effective and will be moved to [3745-273-89](#) of the Ohio Administrative Code on December 21, 2017.

The purpose of designating a hazardous waste as a universal waste is to promote the proper handling, recycling, or disposal of the waste by streamlining the regulations that apply. While the additions of aerosol containers and anti-freeze to Ohio’s list of universal wastes are extremely important, paint and paint-related waste will likely have the most significant benefit considering the quantity and frequency of generation of these wastes in several Ohio industries. Among those benefits in Ohio, when following the universal waste rules, paint and paint-related waste will no longer count towards a generator’s monthly hazardous waste accumulation rate, will no longer have to be manifested as a hazardous waste, and will no longer have to be reported on a generator’s hazardous waste biennial report. The designation of paint and paint-related wastes as universal wastes will be a positive change for Ohio industries large and small from both an economic and “practicality of handling the waste” perspective.

If your industry generates waste aerosol containers, anti-freeze, or paint and paint-related waste, please contact us with any questions or assistance adjusting your waste handling and disposal practices to Ohio's universal waste regulations.