



New
Jersey
Department of
Environmental
Protection

COMPLIANCE ADVISORY *UPDATE*

Making You Aware of Compliance Assistance Opportunities

Compliance and Enforcement

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Compliance Assistance Available for Vape Shops and Manufacturers



Who is affected by this initiative?

All retailers and manufacturing facilities that are engaged in the sale or manufacturing of e-liquid and e-cigarettes that contain nicotine.

What are e-cigarettes and who retails and manufactures them?

An electronic cigarette or e-cigarette is a handheld electronic device which vaporizes a flavored liquid. The user inhales the vapor, which is referred to as *vaping*. The liquid in the e-cigarette, referred to as e-liquid or e-juice, is usually made of nicotine, vegetable glycerin (VG) and/or polyethylene glycol (PG), and flavorings. A Vape Shop is a retail facility which sells e-cigarettes or e-liquid. A Manufacturer is a facility that mixes e-liquids or makes or modifies vaping devices. Many Vape Shops engage in both retail and manufacturing activities and thus are also considered manufacturers.

Why is DEP reaching out to e-cigarette and vape shops and manufacturers?

As vape shops and manufacturing of e-cigarettes are a new industry, DEP wants to help vape shops and manufacturers properly manage their nicotine waste. Nicotine waste includes empty containers that once held nicotine, or other wastes that have been contaminated by nicotine, such as rinsate, rags used to clean up drips or spills, cotton coils from vapes, etc. Under the Federal Resource Conservation and Recovery Act (RCRA), nicotine waste is an acute toxic hazardous waste (waste code-P075) with special on-site management and disposal requirements. Disposing of residual nicotine liquid down the drain or disposing of wastes contaminated with nicotine as ordinary trash are prohibited.

What is DEP doing?

DEP's Bureau of Hazardous Waste Compliance and Enforcement is offering regulatory assistance to this new and expanding industrial/retail sector to ensure these facilities are aware of the national RCRA requirements.

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What should I do?

Incorrectly disposing of nicotine waste can have serious environmental impacts, and improper disposal, even unknowingly, can have serious regulatory consequences. The websites listed below may be used as guidance to determine if your Vape Shop/Manufacturing facility is disposing of waste in a manner consistent with the Federal RCRA regulations.

Who should I contact with questions?

Bureau of Hazardous Waste Compliance and Enforcement

Southern Field Office 856-614-3658

Central Field Office 609-943-3019

Northern Field Office 973-656-4470

Where can I get more information?

Instructions and Form for Hazardous Waste Generators, Transporters, and Treatment, Storage and Disposal Facilities to Obtain an EPA Identification Number

<https://www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and>

EPA's Determination Regarding the Hazardous Waste Status of E-Cigarettes Under RCRA

[https://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/EE5AE44ACEE473B585257E810070F655/\\$file/14850.pdf](https://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/EE5AE44ACEE473B585257E810070F655/$file/14850.pdf)

EPA's Evaluation of P-Listed Pharmaceutical Residues in Empty Pharmaceutical Containers

https://cfpub.epa.gov/si/si_public_record_report.cfm?direntryid=310610&keyword=land%20and%20waste%20management&subject=land%20and%20waste%20management%20research&showcriteria=2&fed_org_id=111&datebeginpublishedpresented=12/24/2011&dateendpublishedpresented=12/24/2016&sortby=pubdateyear

US Food and Drug Administration – Requirements for Vape Shops

<https://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm514606.htm>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement numbers listed above.