



CLASSIFICATION AND DISPOSAL OF ALCOHOL – BASED HAND SANITIZER

WHO IS AFFECTED BY THIS ADVISORY?

Businesses, schools, and other industrial or commercial organizations that may have acquired or manufactured large amounts of alcohol – based hand sanitizer (ABHS) during the Covid-19 pandemic and now have a surplus.

Individual persons should contact their local hazardous waste facility or household hazardous waste coordinator for proper management and disposal. Household hazardous waste coordinator contact information can be found online at <https://njhazwaste.com/membership/hhw-coordinator-list/>.

WHY IS DEP ISSUING THIS UPDATE?

On October 12, 2021, the Food and Drug Administration (FDA) announced the withdrawal of its temporary guidance for ABHS. As a result, effective December 31, 2021, companies that manufactured ABHS under the FDA’s temporary policies had to cease production. Further, any ABHS manufactured before or on December 31, 2021, and produced under the temporary guidance, could no longer be sold or distributed by manufacturers after March 31, 2022. This advisory summarizes how manufacturers, individuals, businesses, schools and other organizations should handle surplus and waste ABHS to ensure it is disposed of properly.

WHAT SHOULD I DO? - PROPER MANAGEMENT OF ALCOHOL – BASED HAND SANITIZER AS HAZARDOUS WASTE

Disposal - ABHS should not be disposed of in regular trash or down the drain. Most ABHS contains enough ethanol or isopropyl alcohol to make it highly flammable. When disposed of, ABHS should be classified as ignitable hazardous waste, with a waste code of D001, pursuant to the Resource Conservation and Recovery Act (RCRA) at *40 CFR 261.21* (Part 261). Incineration is currently the preferred method of disposal for all ABHS.

Storage – The National Fire Protection Association’s (NFPA) [NFPA 30, Flammable and Combustible Liquids Code](#) applies to ABHS and should be referenced for best practices and requirements.¹

Transportation – ABHS product is subject to applicable State and Federal Department of Transportation (DOT) regulations if it is determined to be a hazardous material. New Jersey DOT regulations² can be found under [Title 16 of the NJ Administrative Code](#).

¹ <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=30>.

² <https://www.state.nj.us/transportation/about/rules/>

Compliance Advisory

RCRA Requirements for Generators of Solid and Hazardous Waste ABHS – Managing ABHS requires cradle-to-grave management under RCRA, including notification, labeling, storage, manifesting, treatment, and disposal. [RCRA Online #14949](#) contains guidance for generators operating under *40 CFR Part 262* and healthcare facilities operating under *40 CFR Part 266 Subpart P*.

RCRA Planned Episodic Event Option for Solid and Hazardous Waste Sanitizer – A Planned Episodic Event exemption can only be used to remove excess waste ABHS generated during an emergency (pandemic, etc.). Generators must notify DEP by submitting a United States Environmental Protection Agency (EPA) Form 8700-12 via [RCRAInfo](#) (EPA’s portal for records and submissions) no later than thirty (30) calendar days prior to initiating the event. Generators must comply with the planned Episodic Event requirements, including sending all hazardous waste generated from the Event to a designated facility within sixty (60) calendar days from the start of the event.³ For information regarding hazardous waste pharmaceuticals relative to episodic generation, see [Hazardous Waste Pharmaceuticals Final Rule](#).⁴

RECYCLING OR REUSE

Recycling or reuse of ABHS should comply with EPA’s November 17, 2022 memo⁵, “[RCRA Management of Excess Alcohol-based Hand Sanitizer](#)”. Recycling excess hand sanitizer is encouraged when possible, but ABHS can be solid and hazardous waste even when it is recycled. Recycling scenarios subject to RCRA include ABHS, or reclaimed ABHS, burned for energy or used in a manner constituting disposal (i.e., placement on land). Recycling of ABHS, where the reclaimed product is not used as a fuel, burned for energy recovery, or used in a manner constituting disposal, shall be performed in compliance with recycling regulations at *40 CFR 260.43* to ensure it is safely and properly managed. EPA has since clarified that *unused* reclaimed ABHS qualifies for the RCRA industrial alcohol exemption when recycled in accordance with RCRA legitimacy factors in *40 CFR 260.43* and applicable Alcohol and Tobacco Tax and Trade Bureau regulations - the underlying basis for *40 CFR 261.6(a)(3)(i)*.

MANAGEMENT OF ABHS EXEMPT FROM RCRA REGULATIONS

Excess ABHS that is destined for legitimate recycling is not solid waste and may be stored as a commercial chemical product exempt from RCRA hazardous waste requirements. The recyclable product is considered a hazardous secondary material and must be managed as a valuable commodity and meet the other legitimacy factors described in *40 CFR 260.43*. As a valuable commodity, the ABHS must either be managed consistent with the analogous raw material or meet the “contained” definition in *40 CFR 260.10*. Failure to document or demonstrate that the ABHS meets a solid waste exclusion under RCRA (*40 CFR 260.43(a)(3)*) may result in a violation for illegally storing hazardous waste.

WHO SHOULD I CONTACT WITH QUESTIONS?

Bureau of Hazardous Waste Compliance and Enforcement: (609) 943-3019
Bureau of Recycling and Hazardous Waste Management: (609) 984-3438

³ <https://www.nj.gov/dep/enforcement/docs/Episodic%20Generation%20-%20Kent%20-%20205-23-18.pdf>

⁴ [February 22, 2019; 84 FR 5816 \(page 5935\)](#)

⁵ <https://rcrapublic.epa.gov/files/14953.pdf>