



Innovative Products For **Home. Work. Life.**

August 28, 2020

*via* electronic transmission

Theresa Newman  
Hearing Officer  
DNREC – Office of the Secretary  
89 Kings Highway  
Dover, DE 19901

Subject: HCPA Comments on Proposed Amendments<sup>1</sup> to 7 DE Admin. Code 1302;  
Docket #2020-R-WH-0020

Dear Ms. Newman,

The Household & Commercial Products Association<sup>2</sup> (HCPA) appreciates the opportunity to offer comments to the Delaware Department of Natural Resources and Environmental Control (DNREC) on the proposed amendments to the regulations governing hazardous waste.<sup>3</sup> The amendment would include aerosol cans in Delaware's Universal Waste program. HCPA supports DNREC's proposed amendments as it is based on EPA's Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations<sup>4</sup> rule.

HCPA represents a wide range of products, from household cleaners and air fresheners to commercial disinfectant and pest control whose use of aerosol technology makes the aerosol industry an integral part of the household and commercial products industry. HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division, representing the interest of companies that manufacture, formulate, supply and market a wide variety of products packaged in an aerosol form.

The proposed amendment to Delaware's regulations governing hazardous waste not only maintains consistency with the Federal Resource Conservation and Recovery Act (RCRA), but it provides a clear, protective system for managing discarded waste aerosol cans; alleviates the regulatory burden on retail stores, aerosol product manufacturers, aerosol product marketers and others that discard waste aerosol cans by reducing the number of cans that must be

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<sup>1</sup> Proposed amendments can be found at <https://regulations.delaware.gov/register/august2020/proposed/DRGHW%20Proposed%20Regs.pdf>

<sup>2</sup> The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

<sup>3</sup> 7 DE Admin. Code 1302

<sup>4</sup> 83 FR 11654-11667; <https://www.govinfo.gov/content/pkg/FR-2018-03-16/pdf/2018-05282.pdf>

treated as hazardous waste; promotes the collection and recycling of aerosol cans; and encourages the development of municipal and commercial programs to reduce the quantity of aerosol can waste going to municipal solid waste landfills.

The proposed revision incorporates flexibility for handlers of discarded waste aerosol cans and lessens the regulatory burden on the regulated community, allowing more aerosol cans that are properly discarded to be recycled. Through this proposal, DNREC ensures that programs developed in Delaware can also be safely and universally implemented in other states so that waste handlers with multiple locations within the United States can have one consistent program to handle aerosol cans across multiple sites.

For the reasons stated above, HCPA supports DNREC's proposed amendments. If you have any questions about our support or about aerosol cans, please do not hesitate to contact me directly at (202) 833-7304 or [ngeorges@thehcpa.org](mailto:ngeorges@thehcpa.org).

Sincerely,

A handwritten signature in cursive script that reads "Nicholas Georges".

Nicholas Georges  
Vice President, Scientific and International Affairs  
Household & Commercial Products Association