

Board Adopts “Identical-in-Substance” Amendments for Hazardous Waste Airbags

On April 25, 2019, the Board adopted amendments to its hazardous waste rules. The amendments are “identical in substance” to rule amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018. During that time, USEPA revised its hazardous waste rules once: On November 30, 2018, USEPA adopted an immediate final rule (IFR) that conditionally excludes airbag waste from regulation as hazardous waste. The IFR’s purpose was to facilitate the on-going recall of defective Takata vehicle airbags. The Board expedited adoption of the airbag exclusion, which relieves vehicle service and salvage facilities from the burden of complying with hazardous waste generator standards for removing recalled airbags from vehicles. Under the exclusion, a facility collecting the removed airbags is the hazardous waste generator. In addition to the airbag exclusion, the Board made numerous non-substantive corrections and format revisions to the rules.

This Board rulemaking is captioned RCRA Subtitle C Update, USEPA Amendments (January 1, 2018 through June 30, 2018), docket R19-11. Here is a link to the Board’s [opinion and order](#), which includes the adopted rule text. For more information, please contact Michael McCambridge at 312-814-6924 or Michael.McCambridge@Illinois.Gov.