

# PROPER MANAGEMENT OF E-CIGARETTE WASTE FOR UTAH RETAILERS

Nicotine is an acute hazardous waste. Lithium ion batteries are a hazardous and universal waste that pose fire and safety hazards.

***Under Utah law, both nicotine and lithium ion batteries must be properly disposed of as hazardous waste.***



**LIQUID NICOTINE  
CANNOT GO DOWN  
THE DRAIN, TOILET OR  
OTHER SEWER DRAINS**



**CARTRIDGES OR PODS,  
USED OR UNUSED,  
CANNOT BE THROWN  
IN THE GARBAGE**

## REGULATIONS IMPACTING TOBACCO RETAILERS & RESULTING IN INCREASED WASTE

### **The U.S. Food and Drug Administration (FDA) Deeming Rule**

The Tobacco Control Act and “Deeming Rule” requires electronic cigarette manufacturers to apply to the FDA for authorization to sell their products. They must receive an affirmative marketing order from the FDA in order to continue to sell their products. Products that do not receive an affirmative marketing order from the FDA must be removed from retailer shelves and disposed of appropriately.

### **Utah Department of Health (UDOH) Admin. Rule R384-415 - Requirements to Sell Electronic Cigarette Products**

UDOH’s Administrative Rule R384-415 requires tobacco retailers to only sell electronic cigarette products that meet the required labeling, nicotine content, packaging, and product quality requirements to be legally sold in Utah. Electronic cigarette products that do not comply with the rule are illegal electronic cigarette products that must be removed from retailer shelves and disposed of appropriately.

# DETERMINE REQUIREMENTS THAT APPLY TO YOU

Waste management requirements under state and federal law for E-cigarette retailers depend on the amount of electronic cigarette products (liquid nicotine, cartridges, pods and empty containers that held nicotine liquids) and other acutely hazardous waste generated per month.

If you generate less than or equal to 1 kg (2.2 lbs) in a month



**FOLLOW  
CATEGORY 1  
REQUIREMENTS**

If you generate greater than 1 kg (2.2 lbs) in a month



**FOLLOW  
CATEGORY 2  
REQUIREMENTS**



## CATEGORY 1 REQUIREMENTS

*UNDER THE HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE (R315-262-14)*

- Ensure delivery of the hazardous waste to an offsite treatment or disposal facility permitted to manage hazardous waste, municipal or industrial solid waste, or a facility that recycles nicotine waste.
- Do not accumulate more than 1 kg (2.2 lbs) of acute hazardous waste at any time.



## CATEGORY 2 REQUIREMENTS

*UNDER THE PHARMACEUTICALS RULE (R315-266-500)*

- Maintain containers used to accumulate waste nicotine and batteries so that they are structurally sound, compatible with the contents, and do not leak or are damaged in such a way that may result in a leak.
- Label e-cigarette waste containers with the words “Hazardous Waste Pharmaceuticals” and an indication of the hazards of nicotine (toxic) and lithium ion batteries (flammable).
- Keep containers closed and secured to prevent unauthorized access to the contents.
- Clean up and contain all nicotine spills immediately. The spill clean-up material must be managed as hazardous waste.
- Do not store nicotine waste for longer than one year, and be able to demonstrate how long the waste has been stored.
- Ship e-cigarette hazardous waste offsite to a permitted hazardous waste treatment, storage, or disposal facility using a uniform hazardous waste manifest. Keep a copy of each hazardous waste manifest for three years.
- Package, mark, and placard the containers according to Department of Transportation hazardous material transportation requirements.
- Train employees who manage hazardous waste nicotine so that they are thoroughly familiar with proper waste handling and emergency procedures during normal facility operations and emergencies.
- Notify the Division of Healthcare Facility status - under the EPA’s Pharmaceuticals Rule, all facilities that sell electronic nicotine products are defined as a Healthcare Facility. Use EPA Form 8700-12 and complete the applicable sections, including “D. Pharmaceutical Activities”. Find the form at [ecigwaste.utah.gov](http://ecigwaste.utah.gov).
- Additional requirements include complying with land disposal restrictions and filing an exception report with the Division if a copy of the hazardous waste manifest is not received from the disposal facility the waste was sent to.

# HANDLING E-CIGARETTE WASTE

- \* Keep a spill kit stocked with binders (sand, diatomaceous earth, sawdust) and gloves nearby.
- \* Have a Safety Data Sheet for e-liquids available (this can be found via an internet search).
- \* Using gloves, place the e-liquids, cartridges, and pods in a container that is in good condition and has a lid that can be securely closed. Label the container with the words “Hazardous Waste Nicotine,” and “Danger - Toxic in contact with skin.”
- \* Keep a log of the amount of waste as it is collected, and make arrangements with a transporter and disposal company to pick up the waste BEFORE you accumulate the max limit (e.g. 1 kg for Category 1 requirements).
- \* Store lithium ion batteries away from heat and direct sunlight. Prevent terminals from touching by storing each battery in a plastic bag or by covering the terminals.
- \* Place damaged lithium ion batteries in a plastic bag and then place the bag in an inert material like sand. Lithium ion batteries that have an odor, are discolored, deformed, bulging, or swollen are damaged and have the potential to catch fire when they absorb moisture.

## WASTE PICKUP & DISPOSAL

Call a Utah Hazardous Waste Transporter. Find a list of transporters at [ecigwaste.utah.gov](http://ecigwaste.utah.gov)

**All lithium ion batteries must be managed as either a hazardous waste, like nicotine waste, or sent to a universal waste handler or destination facility.**



Universal waste batteries can only be accumulated for up to a year, so be sure to keep track of when the batteries began accumulating by marking the start date on the container.

Store waste batteries in a container with a lid that can be securely closed. Label the container with the words “Universal waste batteries,” “Waste batteries,” or “Used batteries.”

# ecigwaste.utah.gov

*This informational document is not policy nor is it intended as a substitute for rulemaking. As guidance, the guidelines provided in this document do not create any substantive or procedural rights.*



## QUESTIONS?

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Contact us to request a Compliance Assistance Visit