

ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C.

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:
HAZARDOUS WASTE MANAGEMENT SYSTEM: :
IDENTIFICATION AND LISTING OF :
HAZARDOUS WASTE: CONDITIONAL :
EXCLUSIONS FROM HAZARDOUS WASTE :
AND SOLID WASTE FOR SOLVENT- :
CONTAMINATED INDUSTRIAL WIPES; :
PROPOSED RULE :
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A hearing in the above-entitled matter was held on Tuesday, March 9, 2004, commencing at 9:43 a.m., in the Environmental Protection Agency, 1201 Constitution Avenue, N.W., Room 1153, Washington, D.C. 20460, before:

TRACY ATAGI
Hearing Officer

BOB DELLINGER
CHARLOTTE MOONEY
JOHN MICHAUD
EPA Panel Members

APPEARANCES

LARRY GROIPEN
RICHARD DANIELS
ART ABELL
CARLE SHOTWELL
ED HOPKINS
CONGRESSWOMAN ROSA DeLAURO
LARRY LIDEN
MARCI KINTER
PETER MAYBERRY
RALPH SOLARSKI
GARY JONES
LENORA STROHM
ERIC FRUMIN
MARK FRAGOLA
DAVID DUNLAP
ROBERT SCHAFFER
JIM BUIK
WILLIAM GUERRY
RON STIEF
DAVID CASE

1 in the Federal Register on November 20th, 2003. EPA has two
2 objectives in mind for this hearing. First, we would like to
3 give all interested parties an opportunity to express their
4 views on the proposed regulations. Second, we would like to
5 obtain as much new relevant information as possible to assist
6 the Agency in developing the final rule.

7 If you would like to prevent written comments, we
8 do have comment sheets available on the back table. When you
9 have completed the written comments, you can leave them at
10 the registration table or with Kathy Blanton. The oral and
11 written comments received at this hearing will be reviewed by
12 EPA and will be responded to fully in the final rule
13 document.

14 Now, for the public testimony. Testimony will be
15 limited to seven minutes. Given this limitation, you may
16 wish to summarize your comments and present additional
17 comments for the record in writing. I will call each speaker
18 up to the microphone. As you begin your testimony, please
19 state your name clearly for the record and include any
20 organizations you will be representing. To assure that
21 everyone has an opportunity to testify today, please limit
22 your comments to seven minutes. If you run over your
23 allotted time I will ask you to conclude your remarks. I
24 will also warn you if you have 30 seconds left with this note
25 card here. So, when you see this card it means you have 30

1 seconds left.

2 Also, to keep things moving, I will call out the
3 name of the Next speaker and the speaker after that. If
4 you're the on deck speaker, then please come up and sit in
5 the front so that we won't have to wait between speakers.
6 The seat next to the podium is reserved for the next speaker.

7 Before we begin with testimony, I would like to
8 emphasize that the specific purpose of this hearing is to
9 receive comments from the regulatory proposal that EPA has
10 developed. While you may have concerns or views on other
11 issues that relate to hazardous waste or solvents, please try
12 and focus your comments on this particular proposal. I
13 understand there may be some strong feelings and different
14 points of view regarding this proposed regulation. We're not
15 here today to resolve all the issues, but rather to receive
16 everyone's input on the matter. I hope we can have a civil
17 proceeding and be respectful to the various points of view
18 that will be expressed this morning.

19 Are there any questions regarding the testimony?
20 Our first speaker wasn't able to arrive until 10 o'clock, so
21 we'll go ahead with the other registered speakers until she
22 arrives. So, the first speaker will be Larry Groipen to be
23 followed by Richard Daniel and then Art Abell.

24 MR. GROIPEN: Can I say something before my seven
25 minutes?

1 MS. ATAGI: Okay. I haven't started the watch?

2 MR. GROIPEN: What?

3 MS. ATAGI: I haven't started.

4 MR. GROIPEN: You haven't started only because a
5 picture's worth a thousand words, and I think to get the
6 thing off on the right foot, we're talking about three
7 different kinds of wipes. We're talking about a rented shop
8 towel. We're talking about various non woven and paper
9 towels, and we're talking about various throw away kinds of
10 rags, cloth rags. And what we're talking about becoming rule
11 is this is water. We're going to pretend it's solvent. One,
12 two, three. Right now they're treated completely different
13 and that's what my comments are going to be based on, the
14 fact that this one drop here, here, and here are treated
15 differently as it currently exists. This by the way gets
16 washed, these two get thrown away, eventually gets thrown
17 away. But, anyway.

18 My name is Larry Groipen and I'm here today to
19 speak on behalf of SMART, the Secondary Materials That
20 Recycle Textiles Association. Our Executive Vice President
21 could not be here. He had a previous engagement in Los
22 Angeles. I'm the Association's Vice President and Chairman of
23 our Environmental Committee. I'm also the owner of a small
24 wiping products distribution company located in
25 Massachusetts. My comments today reflect both my opinions

1 and those of our membership.

2 My company along with our company's 200 members
3 supply tens of thousands small and medium sized businesses
4 around the country with recycled textiles, non wovens and
5 paper wiping materials. Many of the customers are
6 manufacturing plants, municipal agencies and service
7 companies. Our customers use these wipes for all wipe
8 purpose including grease, oil, dirt and solvent. Our
9 Association's members sell hundreds of different kinds of
10 non-laundered materials to meet the needs of our end user
11 customers for their diverse wiping applications.

12 There is a common misconception among people who do
13 not use wipers on a regular basis and that is a rag is a rag
14 is a rag. The reality is that some materials whether cloth,
15 non woven or paper work better, are safer, are more effective
16 in many wiping applications. Being in this business more
17 than 25 years, one of the more frequently asked questions I
18 have heard has been can I throw these wipes away? Many
19 prospects and former customers have told me that they use
20 laundered towels to avoid the costs and the responsibility
21 associated with the disposal of non-laundered wipes.

22 Our Association members have suffered dramatically
23 over the past decade as large national laundry companies take
24 away our customers. They have taken business away by
25 lobbying and they have won hazardous and solid waste

1 exemptions at the state level. Our Association is made up
2 mainly of family-owned businesses. We cannot possibly afford
3 to compete with laundries, outreach and the political arena.

4 EPA's data shows 88 percent of the wipes used with
5 solvents are laundered wipes. This is not because they
6 perform better. It is because EPA has allowed the industrial
7 laundries to dispose of solvents on laundered wipes with no
8 conditions while requiring non-laundered wipes to be managed
9 as hazardous waste. It is for these reasons that I got
10 involved with this issue almost ten years ago. My
11 involvement began on two fronts. First with the work of Mr.
12 James O'Leary from the Office of Solid Waste. The other
13 front was through the work of the EPA's Office of Water that
14 was trying to formulate pre-treatment standards for
15 industrial laundries that process laundered shop towels.
16 Well much time has passed and both agencies have had multiple
17 personnel changes. My commitment on behalf of my Association
18 and more importantly on behalf of my customers remains
19 constant.

20 I have two full file drawers dating back to my
21 first meeting in Washington in which Mr. O'Leary outlined the
22 Office of Solid Waste's initiative. Interestingly enough the
23 manufacturers and distributors of non-laundered wipes met
24 together along with representatives from the two laundry
25 associations, UTSA and TRSA as well as representatives of

1 wiper user organizations, all of whom were in support of this
2 rulemaking. Shortly after this meeting, UTSA had a change of
3 heart and in a letter December 21st, 1995 to their Board of
4 Directors, backed away from supporting this rulemaking
5 effort. One of the main reasons and I quote from the letter
6 "Our industry enjoys a marketing advantage which may be
7 compromised." Over the years, UTSA and TRSA and the
8 respective political action committees have spent large sums
9 of money contacting legislators to influence environmental
10 decision making process. They successfully convinced the
11 Office of Water to drop the pre-treatment standard in favor
12 of a voluntary program that after almost five years has not
13 published any results. They have repeatedly proclaimed their
14 environmental superiority as well as their market advantage.

15 In a recent UTSA/TRSA question and answer sheet in
16 an article in a trade magazine, they saved the rule in front
17 of you today. Requirements for disposals are more
18 complicated than the requirements for reusables. Reusable
19 shop towels are still more environmentally friendly and lower
20 liability alternative to disposables. The rule provides
21 minimum regulatory relief for disposals. The reusable shop
22 towel service still holds less concern for a user than the
23 classic cradle degrade liability found with disposables. The
24 regulation does not require reusable shop towel users to
25 treat towels before laundry picks them up. These comments

1 show that while OSW started out with good intentions, this
2 rule as written is not fulfilling the goals set forth many
3 years ago.

4 The goals being one, develop a clear and national
5 policy that addresses recycling and disposal of cloths
6 contaminated with solvents. Create a user friendly document
7 easily understandable by the small business community.
8 Create a win win situation for the environment, the printing
9 and other industrial sectors.

10 The one clear message our members wish to send to
11 you today is that this rulemaking should not be about
12 laundered wipes or non laundered wipes. It should be about
13 solvent. As the Office of Water pointed out when it passed
14 the ball to OSW, a laundry facility does not recycle solvent.

15 It processes it as waste. The Office of Water stated that
16 the best way to manage the solvent is to remove it prior to
17 entering the laundry process. The solvent whether laundered
18 or non-laundered ends up in the same landfill either as
19 liquified sludge or solid waste. Therefore the best win for
20 the environment is removing solvent after using the wipe.

21 Because my time is running out, I don't think you'll
22 grant me an exemption or an exclusion from the seven minute
23 speaking rule, I want to leave you with my fellow trade
24 association's message. The rule in its final form must treat
25 laundered and non-laundered wipes in a similar manner. If

1 the rule is non dripping or non dripping when run or a five
2 grand limit, the rule must apply to both. If the rule
3 requires special containers or no containers, labels or no
4 labels, it must apply to both. If the rule says there are 11
5 nasty solvents or six nasty solvents that can't go to
6 landfills, then they must be permitted to landfills in sludge
7 and neither can they be laundered.

8 The conditional exemption from hazardous waste
9 regulation should be given to both. After all, EPA's data
10 shows more solid waste is generated by sludge than by non-
11 laundered wipes. Therefore, a solid waste exemption is not
12 warranted. The laundry industry believes that a fair and
13 evenly proposed rule will hurt them financially. They only
14 need to look at the State of Massachusetts. The
15 Massachusetts Department of Environmental Protection has had
16 a rule allowing non dripping solvent soiled wipes to be
17 disposed of as solid waste for almost ten years. To my
18 knowledge, no area shop towel laundries have gone out of
19 business. However, half the non-laundered wipe companies
20 have gone out of business with several more suffering.

21 Finally, this rule's taken 18 years, 18 years to
22 reach this point. The data's been collected. The various
23 constituents have been heard. Please don't get bogged down
24 in yet another election season or allow another pressing
25 environmental issue to derail what is a long awaited, simple

1 to follow common sense rule that protects human health and
2 the environment. Creating a simple rule will increase the
3 rate of compliance while offering the wiper users choices
4 based on performance of the actual wiping product rather than
5 on a regulation that favors one product over another. This
6 allows small businesses the ability to compete in the
7 marketplace. Thank you very much. I wish I could have said
8 that slower.

9 MS. ATAGI: The next speaker will be Richard Daniels
10 followed by Art Abell and Carle Shotwell.

11 MR. DANIELS: Hi, my name is Richard Daniels and I'm
12 the President of Oscar Daniels and Company in Redding,
13 Pennsylvania. Thank you very much for the opportunity to
14 speak to you today allowing me to share my thoughts with you
15 about the importance of the notice of the proposed rulemaking
16 published in the November 20th, 2003 edition of the Federal
17 Register.

18 I have worked in my family business for nearly 40
19 years. Yes, like many of our industry, our company is a
20 poster child for American Small Business. We are a small
21 business buying and selling to hundreds of other small
22 businesses. In fact, my father and uncle started the
23 business in 1921 and today my wife and my adult children are
24 an integral part of the operation.

25 Our company is in the business of recycling textile

1 materials, some of which are used for non-laundered
2 industrial wiping cloths. During my four decades in the
3 business, I have seen significant changes. Today the market
4 has shrunk due to the fact that many firms have shifted to
5 laundry wipes. The main reason for this is that the
6 laundries take all the towels and solvent and dispose of it
7 for the generator. Therefore it is disposed of in our
8 streams and landfills in the form of sludge. While the shift
9 of manufacturing to other parts of the world have forced a
10 significant number of changes to our business, there also has
11 been a noticeable significant shift in our customers
12 switching over the laundered shop towels in order to relieve
13 themselves of disposability responsibilities.

14 Our company's sells wipers of various shapes,
15 sizes, weight, thickness and degrees of durability. Our
16 sales staff often works with customers to select the most
17 appropriate product depending on the application and price.
18 However, in recent years, many of our customers have switched
19 to using laundered towels out of concern being penalized for
20 the improper handling of the disposal of used wipers. They
21 also bought the hazardous waste disposal fees imposed on
22 used wipes that do not apply to laundered shop towels.
23 Because the importance of this rule is my business, I've been
24 closely monitoring the progress of the proposed rule for more
25 than 15 years. EPA has spend an enormous amount of money,

1 time and energy evaluating all aspects of the issue.
2 Initially it began with the Office of Water before it was
3 shifted to the Office of Solvent Waste. Numerous scientific
4 and risk assessment studies have been conducted. Lions of
5 reports written, dozens of people have had meetings with EPA
6 officials and still the rule has not been published. Even
7 environmental groups have voiced their support for this rule.

8 Please do not delay this measure any longer and
9 expedite this rule to its final stage. Regulations governing
10 disposal of contaminated wipes should be the same for both
11 laundered and non-laundered wipes, not different as in the
12 proposed rule. The rule must be clear and easy to implement.

13 As you know there is a great confusion on the handling of
14 soiled wipers from state to state, county to county even
15 township to township. This rule should clarify and simplify
16 the mismatch of regulation currently in existence.

17 I also urge you to adopt the hand wringing
18 procedure over the five gram rules. Measuring five grams in
19 determining if water and the other solvent is on the wiper is
20 cumbersome and unnecessary. Non-laundered wipes aren't
21 dripping and contain solvents that EPA has identified don't
22 pose any health risks should be allowed to go to landfills
23 without a five gram ruling. By encouraging the use of a hand
24 wringing solvent to where nothing is dripping makes more
25 sense also by hand wringing the wiper creates an opportunity

1 to recover, recycle more solvent.

2 As a company that does business in multiple states,
3 it is hoped that all states will encourage or adopt this
4 rule. Not only will there then be a consistent national
5 approach, companies with multi-state operations could have
6 one safe uniform policy for wiper disposal. Furthermore,
7 laundered and non-laundered wipers should be treated in a
8 similar or same manner for all details such as labeling,
9 exclusions and transportation. From everything I've seen,
10 heard, and read there seems to be widespread support for
11 moving forward. Only industrial laundries oppose a common
12 sense, simple rule, the same requirements for laundered and
13 non-laundered wipes. This is certainly understandable and if
14 I were in their position I would want the same thing. The
15 reason for their opposition is simple. For many years they
16 have been exempt from regulation regarding disposal. As a
17 result they have enjoyed an unfair marketing advantage over
18 companies like mine not having to adhere to regulations in
19 the handling of solvent laden laundry wipers. Behind the
20 selfish motive there is no other supporting their position.

21 The industrial laundry industry has been very
22 successful exploiting their exemptions from record. I bring
23 your attention to U.S. Navy's regional Hazmat Program web
24 page. In paragraph 2, the web page states shop towels, --
25 towels cost less than half the price of bail rags.

1 Absorbency rates are better or equal. Disposal fees are
2 eliminated. This is a complete falsehood. The Navy is
3 making this statement based upon information supplied their
4 vendor -- Mark Uniform that is taken directly from their
5 website. The fact of the matter is that the comparison means
6 nothing unless they are using the right non-laundered wiper
7 compared to a shop towel.

8 Secondly, the statement that disposal fees are
9 eliminated is a gross misstatement. Disposal fees are not
10 eliminated. They're just simply transferred to other outlets
11 such as water. The disposal cost is included in the cost of
12 the rental. The Navy is simply transferring their problem
13 from a hazardous waste site to a non-hazardous landfill, then
14 the local POTW which feeds into our nation's waterways. The
15 situation is not unique to the Navy. Many of my customers
16 have switched to using laundered shop towels for the same
17 reason. The Navy's Regional Hazardous Material Management
18 program actually has a brochure for their shop towel program.

19 In it they say and I'm quoting "Shop towels are laundered so
20 they don't end up in a hazardous waste landfill taking up
21 space that could be better used for other waste in which
22 there is no recycling solution. The irony here is that the
23 sludge from the laundry actually does end up in a landfill.
24 Not only this, a local landfill untreated is a highly
25 concentrated form is much more hazardous to groundwater. The

1 brochure also states shop towels do not have to be disposed
2 of as hazardous waste. The activity or service branch saves
3 money in procurement costs, avoids hazardous waste disposal
4 charges by using shop towels.

5 This demonstrates the decided market advantage the
6 current situation gives industrial launders. This rule
7 should create equal treatment of the wipe whether it is
8 laundered or not laundered. This rule, the appropriate
9 changes will be good for the environment and for those
10 responsible for using and handling these materials. It's
11 only reasonable to expect that in the final form, you must
12 treat all forms of wipes equally. At the same time this rule
13 will create greater competition between laundered and non-
14 laundered wiping fields, resulting in allowing the using of
15 the most appropriate product based on performance and cost.
16 It would be a mistake for the federal government to influence
17 buying decisions to exempt one segment in this regulation.
18 The rule must be written so everyone understands and plays by
19 the same rules.

20 Wipers and shop towels are in the same, similar
21 conditions, should have similar methods of handling their
22 contaminated materials. This will make it safer and less
23 onerous on the end user. More importantly, it benefits
24 everyone by protecting our environment in actuality. I
25 believe my customers will view this proposed regulatory

1 nature.

2 MS. ATAGI: You have 30 seconds. Okay. Thank you.

3 All right. The next speaker will be Art Abell followed by
4 Carle Shotwell.

5 MR. ABELL: It's a pleasure to be here today and
6 share my thoughts with you concerning EPA's proposed rule for
7 laundered and non-laundered wipers. My name is Art Abell and
8 a principal in Cando Company, Ridley Park, Pennsylvania. We
9 are manufactures of the product in the middle here that Larry
10 showed you. Okay. We're a small converter.

11 EPA is to be commended for their efforts in
12 examining various issues and developing a sound rule that
13 will bring greater understanding of the best methods of
14 handling and disposing of wipers. However, after 18 years of
15 extensive research, meetings, memos, letters, faxes, e-mails
16 and telephone calls, I encourage you to finish your work and
17 finalize this rule as soon as possible. The current
18 proposals shows unwarranted favoritism for laundered wipers
19 with no justification. EPA should not provide a competitive
20 advantage for one industry over another where there are no
21 differences to potential health and environment. The facts
22 in the docket prove that the potential risks to human health
23 and the environment are the same for laundered and non-
24 laundered wipers. But there are numerous examples in the
25 proposed rule of seemingly preferential treatment for

1 laundered wipes. One, using different assumptions for
2 laundered and non-laundered wipes when the risks being
3 evaluated are identical. Two, applying more stringent
4 conditions to non-laundered wipes than laundered wipes where
5 the potential risk to human health and the environment are
6 the same. Three, not referencing key data in the rules,
7 preamble or the technical background document which exposes
8 the environmental risks and impacts from laundered wipes.
9 These studies which are part of the docket clearly indicate
10 that imposing stricter conditions on non-laundered wipes than
11 laundered wipes just doesn't make sense.

12 The environmental assessment of shop towel usage in
13 the automotive and printing industry conducted by Lockheed
14 Martin Environmental Services on behalf of the EPA concluded
15 that 30 percent more solid waste is sent to landfills from
16 the processing of laundered wipes than non-laundered wipes.
17 Two, the industry laundry sludge calculation conducted by
18 SAIC on behalf of EPA using best guess assumptions indicated
19 that 45 percent of the solvents evaluated would present a
20 risk in landfills. The mass balance estimation of solvents
21 on soiled printers towels conducted by ERG on behalf of EPA
22 indicated that 35 out of 36 potential solvent scenarios for
23 laundered sludge would exceed EPA's risk threshold for
24 landfills. Providing an exclusion for laundered wipes with
25 solid waste regulation despite the fact that more solid waste

1 goes to landfill than from non-laundered wipes. This will
2 have the marked impact of encouraging generators to switch
3 from non-laundered wipes to laundered wipes to achieve solid
4 waste reduction objectives which, in fact, when in fact there
5 are no solid waste benefits.

6 In effect, EPA would be sponsoring a reporting
7 deception, enabling generators to report their share from
8 non-laundered wipes to laundered wipes as a solid waste
9 reduction when solid waste is actually increasing. From the
10 league of perspective EPA's justification for providing an
11 exclusion from solid waste regulation didn't account for six
12 factors set forth in 40 CFR 260.31. An evaluation of those
13 six factors would have clearly indicated to EPA that an
14 exclusion from solid waste regulation for laundered wastes is
15 unlawful.

16 Using the terms of usable and disposable is
17 deceptive and misleading at best. Implying relative
18 environmental benefits for laundered wipes when EPA's
19 research clearly indicates that there are no environmental
20 benefits for laundered wipes compared to non-laundered wipes.

21 The final rule that discriminates against non-laundered
22 wipes by providing regulatory preference to laundered wipes
23 will adversely impact environmental risks as well as hamper
24 market courses that otherwise would provide users with
25 improved wiping systems at lower cost. Let the users decide

1 which industrial wiping product is best for their application
2 based on the performance of the wiper, not based upon
3 preferential regulatory treatment for one type of wiping
4 product over another.

5 Our industry encourages EPA to finalize this rule
6 as soon as possible taking objective approach to facts, not
7 providing unwarranted preferential treatment to laundered
8 wipes where it is not supported by differences and potential
9 risks to human health and the environment. When an objective
10 approach is used, we are confident that you will determine
11 that equal regulation for laundered wipes and non-laundered
12 wipes is appropriate. This will have significant added
13 benefit of simplifying the rule, making the compliance much
14 easier for generator and resulting in increased solvent
15 recovering and recycling. It is vitally important to dispel
16 the myth that laundered shop towels are more environmentally
17 friendly than non-laundered towels or wipes. While the
18 industrial laundry industry has done a good job of PR, the
19 facts are clear and prove equal potential risks. Therefore
20 conditions of rule should be the same for laundered and non-
21 laundered wipes. My interest in being here today is to
22 encourage the EPA to keep the rule as simple and
23 straightforward as possible. Undue requirements measuring
24 will only complicate the rule and defeat its purpose. I see
25 clear benefits to states following EPA's lead, adopting this

1 rule. In virtually every state, laundered wipes are treated
2 as exempt while non-laundered wipes must be treated as
3 hazardous waste. From the research and the studies that have
4 been completed, this fallacy must be corrected. For far too
5 long the laundry powers have been exempt from regulation.
6 This dichotomy is a result of lobbying by the industrial
7 laundry associations and their members at the state level
8 where they have used rhetoric that because laundered wipers
9 are reused, they are being recycled and are therefore aren't
10 waste. They argued and market to generators that laundered
11 wipes are environmentally beneficial compared to disposables
12 which are recycled. Compared to disposables because they are
13 recycled and help to keep landfills from being filled up by
14 disposable wipers.

15 The data in the docket clearly shows that potential
16 risk to human health and the environment are the same for
17 both laundered and non-laundered wipes. While others will
18 address this in greater detail, it simply makes common sense
19 that the solvents on laundered wipes don't magically
20 disappear.

21 I strongly encourage EPA to finalize your rule that
22 will have one set of conditions for laundered and non-
23 laundered wipes. This will appropriately reflect the fact
24 that potential risk to human health and the environment are
25 the same and then will make it easier for the hundreds of

1 thousands of generators, many of whom are small businesses to
2 understand and implement their operations.

3 Thank you very much.

4 MS. ATAGI: Our next speaker will be Carle Shotwell
5 followed by Ed Hopkins.

6 MR. SHOTWELL: Good morning. My name is Carle
7 Shotwell and I am Vice President of Sales and Marketing for
8 American Fiber and Finishing. We're headquartered in
9 Albemarle, North Carolina. I appreciate the opportunity to
10 speak with you today and for you allowing me to present the
11 views of American Fiber and Finishing about the critical
12 importance of the proposed rule to modify the hazardous waste
13 management regulations under -- which appeared in the
14 November 20th, 2003 edition of the Federal Register.

15 I would specifically like to comment on the
16 proposed conditional exclusions from the hazardous waste and
17 solid waste for solvent contaminated industrial wipes.
18 American Fiber and Finishing is a privately held, vertically
19 integrated textile manufacturing company. We are a small
20 business as defined by the SBA employing less than 500
21 employees. We have been a textile manufacturer in the United
22 States for over 150 years. During that time our company has
23 manufactured a 100 cotton, woven wiping cloths for use in the
24 automotive, aerospace, medical, graphic arts and nuclear
25 power industries. And also by the United States Armed

1 Forces, to name just a few. Our wiping cloths which are
2 marketed and sold under the registered trademarks, rumple
3 cloth 301 purified wiping cloth and pure wipe cheese cloth
4 are used primarily as non-laundered industrial wiping cloths.

5 It is a well known fact that the textile industry
6 in the United States of America is under siege by the
7 importation of cheap textiles from unregulated, low cost
8 foreign manufacturers. AF&F is in the forefront of this
9 battle to save a severely wounded domestic textile industry.

10 We have not abandoned the belief that we can be a
11 competitive domestic producer in the current global
12 marketplace in lieu of manufacturing or out sourcing our
13 woven products offshore. On the contrary, our company has
14 invested tens of millions of dollars over the last ten years
15 into our manufacturing facilities in Newberry, South Carolina
16 and Albemarle, North Carolina.

17 I bring this fact to light only to emphasize the
18 point that under current hazardous waste management
19 regulations our non-laundered woven wiping cloths are being
20 discriminated against in favor of laundered rental shop
21 towels which are mostly manufactured offshore and imported
22 into the United States by commercial launders. AF&F's
23 business in the industrial wiping market has declined
24 significantly over the past 15 years. Due primarily to the
25 importation and use of laundered foreign shop towels that are

1 not subject to hazardous waste regulations that are placed on
2 the non-laundered wiping cloths. There has been a
3 significant migration of our customer base to laundered shop
4 towels in order to avoid their cradle to grave disposal
5 responsibilities.

6 Our sales and marketing efforts are focused on
7 providing the end user or generator with the best wiping
8 cloth for their critical wiping processes. Using the correct
9 wiper can dramatically increase the efficiency and quality of
10 the wiping process, thereby significantly reducing labor and
11 manufacturing costs for the generator. The generator cannot
12 currently make their purchasing decisions based on
13 traditional factors of performance, price, quality and
14 delivery. Instead they make their purchasing decisions based
15 on the ease of avoiding their disposal responsibilities. Our
16 market research has shown that generators are paying a
17 premium for their peace of mind.

18 In one study of the Americap Modification and
19 Maintenance Operation, it was determined that the generator
20 could have reduced their wiper costs significantly by using
21 one of our non-laundered wiping cloths versus the laundered
22 shop towel they were using. This company preferred our
23 wiping products to a laundered shop towel due to the
24 performance of our wiper and the associated cost savings.
25 The only reason they failed to make the conversion was their

1 additional costs and liabilities under the current
2 regulations.

3 This is a common objection which our sales people
4 encounter in the marketplace. Industrial facilities tend to
5 use laundry shop towels instead of non-laundered wipers
6 because shop towels are not subject to hazardous waste
7 regulations. The non-laundered wipers are being replaced due
8 to additional cost liability, regulatory burden associated
9 with current regulation. This is borne out by the EPA's own
10 data which shows laundered shop towels have almost a 90
11 percent share of the industrial wiping market. The
12 industrial laundries represented by the TRSA and UTSA have
13 certainly not ignored the unfair advantage they enjoy which
14 is why they are in opposition to the rule.

15 The passage of the proposed rule would undermine
16 the primary marketing technique that industrial launders
17 employ to instill fear in the generators. They will solely
18 bear the costs and liabilities currently associated with a
19 non-laundered wiping products. Passage of the rule would
20 force them to significantly alter their price instruction in
21 order to be competitive in the marketplace with the non-
22 laundered wiping products.

23 American Fiber and Finishing urges EPA to finalize
24 the rule as quickly as possible because it will level the
25 playing field that has been favorable on their shop towels

1 for years. All the research that I've read to date confirms
2 that by passing the proposed rule EPA will ensure the
3 adequate protection of human health and the environment. You
4 will further improve the recycling and conservation of
5 hazardous solvents which are the true culprits of any
6 environmental risk associated with all wipers that are
7 utilized with hazardous solvents. The EPA will promote
8 improved compliance at the generator through simplifying the
9 regulation will erasing the inequities and ambiguities
10 present under the current regulations.

11 I'll submit the balance of my comments in writing.

12 But we urge you to finalize this rule quickly and it would
13 do a lot to alleviate the problems that our company is
14 currently facing. Thank you.

15 MS. ATAGI: Next speaker will be Ed Hopkins followed
16 by Larry Liden.

17 MR. HOPKINS: Good morning and thank you for the
18 opportunity to speak here today. My name is Ed Hopkins. I'm
19 the Director of the Environmental Quality Program at the
20 Sierra Club. My comments today focus on the proposal to
21 exclude reusable contaminated industrial wipes from the
22 definition of solid waste.

23 When the EPA withdrew it's proposed rule to
24 establish effluent limitation guidelines for the industrial
25 laundry industry, it concludes that local waste water

1 treatment plants had the authority to set local limits to
2 address any toxins problems that may come from industrial
3 laundries. Any problems could be addressed at the local
4 level they said. Local POTWs certainly do have the authority
5 to address solvent discharges, but that has not prevented
6 serious problems from recurring. For example, in Traverse
7 City, Michigan an industrial laundry exceeded local pre-
8 treatment limits for solvents and on multiple occasions in
9 2002. In Branford, Connecticut, the Connecticut Department
10 of Environmental Protection has sued an industrial laundry
11 for hundreds of Clean Water Act violations including
12 exceedances of solvent permit limits. An industrial laundry
13 in Central Islip, New York violated limits for lead and other
14 metals and acids in 2001, 2002.

15 Far from being isolated examples, the violations of
16 limits established in local pre-treatment ordinances seems
17 common at many industrial laundries. Sierra Club is aware of
18 dozens of industrial laundries across the country that have
19 violated local pre-treatment limits. When EPA withdrew the
20 proposed effluent limitation guidelines, they concluded and
21 I'm quoting from the records here. "EPA believes that for
22 this industry, the best way to control effluent discharges of
23 certain organic pollutants is to remove the pollutants which
24 are contained on the laundry items before they are washed.
25 Sierra Club strongly supports the notion of removing toxic

1 contaminants before washing. In early 2000 it appeared that
2 the EPA was considering regulatory proposals that would have
3 moved in that direction. Unfortunately, the proposed rules
4 conditions far short of the controls needed to protect
5 workers and the environment than the solvents used in
6 conjunction with industrial wipes.

7 EPA's analysis focuses on the wipes, not on the
8 solvent in the wipes. And, in our view, that focus is
9 misplaced. It's the solvent waste on the used wipes that
10 merits EPA's attention, not the fact that the wipes are
11 reused. When solvent contaminated industrial wipes are
12 returned to the laundry for cleaning, the laundry discards
13 the solvent waste contaminating the wipe usually by
14 discharging that to a publicly owned waste water treatment
15 plant. Watering the contaminated wipes is not a method of
16 recycling the solvents on the wipes. It's a type of
17 disposal.

18 Our second concern is that the record does not
19 demonstrate the substantial reclamation of solvent
20 contaminated industrial wipes typically takes place. No free
21 liquids condition that the EPA is proposing would not meet
22 the processing test required for an exemption. In fact, the
23 proposed rule does not require any processing by the
24 generator. The no free liquid standard merely requires that
25 no liquid solvent may drip from contaminated wipes and that

1 there is no liquid solvent in the container holding the
2 wipes. The proposal does not impose any requirements on the
3 generators to test the wipes to make sure that they meet the
4 standards. Generators simply have the option to use their
5 knowledge of the processes to determine that their wipes
6 contain no free liquids.

7 Instead, the EPA should require processing of the
8 wipes to remove a substantial percentage of the solvent
9 before it's returned to the laundry. The EPA's technical
10 background document shows that centrifuging is capable of
11 achieving between 76 and 99 percent solvent removal. The EPA
12 should require the generators remove as much solvent as
13 technically possible to avoid worker exposure and
14 dissemination of hazardous waste throughout the environment.

15 That centrifuging may be beyond the means of some facilities
16 that generate solvent contaminated wipes should not preclude
17 the EPA from requiring it of the larger solvent users. Even
18 smaller users ought to be able to take some steps to extract
19 solvents from the wipes.

20 The EPA also fails to satisfy another test for
21 excluding solvent contaminated industrial wipes from the
22 definition of solid waste. That initial reclamation
23 increases the value of the material. Again, the proposed
24 rule imposes no requirements of reclamation upon the
25 generator, only the no free liquid standard. Therefore there

1 is no reclamation to add value to the wipes. Instead it's
2 the laundries that add to the value to the contaminated wipes
3 by treating them and discarding the waste solvents.

4 To exclude these wastes from the definition of
5 solid waste, EPA must also determine that the material is
6 handled in a way to minimize loss. The condition EPA has
7 proposed for container transport, however, suggests that
8 solvents will escape from containers and risk to workers and
9 the environment are a likely result. The EPA has proposed a
10 standard that containers be designed, constructed, and
11 managed to minimize loss to the environment. EPA claims that
12 plastic or cloth bags that were since shut should also meet
13 this condition. But because of the no free liquid standard,
14 wipes that may not initially drip as they're quickly removed
15 from one container to another are likely to yield some liquid
16 solvents at the bottom of the container. Allowing for
17 transport in a porous cloth bag may allow for leaks of
18 solvents and expose laundry workers to air emissions as these
19 chemicals volatilize.

20 We also think that if EPA goes forward with this
21 there should be a record keeping and recording provision in
22 the rule. Given the plausibility of EPA's enforcement resources,
23 record keeping requirements are essential to hold generators
24 and laundries accountable. Especially if EPA retains the
25 locally lax standard for no free liquids, it should require

1 both generators and laundries to certify that there are no
2 free liquids at the bottom of the container.

3 We applaud EPA for suggesting that solvent
4 extraction and pollution prevention are essential. However,
5 we don't think that this rule does anything to move in that
6 direction. Innovation occurs when there are stringent and
7 well enforced environmental protection rules that compel
8 waste generators to look for options to reduce the use of
9 toxic chemicals. The Sierra Club urges EPA not to proceed
10 with this proposed conditional exclusion and instead go back
11 to the framework that it was discussing in early 2000 that
12 required reclamation of the solvents at least by wringing
13 before transport. It also required closed containers for
14 transportation.

15 From the perspective of protecting workers in the
16 environment, EPA's current proposal is far worse in every
17 respect than what the Agency was considering just a few years
18 ago. We urge the EPA to make significant extraction of
19 solvents at the generator site, the basis for any exemption
20 from the definition of solid waste.

21 Thank you.

22 MS. ATAGI: An adjustment in the speaking schedule.

23 The next speaker will be Congresswoman Rosa DeLauro to be
24 followed by Larry Liden and Marci Kinter.

25 CONGRESSWOMAN DeLAURO: Thank you very much and

1 thank you for allowing me this opportunity to testify this
2 morning on EPA's proposal on shop towels. As a member of the
3 Congress representing more than 680,000 people in
4 Connecticut's Third Congressional District, I'm extremely
5 concerned about EPA's proposal to exempt industrial laundry
6 companies from federal hazardous and solid waste requirements
7 for so-called shop towels contaminated with toxic chemicals.

8 I understand that industries such as printing facilities and
9 manufacturing shops use these specialized industrial wipes
10 soaked in solvents to clean machinery and other equipment.,
11 It is estimated that as many as 164,000 businesses in the
12 United States use approximately 3.8 billion shop towels
13 soaked in toxic solvents each year. EPA estimates that these
14 wipes contain approximately 75,000 to 100,000 tons of
15 solvent. Most of these towels are sent to laundries to be
16 cleaned of the solvents and returned. A conservative
17 estimate of the residual solvent indicates that as few as ten
18 used shop towels could produce one pound of waste solvent.
19 Given that more than three billion towels are being sent to
20 laundries annually, the amount of solvent discharged from
21 laundries can be roughly estimated to be in the millions of
22 pounds every year.

23 Solvents often found on shop towels include
24 benzene, a recognized carcinogen, developmental and
25 reproductive toxin known to pose serious health risks. The

1 effects of solvents such as benzene fall most heavily for the
2 laundry workers and drivers that handle them, be it in cloth
3 bags or other opened containers. And it is not only workers
4 who handle these towels who are exposed to these chemicals
5 and their often harmful side effects, so to is the public
6 where laundries dump these chemicals into their waste waters
7 causing serious air and water pollution in surrounding
8 communities and waterways.

9 To give you an idea of the severity of the problem,
10 if only half of the 100,000 tons of solvent makes it into the
11 washing machines at laundries, that means about 860,055
12 gallon drums of toxic solvents are being dumped into the
13 nation's waste water stream every single year. My concern is
14 that EPA's exemption will open up loopholes in federal
15 hazardous waste regulations ordinarily used by government
16 agencies and employers to protect workers and the environment
17 from toxic materials.

18 In particular the EPA proposal fails to include two
19 critical provisions that I understand the Agency was
20 considering as late as June of 2000. That proposal would
21 have prevented solvents from entering the waste water stream
22 and protecting workers by requiring towels to remain in
23 closed containers throughout the transportation to the
24 washing machines.

25 Let me take a moment to speak about the Cintas

1 Corporation and why I think they are an example of why these
2 tougher remedies are required. With over a half million
3 customers and nearly 2.3 billion dollars in annual sales,
4 Cintas controls a third of the uniform market and its market
5 share is growing as it acquires more industrial laundries
6 throughout the country. The nation's largest industrial
7 laundry company, Cintas is also one of the biggest processors
8 of shop towels. In 2000 the Connecticut Department of
9 Environmental Protection sued the Cintas plant in Branford,
10 Connecticut which is located in my district for 250
11 violations of the Clean Water Act which occurred between
12 September 1994 and April 2000.

13 These charges included excessive emissions of
14 cancer causing solvents like methylene chloride,
15 tetrachloroethylene and other solvents such as
16 methylethylketone and metals such as lead and cadmium.
17 Right now Cintas awaits a pending trial to address the
18 charges in our state's Superior Court. But we only need to
19 look at the company's environmental record elsewhere in the
20 country to understand how seriously Cintas takes these
21 alleged violations. In Michigan, Traver City forced Cintas
22 to stop handling shop towels in September 2002 after ten
23 violations of the emissions limits for organic solvents.
24 Rather than commit to compliance with city law, Cintas opted
25 to move its operations to Grand Rapids which has no limits

1 required for waste water contaminants for monitoring for
2 toxic solvents. It is clear, however, that regulations at
3 the state level is not enough either.

4 Following the enforcement efforts by the
5 Connecticut DEP, the Department of Environmental Protection,
6 Cintas stopped processing shop towels in Branford and moved
7 its shop towel operations to its plant in Pittsfield,
8 Massachusetts. In essence, rather than comply with the
9 regulators, the company opts time and time again to move
10 operations elsewhere, be it another city, another state
11 until, of course, regulators cite the company for similar
12 violations. The bottom line is that regulations proposed
13 today by the EPA will not do anything to change Cintas'
14 behavior or the behavior of similar companies. If anything,
15 but not holding laundry companies accountable for waste water
16 and environmental violations, the EPA will, in fact,
17 encourage such behavior.

18 Roughly, let me say a word about how all this
19 affects workers at these laundries. Many of them are
20 immigrants, hard-working people who have come to this country
21 in search of the better life for their families, a living
22 wage and the opportunity to share the American dream. The
23 jobs at companies like Cintas are hardly glamorous. Workers
24 at Cintas' Branford plant have no pension plan. Health care
25 for their family coverage costs \$400 per month which is

1 nearly impossible to pay on an \$8 hourly wage. In the last
2 20 years OSHA has cited Cintas for multiple serious safety
3 and health violations, more than 100 violations of OSHA
4 standards. Out of Branford plant alone, these have included
5 countless management failures involving worker training,
6 protection from hazardous materials and personal protective
7 equipment. One such potential violation concerned former
8 Cintas worker Mark Fragola whose doctors believe he may have
9 been seriously injured by his work with shop towels in
10 Branford. As you'll be hearing from Mr. Fragola later today,
11 his injuries required surgery in his sinuses. His medical
12 bills have cost him to incur substantial debt. Mr. Fragola's
13 case has brought the most public example of a laundry worker
14 whose life has been changed because of prolonged exposure to
15 solvents in the workplace.

16 With this rulemaking, I believe EPA has an
17 obligation to protect workers like him, workers who are only
18 trying to do their jobs. As such, I believe EPA must
19 reconsider the options that it had previously rejected.
20 Those include more comprehensive collection, recycling of
21 toxic solvents of factories, closing containers for
22 transporting solvent soaked towels and better training of
23 workers about the chemical hazards of shop towels solvents.
24 These steps are a matter of good environmental stewardship, a
25 matter of public health. The very least we can do for a

1 laundry worker, I urge the adoption of them and I would like
2 to again say thank you to the EPA and the Office of Solid
3 Waste for giving me the opportunity to testify before you
4 today.

5 Thank you very much. Excuse my voice. I have a
6 cold.

7 MS. ATAGI: Our next speaker is Larry Liden followed
8 by Marci Kinter and Peter Mayberry.

9 MR. LIDEN: Good morning. My name is Larry Liden.
10 I'm a Senior Environmental Scientist for Constellation Energy
11 Group in Baltimore, Maryland. I'm here today on behalf of
12 the Utilities Solid Waste Group otherwise known as USWAG.
13 USWAG is an informal association of approximately 80 electric
14 utility operating companies located throughout the United
15 States and their trade associations. Together, USWAG members
16 represent more than 85 percent of the total electric
17 generation capacity in the United States. I serve as the
18 Chairman of USWAG's Low Volume Waste Committee, the technical
19 committee responsible for most of the subtitle C issues that
20 affect our industry. I appreciate the opportunity to speak
21 today on behalf of USWAG and our members which is a key
22 industry stakeholder on these important issues of the
23 proposed conditions of exclusion for solvent contaminated
24 waste.

25 As background, since its formation in 1978, USWAG

1 has participated in virtually every record rulemaking that
2 the Agency has brought forth. We have represented our
3 members' viewpoints on these rulemakings and in the effort to
4 develop cost effective practical and environmental protective
5 hazardous waste regulatory program. Of special relevance to
6 this rulemaking, many USWAG member companies generate solvent
7 contaminated rags and wipes in the course of generating and
8 distributing electricity and natural gas. In many cases,
9 these wipes are subject to hazardous waste regulations in the
10 home state. Therefore, USWAG has long been supportive of
11 EPA's efforts to establish more streamlined, practical and
12 cost-effective regulatory programs for handling these
13 materials. USWAG believes that EPA's proposal is definitely
14 a step in the right direction. We fully agree with EPA's
15 findings that from a risk management perspective, moving
16 forward with the proposed conditional exclusions is fully
17 warranted because of management of the wipes in accordance
18 with certain minimal, good management practices will ensure
19 that they do not pose a potential hazard to human health and
20 the environment and such do not warrant full hazardous waste
21 regulation. USWAG also supports EPA attempt to develop
22 management standards that for the most part are intended to
23 provide the regulated community with as much flexibility as
24 possible to qualify for the exclusions.

25 We think this type of practical performance based

1 approach is absolutely critical in a rulemaking of this
2 nature where there are literally thousands of generators
3 involved in many different businesses who may be interested
4 in managing their wipes under the conditional exclusions.

5 While USWAG supports the broad aspects of this
6 important regulatory initiative, there is always room for
7 improvement. I would like to briefly touch on three issues
8 that we believe should be corrected or modified in the final
9 rule. USWAG will be following up on these items and other
10 issues in our written comments which we will provide at a
11 late date.

12 Our first concern is of a scoping nature. In
13 particular, the proposed regulatory text setting forth the
14 scope of the conditional exclusions appears to be narrower
15 than the scope of the rules as they're explained in the
16 preamble. Inadvertently excluding an important category of
17 solvent contaminated wipes from the rule. Specifically, EPA
18 explains in the preamble that the rule will encompass one,
19 "Industrial wipes exhibiting a hazardous characteristic,
20 i.e., ignitability, corrosivity, reactivity or toxicity due
21 to use with solvents and two, industrial wipes contaminated
22 with S01 to S05 spent -- solvents or compared with P and --
23 commercial chemical products that are spilled and cleaned up
24 with industrial wipes. At 68 Fed. Register 65589, left hand
25 column. In other words, it is clear that EPA intends for the

1 conditional exclusions to apply not only to industrial wipes
2 contaminated with Fless solvents or comparable commercial
3 chemicals, but also to any other industrial wipe contaminated
4 by a solvent that causes the wipe to exhibit a hazardous
5 characteristic. This makes perfect sense as there are wipes
6 contaminated with certain solvents that while the solvents
7 are nonetheless cause the wipes to exhibit a hazardous
8 characteristic such as ignitability. The problem however, is
9 that the proposed regulatory text identifies only wipes
10 contaminated with those Fless and solvents or a comparable
11 period listed commercial chemical products as falling within
12 the scope of the rule.

13 We do not believe this was EPA's intent and
14 therefore we feel it is important for EPA to ensure that the
15 final regulatory text includes all wipes exhibiting a
16 hazardous characteristic due to contamination by any solvent,
17 not just F-less solvents.

18 Our second comment also involves a scoping issue.
19 In particular we suggested EPA include within the rule scope
20 work protective clothing such as gloves, coveralls and shirts
21 that like wipes also become contaminated with solvents and
22 must be managed as hazardous waste. Workers in a wide
23 variety of industry, not only the electric utility or gas
24 utility industry, using industrial wipes in conjunction with
25 personal protection clothing such as coveralls, gloves and

1 this clothing also often becomes contaminated with the
2 solvents that contaminates the wipes. We think the same
3 rationale underlying the proposed exclusion for solvent
4 contaminated wipes should also apply to protective clothing
5 contaminated with the same solvents.

6 Indeed, they are generally cloth like materials
7 just like the wipes and are in most cases managed exactly in
8 the same fashion. Equally important, when this protective
9 clothing becomes contaminated, we're confronted with the same
10 regulatory quagmire on the record that has led EPA to pursue
11 this rulemaking forcibly for the solvent contaminated wipes.

12 We believe that management of protective clothing in
13 accordance with the proposed management conditions for wipes
14 will ensure that those materials will not pose a hazard to
15 human health and environment. We urge you at EPA to include
16 the worker protective clothing in this rulemaking.

17 My last point concerns one of the proposed
18 conditions that we believe is unworkable, unnecessary and
19 should be dropped from the final rule. USWAG believes that
20 EPA should abandon the dry condition for the disposable
21 wipes. We already have spoken with many of the members
22 operating in different states across the country, and every
23 member consulted thus far agrees that requiring generators to
24 remove excess solvents to achieve a maximum solvent residue
25 of five grams of solvent per wipe or requiring every wipe to

1 go through some type of solvent extraction process is
2 completely impractical and could effectively undermine the
3 disposal portion of this rule.

4 We would like to point out to the Agency that
5 literally thousands of generators, all different types within
6 industry generate solvent contaminated wipes. When
7 attempting to develop a one size fits all approach for such a
8 large and diverse universe generators, not unlike the scope
9 of EPA's universal waste rules, the imposition would inflict
10 an inflexible volumetric limit on each individual wipe would
11 simply be too burdensome.

12 To conclude USWAG recommends that EPA drop the dry
13 condition altogether and replace it with a no free liquids
14 condition that EPA proposed to apply to wipes only sent for
15 laundering. Using the low free liquids condition as a
16 universal condition for both disposal and reusable will offer
17 generators a far simpler, less confusing and more practical
18 method for disposal of their wipes.

19 On behalf of USWAG, thank you again for the
20 opportunity to participate and I want to thank you again.

21 MS. ATAGI: The next speaker is Marci Kinter to be
22 followed be Peter Mayberry and Ralph Solarski.

23 MS. KINTER: Good morning. My name is Marci Kinter
24 and I'm the Vice President of Government Affairs for the
25 Speciality Graphic Imaging Association International,

1 formerly the Screen Printing Graphic Imaging Association.
2 SGIA represents the interests of the screen printing and
3 digital imaging communities and their associated supplier
4 base. There are over 50,000 screen printing and digital
5 imaging facilities operating in the United States with an
6 average employment size of 15. All of these facilities use
7 shop towels and wipes as part of their operation. Within the
8 screen and digital community, both reusable and disposable
9 towels are used, but predominantly disposable towels and
10 wipes.

11 SGIA has long been supportive of the Agency's
12 effort to develop and propose a rule addressing the handling
13 of the disposal of solvent contaminated rags and wipes. Over
14 the years the printing industry has continued to identify the
15 ambiguity of the state policies as they apply to both
16 disposable and reusable solvent contaminated wipes as a major
17 concern. Due to the fact that the handling and disposal of
18 such materials are dictated by policy rather than regulation,
19 many states were led to develop their own, also conflicting
20 policies. It has long been our intention to encourage the US
21 EPA to establish a federal regulation that levels the playing
22 field and provides an element of consistency to this issue.
23 Overall, we feel that the proposed language does indeed
24 create that level playing field.

25 We also agree with the Agency's decision to address

1 both reusable and disposables in the proposed language. The
2 inclusion of both satisfies a long term goal of the printing
3 industry which is to essentially codify the existing policy
4 regarding handling of reusable towels and address the issue
5 of disposal towels and wipes. Due to our time constraints
6 today, I will limit my comments to several issues surrounding
7 the Agency's proposal for disposable wipes. We will be
8 providing written comments that will provide greater details
9 as well as address several other key issues.

10 The printing industry has long advocated that
11 disposables, due to their final destination need to meet a
12 more stringent standard than reusable towels. However, we do
13 feel that once the standard has been set with sufficient
14 safeguards, the regulatory burden on the generating facility
15 should be minimal. This, too, has been one of our
16 longstanding goals. Whatever is proposed and adopted by the
17 Agency regarding disposable shop towels must be easy to
18 implement and inexpensive.

19 We do appreciate and support the Agency's use of a
20 performance based approach to the standard. Overall, we find
21 that the requirements set forth can be implemented by the
22 industry. However, we do have several concerns that we wish
23 to raise.

24 First, the Agency has proposed to require that
25 disposal towels destined to be managed at a non landfill

1 disposal facility be labeled excluded solvent contaminated
2 wipes. We disagree with the imposition of this requirement.

3 The U.S. Department of Transportation requires that all
4 hazardous materials shipped be properly labeled. Disposal
5 towels that are indeed hazardous materials as defined by the
6 U.S. DOT would require a label on the container. If the
7 towels do not require a label, then it indicates that the
8 materials are not considered hazardous, i.e. ignitable,
9 corrosive, etc. As the U.S. DOT provides for both labeling
10 of combustible as well as flammable materials all disposables
11 that require a label will receive one.

12 The Agency in its discussion on this section does
13 indicate that the U.S. Department of Transportation includes
14 a variety of labeling options dependent on materials being
15 shipped. This type of label should be sufficient to inform
16 the non-landfill site as to the types of materials received.

17 Due to this existing regulatory requirement, we do not find
18 the need for an additional US EPA label is justified, nor
19 would it provide any information that would not be provided
20 by the US DOT label and shipping paper.

21 Additionally, we do not understand the need to
22 dispose of towels in separately labeled containers if the dry
23 standard of five grams is met. As a standard goal of this
24 proposal is to encourage pollution prevention and waste
25 minimization. The inclusion of a separate container and

1 labeling standard for disposable towels destined to be land
2 filled will inhibit, not encourage pollution prevention. We
3 fail to see the benefit of requiring facilities to take this
4 step when disposing of towels that meet the dry standard.
5 This standard was chosen because it falls within the range
6 indicating that no substantial hazard to fume and health and
7 the environment would be posed as confirmed by the Agency's
8 risk screening analysis.

9 To meet this standards EPA is requiring that the
10 facilities need to either utilize high performance solvent
11 extracting technologies, maintain records regarding the
12 amount of solvent is less than five grams, or conduct
13 sampling to ensure the dry standard is met, or sample the
14 amount of solvent remaining on the towels meets the
15 standards. All are rigorous tests designed to assist
16 facilities in meeting the dry standard. We believe that if
17 disposables contaminated with a hazardous solvent meet the
18 dry standard then they should be allowed direct disposal into
19 the landfill.

20 There are precedents set on other EPA regulatory
21 actions. The empty container standard allows for the direct
22 disposal containers that contain no more than one inch of
23 product. 40 C.F.R. 261.7(b)(1) provides specific
24 instructions as to how a container is to be emptied. This
25 regulation clearly states that if a container meets these

1 criteria, then it is not subject to the requirements
2 contained in 40 C.F.R. 261 through 265 including the
3 standards set out for hazardous waste generators.

4 We also find another analogous situation involving
5 the regulation of non-term flated use oil filters. Under 40
6 C.F.R. 261.4(b)(13) oil filters that meet a specific
7 performance standard to remove used oil can be disposed of as
8 a solid waste. There are no labeling or special container
9 requirements. We believe that disposal of the one time use
10 shop towel is similar. And the standards set forth by the
11 Agency are more stringent as a specific dry standard has been
12 proposed. Similar to the requirements set forth that
13 determine an empty container and an empty oil filter, we
14 believe that the five gram limit constitutes a similar
15 standard denoting that a shop towel is empty. The additional
16 labeling and container requirements imposed for disposable
17 towels represent an additional regulatory burden that we fill
18 is not justified based on previous Agency rulemakings or the
19 risk analysis conducted by the Agency. Imposition of the dry
20 standard meets the requirement to minimize environmental
21 releases.

22 There are other issues we would like to raise
23 regarding the proposed language. However, due to today's
24 time constraint, we will address them in written comments.
25 It is our hope that the Agency will move forward in a timely

1 manner to complete and issue this rule as final. Thank you
2 very much.

3 MS. ATAGI: Our next speaker will be Peter Mayberry
4 followed by Ralph Solarski. And after Mr. Solarski's
5 testimony will have a brief ten minute recess.

6 MR. MAYBERRY: Good morning. My name is Peter
7 Mayberry and I serve as Director of Government Affairs for
8 INDA Association of the Nonwoven Fabrics Industry. INDA is
9 the recognized trade association of the nonwoven fabrics
10 industry and nonwovens are used extensively in the
11 manufacture of non-laundered industrial wiping products. And
12 I use the term non-laundered because most of the industrial
13 wiping products manufactured by INDA member companies can be
14 wrung out and reused numerous times. They are typically not
15 single use products. I am here today to thank EPA for
16 issuing a proposed rule intended to establish a common sense
17 national framework for industrial wiping products used with
18 solvents. INDA has been actively involved in this issue for
19 more than ten years. And we hope that EPA finalizes this
20 proposed rule as quickly as possible. Indeed, based on the
21 fact that more than 18 years of extensive research and
22 outreach have already been conducted INDA contends that no
23 further study is necessary and a final rule should be
24 published before the end of this calendar year. That said,
25 however, INDA contends that certain aspects of the EPA

1 proposal are unnecessarily complex and confusing and we urge
2 the Agency to make several changes before finalizing the
3 rule. While we will detail these suggested changes in our
4 written comments I will use the remainder of my time today to
5 touch upon some of the more primary issues of concern to
6 INDA.

7 First and foremost, as proposed the rule would
8 needlessly perpetuate several inequities regarding handling,
9 treatment and disposal of industrial wiping products.
10 Specifically, INDA contends that laundered shop towels should
11 not be excluded from the definition of solid waste. Like
12 non-laundered wiping products, in fact, INDA contends it
13 would be much more appropriate for EPA to establish
14 conditions by which all types of wiping products laundered
15 and non-laundered could be exempted from the definition of
16 hazardous waste. Excluding laundered shop towels from the
17 definition of solid waste implies that these products do not
18 produce solid waste. Yet, a study entitled Environmental
19 Assessment for Shop Towel Usage in the Automotive and
20 Printing Industries that was conducted on behalf of the EPA
21 by Lockheed Martin Environmental Services concluded that 30
22 percent more solid waste goes to landfills from laundered
23 wipes than from non-laundered wipes. This due to the
24 substantial volume of sludge produced during the industrial
25 laundering process. According to Lockheed Martin's findings,

1 in fact, the landfill volume taken up through the disposal of
2 sludge generated when 100 shop towels are laundered is 30
3 percent greater than the volume taken up by the disposal of
4 100 spent wipers.

5 Moreover, the Lockheed Martin study concluded that
6 landfill disposal and industrial laundry sludge is
7 potentially more threatening to human health and the
8 environment than landfill disposal of spent nonwoven wipers.

9 Allow me to quote these findings. "Water washed sludge
10 contains approximately 22 percent water which could increase
11 the mobility of these pollutants into soil and groundwater."

12 As further support that substantial volumes of solid waste
13 are going to landfills in the form of sludge from laundered
14 shop towels, EPA need look no further than its own study
15 entitled "Data on Amount of Sludge Generated Annually by
16 Laundries" which showed that 181 of 190 laundries surveyed
17 processed their sludge in non-hazardous landfills and the
18 data showed that processing laundered shop towels generates
19 20 percent more sludge than is generated from all other items
20 processed in industrial laundries. All told therefore, INDA
21 sees no reason why EPA should treat laundered and non-
22 laundered wiping products differently when it comes to the
23 definition of solid waste.

24 INDA's second concern has to do with EPA's
25 unilateral restrictions on soiled wipes intended for disposal

1 in municipal solid waste landfills. Specifically, we see no
2 reason why EPA has proposed to limit the amount of solvent
3 that can be on each wipe intended for disposal in municipal
4 solid waste landfill when no such limit applies to the amount
5 of solvent for shop towel that can be discharged through
6 municipal water treatment plants in industrial effluent or
7 end up in municipal landfill in the form of sludge.
8 Similarly, we fail to understand why the Agency would
9 completely prohibit certain solvents from being disposed of
10 in a municipal solid waste landfill, but will allow the exact
11 same solvents to be discharged to PFWs or disposed of in a
12 landfill as sludge.

13 The third and final concern that I would like to
14 raise today has to do with different requirements that EPA
15 has proposed for containers used to transport soiled wiping
16 products. INDA contends that it is illogical for EPA to
17 apply different labeling requirements to laundered and non-
18 laundered wiping products. We believe this different
19 standards are unnecessarily complex and unwarranted.

20 In closing, INDA thanks EPA for this opportunity to
21 present some of our views on this important rulemaking. As I
22 have noted, we think the matter is critical and we urge the
23 Agency to make the rule final within the next eight months.
24 While we will detail all of our concerns in written comments
25 to the Agency, we believe that the issues we intend to raise

1 are fairly straightforward and could be resolved with little
2 effort.

3 Thank you again and if you have any questions I'll
4 be happy to answer them.

5 MS. ATAGI: Our next speaker will be Ralph SolarSKI.

6 MR. SOLARSKI: Good morning. My name is Ralph
7 SolarSKI and I'm with Kimberly-Clark. And I'm the Chairman of
8 the Wiper Focus Interest Committee of INDA, the Association
9 of Nonwoven Fabrics Industry. Kimberly-Clark is a
10 manufacturer of non-laundered wipes. Users get the same
11 utility from non-laundered wipes supplied by Kimberly-Clark
12 and other manufacturers of nonwoven products as they do from
13 laundry wipes supplied by industrial laundries. It's
14 appropriate and encouraging to see that EPA is addressing
15 this issue. After 18 years of extensive outreach and data
16 gathering, it is time for EPA to finalize this rule and to
17 provide generators with clear direction on how to handle
18 solvent soiled wipes in a manner that appropriately protects
19 human health and the environment.

20 While we're encouraged to see that EPA has
21 addressed this issue with the proposed rule published in the
22 Federal Register on November 20, 2003, we find that the rule
23 as currently published won't accomplish EPA's objectives for
24 the rule and is unnecessarily complex. Applying some very
25 common sense principles will better enable EPA to accomplish

1 it's objectives and would dramatically simplify the rule.

2 Let's begin with EPA's objectives for this rule and
3 an assessment of how the conditions of the proposed rule will
4 accomplish those objectives. There are three principal
5 objectives. First, minimize potential risk to human health
6 and the environment from the management of solvent soil
7 wipes. Second, increase solvent recovery and recycling and
8 third provide generators with clear, common sense direction
9 on how to manage solvent soil wipes. Now, let's take a look
10 at how the proposed rule addresses each of these objectives.

11
12 Objective number one, minimizing potential risk to
13 human health and the environment from the management of
14 solvent soil wipes. Under the proposed rule while stringent
15 restrictions are placed on non-laundered wipes, no
16 restrictions are placed on laundered wipes despite the fact
17 that EPA data proves that the potential risks at landfills
18 from the sludge of industrial launderers is the same as
19 potential risk of non-laundered wipes at landfills. When
20 neither central tendency assumptions or high-end parameter
21 assumptions are applied to laundered and non-laundered wipes,
22 EPA's risk assessment shows the same potential risk at
23 landfills from both laundered and non-laundered wipes.

24 So, the proposed rule is inherently inconsistent
25 applying minimal conditions to one type of wipe and applying

1 very stringent conditions to another type of wipe when the
2 potential risks to human health and the environment are the
3 same.

4 Objective number two, increase solvent recovery in
5 recycling. As proposed the rule does not require any solvent
6 removal or recycling. Objective number three, provide
7 generators with clear common sense direction on how to manage
8 solvent soil wipes. As proposed the rule has different
9 conditions for laundry wipes and non-laundry wipes destined
10 for landfills. There are different regulatory exclusions,
11 different labeling requirements, different limits on solvents
12 and prohibitions, all run potential risks to human health and
13 the environment are the same. It is not a simple proposed
14 rule. The complexity is totally unnecessary because of the
15 potential risks to human health and the environment are the
16 same.

17 Here are four principals that we encourage EPA to
18 utilize in assessing the proposed rule that will result in
19 EPA better accomplishing its objectives and significantly
20 simplifying the rule. Principle number one, apply regulatory
21 conditions only where potential risks to human health and the
22 environment exist, but not where potential risks do not
23 exist. Principle number two, apply equivalent regulatory
24 conditions where equivalent risks exist. Principle number
25 three, encourage solvent recovery and recycling at the point

1 of generation. Principle number four, acknowledge that
2 laundered sludge is a solid waste that is the direct result
3 of the use of laundered wipes. While the laundered wipe
4 itself will be reused, the spent solvent is intended for
5 disposal. This rule is about the solvent, not the wipe. And
6 the solvent is intended for disposal. That solvent is by
7 definition a waste whether it is in a laundered wipe or a
8 non-laundered wipe.

9 When we apply these principles to the proposed
10 rule, we come up with a recommendation that the final rule
11 have equal conditions for laundered and non-laundered wipes
12 destined for landfills including the following upgrades o the
13 proposed rule. Number one, both non-laundered wipes and
14 laundered wipes should be excluded from hazardous waste
15 regulation. It is inappropriate and environmentally
16 unjustified to exempt laundered wipes from the definition of
17 solid waste. Number two, both non-laundered wipes and
18 laundered wipes should have the same container and labeling
19 requirements. Number three, both non-laundered wipes and
20 laundered wipes should meet a performance standard of not
21 dripping when hand wrung by the person managing the wipe to
22 ensure that the maximum amount of solvent that can
23 practically be removed from solvent soiled wipes is recovered
24 and recycled. And fourth, the rule should be mandatory for
25 all states to implement as soon as possible. Much of the

1 confusion and complexity that exists today is due to the
2 differences in direction from state to state. Please clear
3 up the confusion and complexity by implementing this rule
4 nationally, as quickly as possible.

5 These recommendations will result in the
6 substantial increase in the amount of solvent recovered and
7 recycled, simplify the rule for easier understanding and
8 implementation by the hundreds of thousands of generators who
9 must implement the rule and provide appropriate protection to
10 human health and the environment.

11 EPA does not and should not get in the middle of
12 competitive dynamics between competing products unless
13 they're environmental reasons for doing so. Unfortunately,
14 in this situation where potential environmental impacts are
15 the same, EPA has chosen to participate on the competitive
16 playing field between laundered and non-laundered wipes and
17 is currently providing substantial regulatory and therefore
18 competitive preference to laundered wipes. This rulemaking
19 process is EPA's opportunity to end the unwarranted
20 regulatory preference for laundered wipes and to enable
21 generators to select the wipe based on the wipes performance
22 for the task, not based upon regulatory favoritism from EPA.

23 We encourage EPA to finalize this rule as soon as possible.

24 No further data gathering or study is necessary. All
25 interested parties have had an opportunity to provide their

1 input. Eighteen years is long enough. Eliminate the
2 existing confusion and complexity and implement nationally a
3 simple, common sense rule that will accomplish EPA's
4 objectives. Please do not delay.

5 Thank you.

6 MS. ATAGI: Thank you very much. We'll take a ten
7 minute recess now. When we return Gary Jones will be the
8 next speaker.

9 (Whereupon, a brief recess was taken.)

10 MS. ATAGI: We'll go ahead and reconvene. Our next
11 speaker will be Gary Jones, to be followed by Lenora Strohm
12 and Eric Frumin.

13 MR. JONES: Good morning. My name is Gary Jones and
14 I'm the Manager of Environmental Health and Safety Affairs
15 for the Graphics Art Technical Foundation and the Printing
16 Industries of America. GATF and PIA is the international
17 corporate membership trade association with 12,000 members in
18 the printing, publishing and supply industries with
19 approximately 90 percent of its members located in the United
20 States. GATF is the nonprofit technical and educational
21 foundation of GATF and PIA. GATF and PIA represents the
22 interests of the commercial printing industry, principally
23 the offset lithographic printing sector. GATF and PIA have
24 long supported EPA's effort to develop a federal standard for
25 the handling and disposal of solvent contaminated rags and

1 wiper. We were one of the primary industry state quarter
2 groups that approached the industry to request this action
3 that would provide regulatory consistency among the states on
4 this issue, clarify the definition of treatment as it
5 pertains to printers removing spent solvents from their rags
6 and wipers, to examine the potential that exists for the over
7 regulation of disposal by state environmental agencies.
8 GATF/PIA supports the intent of the proposed rule as issued
9 by the Agency. The stated goal of the printing industry has
10 been to establish a level playing field between state
11 regulations. We believe that this rule does provide that
12 level of consistency.

13 A secondary goal concerned the definition of
14 treatment as it applies to removal of the solvents from the
15 wipers. We also believe that the rule both addresses and
16 resolves this issue. The rule states that removal of
17 solvent from the towel does not constitute treatment. We
18 fully understand that it remains the responsibility of the
19 facility to correctly handle and dispose of the solvent that
20 is extracted from the towels.

21 Additionally GATF/PIA supports the approach offered
22 by the Agency for the handling of reusable shop towels.
23 Today over 90 percent of the offset lithographic printing
24 industry uses reusable shop towels. They use them for a
25 variety of reasons mainly production. But they also enjoy

1 the opportunities provided by the state policies that allow
2 companies to recycle towels and to not have them counted
3 towards the amount of total hazardous waste generated by the
4 facility.

5 This practice effectively reduces the amount of
6 waste generated that often may be land filled or incinerated
7 and reduces the total cost of disposal that must be absorbed
8 by the facilities. This proposal allows facilities to
9 continue its current practices. The rule also achieves our
10 stated goal providing consistency among state agencies.
11 While many states do currently consider reusable towels to be
12 hazardous waste, many variations on a theme exist. The
13 language included in the rule effectively codifies the
14 current practices, provides facilities with the necessary
15 guidance regarding handling of reusable towels and wipes.
16 GATF/PIA also supports the Agency's decision to address the
17 handling of disposable wipes and rags.

18 For the first time the Agency is providing clear
19 direction to the states regarding handling disposal of these
20 types of wipers and will create as with reusable towels a
21 consistent level playing field. However, we do have several
22 comments to offer regarding proposed language for disposable
23 wipes.

24 Due to time constraints this morning, I will only
25 address one issue and the others will be detailed in our

1 written comments. Today I would like to address the Table 11
2 solvents contained in the proposed language. The solvents
3 have been identified by the Agency as posing a substantial
4 hazard to human health and the environment if the wipe
5 containing even a trace amount of the solvents were placed in
6 landfills. Since it is virtually impossible to achieve a
7 zero concentration of any solvent, we recommend that the
8 Agency clearly state in the final rule language that the
9 toxic characteristic if available for each of the solvents
10 listed in this table should be considered the diminimus
11 level. For those that do not have a toxicity characteristic
12 level, we recommend that EPA develop a concentration for
13 them.

14 We would also like to address the inclusion of
15 methylethylketone or MEK on the list. We believe it should
16 be removed from this table. In the Agency's report, use and
17 management practices of solvent contaminated industrial shop
18 towels and wipes, MEK was listed as a solvent exhibiting a
19 low chronic toxicity. The report to find a low concern is
20 one that I quote "was given to chemicals that exhibit very
21 slight effects on humans or no human data available on
22 animals." For example, the compound may be reported to cause
23 thermal irritation or repeated exposure to low levels of the
24 compound in drinking water may be reported to be linked with
25 diarrhea and mouth sores in humans. The report relies on a

1 review of all publicly available literature and not a
2 qualitative assessment of chronic toxicity.

3 The report further states that constituents can
4 exhibit a low toxicity rate but a high ignitability risk.
5 Acetone, another solvent used by our industry is considered a
6 low toxic risk with a flashpoint of minus 20 degree Celsius.
7 MEK's flashpoint is minus seven degrees Celsius and acetone
8 has not been included on the list in Table 4. Further, the
9 risk assessment undertaken by the Agency to determine whether
10 or not a solvent should be added to Table 4 assumed a one to
11 one ratio of solvent on the wipe as well as removal
12 efficiency of 90 percent by centrifuge. This is found in the
13 report estimating quantities of solvents containing rags that
14 can be disposed of in municipal solid waste landfills.

15 A 1999 study estimating risks from disposal of
16 solvent contaminated shop towels and wipes in municipal
17 landfill states in its concluding remarks that the risk
18 assessment methodology presented can be used to estimate risk
19 based on a wide variety of waste disposal scenarios.
20 Specifically, the report states that one may consider a
21 scenario that reduces the quantity of solvent in each wiper
22 by one half or more through waste elimination efforts such as
23 centrifuging. The Agency's own report on evaluation of
24 solvent extraction efficiency of an industrial centrifuge on
25 a variety of shop towels and wipes clearly states and I quote

1 "The solvent that seemed to be most easily extracted was
2 MEK." In fact, the report states that MEK's extraction
3 efficiency was 99 percent. Based on the extraction
4 efficiency, we recommend that the Agency reevaluate the
5 solvent extraction efficiency rating of 99 percent rather
6 than 90 percent, the exclusion of MEK as one of the solvents
7 in table 4.

8 As stated earlier we do have other comments to
9 offer, but due to time constraints this morning I limited my
10 testimony to this one issue. We will provide a written, we
11 will be providing written comments on other areas of concern.

12 However, we do offer comments on the proposed language,
13 GATF/PIA remains supportive of the Agency's efforts to move
14 forward and finalize this rule as quickly as possible. This
15 effort has been ongoing for over ten years. The amount of
16 information generated supports moving forward with a few
17 minor adjustments.

18 Thank you for the opportunity to comment.

19 MS. ATAGI: Our next speaker is Lenora Strohm
20 followed by Eric Frumin and Mark Fragola.

21 MS. STROHM: Good morning. My name is Lenora Strohm
22 and I'm from General Motors Corporation. Today I represent
23 the Alliance of Automobile Manufacturers, a trade association
24 of nine car and light truck manufacturers including BMW
25 Group, Daimler Chrysler, Ford Motor Company, General Motors,

1 Mazda, Mitsubishi Motors, Porsche, Toyota and Volkswagen.
2 One out of every tens in the United States is dependent on
3 the automotive industry. Thank you for allowing me the
4 opportunity to present our position on EPA's long awaited
5 proposal for regulating solvent contaminated industrial
6 waste.

7 Conceptually, the Alliance supports the development
8 of regulations that take into account the intended
9 disposition of the wipes. We support EPA's efforts to
10 develop different approaches for wipes to be disposed than
11 for wipes that will be recycled. Taking into account the
12 different environmental impacts of recycling and disposal is
13 prudent to encourage and support recycling efforts while
14 ensured protection of human health and the environment. It
15 also addresses the resource conservation aspects of the
16 program encouraging less wasteful practices and improving
17 reuse rates.

18 The Alliance supports EPA in developing an
19 exclusion from the definition of solid waste for wipes that
20 are going to be reclaimed and reused. The Alliance further
21 supports the proposed generator standards that would require
22 a generator to accumulate the wipes in non leaking covered
23 containers and transport the wipes and containers designed to
24 minimize releases to the environment. However, the
25 containers should be allowed to contain free liquids when

1 being transported off site to a solvent recovery facility
2 whether within the same company or to a third party recycler.

3 This would allow the solvent reclamation operations to be
4 run by businesses specializing in those types of processes as
5 well as provide an efficient and economic means for low
6 quantity wipe generators to also enlist in solvent recovery
7 programs.

8 It would provide the additional important benefit
9 of opening up markets for use of the reclaimed solvent by
10 providing single points of business for potential end users
11 of the reclaimed solvent. The Alliance further agrees with
12 EPA that the standards for dry required for wipes to be land
13 filled is overly stringent for reusable wipes. However, EPA
14 has not gone far enough in the proposal to adequately exclude
15 legitimately recycled materials. In addition to excluding
16 the regs themselves, the solvent reclaimed from the
17 contaminated rag should also be excluded from the definition
18 of solid waste provided that the solid is legitimately
19 recycled. The details of our position on this point are
20 presented in our comments on recently proposed regulations
21 regarding revisions to the definition of solid waste proposed
22 October 28, 2003.

23 In summary when materials are legitimately recycled
24 whether on site or off site, they are not "discarded by being
25 disposed of, abandoned or thrown away." We urge EPA to adopt

1 the broad option where certain materials are legitimately
2 bound for recycling are not treated as waste. This option
3 both implements the law and encourages the most recycling by
4 allowing interindustry transfers. Combined with
5 appropriately applied legitimacy criteria, EPA can control
6 and regulate those materials that are truly solid waste.
7 Those comments will also be submitted in response to this
8 proposal since our concepts are germane to the issues here.

9 The Alliance supports EPA in developing separate
10 standards for wipes that are discarded and destined for
11 disposal and recommends that EPA adopt criteria that allow
12 qualifying wipes to be excluded from the definition of
13 hazardous waste.

14 While we support the concepts presented in the
15 proposal overall, we do not support the proposed layout of
16 the exclusions and the subsequent relationship with
17 enforcement. The proposal indicates that if any condition
18 for the exclusion is not met at any point in the management
19 of the material, then the material loses the exclusion and is
20 deemed a hazardous waste back to the point of generation.
21 While the Agency may believe that this approach may provide
22 an incentive to properly handle the wipes, we believe that it
23 is overly onerous and makes it extremely difficult for a
24 generator to use the exemption and assume the risk of non
25 compliance. All of the potential benefits of the rule may

1 become lost making the proposal a moot exclusion regardless
2 of the technical details proposed.

3 In closing, we would be happy to work with the EPA
4 further on this issue and will be submitting more detailed
5 written comments as part of the request for public comment.

6 Thank you for considering our positions.

7 MS. ATAGI: Our next speaker is Eric Frumin to be
8 followed by Mark Fragola and David Dunlap.

9 MR. FRUMIN: Good morning. Before our start I want
10 to give the panels some materials, copies of the statement.

11 Thank you. I'm Eric Frumin, the Health and Safety
12 Director for UNITE, a trade union, predominant representative
13 of laundry workers in the United States. On behalf of UNITE
14 President Bruce Rainer and the tens of thousands of UNITE
15 members who work in industrial laundries, we strongly object
16 to EPA's proposed regulatory exemption for toxic solvents.
17 This exemption will open up loopholes that will harm laundry
18 workers and threaten the safety of our waterways.

19 UNITE estimates that there are about 20,000 workers
20 who handle shop towels in laundries on a frequent basis. How
21 well do the laundries manage these hazards? According to EPA
22 and the industry there's no problem. But let's look at the
23 experience of two major companies, the Cintas Corporation,
24 the nation's largest industrial laundry company and Coyne
25 Textile Services. Cintas has been found repeatedly to have

1 violated its waste water permits for toxic solvents and other
2 waste water contaminants including in its Branford,
3 Connecticut laundry to which Congressman DeLauro already
4 referred. If I could just point you to the attachments to my
5 testimony. There's a several page list of the waste water
6 contaminants over a six year period at that plant. And these
7 violations were the basis for the lawsuit which Connecticut,
8 Commissioner of Environmental Protection initiated three
9 years ago. So, as you can see, it's an unending string of
10 mismanagement of waste water issues involving shop towel
11 contaminants.

12 Is this the responsible environmental management on
13 which the laundry industry prides itself? How is it possible
14 for Cintas to commit violations over a six year period?
15 According to Cintas' website "Each Cintas rental location is
16 audited each year to assure compliance with applicable
17 regulations. Cintas is also a charter member of the laundry
18 environmental stewardship program. We have a stringent
19 compliance and investigation process to address problems as
20 they are detected." If Cintas's description of its order
21 program is accurate, it is inconceivable that they could
22 commit these violations without the knowledge of the
23 corporate headquarters in Cincinnati. The sewage treatment
24 plants, the agencies know about these violations and prevent
25 them. Unfortunately, in many cases the answers to both of

1 these questions is also a resounding no. In fact, there have
2 been multiple violations involving either metals or solvents
3 at Cintas plants, Georgia, Kentucky, Illinois, Indiana,
4 Louisiana, Missouri, New York, Ohio, Pennsylvania, Tennessee
5 and Texas. Some also spanning periods of months or years.
6 Cintas' lawlessness is bad enough, but as the industry
7 leader, its reckless disregard for its environmental
8 obligations vividly demonstrates the company's abuse of the
9 trust of environmental agencies.

10 Their recklessness on environmental issues also
11 goes hand in hand with its disregard for the safety of its
12 own employees. As Congressman DeLauro pointed out, they've
13 been cited repeatedly by OSHA. Mark Fragola, a former Cintas
14 driver in Branford will testify here today about the
15 conditions he and other drivers have had to endure, including
16 management's refusal to prevent the illegal transportation of
17 heavily contaminated shop towels.

18 Now, Mark escaped Cintas with surgical scars,
19 serious medical debts, with his life intact. Others have
20 been less fortunate. In the past five years, two Cintas
21 workers have died on the job in situations where the
22 company's failure to comply with clear OSHA standards
23 contributed to the workers' deaths. Unless you at EPA adopt
24 stricter conditions for these exemptions, how many other
25 Cintas workers will be forced to undergo abusive treatment of

1 callous supervisors when Cintas assigns them to handle shop
2 towels. Worse, how many will be forced to put their jobs and
3 families at risk when EPA requires them to refuse illegal
4 loads of contaminated shop towels. When EPA claims that
5 laundry drivers will be able to enforce these exemptions by
6 refusing to pick up non compliant loads, you're deluding
7 yourselves and the public. You must be living in that same
8 dream world as the President's economists who says that
9 sending jobs offshore is good for the economy.

10 EPA's delusions have become a nightmare for Cintas
11 laundry workers like Mark Fragola and it's time to stop the
12 nightmare. While Cintas' sheer size puts it in the top ranks
13 of the laundry industry's environmental law breakers, Coyne
14 Textile Services likewise has a miserable record. A leading
15 industrial launderer with major shop towel operations, Coyne
16 also abuses its workers by neglecting basic safety measures.

17 In the last few years, Coyne Textile has repeatedly been
18 cited by OSHA for serious and repeated violations of OSHA
19 standards dealing with chemical hazards, worker training and
20 protective equipment. With regard to shop towels, in '97 at
21 Coyne's Cleveland, Ohio plant, their mismanagement of the
22 hazards from solvents in shop towels created a fire on
23 January 21st, that seriously burned four employees. As OSHA
24 later described it "It was from the solvents ignited in the
25 floor below the washing machine and in a trench behind it.

1 Two employees sustained burns in the resulting fire. One
2 employee sustained burns while trying to assist his co-
3 workers." It's certainly true, it's undeniable that Coyne has
4 made important and deliberate efforts to capture excess
5 solvent from shop towels to reduce their waste water
6 emissions. However, Coyne has also failed to acknowledge in
7 this proceedings its other evident management failures.

8 For instance, Coyne has also failed to assure that
9 its customers provide Coyne with the information necessary to
10 protect Coyne employees from those hazards. And in my
11 testimony the documents indicating Coyne's ability to skirt
12 OSHA's hazard communications standard and avoid the
13 obligation to get exactly that kind of information essential
14 to protecting workers and running safe operations.

15 So, it's painfully evident that workers at Cintas
16 and Coyne are at risk from the management's mishandling of
17 shop towels. Has anyone at EPA ever talked to a laundry
18 worker. Did EPA ever even ask Cintas, Coyne or the other
19 major laundries to document their waste water emissions since
20 the state level exemptions were granted in the mid-'90s? How
21 could EPA have failed to make such an elementary
22 determination when it was meeting with industry
23 representatives on a frequent basis? It's obvious that the
24 only people's whose views EPA takes seriously here are the
25 corporate stakeholders, not the workers, the community

1 residents or the wildlife and waterways on the receiving end
2 of the negligence of laundry industry managers like Cintas
3 and Coyne.

4 We've presented an extensive critique of the
5 proposal. We have very limited time here today to review it.

6 I would like to reiterate the positions that the Sierra Club
7 and others have taken regarding the need to return to the
8 critical elements of the year 2000 proposal that EPA was
9 considering at that time.

10 And we'd finally like to say that in sum, there's no
11 reasonable assurance from any independent or objective source
12 about current industry practice that the laundry industry and
13 their customers will comply with EPA's intent. If the Bush
14 Administration proposal is adopted laundry workers will have
15 to handle towels soaked in hazardous waste often without even
16 minimal protective equipment like rubber gloves or effective
17 masks. It's time for EPA to force the laundry industry and
18 their customers to stop the unnecessary shipment of toxic
19 chemicals that endanger workers and the public water supply.

20 We are tired, I'm almost done. We are tired of watching the
21 Bush Administration twist our laws to benefit corporate
22 interests and we demand that EPA withdraw this proposal. You
23 must reconsider the options which you specifically rejected
24 such as more collection and recycling of toxic solvents at
25 factories, close containers for transporting solvent soaked

1 towels and better training of workers about the chemical
2 hazards.

3 Thank you very much.

4 MS. ATAGI: Thank you very much.

5 MR. FRUMIN: I'd now like to ask Mark Fragola.

6 MS. ATAGI: Mark Fragola to be followed by David
7 Dunlap and Robert Schaffer.

8 MR. FRAGOLA: Hi. My name is Mark Fragola. I'm
9 here to represent UNITE. I worked at Cintas Corporation at
10 Branford, Connecticut from November 1999 until July of 2002.

11 During this time I worked primarily as a route service and
12 sales representative which involved driving the customers
13 dirty laundry, shop towels from printed plants and other
14 customers that were soaked with solvents such as acetone was
15 a big part of the load that I carried everyday. I also had
16 to carry towels and mats from restaurants that were filled
17 with mold and fungus. The conditions for drivers hauling
18 these shop towels were horrible. Drivers like me were
19 routinely forced to count up dirty rags, one at a time, pick
20 up dripping rags with our bare hands, without cotton gloves
21 and breathe the contaminant air in the truck. Sometimes you
22 put these towels into plastic bags, but they would tear and
23 we would have to sit there and pick them up all over again.
24 We usually had to put the towels in cotton bags, in the bags
25 soaked with solvents. I know this because the solvents left

1 a stain on my shirt when I picked the bags up. When I came
2 home I had to warn my kids don't touch daddy until I took off
3 my uniform. Only after a couple of years just before I left
4 did I ever get some plastic gloves. They usually didn't have
5 enough gloves for all the drivers. My biggest problem with
6 the bags of rags was that when I put these bags in the back
7 of my truck, there was nothing to protect me from the vapors.

8 The smell was very powerful. I used to joke that I was
9 getting a buzz and then sinus headache. It would last a few
10 hours until I got out of the truck and back at the plant.

11 We were never told what chemicals we were forced to
12 handle, never really warned about the types of dangers from
13 these chemicals. The towels were also sometimes dripping
14 with the solvents. Our supervisors knew this all along. One
15 time I was given some papers to give to the customers asking
16 them to control the amount of solvents on the towels. But
17 the customers overlooked these warnings and Cintas never even
18 cut them off as customers. I don't recall Cintas ever
19 telling me to refuse to take these dangerous loads from
20 customers. They're just interested in getting all the
21 business they could. Shop towels were easy makers. It
22 doesn't surprise me that Connecticut EPA is fighting Cintas
23 in court right now about the years worth of violations of
24 Cintas' permit and EPA rules on toxic chemicals.

25 Cintas by law and workers like me pay that price

1 with our health and our jobs. I hope that EPA will remember
2 this when you listen to all the lobbyists for the laundries
3 of other companies who keep promising to protect the
4 environment. Unless they -- that they're operating -- I
5 wouldn't believe a word they say. After two years in
6 October/November 2001 I developed serious breathing problems
7 and headaches. By February of 2002 I finally went to my
8 doctor -- who said I was being heavily affected by the mold
9 from the shop towels. He said I actually needed surgery and
10 I was forced to undergo my first surgery that month. The
11 effects were so bad that I had to stay home for seven weeks
12 to receive strong antibiotics through a tube that was
13 permanently inserted into my arm, all the way to my heart.

14 After returning to work for a few weeks in April
15 2002 I had to undergo still a second surgery to clear out my
16 sinuses. After two more weeks I went back to work again. I
17 reported all of this to Mike, my supervisor. I showed the
18 letters from my doctor which said my condition was related to
19 my job. But Cintas kept denying that this was work-related.

20 They refused to admit that this is a worker's compensation
21 case. Instead they told me just to accept my disability pay
22 which is, of course, less than the worker's compensation and
23 cover the medical costs through the regular health insurance.

24 I had to pay for 20 percent of all medical bills and we're
25 still paying off those debts today. We still owe about

1 \$2,000.

2 When I came back to work I asked for a different
3 driving route without the shop towel chemicals. I showed the
4 letter from my doctor about the danger the job posed to my
5 breathing, but they refuse to accommodate me. Mike said I'm
6 sorry, there's nothing else available. Instead they offered
7 me a job panting the plant at \$10 an hour. Compare that to
8 the \$650 a week I was making before I got sick. I don't
9 understand how they could have done this to me.

10 Essentially I was forced to quit in April 2002.
11 During this time I was studying Public Health at the
12 University of Southern Connecticut. As a result of my
13 studies I graduated in May 2002 with a Bachelor's Degree in
14 Public Health with emphasis in Environmental Health. I
15 started looking for work. I soon got a job at a local
16 private environmental testing laboratory analyzing water and
17 other samples in a pollution control program.

18 I strongly recommend that the EPA changes these
19 things to help protect workers and the environment and change
20 these rules by one, forcing customers to take more of these
21 solvents out of these towels. Number two, putting the towels
22 in closed containers that can't leak the solvents into the
23 air and to label the containers with the names and the hazard
24 of the solvents. Number three, to force the laundry to train
25 drivers and the washing workers about the OSHA and EPA rules

1 so that it can help the EPA make sure the rules are enforced.

2 Why should drivers like myself have to put our jobs and
3 families at risk in order just to comply with the law.

4 Thank you for giving me the opportunity to testify.

5 MS. ATAGI: Our next speaker is David Dunlap
6 followed by Robert Schaffer and William Guerry.

7 MR. DUNLAP: Good morning. I'd like to thank the
8 Board for allowing me the opportunity to speak this morning.

9 My name is David Dunlap and I am the Director of
10 Environmental Affairs at the Uniform and Textile Service
11 Association. UTSA is a nonprofit association, represents the
12 interests of the uniform and textile supply companies, that's
13 the industrial laundry industry. I'm a chemical engineer by
14 training as well as a licensed Class I waste water treatment
15 plant operator in Virginia. I've been working with the
16 industrial laundry industry since 1988 and the UTSA since
17 1995. All combined I have nearly 20 years environmental
18 experience in both environmental engineering, regulatory
19 analysis and municipal and waste water treatment plant
20 operations.

21 This morning, my goal is not to emphasize the
22 negative aspects of disposables. The record is clear on
23 this. I'm here to explain the benefits of reusables.
24 Industrial laundries provide environmental benefits by
25 decreasing natural resource consumption, saving energy and

1 providing effective pollution management and prevention.
2 When compared to home laundering, industrial laundries on
3 average use 64 percent less water, 73 percent less energy and
4 90 percent less detergent is what is required to launder the
5 same quantity of towels in small home washers and dryers.

6 In 1996 EPA's Office of Research and Development
7 conducted a life cycle assessment study of reusable and
8 disposable wipes entitled Environmental Assessment of Shop
9 Towel Usage in the Automotive and Printing Industries.
10 That's the Lockheed study that has been referenced a couple
11 of times today. The environmental assessment looked at the
12 raw material requirements and pollutant emissions associated
13 with each type of wipe for its entire life cycle, from
14 manufacture through usage and to the ultimate disposition.
15 The results of the study are impressive, particularly when
16 adjustments are made to account for multiple use cycles for
17 reusable towels. Now this is something that Lockheed failed
18 to do in their initial analysis.

19 As measuring terms of poundage, reusable shop
20 towels use 94 percent less water, 99 percent less energy and
21 generate 52 percent less solid waste when compared to an
22 equivalent amount of disposable paper towels. Because
23 uniform and textile service companies deliver clean wipes to
24 customers and pick up soiled wipes for cleaning and reuse,
25 all the most efficient way possible, we are one of the

1 nation's largest recycling industries. Unlike single use
2 disposable wipes and rags, reusable shop towels are not
3 discarded after use but are rather used to clean and then
4 reused over and over.

5 On the other hand disposables are used once and
6 then sent to a landfill or incinerator. All the solvents on
7 disposable wipes are never treated. In most cases end up
8 going directly untreated to landfills. In contrast there's
9 no direct water or solid waste discharges to the environment
10 from laundries. More than 15 years ago the laundry industry
11 self imposed no free liquid standard for reusable shop
12 towels. Laundries have since been working with customers to
13 reduce the amount of solvents and other pollutants found on
14 these towels. The no free liquid standard remains the
15 foundation of most state shop towel guidelines and therefore
16 is a principle upon which the proposed rule is modeled.

17 Those minimal solvents that are still present after
18 meeting the no free liquid standard are then effectively
19 removed during sequential stages. The initial laundering
20 process, the subsequent waste water pre-treatment process and
21 finally the ultimate treatment at the downstream publicly
22 treatment works of POTW. All industrial laundries are
23 indirect discharges unless their waste water is controlled
24 via local pre-treatment limits, private discharge in
25 municipal sewer systems. In the past ten years, numerous

1 data collection efforts by EPA, the industrial laundering
2 industry and third parties to document the overall
3 effectiveness of laundry waste water treatment. In fact, and
4 this was during the Clinton Administration, EPA's 1999
5 decision to withdraw proposed guidelines of the industry was
6 based on the fact that industrial laundry effluent is already
7 effectively treated at laundries and their POTWs and is no
8 way adversely impacting the environment.

9 As required under -- industrial laundries examine
10 the characteristics of waste water sludge and other solid
11 waste generated by their waste water treatment systems. US
12 EPA's comprehensive risk analysis, screening analysis
13 properly concludes that the sludge produced by industrial
14 launderers does not contain constituents in concentrations
15 which would exceed any of the allowable health benchmarks.
16 Due to the industry's extensive waste water permitting
17 laundries are in regular contact with local regulators. This
18 ensures a laundry complies with not just local waste water
19 rules but with the rules that govern the proper disposal
20 solid waste generated by the laundry treatment systems as
21 well as state regulations and policies that require the
22 proper management for reusable shop towels.

23 Because recycle and research conservation is such
24 an essential part of our industry, USTA and TSA together with
25 EPA created the laundry environmental stewardship program,

1 laundry ESP. That was in 1999. Laundry ESP is a voluntary
2 program by which industrial laundries both large and small
3 raise their overall environmental performance. Laundry ESP
4 is not just limited to reusable wipes though. It also
5 extends laundry's entire line of textiles. More importantly,
6 laundry ESP facilitates an exchange in cooperation in
7 critical environmental matters across industries including
8 the various businesses that use and rely on reusable shop
9 towels.

10 Laundry ESP documents the industry's environmental
11 performance as whole and it has been a resounding success.
12 Through program participation, laundries have achieved the
13 following. An 11 percent decrease in water use. That means
14 we saved over 4.9 billion gallons of water since 1997. We've
15 also achieved an 11 percent reduction in energy consumption.
16 That's over 10 trillion BTUs of energy saved since 1997
17 also. And since 1998 we have reduced the toxicity of our
18 waste water discharges by over 40 percent. As I say Laundry
19 ESP has been a great success for us.

20 One last point, that the record is clear, reusable
21 shop towels and the materials found in reusables after use
22 are handled, after reusables are handled. Excuse me, let me
23 start over. The record is clear. Reusable shop towels and
24 the materials found on reusables after use are handled in a
25 more environmentally sensitive way than disposal wipes and

1 rags. EPA should create regulatory incentives not barriers
2 to permit reuse, recovery, recycling of reusable towels
3 through the environmentally beneficial services provided by
4 laundries. All of the industrial laundry waste streams are
5 already subject to comprehensive federal, state and local
6 environmental regulation, the Clean Water Act and RIPRA as
7 well as the related pre-treatment permits and state policies
8 and the proper management of shop towels. There will be no
9 environmental basis or justification to impose duplicative
10 regulations on laundries or their customers.

11 In conclusion, UTSA and TRSA fully support EPA's
12 proposal to provide a realistic solution for reusable shop
13 towels including the former exclusion of properly managed
14 reusable shop towels from the definition of solid waste. To
15 reiterate, we strongly support this rule as opposed.

16 Thank you very much.

17 MS. ATAGI: Thank you very much. Our next speaker
18 is Robert Schaffer to be followed by William Guerry and Jim
19 Buik.

20 MR. SCHAFFER: Good morning. My name is Robert
21 Schaffer. I'm Director of Environmental Affairs for Coyne
22 Textile Services. I'm here today testifying on the company's
23 behalf as well as on the behalf of TRSA for which Coyne is a
24 member company.

25 Coyne is a national textile rental company with 37

1 locations doing business in 25 states. I'm a chemist by
2 training and have had extensive career in both federal
3 government and the private sector. I work for Dow Chemical
4 Company, United States Department of Interior, U.S. EPA and
5 as an independent environmental consultant. I was at EPA for
6 11 years and concluded my career there as Director of the
7 Effluent Guidelines Division where I supervised the
8 development of categorical standards under the Clean Water
9 Act. I have been with Coyne for 11 years.

10 EPA's proposed rule addresses reusable and disposal
11 shop towels. In the laundry industry there are several
12 different types of reusable towels used by different
13 customers for a variety of different purposes. Most of the
14 towels are used by printers, automotive repair, service
15 facilities and other general manufacturing. These towels are
16 typically soiled with oils and greases and to a much less
17 extent solvents. Towels used in the printing industry, of
18 course, more frequently contain solvents and certainly not
19 all shop towels contain solvents.

20 Coyne specializes in serving industries with
21 reusable towels and over the years a significant portion of
22 our rental line has been devoted to industrial customers and
23 many in the printing industry. Coyne is intimately familiar
24 with all the environmental and worker safety issues
25 associated with solvent contaminated reusable towels

1 including waste water treatment, solvent extraction and
2 recycling and workplace exposure. Because of our experience
3 in dealing with solvent contaminated towels, especially the
4 critical issue of whether they have any work safety impacts,
5 we felt an obligation to attend this hearing and to share our
6 experiences with the Agency. We are also testifying here
7 today because reusable towels play a significant role in our
8 business.

9 Coyne like other TRSA and UTSA member companies has
10 a strong commitment to protection of worker health and
11 safety. We conduct routine sampling of air, water to ensure
12 that the concentration of solvents and other regulated
13 substances are well within acceptable limits. Coyne has
14 invested millions of dollars in treatment facilities, in
15 environmental worker safety controls and we have an annual
16 budget in excess of \$2,000,000 to cover these matters. Coyne
17 provides its workers with all necessary training and
18 protective equipment to meet federal, state and local
19 requirements. We've conducted several comprehensive worker
20 exposure studies. We have provided the results to the
21 Agency. In those studies we performed detailed analysis of
22 air samples collected in personal breathing zones, of two
23 workers, for instance, and this is an example, in the
24 receiving and sorting area of our facilities.

25 These studies demonstrated as all of our workplace

1 exposure data has confirmed that our employees' workplace
2 exposures are well within safety levels. One study evaluated
3 the presence of approximately 40 compounds in the breathing
4 zone of two textile sorting workers at one of our facilities.
5 At the facility bagged soiled towels are delivered via truck
6 and manually loaded at an open air exterior loading dock.
7 Weighed on four scales and then manually removed from the
8 bags for sorting. Towels are then loaded onto another truck
9 for delivery to one of Coyne's laundering facilities.
10 Breathing zone sampling was conducted for comparison with an
11 eight hour time related average for TWA for permissible
12 exposure limit, PEL, established by the United States
13 Occupational Safety and Health Administration, OSHA.

14 The study was, of course, conducted under
15 applicable OSHA and NIAGE standards. The results of the
16 study demonstrated no significant health risk associated with
17 any of the evaluated solvent compounds. Concentrations of
18 the solvents were at least 100 times less than the OSHA PEL
19 and sometimes a thousand times less than the OSHA PEL.

20 A second study involved solvent vapor exposure from
21 soiled textiles to a Coyne driver on a heavy soil pickup
22 route. The driver's basic task involved picking up, making
23 stops at various customer locations and delivering clean and
24 picking up soiled products. The driver stated that during
25 this task, the greater than average number of soiled towels

1 were picked up during his 22 stops on that particular run.
2 The driver also unloaded 20 -- bags of soiled towels.
3 Consultants using personal monitoring devices on the driver
4 to measure concentrations in his breathing zone conducted the
5 tests. The duration of tests were slightly over eight hours
6 and a monitor was also placed in the truck. All test results
7 for the 36 solvents found were far below OSHA's PEL. Only
8 two values or more than one percent of this and all were less
9 than one and a half percent of the PEL. A consultant
10 reminded us that these results provided conservative estimate
11 of worker exposure.

12 The most important aspect of these studies, and
13 Coyne has conducted a number of them over the years is that
14 the concentration of solvents detected are always a minute
15 fraction of the OSHA PELs. Aside from giving the company
16 confidence that worker health is not jeopardized this data
17 demonstrates that existing industry practices and regulatory
18 responsibilities under state law and OSHA adequately and
19 comprehensively address worker exposure concerns associated
20 with solvent vapors in the industrial laundry workplace.

21 Furthermore, the amount of solvents contained on
22 soil towels returned to Coyne's facilities has been reduced
23 over the years. This reduction is due in large part to
24 Coyne's customer education efforts and the education of our
25 own folks. We continually stress the requirement consistent

1 with company policy, industrial management standards and
2 state regulation that return towels contain no free liquid.
3 And customers seem to be more conscious of using the least
4 amount of solvent products necessary for their given tasks at
5 their locations. The reduction of solvent use is also
6 reflected in the waste water generated by Coyne and our
7 ability to meet our discharge requirements. We had noticed a
8 25 percent reduction in the last few years between 1998 and
9 2003 of solvents we had recovered from our waste water
10 treatment operations for beneficial reuse.

11 Although the proposed regulation does not require
12 to the extent they codify their regulation, not required from
13 a worker safety perspective to the extent that they codify
14 the regulatory status quo, Coyne supports EPA's efforts and
15 subject to the joint comments and these are the joint
16 comments that will be submitted by UTSA and TRSA later this
17 month.

18 Thank you very much.

19 MS. ATAGI: Thank you. Our next speaker is William
20 Guerry to be followed by Jim Buik and the Rev. Ron Stief.

21 MR. GUERRY: Good morning, my name is Bill Guerry
22 and I serve as Environmental Counsel to the industrial
23 laundry industry through the two trade associations UTSA and
24 TRSA. I'm testifying here today to explain the legal
25 precedent which compels EPA to finalize its proposal to

1 exclude properly managed reusable shop towels from their
2 RIPRA definition of a solid waste.

3 In evaluating whether a recycled secondary material
4 constitutes a solid waste under RICRA courts have universally
5 held that EPA must determine whether the materials are truly
6 "discarded, disposed of, thrown away or abandoned." Courts
7 have also precluded EPA from regulating those secondary
8 materials which "have not yet become a part of the waste
9 disposal problem, rather they are destined for beneficial
10 reuse or recycling." Most recently the D.C. Circuit Court of
11 Appeals has clarified that secondary materials that are
12 "retained or saved as part of an overall recycling production
13 process are not discarded or thrown away as solid waste."

14 Unlike discarded rags, reusable shop towels are
15 retained and saved as products so that they do not threaten
16 to become part of the waste disposal problem. In the context
17 of determining whether reusable shop towels are solid waste,
18 numerous EPA regional offices have correctly interpreted
19 RICRA as I quote from Region 9, "Industrial Textiles
20 manufactured for multiple cycles of soiling and cleaning are
21 generally not regulated as solid waste until they are
22 discarded." Similarly states like California have recognized
23 "reusable textiles are in essence a piece of industrial
24 equipment. And when soiled are no more waste material than a
25 dull cutting tool."

1 EPA's proposed solid waste exclusion for reusable
2 shop towels is based on extensive judicial and regulatory
3 precedent. In fact, since 1980, EPA has created 20 similar
4 solid waste exclusions for commodity like materials under 40
5 C.F.R. Section 261.4(a). All of these solid waste exclusions
6 are based on clear and straightforward management conditions,
7 simply set forth as keeping the commodity like material from
8 being directly placed on the ground.

9 In the proposed rulemaking EPA correctly relies on
10 the following three well established criteria to conclude
11 that properly managed reusable shop towels are more commodity
12 like than waste like. First reusable shop towels are
13 partially reclaimed by laundry customers who remove free
14 liquids. Second, reusable shop towels are handled throughout
15 the laundering and reuse process as viable commodities.
16 Third, because the shop towels are owned by the same entity
17 throughout the use and reuse process, laundries have enormous
18 incentives to ensure that the shop towels are, in fact,
19 reused and not discarded. In fact, reusable shop towels far
20 exceed EPA's commodity like criteria as applied to 20 other
21 solid waste exclusions. Because shop towels represent one of
22 the core primary assets on which laundries directly derive
23 their revenues and profits as opposed to being a secondary or
24 incidental by product which may have value which is the core
25 basis of most of the other solid waste exclusions.

1 Following me, Jim Buik, President of the Roscoe
2 Corporation will document the economic factors that ensure
3 the proper and safe management of reusable shop towels.

4 It is critical for both legal and policy reasons
5 that EPA clearly exclude properly managed shop towels from
6 solid waste classification. This is because numerous states
7 with large reusable shop towel markets impose onerous
8 requirements on both generators and processors of non-
9 hazardous industrial solid waste. By indicating or implying
10 incorrectly that reusable shop towels are or could be a
11 solid waste, EPA would unintentionally number one, override
12 the decisions of virtually all states that reusable shop
13 towels should not be subject to solid waste regulation and
14 two, trigger inappropriate requirements for industrial
15 laundries and their customers. If reusable shop towel
16 products were incorrectly deemed solid waste, then a critical
17 distinction between reused shop towels and discarded rags
18 would disappear and a significant portion of the shop towel
19 market could shift away from usable shop towels to discarded
20 rags. Thus a uniform exclusion from only the definition of
21 hazardous waste for both reusable shop towels and discarded
22 rags would result in unintended negative consequences that
23 are directly contrary to RICRA's goals of reducing over
24 regulation and encouraging recycling.

25 One of the laundry industry's primary goals as you

1 just heard from Bob Schaffer is to protect workers and to
2 provide a safe workplace at all laundry facilities. As you
3 know Congress appropriately delegated to OSHA the role of
4 protecting employees from unsafe working conditions. OSHA
5 has implemented this authority and established comprehensive
6 permissible exposure limits or PELs for all of the hazardous
7 solvents regulated under RICRA. As Mr. Schaffer testified,
8 laundry workplace exposure to solvent vapors is a diminimus
9 fraction of the various OSHA PELs for solvents.

10 Moreover, industrial laundries are already subject
11 to and must meet OSHA Hazard communications standard
12 requirements which require employers to inform their
13 employees of chemical hazards via container labels, MSD
14 sheets and training.

15 In conclusion, well established legal and
16 regulatory precedent as well as sound policy compels EPA to
17 finalize the proposed solid waste exclusion for reusable shop
18 towels. We look forward to working with EPA to achieve
19 RICRA's environmental goals to promote resource recovery and
20 recycling.

21 Thank you.

22 MS. ATAGI: Thank you. All right. The next speaker
23 is Jim Buik to be followed by the Reverend Ron Stief and the
24 David Case.

25 MR. BUIK: We officially cross over from good

1 morning to good afternoon. My name is Jim Buik. I'm the
2 President of the Roscoe Company located at 3535 West Harrison
3 Street in Chicago, Illinois. I'm testifying not only as the
4 owner of a, or I'm testifying as the owner of a small
5 industrial laundry business in Chicago as well as serving as
6 the Vice Chairman of UTSA. I'll testify from both
7 perspectives.

8 My grandfather, George Buik, started Roscoe in
9 1921. My father, Don Buik, owned Roscoe from 1973 to 1999
10 and now I own the business. The bank owns part of it too.

11 Roscoe employs 90 people. We're located in an
12 economically disadvantaged neighborhood on the west side of
13 Chicago in a designated empowerment zone. Our workers are
14 represented by UNITE and we have a longstanding tradition of
15 maintaining strong ties to the community. In addition to
16 maintaining strong ties to the community, for generations my
17 grandfather and father started a tradition, an ethic of
18 environmental excellence long before it was in vogue. In
19 fact, Roscoe was the first industrial laundry in the United
20 States to install an advanced pre-treatment waste water
21 system in 1973 as part of a joint project between the EPA,
22 our company, UTSA and TRSA. Though my grandfather laid the
23 groundwork, my father was primarily responsible during the
24 1970s for putting Roscoe on the cutting edge of technology
25 and environmental due diligence.

1 In the 1980s we focused our efforts on creating a
2 clean work environment in order to better protect workers,
3 improve the work setting and ease environmental compliance.
4 To make sure we continued to achieve our goals in this
5 regard, Roscoe has the Illinois Department of Economic and
6 Community Affairs conduct hygiene and safety inspections.
7 Roscoe also from time to time has our employees don exposure
8 badges to measure the exposure of materials of concern. In
9 short, we really double check our work.

10 I've done my best to follow in this tradition. And
11 in 1999 Roscoe won the Illinois Governor Pollution Prevention
12 Award for our achievements in reducing solid waste water
13 consumption in our hangar recycling program. My grandfather
14 introduced reusable shop towels to Roscoe's textile line in
15 the 1940s. Today shop towels represent about 15 percent of
16 our overall revenue and thus represents a substantial part of
17 our business. Shop towels have also added value because they
18 are frequently offered as a component to the entire textile
19 package for customers that might also rent uniforms, floor
20 mats and other textile products. Over the years, Roscoe's
21 gathered the best practices for managing shop towels.

22 These practices range from our own company's
23 procedures and infrastructure such as ventilation systems to
24 protect workers handling shop towels to imposing strict
25 rental conditions on our customers including a no free

1 flowing liquids policy for return shop towels and finally
2 comprehensive employee training so that our route drivers can
3 discriminate whether or not to accept a load of soiled shop
4 towels.

5 At Roscoe, we partner with our customers to help
6 them manage their waste streams in an environmentally
7 friendly manner. The industry practices that we have
8 developed and followed over the years help us do just that.
9 As I stated earlier, shop towels make up approximately 15
10 percent of Roscoe's revenue. This revenue is generated, of
11 course, by providing a service to our customers. The
12 provision of clean, a clean supply of textiles. The
13 individual shop towels and the ability to use and reuse the
14 shop towels again and again is the cornerstone of our
15 business model. We deliver approximately 10,000,000 shop
16 towels to our customers annually. Because we use and reuse
17 shop towels we're able to achieve this 10,000,000 shop towel
18 delivery with an annual fleet of one and a half million shop
19 towels.

20 EPA is absolutely entirely correct that laundered
21 shop towels are not a solid waste. Rather than being
22 disposed of after use, our shop towels are laundered and used
23 again and again. Put another way, if the shop towels were
24 solid waste we would be purchasing 10,000,000 shop towels
25 annually to meet the customer demand, not the one and a half

1 million that we currently purchase. That's six times more
2 landfill space that would be taken up and that's not one of
3 Administrator Levitt's goals. The value of a shop towel is
4 also reflected in the accounting and paperwork that we
5 maintain with our customers. Customers are financially
6 responsible for shop towels that are in their possession. If
7 a customer loses a shop towel or destroys it, the customer
8 would pay to replace that shop towel. If a customer's needs
9 change and they require a lower amount of shop towels
10 inventory is reduced and their account's credited.

11 To us each shop towel is like a dollar bill. WE
12 protect our shop towels the same way we protect our money.
13 My grandfather started the tradition of walking the plant on
14 a regular basis picking up shop towels. He was a statsman
15 and he had a stern burrow, but the plant manager's knew right
16 well that he was very upset when he would find shop towels
17 lying around. My dad continued that tradition as did I. If
18 I find a shop towel on the floor of our plant, I have a
19 little talk with our manager because it's completely out of
20 the question that something like that should happen. Those
21 are dollars sitting on the floors. Those are our corporate
22 assets laying around. I'll guarantee it doesn't happen very
23 often.

24 Excluding reusable shop towels from the definition
25 of hazardous waste only and thus defining them as a solid

1 waste makes no sense considering the fact that reusable shop
2 towels play in my business. We work closely with the
3 Illinois EPA and together have developed a viable
4 environmentally sound program for managing used shop towels
5 from pickup at the customer facility through the laundering
6 process. The management conditions we adhere to ensure
7 protection of our workers and the environment. A solid waste
8 exclusion contingent on a lab or testing rather than the
9 common sense management conditions we already employ would
10 totally undermine the existing viable state regulatory
11 program and create additional but unnecessary compliance
12 costs. These additional compliance costs might make the
13 provision of reusable shop towels too expensive for some
14 customers and possibly too expensive for all customers.

15 These costs would surely impact our ability to
16 generate revenue that may lead to employee layoffs.
17 Unnecessary regulation of reusable shop towels would also
18 impact other aspects of our business because customers
19 frequently run a collection of textiles in addition to shop
20 towels. If a shop towel component of a customer account
21 becomes too expensive or unavailable customers may be
22 inclined to satisfy their needs for other textiles such as
23 uniforms and floor maps.

24 In closing, Roscoe is not a company to shirk our
25 environmental or worker safety responsibilities. We have a

1 longstanding tradition and company ethic to go beyond
2 requirements and serve as an industry van guard in these
3 areas. We trust EPA will maintain its position on reusable
4 shop towels. That they are not a solid waste. Excluding
5 reusable shop towels from the definition of solid waste will
6 allow Roscoe, a third generation family business to continue
7 its tradition of environmental responsibility, resource use
8 and recycling as well as local/community leadership.

9 Thank you.

10 MS. ATAGI: Thank you. I understand the Reverend
11 Stief had to leave. So our next speaker will be David Case.

12 MR. CASE: My name is David Case. I'm the Executive
13 Director of the Environmental Technology Council. ETC as you
14 know is a trade association of companies that provide various
15 services and technologies to customers for recycling,
16 treatment and proper disposal of both hazardous waste and
17 non-hazardous industrial waste. In particular, many ETC
18 companies provide in-plant industrial services to customers
19 where they pick up properly manage, recycle and dispose of
20 solvent contaminated industrial wipes. Because in many
21 states these industrial wipes are hazardous waste, we see the
22 industrial wipes at the point of pickup for proper
23 transportation and ultimate disposal or recycling. And I can
24 tell you we don't often see wipes that have only one drop or
25 solvent on them. We see wipes that are soaked in solvent and

1 have been used, are filthy dirty with contamination from
2 equipment, from automobile or ink manufacturing facilities.
3 And these shop towels need to be managed properly. It's a
4 sad day when a representative of the waste management
5 industry has to tell EPA that a proposed rule poses a threat
6 to human health and the environment, but that is the
7 situation this afternoon.

8 We are alarmed by a number of the provisions in the
9 proposed rule which simply do not reflect safe management
10 practices in our industry. For example, solvent soaked rags
11 could be accumulated in containers with just a piece of
12 plywood or a piece of cardboard put over the top and thereby
13 be deemed a closed container. Solvent rags could be dry,
14 deemed dry without using any solvent removal technology like
15 a centrifuge or other commonly available equipment for that
16 purpose. Instead somebody can sit at a desk and make a rough
17 guesstimate of the volume of solvent used and the volume of
18 rags and thereby claim that every solvent, every rag had less
19 than five grams of solvent. Under this rule there would be
20 no standards for accumulating and storing of these solvent
21 soaked rags to prevent fires, not even something as simple
22 regular inspections of the facilities.

23 The solvent soaked rags could be shipped in things
24 like plastic bags, cloth bags, wraps, even paper bags which
25 obviously can be pierce and allow accumulated solvent to be

1 released. And the solvent rags could go to landfills or
2 municipal incinerators. After we have spent 30 years under
3 RICRA trying to keep solvents out of landfills, this rule
4 would allow solvents to be disposed of in landfills.

5 Any of these practices if conducted by a waste
6 management person at one of our companies would end up
7 sending that person to jail. There are a number of
8 provisions in the proposed rule that we think need to be
9 seriously revised and upgraded. And I'll basically follow
10 the life of a solvent soaked rag through accumulation,
11 transport and disposal and comment on each phase.

12 Under the proposed rule, solvent rags could be
13 accumulated for an indefinite period of time at the generator
14 site, no limitations on the amount of time of storage or the
15 type of facility that could retain the stored materials. And
16 we think that's just not good management practice for this
17 kind of waste material. We recommend that the rule first of
18 all distinguish between accumulation and storage which it
19 doesn't do. While shop rags are being accumulated we can see
20 the practical need for the worker's to be able to put the
21 rags in some sort of a bin or container with a lid that is
22 secure but not sealed tight. Obviously you need that
23 practical flexibility. But once the drums or the bins,
24 whatever container is being used are filled and the material
25 is going to be stored, waiting, picked up and transported, we

1 think the material should be stored properly in sealed
2 containers for some limited time period such as 90 days and
3 with some regular inspection period or self inspections of at
4 least once a week to ensure that the containers aren't
5 leaking or that they don't pose some kind of a fire hazard.

6 After the material is picked up, it's going to be
7 transported and we think all shop towels, solvent soaked shop
8 towels should be transported in sealed containers that are
9 appropriate for the type of material that's being
10 transported. It's not the cloth or the paper rag that's of
11 concern, obviously. It's the solvent and the contaminants
12 that have been picked up with the solvent.

13 When the material is delivered to a landfill, EPA
14 has evaluated only the potential for the solvent to then be
15 released from an online landfill and get into people's
16 drinking water. That is not the major concern of solvents.
17 Solvents are a concern because they attack synthetic liner
18 systems and cause the liner to deteriorate and be breached.
19 So, instead of doing a computer model of an unlined landfill
20 and the potential release of contaminants directly, what EPA
21 needs to look at is a landfill that has at least a single
22 liner which is common today, and the risk of allowing the
23 solvent in these rags to be compressed in the landfill to
24 accumulate on top of the liner to then deteriorate and cause
25 a breach of the liner system which would allow not just

1 solvents but all the collective waste contaminants in the
2 landfill to be released into the environment. That's a
3 fairly basic risk assessment that EPA after apparently 18
4 years of study has failed to do.

5 Likewise, when material is going to be delivered to
6 a municipal or a waste to energy incinerator, in that case
7 the material doesn't even have to be dry. It has to be what
8 I called not quite dripping with solvent. And if you've ever
9 been to a municipal waste incinerator, you will see that the
10 material is then generally dumped into a large bin or
11 concrete pit and it is manipulated with a clam shell or a
12 backhoe or equipment of that nature. If the Agency thinks in
13 this proposed rule that somebody's going to look in the bags
14 to see if there's any free liquid, that's just not going to
15 happen. The material is immediately off loaded into these
16 bins where it is manipulated by heavy equipment. There is a
17 very serious risk of fire in that situation. A spark from
18 the equipment could easily ignite the solvent. And the whole
19 management of the material before it gets into the municipal
20 incinerator by putting it onto conveyor systems and that sort
21 of thing allow easy release to the environment and
22 evaporation primarily because municipal incinerators are not
23 equipped and people are not trained to manage this kind of
24 hazardous material.

25 And then finally EPA has simply ignored the

1 contamination from the material that the solvent removes from
2 the equipment, the metals, the inks, the colors, things of
3 that nature. The background document makes clear that EPA
4 simply didn't collect information that it would need in order
5 to assess the risks posed by those materials. And that's
6 something EPA needs to do.

7 I think in the end so many conditions would be
8 necessary to allow this material to be handled under
9 conditional exclusion. But really it ought to be handled
10 under the universal waste rule kept within the RICRA system
11 but managed under flexible standards that are appropriate for
12 universal hazardous waste.

13 Thank you.

14 MS. ATAGI: Thank you very much. All right. That
15 concludes the testimony today. Are there any questions
16 before we adjourn? No. Thank you all very much for your
17 participation. And this meeting is now adjourned.

18 (Whereupon, at 12:22 p.m., the hearing was adjourned.)

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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Environmental Protection Agency, in the matter of:

HAZARDOUS WASTE MANAGEMENT SYSTEM

By:

Caroline G. Gibson, Transcriber