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February 12, 2001

The Honorable Christine Todd Whitman,
Administrator
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460



Textile Rental Services Association
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Dear Administrator Whitman:

Congratulations on your confirmation. The Textile Rental Services Association (TRSA) and the Uniform & Textile Service Association (UTSA) would like to take this opportunity to introduce our industry and express our concerns about the Office of Solid Waste's (OSW) efforts to develop a federal regulation governing the handling of soiled reusable shop towels.

UTSA and TRSA represent over 95% of the textile supply and service industry. Member companies provide clean reusable textiles to a wide range of service companies and light and heavy industry, including healthcare facilities, restaurants, automotive facilities, and printers.

TRSA and UTSA have a long history of working with the EPA and hope this trend continues under your administration. In fact, over the past year and half, the associations have consulted with the Office of Water as they initiated and began implementation of a voluntarily pollution prevention and resource conservation program for our industry—the Laundry Environmental Stewardship Program, **LaundryESPSM**. The program allows the industry to build on its strong environmental record through further reductions in energy, water and chemical usage and pollutant discharges. UTSA and TRSA are concerned that OSW's efforts to regulate shop towel could interfere with **LaundryESP**.

TRSA and UTSA believe that OSW's proposal is unnecessary for reasons beyond its interference with **LaundryESP** and ask that your agency re-examine the justification for a federal regulation on reusable shop towels. Our principal concern is that the federal shop towel rule will undermine current state policies crafted, at the specific direction of EPA, to protect human health and the environment. UTSA and TRSA have additional concerns about this proposal. The draft regulation in its current form:

- Classifies reusable textiles as "solid waste" forcing the industry to meet added requirements under the Resource Conservation and Recovery Act.
- Increases the regulatory burden for UTSA and TRSA members, while lessening the requirements for the disposable industry.
- Fails to demonstrate any environmental benefit or conduct a cost-benefit analysis.
- Ignores the impact on small entities (92% of the textile supply and service industry is small business) required under the Small Business Regulatory Enforcement Fairness Act.

Again, we ask that your office review OSW's proposal to ensure that this industry is not unnecessarily regulated. We have also attached our position paper. Thank you in advance for your attention to this matter. We would welcome an opportunity to meet with you and your staff to discuss our concerns in greater detail.

Sincerely yours,

S. Denis Thomas
Chairman
Uniform & Textile Service Association

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EPA HAS FAILED TO CONSIDER THE POLICY RAMIFICATIONS AND REGULATORY BURDENS OF ITS POTENTIAL SHOP TOWEL RULE



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UTSA/TRSA POSITION

The Textile Rental Services Association (TRSA) and the Uniform & Textile Service Association (UTSA) question the Office of Solid Waste's (OSW) justification for developing a federal regulation governing the use and handling of soiled shop towels when all 50 states currently have their own policies or regulations in place.

BACKGROUND / REASONS FOR POSITION

State Issues

For the entire 20 years of the Resource Conservation and Recovery Act (RCRA) program, EPA has specifically delegated authority to the states and regions to make their own determinations on how best to regulate soiled shop towels. In response, all 50 states have developed policies or regulations on the use of reusable and disposable shop towels that protect human health and the environment in a cost effective manner. OSW now intends to override the state policies by defining *all* soiled reusable shop towels as a "solid waste." The regulation would then presumably exempt some towels from the hazardous waste portion of RCRA, but would still leave all reusable shop towels to be regulated as a solid waste. This subjects a product stream, which has been effectively managed by state programs, to burdensome federal regulation that provides no environmental benefit.

Cost-Benefit Analysis

While EPA has the authority to re-examine any issue it has delegated to the states, it is our position that OSW has failed to examine the regulatory burden or the unintended consequences on the textile supply and service industry and its customers, many of which are small businesses. Reclassifying a laundered reusable product as a "solid waste" would result in compliance costs for: (1) waste generation permitting and management; (2) expanded environmental liabilities and remediation; and (3) additional reporting requirements.

OSW has claimed that it does not need to report on the potential environmental benefits or by extension, the results of a cost-benefit analysis or use these tools as a basis for their decision to regulate. Given EPA's limited resources, its mission, and the rule's potential impact on small entities, it is of paramount importance that OSW analyze the costs and benefits of any regulatory action. The drafts of the proposed regulation do not provide the environment with any additional protection or benefit; rather they simply add a regulatory burden to reusables, while easing the burdens on disposables. The trade associations do not believe it is the role of federal environmental regulation to manage the marketplace— but rather to protect the environment.

Small Business Issues

This regulation will impact the textile supply and service industry, 92% of which is small business, and the hundreds of thousands of small businesses it serves. The potential impact of OSW's proposal on small business warrants a formal process to evaluate and to mitigate the impact of this rule required under the Small Business Regulatory Enforcement Fairness Act (SBREFA). We do not know whether OSW has prepared an Initial Regulatory Flexibility Analysis and it is our understanding that OSW has concluded that its proposal will not have a significant economic impact on a substantial number of small entities; therefore SBREFA is not triggered.