



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

# Hazards Labeling for Hazardous Waste Generators

Office of Land Quality / Compliance Branch

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On December 26, 2019, the hazardous waste “Generator Improvements Rule” (GIR) became effective in Indiana. One of the changes included in the GIR is the requirement for hazardous waste generators to label hazardous waste containers and tanks to indicate the hazards of the contents. The rule language for large quantity generators (LQG), found at 40 CFR 262.17(a)(5)(i)(B), states containers must be marked or labeled with “An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704)”. The same language is in the regulations for LQGs accumulating hazardous waste in containment buildings (40 CFR 262.17(a)(4)) or tanks (40 CFR 262.17(a)(5)(ii)(B)), small quantity generators (SQG) accumulating in containers (40 CFR 262.16(b)(5)) or tanks (40 CFR 262.16(b)(6)(ii)(B)), and satellite accumulation containers (40 CFR 262.15(a)(5)(ii)).

This guidance document provides information to assist generators with the proper labeling of hazardous waste containers, tanks, and containment buildings.

The rule language includes a list of examples that may be used to comply with this requirement. IDEM interprets this list of examples as options that may be used **if the labeling clearly indicates the hazard(s)** associated with the hazardous waste in that unit.

Since the adoption of the GIR, IDEM has had several discussions with generators concerning the list of examples, particularly “hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding)” and the use of a Class 9 “Miscellaneous Hazardous Material” label.

While the Class 9 Placard is included in the US DOT placards as described in 40 CFR 49 Part 172 Subpart F, IDEM asserts the DOT Class 9 placard/label does not satisfy the requirement for labels to indicate the hazards because it does not indicate a specific hazard. Rather, the Class 9 label indicates that a hazardous material is not adequately described by one of the other eight labels. The miscellaneous value of the Class 9 label/placard, the diversity of hazards that may “fit” into the purview of the Class 9 label, and the possibility of multiple hazards being present in a single waste stream, make clear the inadequacy of the Class 9 label to clearly indicate the hazard(s) associated with a particular hazardous waste.



Some DOT labels, such as the Class 3 Flammable Liquids label, clearly indicate the hazards of the waste and thus may be used to comply with the SQG and LQG labeling requirements. Without additional clarification, however, the contents of a container, tank, or containment building labeled with a Class 9 label/placard and the words “Hazardous Waste” could be entirely misconstrued.

Generators wishing to use the Class 9 label must use an additional label or marking of the container, tank, or containment building to clearly indicate the hazard(s). These indications of hazards include, but are not limited to, the words: "ignitable," "corrosive," "reactive," and/or "toxic."