

New EPA Rule on Safe Management of Recalled Airbags

Supplements July 2018 Memo

A newly published interim final rule on safe management of recalled airbags supplements EPA's June 2017 and July 2018 memos on the topic.

The July 2018 memo addresses various waste management scenarios that may apply to undeployed airbag modules and inflators subject to federal safety recalls or otherwise unsuitable for installation in automobiles. The June 2017 memo and November 30 rule focus on parts subject to Takata-related recalls where EPA has determined that Takata parts are not suitable for on-site deployment.

Bottom line:

1. Non-Takata recalled and non-recalled waste ("discarded" or no longer suitable for use) airbag modules may be safely deployed onsite if the resulting residue is recycled as scrap metal.
2. Takata-related airbag parts should be managed consistent with vehicle manufacturer instructions as set out in dealer recall notices or otherwise. If unclear how a vehicle manufacturer wants specific recalled Takata airbag part handled, contact them for clarification. Note: vehicle manufacturers should be compensating their dealers for the cost of proper recalled airbag parts management.
3. The interim final rule aims to help facilitate Takata airbag parts recalls by exempting dealerships from certain hazardous waste management mandates. Specifically:
 - Since dealerships are considered "airbag waste handlers" — not hazardous waste "generators" of waste airbag parts — they do not count toward one's monthly hazardous waste generator quantity.
 - No more than 250 parts may be accumulated at one time and for no more than 180 days.
 - Parts being shipped offsite must comply with hazmat shipping rules and be marked "Airbag Waste: Do Not Reuse." They must be shipped to a facility under a vehicle manufacturer's control or otherwise arranged pursuant to a recall, or to a permitted hazardous waste treatment, storage or disposal facility. Airbag waste shipment records must be kept for at least three years.

Important: laws in certain states may be stricter than those set out in the interim final rule.

Questions on this matter can be directed to regulatoryaffairs@nada.org or 703.821.7040.

