



ENVIRONMENTAL PROTECTION AND OVERSIGHT DIVISION  
HAZARDOUS MATERIALS MANAGEMENT BRANCH

GENERATOR GUIDANCE LETTER NO. 001

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MANAGING HAZARDOUS PRODUCTS IN  
RETAIL ESTABLISHMENTS

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A wide variety of retail establishments including grocery stores, home improvement stores, large department stores, pharmacy stores, convenience stores, discount stores, and automotive retailers have the potential to generate some amount of hazardous waste. Certain chemical products found in retail stores may be hazardous wastes upon disposal, and must be properly managed under the requirements of California Health & Safety Code (H&SC) Chapter 6.5, and California Code of Regulations (CCR) Title 22. Improper disposal of retail chemical products to the landfill is often the result of an inadequate hazardous waste management program and lack of knowledge in hazardous waste handling requirements. This document is intended to help retail store owners and operators understand the different options of handling consumer chemical products.

The challenge for retail stores is to properly identify and classify hazardous wastes. In most cases, a product becomes a waste when the store intends to discard the material. Chemical products are often disposed of in the trash or poured down the drain because either the containers are leaking or the products no longer have any value. Illegal disposal of hazardous waste is strictly prohibited by law. Hazardous wastes commonly found at retail establishments may pose a threat to public health or the environment. Non-leaking chemical products in their original packages that are intended to be returned to the original manufacturer for credit can be handled in a manner that may exclude those materials from hazardous waste requirements via one of the options described in the next page. However, **leaking chemical products, spilled chemicals, and absorbents used to clean up the spills must be managed as hazardous wastes at the store level and not transported back to an offsite location such as a distribution center to be sorted out and disposed of later.** For example, an aerosol can of insecticide with a missing or broken nozzle because it got dropped off the shelves must be handled as a hazardous waste at the store.

Some examples of chemical products found in a retail store:

- Batteries
- Garden supplies (eg. fertilizers, pesticides)
- Non-empty aerosol cans
- Latex or water-based paint
- Pool treatment chemicals
- Charcoal lighter fluid
- Cleaners (eg. ammonia, bleach, toilet and oven cleaners, floor polish)
- Compact fluorescent light bulbs and fluorescent light tubes
- Automotive care products (eg. Motor oil, coolant, fuel additives, parts cleaner, degreasers)
- Beauty products (eg. Nail polish remover, hair dye, perfume)
- Pharmaceutical products (eg. over-the-counter drugs, hydrogen peroxide)



## COMMERCIAL CHEMICAL PRODUCTS

### Surplus Materials CCR 66266.6

Surplus materials include any excess inventory of **unused** chemical products that could legally be either used onsite, donated, or sold to a third party vendor, such as a charity or discount store.

If the products are donated or sold to a third party vendor, document the types and quantities of products donated or sold, and ensure the products will be used in a manner for which they are commonly used. Only donate products that charitable organizations can use or sell.

If the product is used onsite, a store may be engaging in **speculative accumulation** activities if less than 75% of the product is not used in the last 12 months.

Surplus materials, if managed properly, are exempt from the requirements of CCR Title 22.

### Retrograde Materials CCR 66260.10

Retrograde materials must be **unused** chemical products which cannot be used or sold due to one or more of the following reasons:

- 1) The product has undergone chemical, biochemical, physical or other changes;
- 2) Exceeded a recommended shelf life;
- 3) Banned by law;
- 4) Other reasons of economics, health or safety environmental hazard.

If a store claims a product is retrograde, the store has 1 year after the product became retrograde to return it to the original manufacturer before it becomes a hazardous waste.

### Excluded Recyclable Materials H&SC 25143.2

This applies to chemical products that are sent back to the manufacturer to be **recycled** and reintroduced as raw material feedstock. An example of this is off-spec latex paint being returned to the same company's manufacturing plant as an ingredient to make a new product. Stores that claim this exemption must also comply with the labeling and Business Plan requirements described in H&SC 25143.9.

### Hazardous Waste

Chemical products in leaky, mislabeled, and/or unlabeled containers, spilled chemicals, and absorbent material used to clean up the spills must be managed as hazardous wastes at the store level and not disposed of in the trash, poured down the drain, or transported back to the distribution center.