

New EPA Rule on the Safe Management of Recalled Airbags Supplements July 2018 Memo

A newly-published interim final rule on the Safe Management of Recalled Airbags supplements EPA's June 2017 and July 2018 memoranda on the topic. Click [here](#) for copies of the Rule and memoranda.

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

1. Non-Takata recalled and non-recalled waste ("discarded" or no longer suitable for use) airbag modules may be safely deployed on-site if the resulting residue is recycled along with other scrap metal.
2. Takata-related airbag parts should be managed consistent with vehicle manufacturer instructions set out in dealer recall notices or otherwise. Dealerships unsure how a vehicle manufacturer wants a recalled Takata airbag part handled should 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. See generally, NADA's [A Dealer Guide to Federal Hazardous Waste Law](#). Specifically:
 - Since dealerships are considered "airbag waste handlers", not hazardous waste generators, with respect to waste airbag parts, they do not count toward a dealership'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 off-site must comply with hazmat shipping rules and must, in addition, be marked as: "Airbag Waste—Do Not Reuse".
 - Parts must be shipped to a facility under a vehicle manufacturer's control or one 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 3 years.

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

EPA will conduct a Dec. 6, 2018 [webinar](#) on the interim final rule. Questions on this matter may be directed to NADA Regulatory Affairs at regulatoryaffairs@nada.org or 703.821.7040.