



Filter Knowledge, Unfiltered

Technical Service Bulletin 94-7R11

Management of Used Oil Filters

The Filter Manufacturers Council (FMC) is composed of the companies listed in this bulletin. These firms manufacture the large majority of approximately 500 million oil filters sold annually in the United States. FMC has represented the industry in connection with the deliberations of the U.S. Environmental Protection Agency (EPA) involving whether used oil and used oil filters should be deemed "hazardous waste" under the federal environmental laws.

The Resource Conservation and Recovery Act (RCRA), as amended, provides that generators of waste materials are to determine whether those wastes are hazardous. That determination is made in one of two ways: (a) either the waste is specifically listed as hazardous, or (b) the generator, based upon testing or the generator's knowledge of the waste, should make the determination. Used oil has never been listed as hazardous. Under the law, therefore, generators of used oil and related products are required to apply their knowledge of the product, or test their specific waste streams, in order to determine whether they are hazardous. This requirement has been in effect for several years, although the nature of the test has changed. The test to be conducted is the Toxic Characteristics Leaching Procedure (TCLP).

In a significant easing of the regulatory requirements for generators of used oil filters, on May 20, 1992, the EPA decided that non-terne plated used oil filters which have been gravity hot-drained need not be tested to determine whether they are hazardous. Gravity hot-drained used filters will automatically be considered non-hazardous. There are various methods of gravity hot-draining these filters, including (1) puncturing the filter dome end and hot-draining, (2) hot-draining and crushing, and (3) dismantling and hot-draining. In addition, any other equivalent hot-draining method may be used. The length of time for draining is not specified, although testing has demonstrated that draining 12 hours is sufficient to remove excess used oil. At the very least, in order to enjoy this exemption from testing, no used oil should immediately leak or drip from a used filter which is picked up.

Terne-plated oil filters (used only in some heavy duty applications) were not included in the testing exemption because testing indicated that the metal components of some filters contain an alloy of lead and tin. Based on available TCLP testing data, filters with these lead and tin alloys were considered hazardous material. Terne-plated oil filters, therefore, remain in the same category they were in prior to May 20, 1992, requiring knowledge of the waste stream or a TCLP test.

(This does not necessarily mean, however, that all used terne-plated filters are hazardous. It is also noteworthy that used filters which are sent to be recycled under the scrap metal exemption are not considered to be hazardous waste. The generator, however, should assure itself that the used filters are being given to a legitimate recycler.)

The EPA exemption only includes non-terne-plated oil filters. Other filters (fuel, coolant, etc.) are not exempted. Thus, these filters are still subject to the RCRA determinations discussed above.

The FMC members understand the difficulties faced by users and disposers of oil filters in determining whether their filters are terne-plated, and therefore may need to be tested, or if they are non-terne-plated, and therefore automatically considered to be non-hazardous. While some manufacturers of heavy duty filters utilized terne in the past, all FMC members voluntarily eliminated terne from their manufactured oil filters by no later than January 1, 1993. Questions regarding whether specific oil filters are terne-plated should be directed to the filter manufacturer.

Interested persons are reminded that particular state regulations of the disposal of waste materials may differ from federal requirements. Thus, for example, California (among other states) considers used oil to be hazardous waste, and the testing exemption for non terne-plated oil filters may not apply in that or similar states. The FMC intends to work with the individual states to clarify state regulations, develop an appropriate, effective recycling infrastructure, and a list of companies providing filter management services in a particular state. Consult individual state or local agencies for information about their regulations.

General questions about treatment of filters, state regulations governing the disposal of used oil filters and the EPA exemption may be directed to the Council's Used Filter Hotline and online database at www.filtercouncil.org. Through this website, business and government generators of used oil filters can receive a summary of state disposal regulations and a list of companies providing filter management services in a particular state.

For additional information, contact:

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