



## **RE: Request for Interpretation: Inquiry Regarding Alternative Disposal Approval for PCB Bulk Product Waste Under TSCA**

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U.S. Environmental Protection Agency  
Program Implementation and Information Division  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RE: Request for Interpretation: Inquiry Regarding Alternative Disposal Approval for PCB Bulk Product Waste Under TSCA

To Whom it May Concern:

The National Demolition Association (NDA) represents nearly 500 U.S. and Canadian family-owned companies that offer standard demolition services as well as a full range of demolition-related services and products. NDA educates members on the latest advances in equipment and services, provides educational programs and tools to stay abreast of regulatory and safety matters and keeps regulators informed about issues in our industry. NDA also increases public awareness of the economic, environmental, and societal benefits of the demolition industry.

The demolition industry is integral to economic and community development throughout the United States, serving as a critical component of urban renewal initiatives and essential infrastructure projects. Through the safe removal of obsolete structures and the mitigation of structural and environmental hazards, demolition activities enable redevelopment and represent a pivotal stage in the lifecycle of cities and neighborhoods. The regulatory environment governing demolition activities is both complex and highly variable, with each industrial sector presenting distinct operational conditions and compliance requirements.

A significant component of this regulatory framework concerns the remediation and disposal of polychlorinated biphenyls (PCBs), a class of man-made chemical compounds that, although banned in 1979, remain prevalent in legacy electrical equipment, building materials, and dielectric fluids. As you are aware, except for inadvertent new production, PCBs are most commonly encountered during the demolition of antiquated equipment and structures or during the comprehensive remediation of contaminated properties.

Responsibility for identifying PCB-containing building materials generally rests with the property or building owner; however, demolition contractors assume responsibility for the proper, safe, and cost-effective abatement and disposal of identified PCB materials. As noted above, PCBs were historically used, among other things, as plasticizers in paints and caulks, as well as in pigments and dyes, and may therefore be present in a wide range of legacy construction materials. When such materials are designated for disposal and contain PCBs at concentrations of 50 ppm or greater, they are regulated as PCB bulk product waste under 40 CFR §761.62.

In order to comply with TSCA a demolition contractor must ensure the work is performed such that materials meeting the definition of a PCB bulk product waste are both segregated from non-PCB waste and disposed of in compliance with TSCA regulations. While this act may appear straightforward, when PCB-containing paint ( $\geq 50$  ppm) is present on structural steel within a multi-story building, the work becomes significantly more complex—creating hazardous, labor-intensive conditions that substantially increase both costs and the risk of safety incidents.

This inquiry revolves around the permissibility of torch cutting on paint or coatings that meet the definition of a PCB bulk product waste and is specific to an EPA response letter to ADI Technology cooperation (ADI) dated August 12, 1998 (**Attachment A**). The originating ADI letter is dated July 31, 1998 and requests review for among other things, the need to clean TSCA regulated PCB paint from the exterior hull of a Navy cruiser to a Visual Standard No. 3 commercial blast cleaned surface finish, prior to torch cutting. The EPA's response letter states:

*“Application of a cutting torch to PCBs-regulated for disposal results in thermal destruction of the PCBs which constitutes disposal. There is no specific provision in either the current regulations or the PCB Disposal Amendments allowing the disposal of regulated PCBs using a cutting torch. Therefore, either the cutting torch must be approved as a thermal disposal technology, or the cutting torch must not contact PCBs regulated for disposal.”*

*All PCB disposal approval options for a cutting torch would require submission of a disposal approval application to EPA in accordance with §761.60(e) of the current regulations, or §§761.62(c) or 761.79(h) of the PCB Disposal Amendments. The disposal approval application generally would have to include a demonstration of the technology and environmental sampling to evaluate fugitive releases and the effectiveness of the disposal.....”*

#### Questions:

1. Which avenue would be the preferred application pathway under §761.62(c) or §761.79(h)?
2. What technical demonstration does the EPA believe is necessary to support pursuit of an approved alternate disposal application?
3. If further demonstration of effectiveness of disposal is required, how would the demolition industry seek to gain permission to demonstrate acceptability and effectiveness of the disposal (as currently such work is prohibited)? In other words – would it be acceptable to perform torch cutting in a real world setting and obtain supporting data? Such scope would include appropriate PPE/ground coverings etc. to ensure protection of the environment and individuals perform the work.
4. What other demonstration of information would aid the EPA in approving an alternative disposal application to support the use of torch cutting to support the razing of equipment or structure containing paint or coatings meeting the definition of a PCB bulk product waste?



NDA respectfully requests a formal written response addressing the questions presented herein. We also welcome the opportunity to meet with the EPA to further discuss this issue and to provide any additional information that may assist the Agency in its evaluation. In addition, please see the accompanying attachments in support of this request.

Thank you for your consideration and NDA appreciates the EPA's continued engagement with the demolition industry on matters affecting regulatory compliance.

Please direct any correspondence regarding this request to NDA's Director of Government Affairs, Alex McIntyre, at [amcintyre@demolitionassociation.com](mailto:amcintyre@demolitionassociation.com).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lambert", is positioned below the word "Sincerely,".

Jeff Lambert  
Chief Executive Officer  
National Demolition Association (NDA)