



EPA Elects Not to Publicize Changes to S-846 Guidance

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EPA has revised its procedures for making certain changes to its “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” also known as SW-846. The test method and its compendium of guidance documents provide over 200 analytical methods for sampling and analysis of waste and other matrices. Most methods are intended as guidance, but others are required in the RCRA regulations for compliance purposes. Periodically, EPA amends or adds analytical protocols to SW-846 based on public comments or professional developments, and historically the changes have been published in the Federal Register for public review and comment.

The process for updating or publishing analytical methods that are required in the RCRA regulations has not changed. EPA will still publish notice of the same in the Federal Register. However, the process for adding non-regulatory methods and guidance to SW-846 has changed substantially. Now, only those interested parties who sign up for the SW-846 mailing list at <https://www.epa.gov/hw-sw846/forms/contact-us-about-hazardous-waste-test-methods> will receive notice of these changes.

Effective immediately, EPA will use the following multi-step process in deciding whether to adopt non-regulatory methods and guidance.

Step No. 1: Post new methods on the “Validated Methods” Web page after internal review by EPA working groups;

Step No. 2: Notify the “SW-846 Analytical Community” (including those on the SW-846 mailing list) of a 30 day comment period;

Step No. 3: Post the new/revised Method on the “Validated Methods” Web page at <https://www.epa.gov/hw-sw846/validated-test-methods-recommended-waste-testing>

Step No. 4: Email notification of the new/revised Method to those on the SW-846 mailing list.

EPA refers to this change as a “streamlined” process that will allow the agency to respond more efficiently to emerging contaminants and scientific advancements. However, critics complain it is another effort to minimize public participation by the regulated community.

81 Fed. Reg. 66272 (Sept. 27, 2016).

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