

Automotive Airbag Exemptions

Guidance on Hazardous Waste Requirements



Introduction

Vehicles can be equipped with both frontal and side air bags units which are designed to deploy or inflate during moderate to severe crashes to protect the driver and passengers. Frontal air bags have been standard in vehicles for over 20 years. Undeployed air bags can present safety and environmental hazards if they are not properly handled. For example, undeployed air bags may inadvertently deploy when untrained workers dismantle a vehicle.

Hazardous waste regulations are found in chapters [NR 600-679](#) of the Wisconsin Administrative Code.

These airbag units contain a sensor, an inflator system and the airbag. The inflator system contains a chemical propellant, an ignitor and a booster that generates a gas and fills the air bag when it deploys. Most airbag inflators use oxidizers, and therefore when discarded would meet the definition of ignitable hazardous waste. Due to the propellant components, discarded airbag modules and airbag inflators meet the definition of reactive hazardous wastes. [ss. NR 661.21(1)(d)) and NR 661.23(1)(f), Wis. Adm. Code]

Airbag waste handlers are exempt from hazardous waste requirements provided certain conditions are met. The exemption applies to the generation and accumulation of airbag waste at the airbag waste handler location and during transport to an airbag waste collection facility or designated facility. Once collected at the airbag waste collection facility, the airbag waste must be managed as hazardous waste and must be sent to a Resource Conservation and Recovery Act designated facility.

This document outlines the management requirements to meet this voluntary exemption. Airbag waste generators may choose to continue to manage their airbag waste as hazardous waste. [s. NR 661.0004(10), Wis. Adm. Code]

Definitions

Airbag inflator: refers to a device that consists of a casing containing an ignitor, a booster material and a gas generant, which is used to inflate the airbag in an airbag unit.

Airbag module: refers to the airbag inflator plus an inflatable bag assembly.

Airbag waste: means any hazardous waste airbag module or hazardous waste airbag inflator. [s. NR 660.10(3t), Wis. Adm. Code]

Airbag waste handler: means any person, by site, who generates airbag waste that is subject to regulation under s. NR 661.0004(10), Wis. Adm. Code. Airbag waste handlers can include automobile dealerships, automotive salvage and scrap yards, independent repair facilities and collision centers. [s. NR 660.10(3y)]

Airbag waste collection facility: means any facility that receives airbag waste from an airbag waste handler, and accumulates the waste for more than 10 days. [s. NR 660.10(3w), Wis. Adm. Code]

Designated facility: means a hazardous waste treatment, storage or disposal facility which is one of the following: [s. NR 660.10(21), Wis. Adm. Code]

1. Has received a license (or interim license) according to ch. NR 670, Wis. Adm. Code.
2. Has received a permit (or interim permit) from a state authorized according to 40 CFR part 271.
3. Is regulated under s. NR 661.0006(3)(b) or subch. F of ch. NR 666, Wis. Adm. Code.

Exemption Criteria for Airbag Wastes

Airbag waste handlers are exempt from hazardous waste requirements provided certain conditions are met. These conditions of exemption are modeled after current industry practices and are designed to ensure that the exempted airbag wastes are managed safely, including appropriate destruction of the units so they are not diverted back into vehicles.

It is important to note that all conditions of the airbag waste exemption must be met in order to qualify for the exemption. If any of the conditions of the airbag waste exemption are not met, then the airbag wastes are a hazardous waste and are subject to full Subtitle C regulation under RCRA, including all applicable requirements of chapters NR 660 to 679, Wis. Adm. Code.

Reuse of defective airbag modules or defective airbag inflators subject to a recall under the National Highway Traffic Safety Administration in vehicles is considered sham recycling and prohibited. [s. NR 661.0002(7)]

All of the following conditions must be met to operate under the exemption in s. NR 661.0004(10), Wis. Adm. Code:

1. No more than 250 waste airbag modules or airbag inflators, combined, can be accumulated at one time.
2. The airbag waste can be accumulated no more than 180 days.
3. Airbag waste must be labeled as "Airbag Waste-Do Not Reuse."
4. Airbag waste must be packaged in a container designed to address the risk posed by the airbag waste (containers that meet U.S. Department of Transportation requirements for shipping airbag modules or airbag inflators per 49 CFR part 173).
5. The airbag waste must be sent directly to one of the following facilities:
 - a. An airbag waste collection facility in the United States under the control of a vehicle manufacturer or its authorized representative, or under the control of an authorized party administering a Remedy program in response to a recall under the National Highway Traffic Safety Administration.
 - b. A designated facility [s. NR 660.10 (21), Wis. Adm. Code]
6. The transport of the airbag waste must comply with all applicable U.S. DOT regulations under 49 CFR parts 171 through 180 during transit.
7. The airbag waste handler must maintain, at the handler facility, records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility. Records must be maintained for a minimum of three years. For each shipment, these records must, at a minimum, contain:
 - a. the name of the transporter;
 - b. date of the shipment and the date received at the collection or designated facility;

- c. name and address of receiving facility; and
 - d. type and quantity of airbag waste in the shipment.
8. Once the airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste regulations, and the facility receiving airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste regulations and must comply with the requirements under ch. NR 662, Wis. Adm. Code.

Shipping records and confirmations of receipt must be made available for inspection. Documentation requirements may be satisfied by routine business records, such as electronic or paper financial records, bills of lading, copies of U.S. DOT shipping papers, or electronic confirmations of receipt.

Other Exemptions for Airbags

Below is a summary of other RCRA exemptions and exclusions that, in addition to s. NR 661.0004(10), Wis. Adm. Code, may apply to airbag waste. Additional information on these provisions can be found in U.S. Environmental Protection Agency memos dated June 23, 2017, *Recalled Takata Airbag Inflators*, and July 19, 2018, *Regulatory Status of Airbag Inflators and Fully Assembled Airbag Modules*. These memos are available for download on the EPA's website:

<https://rcrapublic.epa.gov/rcraonline/index.xhtml>

- Recalled airbag modules and airbag inflators that are subject to a U.S. DOT preservation order or similar legal hold are not considered solid waste *while they remain subject to such an order*, and therefore are not hazardous waste until the order is lifted.
- Unused airbag modules and airbag inflators that fail quality assurance/quality control programs and are never installed in vehicles for sale are off-specification commercial chemical products and are not solid waste when legitimately reclaimed and not discarded. [s. NR 661.0002(3)(a), Wis. Adm. Code]
- Used airbag modules and airbag inflators (i.e., airbag items that were installed in a vehicle for sale) that can be legitimately reused are still considered to be a product (i.e., not yet a spent material under s. NR 661.0002(3)(c), Wis. Adm. Code) unless discarded.

Recalled airbags cannot be legitimately reused; such reuse is considered sham recycling under s. NR 661.0002(7), Wis. Adm. Code.

- Airbag modules (recalled and non-recalled) installed in cars and remaining in the car when it is recycled as scrap metal are considered part of the vehicle and exempt scrap metal when legitimately recycled. [s. NR 661.0006(1)(c)2., Wis. Adm. Code]

Undeployed airbags are not recommended to undergo the vehicle recycling (shredder or crusher) process as they may react explosively when exposed to heat in an auto shredder. The best management practice is to remove all of the undeployed airbag units before crushing or recycling vehicles. The department recommends that airbags be removed or deployed only by trained technicians and using appropriate safety protection.

- Used airbag modules (not inflators) removed from vehicles that can safely undergo electronic deployment prior to recovery of metal are considered exempt scrap metal when electronically deployed and legitimately recycled for metal value. [NR 661.0006(1)(c)2., Wis. Adm. Code]

Modules containing airbag inflators recalled due to a potential shrapnel-producing defect (e.g., Takata airbag inflators) are not considered to be able to safely undergo electronic deployment.

DNR Contact information

For more information including [publications, inspection forms, and administrative codes and statutes](#), go to dnr.wi.gov and search “hazardous waste resources.” Use the *Additional Resources* menu to navigate to specific topics. For staff contact information, go to the [staff directory](#), enter “hazardous waste requirements” in the subject field and choose the appropriate county contact.

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