

CHAPTER 455F

HOUSEHOLD HAZARDOUS MATERIAL

Referred to in [§455A.6](#), [455E.11](#)

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455F.1 Definitions.

As used in [this chapter](#) unless the context otherwise requires:

1. “*Commission*” means the state environmental protection commission.
2. “*Department*” means the department of natural resources.
3. “*Household hazardous material*” means a product used for residential purposes and designated by rule of the department of natural resources and may include any hazardous substance as defined in [section 455B.411, subsection 2](#); and any hazardous waste as defined in [section 455B.411, subsection 3](#). However, “*household hazardous material*” does not include noncaustic household cleaners, laundry detergents or soaps, dishwashing compounds, chlorine bleach, personal care products, personal care soaps, cosmetics, and medications.
4. “*Manufacturer*” means a person who manufactures or produces a household hazardous material for resale in this state.
5. “*Regional collection center*” means a secured facility at which collection, sorting, and packaging of household hazardous materials and hazardous materials from conditionally exempt small quantity generators are accomplished prior to transportation of these materials to the final disposal site. Regional collection centers have regular hours during which the public may drop off hazardous materials. A regional collection center may be a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan.
6. “*Residential*” means a permanent place of abode, which is a person’s home as opposed to a person’s place of business.
7. “*Retailer*” means a person offering for sale or selling a household hazardous material to the ultimate consumer, within the state.
8. “*Satellite facility*” means a secured facility at which collection and storage of household hazardous materials and hazardous materials from conditionally exempt small quantity generators are accomplished prior to transportation of these materials to a regional collection center. A satellite facility has a written contract with a regional collection center for the removal of collected household hazardous materials. A satellite facility may be operated by a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan. A satellite facility is available for public drop off of household hazardous materials either during regularly scheduled hours or by appointment.
9. “*Wholesaler*” or “*distributor*” means a person other than a manufacturer or manufacturer’s agent who engages in the business of selling or distributing a household hazardous material within the state, for the purpose of resale.

[87 Acts, ch 225, §501](#); [97 Acts, ch 191, §1](#); [2016 Acts, ch 1010, §3 – 5](#)

455F.2 Policy statement.

It is the policy of this state to educate Iowans regarding the hazardous nature of certain household products, proper use of the products, and the proper methods of disposal

of residual product and containers in order to protect the public health, safety, and the environment.

[87 Acts, ch 225, §502](#)

455F.3 Repealed by 97 Acts, ch 191, §4.

455F.4 Consumer information booklets. Repealed by 2016 Acts, ch 1010, §11.

455F.5 Rules.

The commission shall adopt rules to implement the programs established pursuant to [this chapter](#).

[87 Acts, ch 225, §505](#); [2016 Acts, ch 1010, §6](#)

455F.6 Duties of the department.

The department shall:

1. Designate products which are household hazardous materials and, based upon the designations and in consultation with manufacturers, distributors, wholesalers, and retailer associations, develop a household hazardous product list for the use of retailers in identifying the products.

2. Enforce the provisions of [this chapter](#) and implement the penalties established.

[87 Acts, ch 225, §506](#); [88 Acts, ch 1169, §14](#); [2016 Acts, ch 1010, §7](#)

455F.7 Household hazardous materials permit.

1. A retailer offering for sale or selling a household hazardous material shall have a valid permit for each place of business owned or operated by the retailer for this activity. All permits provided for in [this section](#) shall expire on June 30 of each year. Every retailer shall submit an annual application by July 1 of each year and a fee of twenty-five dollars to the department of revenue for a permit upon a form prescribed by the director of revenue. Permits are nonrefundable, are based upon an annual operating period, and are not prorated. A person in violation of [this section](#) shall be subject to permit revocation upon notice and hearing. The department shall remit the fees collected to the household hazardous waste account of the groundwater protection fund. A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by [this section](#).

2. A manufacturer or distributor of household hazardous materials, which authorizes retailers as independent contractors to sell the products of the manufacturer or distributor on a person-to-person basis primarily in the customer's home, may obtain a single household hazardous materials permit on behalf of its authorized retailers in the state, in lieu of individual permits for each retailer, and pay a fee of twenty-five dollars. However, a manufacturer or distributor which has gross retail sales of three million dollars or more in the state shall pay an additional permit fee of one hundred dollars for each subsequent increment of three million dollars of gross retail sales in the state, up to a maximum permit fee of three thousand dollars.

[87 Acts, ch 225, §507](#); [88 Acts, ch 1169, §15](#); [2003 Acts, ch 145, §286](#); [2013 Acts, ch 90, §111](#)

Referred to in [§455E.11](#)

455F.8 Household hazardous materials program created.

The department shall conduct programs to promote the proper management of household hazardous materials collected from residents and conditionally exempt small quantity generators.

[87 Acts, ch 225, §508](#); [90 Acts, ch 1255, §32](#); [2016 Acts, ch 1010, §8](#)

455F.8A Household hazardous material regional collection centers and satellite facilities.

1. *a.* The department shall establish a competitive grant program to assist in the development of permanent household hazardous material regional collection centers and satellite facilities.

b. The grant program shall provide for the establishment of permanent collection facilities so that both rural and urban populations are served.

c. The department shall develop criteria to evaluate proposals for the establishment of permanent collection facilities. The criteria shall give priority to proposals for permanent collection facilities which provide the most efficient services and which provide local, public, and private contributions for establishment of the permanent collection facilities. The criteria shall also include a requirement that the recipient of a grant design and construct a facility sufficient for the collection, sorting, and packaging of materials prior to transportation of the materials to the final disposal site. Final review of design and construction of the proposed facilities shall be by the department.

d. The recipients of grants shall provide for collection of hazardous wastes from conditionally exempt small quantity generators in the area of the facility established. The facility shall require payment for collection from conditionally exempt small quantity generators if the amount of waste disposed is greater than ten pounds. Conditionally exempt small quantity generators which deliver their hazardous wastes to a permanent collection facility shall not be required to obtain a permit to transport the hazardous waste to the permanent collection facility.

2. An owner or operator of a collection facility which provides for the collection and disposal of household hazardous materials as part of an approved comprehensive plan pursuant to [section 455B.306](#) shall be eligible for reimbursement moneys pursuant to [section 455E.11, subsection 2, paragraph "a", subparagraph \(2\), subparagraph division \(e\)](#). The department shall develop eligibility criteria for the receipt of such reimbursement moneys.

[90 Acts, ch 1255, §33; 2005 Acts, ch 33, §1; 2009 Acts, ch 41, §263; 2016 Acts, ch 1010, §9](#)

455F.8B Local government education programs. Repealed by 2016 Acts, ch 1010, §11.

455F.9 Public information and education program.

The department shall implement a public information and education program regarding the proper management of household hazardous materials. The program shall provide appropriate information concerning the reduction in use of the materials, including the purchase of smaller quantities, selection of alternative products, and proper disposal. The department shall also develop and provide to a retailer upon request, at departmental expense, consumer brochures which provide information about household hazardous materials. The retailer shall distribute the brochures without charge to customers upon request. The department shall cooperate with existing educational institutions, the household product industry, distributors, wholesalers, and retailers, and other agencies of government and shall enlist the support of service organizations, whenever possible, in promoting and conducting the program in order to effectuate the household hazardous materials policy of the state.

[87 Acts, ch 225, §509; 97 Acts, ch 191, §3; 2016 Acts, ch 1010, §10](#)

455F.10 Penalty.

Any person violating a provision of [this chapter](#) or a rule adopted pursuant to [this chapter](#) is guilty of a simple misdemeanor.

[87 Acts, ch 225, §510](#)

455F.11 Recycling and reclamation programs. Repealed by 2016 Acts, ch 1010, §11.