

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 6 1991

Mr. Stanley Abramson, Esq.
King & Spalding
1730 Pennsylvania Avenue, N.W.
Washington, DC 20006-4706

Dear Mr. Abramson:

I am writing in response to your letters of April 10, 1991, and May 9, 1991, in which you request to meet with me on behalf of your client, General Motors Corporation (GM). The proposed meeting would concern your request for an exemption to export small Polychlorinated Biphenyl (PCB) capacitors and other small electrical components containing PCBs.

These PCB components, as described in your April 10, 1991 letter, do not currently require an exemption in order to distribute them in commerce for export for the purpose of re-use. The export of these components (≥ 50 ppm PCB) for disposal rather than re-use, is banned pursuant to the Closed Border Policy published in the Federal Register of May 1, 1980 (45 FR 29115). I understand that GM is currently in the process of providing EPA Region V with a response to a June 18, 1991 subpoena that requests, in part, documentation showing that the PCB components in question are being distributed in commerce for the purpose of re-use and not for the purpose of disposal.

An Export Notice pursuant to the Toxic Substances Control Act (TSCA) §12(b) and 40 CFR §707.60(c) must be submitted to EPA prior to the export of the small PCB capacitors described in your letter. Since this requirement is fairly straight-forward, the meeting that you propose is unnecessary.

This letter only addresses the requirements under TSCA, and is not responsive to the requirements imposed by other federal statutes, state laws or local provisions. Likewise, this letter does not address Canadian regulations governing the import of PCBs. In the event that the Canadian authorities prohibit further distribution of the PCB components once they enter Canadian territory, these items would be prohibited from returning to the United States pursuant to the TSCA ban on manufacture (import) of PCBs (TSCA §6 and §3) and the EPA Closed Border Policy.

LYNNE:DSL/OTS-EED-CRB/7-31-91/x23967/RM.118NE/DISK:DIANEL/DOC:export for reuse
FILES:EED/CRB/CHRON READING/SUBJECT:ltr to Abramson from Greenwood, 761.20 (c)

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CONCURRENCES

SYMBOL	TS 798	TS-798	TS 798	LE 132P	LE 134P	EN 342	TS-798	TS-792
SURNAME	Lynne	Keya	Bay	Jennine	Jacobs	Nelson	Byron	Blanch
DATE	7/17/91	7/18/91	7/18/91	7/18/91	7/19/91	7/26/91	8/2/91	8/2/91

Hand Walker



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WASHINGTON, D.C. 20460

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OFFICE OF
PESTICIDES AND TOXIC
SUBSTANCES

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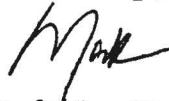
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In consideration of your February 5, 1991 letter to the Department of Justice, EPA may propose a rule clarifying the Agency's intent with regard to export of PCBs and PCB Items. Until a rule is promulgated, EPA will meet with various industry groups to discuss voluntary pollution prevention measures to ensure that the export of PCB Items for use, such as transformers and large capacitors, is conducted in an environmentally sound manner. Should your client seek to export PCB Items other than small capacitors as described in your April 10, 1991 letter, I would encourage you to contact me to discuss this issue further.

If you have further questions regarding this letter, please direct them to Diane Lynne at (202) 382-3967 or Tom Simons at (202) 382-3991.

Sincerely,



Mark A. Greenwood
Director
Office of Toxic Substances

cc: Ms. Susan Perdomo
U.S. EPA, Region V, Office of Regional Counsel

Mr. Sam Boxerman
U.S. Department of Justice

Mr. Michael J. Walker
U.S. EPA, Washington, D.C.