

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OCT 8 1991

Walter T. Peters, Jr.
 Vice President
 Environ/Tec Corp.
 P.O. Box 429
 Bordentown, NJ 08505

Dear Mr. Peters:

This is in response to your letter of September 9, 1991 in which you request a clarification of the laws regarding the export of transformers. In particular, you would like to export from the United States (U.S.) used and faulty transformers for re-conditioning and re-use in Panama.

The Environmental Protection Agency (EPA) has concluded that the export for re-use of certain equipment containing greater than 50 parts per million (ppm) PCBs does not require an exemption if it was sold before July 1, 1979 for purposes other than resale and was distributed in commerce in a totally enclosed manner (40 CFR 761.20(c)(1)). As your letter indicates, the transformers you propose to export for re-use are "used and faulty" which leads EPA to question whether the transformers can be distributed in commerce in a totally enclosed manner. In addition, if the act of re-conditioning the transformers at greater than 50 parts per million (ppm) in Panama will involve the disposal of any fluid in the transformer or any piece(s) of the transformer, the export of the transformers is prohibited. Only PCBs at concentrations of less than 50 ppm may be exported for disposal (40 CFR 761.20(b)(2)).

As you know, we impose a number of use and disposal restrictions on this type of electrical equipment in the U.S. These restrictions, however, do not exist in many of the countries that might receive such items. Without such restrictions, we are concerned about the potential risks associated with improper placement of the equipment in use locations (e.g., locations near food or feed), improper maintenance during use, and the ultimate unsafe disposal of the PCBs contained in the equipment.

T. SIMONStggs/OTS-EED-CRB/10-02-91/TS-798/382-3991/Rm.NE118/Disk#7:B:ENVIRON.EXP
 FILES:EED/CRB CHRON READING/SUBJECT: Export of transformers to Panama for re-use

CONCURRENCES

SYMBOL	B-798	EN-342	LE-132P	LE-134P	TS-798		
SURNAME	Simon	Sweet	Servino	Ambrosini	Byrnes		
DATE	10/2/91	10/2/91	10/3/91	10/4/91	10/7/91		

The EPA strongly suggests that prior to export, assuming the transformers are distributed in commerce in a totally enclosed manner and no disposal as a result of the reconditioning activity will occur in Panama, the equipment be drained and flushed to ensure that the PCBs in the transformer are not improperly disposed of.

If you have any further questions or comments concerning this matter, you may contact Tom Simons of my staff at 202-260-3991.

Sincerely,



Tony Baney, Chief
Chemical Regulation Branch

cc: PCB Coordinator, Region II
M. E. Levine, OGC
C. Secrest, OCM
H. Ambrosino, OE