



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C., 20460

JUL 31 2000

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

The Honorable David Anderson
Minister of the Environment
Environment Canada
Ottawa, Ontario
Canada K1A0H3

Dear Minister Anderson:

I am writing in response to your May 22, 2000 letter to EPA Administrator Carol M. Browner in which you requested EPA's assistance in returning to the United States the hazardous waste shipments that have been stranded in Canada. As the Agency official responsible for managing the PCB program, the Administrator asked that I respond to you on this issue. We share your interest in and commitment to ensuring the continued safe movement of hazardous wastes across our common border. As you noted, U.S. Federal courts have interpreted the Toxic Substances Control Act (TSCA) in a manner which limits EPA's ability to allow the import of PCBs. The Court's strict statutory interpretation continues to be discussed in both the executive and legislative branches of the U.S. government.

Nonetheless, we believe the existing regulations provide an immediate solution to this particular problem. After a review of the PCB regulations (specifically Title 40 of the Code of Federal Regulations, part 761, section 99) promulgated under TSCA, we have determined that these shipments can be returned to the United States for disposal. Neither the U.S. nor the Canadian facilities were authorized to export or receive PCB wastes at the time of shipment. As a result, the initial shipments to the Canadian facilities may have been inadvertent errors on the part of the generators or intentional violations of the TSCA ban on the export of PCBs. The procedures for returning the hazardous waste shipments are furnished in the enclosure.

Please accept my apology for the delay in finding a viable solution for returning the waste shipments to the United States. If you would like to discuss this issue further, please contact me. For details on returning shipments of PCB-contaminated wastes, please have your staff contact Peter Gimlin at (202) 260-3972. Mr. Gimlin is in my Office of Pollution Prevention and Toxics.

Sincerely,

A handwritten signature in cursive script that reads "Susan H. Wayland".

Susan H. Wayland
Acting Assistant Administrator

Enclosure