



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

August 20, 2020

MEMORANDUM

SUBJECT: Statement About Signing Paper Hazardous Waste Manifests During the COVID-19 Public Health Emergency

FROM: Peter C. Wright, Assistant Administrator
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TO: All Governmental and Private Sector Partners

On May 18, 2020, the U.S. Environmental Protection Agency issued a memorandum entitled [COVID-19 Implications for Signing Paper Hazardous Waste Manifests](#) (Temporary COVID-19 Manifest Signature Policy), a temporary policy regarding how handlers of hazardous waste can address generator signatures on paper hazardous waste manifests during the COVID-19 public health emergency. This policy was retroactive to March 13, 2020, and supplemented and incorporated by reference EPA's temporary enforcement policy, issued on March 26, 2020, entitled [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program](#) (Temporary COVID-19 Enforcement Policy). Since that time, EPA announced that the *Temporary COVID-19 Enforcement Policy* terminates on August 31, 2020 (see [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program: Addendum on Termination](#)). Thus, the *Temporary COVID-19 Manifest Signature Policy* also expires on August 31, 2020. However, EPA is extending the *COVID-19 Manifest Signature Policy* in light of some states experiencing an increase in COVID-19 cases following efforts to reopen.

EPA has been contacted by handlers of hazardous waste regarding the anticipated need for continued social distancing for regulated parties obtaining "wet" signatures on paper hazardous waste manifests. According to these handlers, they are conducting hazardous waste operations in states and localities with some of the highest rates of COVID-19 cases in the country. Thus, they believe continued social distancing is necessary to protect truck drivers and facility personnel and strongly urge EPA to continue allowance of the COVID-19 signature substitute policy for paper hazardous waste manifests. Therefore, EPA has determined that the approach set forth in the *Temporary COVID-19 Manifest Signature Policy*, as modified in this statement on manifest signatures, should continue to be available.¹ This statement on manifest signatures is in effect until November 30, 2020, which is also the expiration date of the

¹ The exercise of enforcement discretion pursuant to the *Temporary COVID-19 Enforcement Policy* and the *COVID-19 Implications for Signing Paper Hazardous Waste Manifests* memoranda applies to noncompliance with the signature requirement for paper hazardous waste manifests for the period from March 13 through August 31, 2020. See *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program: Addendum on Termination*, at 2.

emergency Information Collection Request for this statement. If, however, EPA intends to terminate this statement prior to that date, the agency will post a notification at www.epa.gov/e-manifest at least seven days prior to terminating this temporary statement.

This temporary statement contains three changes from the *Temporary COVID-19 Manifest Signature Policy*: (1) shortening the phrase transporters or designated facilities should write in Box 15, for generator signature, to address space limitations on the manifest form; (2) changing the reference to the EPA policies about signatures on manifests during the COVID-19 public health emergency in the generator's signature substitute; and (3) removing language referencing the *Temporary COVID-19 Enforcement Policy* regarding how generators and transporters should maintain documentation.

On a case-by-case basis, EPA will exercise its enforcement discretion for noncompliance with the signature requirement on paper hazardous waste manifests for the period covered by this statement and resulting from social distancing efforts due to the COVID-19 public health emergency, as provided in this statement. As part of EPA's case-by-case evaluation, EPA will consider the waste handler practices described below to be appropriate behavior in response to the inability to obtain a signature on a paper hazardous waste manifest. Generators and transporters should maintain appropriate documentation demonstrating behavior consistent with this statement.

Signing Paper Hazardous Waste Manifests During the COVID-19 Public Health Emergency

Handlers of hazardous waste continue to express concern with the customer interaction necessary to obtain the generator's signature on the manifest and have requested that transporters be allowed to sign the name of the generator on the manifest to maintain social distancing during the COVID-19 public health emergency. This statement applies only to generator signatures required on the Uniform Hazardous Waste Manifest, EPA form 8700-22/22A, as applicable by either federal law or federally authorized RCRA requirements where the transporter needs to obtain the generator's signature on the manifest but cannot certify compliance with applicable pre-transportation requirements.²

1. Transporters should consider the following practices: If obtaining a generator signature on a paper manifest is not reasonably practicable, entities can use the electronic manifest (e-Manifest). To obtain an e-Manifest account, please refer to the e-Manifest user registration webpage at <https://www.epa.gov/e-manifest/e-manifest-user-registration>.
2. If the electronic manifest is not a viable option, then the following steps should be taken:
 - a) The transporter should write the name of the generator in Box 15 and, under "Signature," should write "COVID-19 signature substitute," or abbreviated as "COVID-19 sig. sub.," if insufficient space in the box;
 - b) The generator should provide a signature substitute in a(n) cell phone text message, email, or hard copy letter mailed to the transporter and designated facility. The generator should use

² EPA already allows transporters to sign EPA form 8700-22/22A in lieu of the generator as an offeror of the shipment, if the transporter can certify compliance with all applicable pre-transportation requirements at the time the hazardous material is staged for loading, and the waste has been properly packaged, marked, and labeled and is in proper condition for transportation.

one document/transmittal to cover all manifest activities per transporter/designated facility throughout the duration of this temporary policy³; and

- c) The transporter or designated facility should write in Box 14 of the manifest **“documentation for generator signature substitute available upon request.”** Generators and transporters taking the steps outlined above should maintain this documentation for three years from the last shipment needing a signature substitute.

³ The generator’s signature substitute is a cell phone text message, an email, or a hardcopy letter that authorizes the generator’s signature on Box 15 of the hazardous waste manifest. An example of this language for the cell phone text message, email, or hardcopy letter is: “I authorize my signature for Box 15 of the Uniform Hazardous Waste Manifest, EPA form 8700-22/22A, for Generator/Offeror’s Certification for all hazardous waste shipments with [transporter company name] as transporter and [designated facility company name] as designated facility during the time of EPA’s policies regarding signature of hazardous waste manifests during the COVID-19 public health emergency.”