Importing RCRA Hazardous Waste
(40 CFR 262 Subpart H)

Pre-Shipmen t Requirements

EPA or Country of Export

US Importer or US Recovery Or Disposal Facility (TSDF)

Foreign Source Shipping to US

Foreign or US Transporters

Flowchart key

Foreign source decides to export hazardous waste to US for recovery or disposal

Contracts or equivalent legal arrangements established between all parties (e.g., exporter, importer, receiving facility) that are legally enforceable in all concerned countries to ensure compliance with requirements in all concerned countries [§262.84(f)]

US recovery or disposal facility agrees to accept hazardous waste from foreign source;

US importer must have EPA ID Number prior to arranging for import [§262.18(e)]

If hazardous waste export, foreign exporter sends notice to its competent authority proposing export to US for recovery or disposal

If not hazardous waste export, US Importer must submit export notice directly to EPA for consent to the proposed import [§262.84(b)]

Country of export sends copy of notice to EPA and any listed countries of transit (transit includes stops at ports)

EPA reviews notice to determine whether to:
- consent (if hazardous and proposed management acceptable),
- object (if hazardous but proposed management not acceptable), or
- neither consent nor object (if not RCRA hazardous waste)

EPA sends out:
- Final response (e.g., consent, object) to country of export or US importer; and
- If response is consent, consent documentation (i.e., cover letter and copy of foreign notice) to US recovery or disposal facilities listed in notice
Import Shipment Requirements

Foreign source (or US importer if not haz waste export) prepares the international movement document for each shipment and provides to initial transporter.

Transporters sign and date the international movement document when accepting custody of the shipment from another transporter.

Shipment enters United States.

Is shipment disrupted before it enters US?

US importer assumes generator responsibilities, including initiating RCRA manifest unless waste exempted (e.g., SLABS and universal waste) and submitting exception reports as required (e.g., if shipment rejected by US recovery or disposal facility or lost somewhere between US border and US recovery or disposal facility). [§262.10(e)]

Transporters sign and date RCRA manifest, if manifested, and the international movement document, and deliver shipment to US recovery or disposal facility. [§262.84(c), §262.84(d)(2)(xv)]

Does US facility accept or reject shipment?

If shipment rejected, US facility must inform foreign exporter and EPA (should also inform US importer, Regional EPA and state agency). The person specified in the contract assumes responsibility for locating an acceptable alternate location in the US or arranging the return of the hazardous wastes. [§262.84(f)(4)]

For manifested import shipments, after consulting with the responsible person specified in the contract, the importer must instruct the transporter to designate another facility within the United States or return the hazardous waste to the foreign exporter and revise the manifest in accordance with the importer’s instructions. [§262.84(c)(5)]

For manifested shipments, US importer submits exception report noting rejection of import shipment and subsequent redirection or return. [§262.42]

If shipment accepted, US facility:
- Sends copy of signed and dated international movement document within 3 days of receipt to foreign exporter, to countries of export and transit, and starting on electronic import-export reporting compliance date, to EPA. [§262.84(d)(2)(xv), §264.71(d)]
- Matches RCRA manifest, if manifested, with relevant consent documentation from EPA on file, adds consent numbers for each listed waste onto manifest, sends copy of RCRA manifest within 30 days of receipt to EPA until it can send manifest to e-manifest system. [§264.71(a)(3)]

For manifested import shipments, after consulting with the responsible person specified in the contract, the importer must instruct the transporter to designate another facility within the United States or return the hazardous waste to the foreign exporter and revise the manifest in accordance with the importer’s instructions. [§262.84(c)(5)]

US facility completes shipment recycling or disposal, must send confirmation of recovery or disposal no later than 30 days after completing recovery AND no later than 1 year from receipt of shipment to foreign exporter, to the country of export, and starting on electronic import-export reporting compliance date, to EPA. [§262.84(g), §264.12(a)(4)(i)]

US facility submits biennial report noting import shipments as required. [§264.75(c)] If LQG, US importer submits biennial report noting imported and domestically generated wastes. [§262.41]