

Environmental Enforcement Workshop

Trans-boundary Import/Export Compliance

Hazardous Waste Import-Export Program



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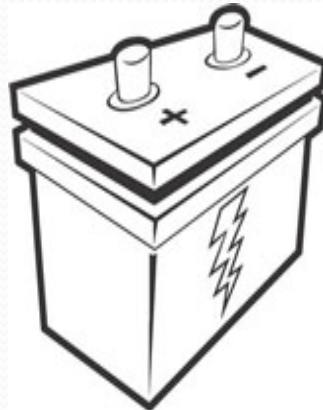
Hazardous Waste Import-Export Program *Principles*

- Control over transboundary movement of hazardous waste is foreign policy function of U.S. Government
- Sovereign nations are given *Prior Informed Consent* before shipments occur.
- RCRA domestic principle of *cradle-to-grave tracking* also applies to borders.
 - Port entry/departure determines jurisdiction.
 - Other countries follow similar principle.
 - Total supply chain integrity is critical.



Scope of Hazardous Waste Import-Export Program

- Imports/exports/transits of hazardous waste
- *Exports* of Cathode Ray Tubes (**CRTs**)—notification qualifies for *conditional exemption* from HW rules
- *Exports* of Spent Lead Acid Batteries (**SLABs**) and Universal Wastes—hazardous waste rules for notices, annual reports



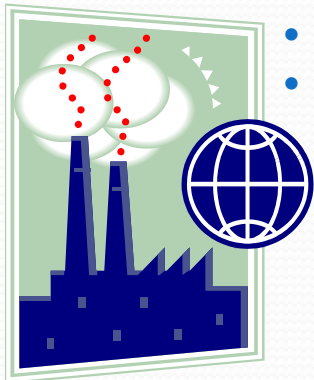
Framework of Hazardous Waste Import-Export Program

- U.S. Government does not belong to Basel Convention (UNEP)—world treaty.
- Instead, international, bilateral agreements control with Mexico, as well as Canada and OECD countries



Hazardous Waste — *Imports*

- Imports— domestic authority exercised from point of arrival
- Annual notice and consent
 - for one or more shipments
 - by agreement with other countries (not RCRA requirement)
- Import consent documentation
 - provided by EPA to destination treatment/storage/disposal facility (TSDF) listed in the foreign notice
 - must be matched to import manifests by TSDF for tracking
- Import manifest and TSDF:
 - Manifest must identify importer, foreign generator
 - TSDF must provide import manifest along with import consent documentation to EPA within 30 days of arrival
- One-time notice from receiving facility to EPA Regional Office
 - at least 28 days before arrival of hazardous waste from foreign source
 - no consent



Hazardous Waste— *Exports*

- Export controls, expressly authorized in Section 3017 of RCRA, include:
 - Annual *notice and consent*
 - Export shipment:
 - Acknowledgment of Consent letter must accompany load
 - Manifest must accompany load if required for domestic movement (not required for CRTs, SLABs, and Universal Waste)
 - Copy of manifest must be signed, dated, dropped at Customs
 - *Annual report* due March 1 of year following shipment
 - Timely *exception report* required:
 - If transporter fails to complete information on manifest
 - If exporter fails to receive written confirmation of receipt
 - If waste returned to US



Operation of Hazardous Waste Import-Export Program: a Partnership

- Foreign transboundary movement notification authority—SEMARNAT
- Federal partners: Department of State, Department of Homeland Security (CBP, ICE), and Department of Transportation
- U.S. EPA offices: Headquarters and Regional Offices
- RCRA authorized States—permits, inspections, other information about facilities



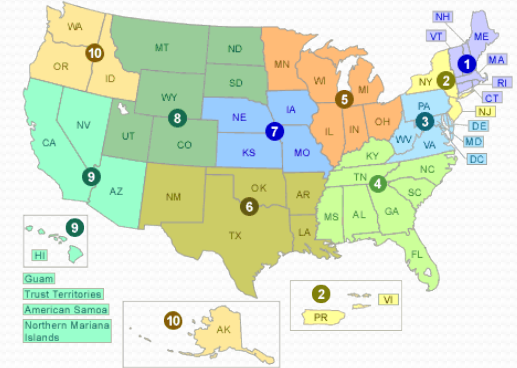
Hazardous Waste Import-Export Program: *Responsibilities*

- U.S. EPA Headquarters:
 - lead for international, bilateral agreements for hazardous waste transboundary movements
 - promulgates and interprets regulations
 - operates notification process
 - determines U.S. Government consent or objection to imports
 - tracks shipments, monitors compliance, e.g.
 - shipments without notice/consent
 - inaccurate self-reporting of shipments
 - returns of rejected HW without exception report



Hazardous Waste Import-Export Program: *Responsibilities* (continued)

- U.S. EPA Regional Offices:
- Critical players, in coordination with states
 - **Import** – provide recommendation (consent/object) to Headquarters regarding import notice--based on import review criteria
 - permit status
 - compliance history
 - health/safety conditions, etc.
 - **Export** – Receive referrals of potential violators, take enforcement actions.



Hazardous Waste Import-Export Program: *Responsibilities* (continued)

- States are authorized to run hazardous waste program domestically.
- U.S. EPA Regions rely on state facility information.
 - permit conditions, inspection results
 - health, safety updates
- State information is critical.
 - Information is used by U.S.EPA Regions to make recommendation to Headquarters.
 - Reduced inspections would weaken import controls



Current issues

- Illegal and legal SLAB exports to Mexican facilities that may result in lead contamination
- Need to transmit data electronically
- Need for more cooperation between customs and environmental agencies
- Need to improve targeting of port inspections
- Need for closer international cooperation on enforcement of hazardous waste transboundary movements





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