

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

DECEMBER 5, 1991

Dear Citizen,

This is in response to your September 27, 1991, letter to the President regarding the disposal of Canadian garbage in the United States. Your letter states that while in Canada, you saw a Canadian television broadcast showing Toronto's garbage crossing into the United States at Niagara Falls for disposal in states such as Ohio, New York, and Pennsylvania.

The July 16 ruling by the U.S. Department of Agriculture that they lacked authority to deny the entrance of Canadian garbage into the United States for disposal and the recent increase in the cost of garbage disposal in Toronto to approximately \$150 a ton have received considerable publicity in the last few months in both the United States and Canada. Toronto's action, in an effort to improve the recycling rate in the metropolitan area, appears to have had the effect of increasing the amount of garbage being shipped into the U.S. for disposal.

Some states have acted to ban shipments of waste, particularly hazardous waste, from entering their state from other states or other countries, in an effort to secure disposal capacity for wastes generated in-state. However, this practice has been ruled by the courts to be unconstitutional. The courts have consistently found that wastes are "goods in commerce" and thus protected under the interstate and foreign commerce clauses in the Constitution.

It is important to note that wastes, both hazardous wastes and household garbage, move across the U.S./Canadian border in both directions. We understand that New York City, for example, sends a considerable amount of household garbage to Canada, and many businesses in the northeastern United States export their hazardous wastes to a treatment and disposal facility located in Quebec. Oftentimes in areas close to the border, the nearest, and thus most economical, disposal facility may be on the other side of the border.

Both imports and exports, of hazardous and municipal wastes, are important to ensure adequate capacity for managing these wastes on both sides of the U.S./Canadian border. The most critical element in ensuring safe management of waste is implementation and vigorous enforcement of domestic waste management regulations. We believe that the management of hazardous and municipal wastes in the U.S., under one of the most stringent sets of environmental regulations in the world, is protective of both human health and the environment. Municipalities or county governments concerned about disposal capacity for their communities can, of course, develop or purchase their own disposal facilities, and as owners can determine that the capacity will be reserved for their own use.

Thank you for your letter and for your interest in the disposal of household waste.

Sincerely,

David Bussard, Director
Characterization and
Assessment Division
Office of Solid Waste