

9455.1994(01)

December 1994

## HOTLINE QUESTIONS AND ANSWERS

### 1. Notification Requirements for Exported Wastes

In addition to other requirements, a primary exporter of hazardous waste must comply with the special requirements of 40 CFR Part 262, Subpart E, including providing notification of intent to export to EPA's Office of Enforcement and Compliance Assurance 60 days prior to the initial shipment (262.53(a)), and originating the hazardous waste manifest (262.54). If a waste is not regulated as a hazardous waste in the United States but is subject to Canadian regulations, must the exporter notify EPA of the intent to export? If the waste is a hazardous waste but exempt from regulation in the United States, must the exporter still notify EPA?

Part 262, Subpart E applies only to wastes which are subject to Part 262, Subpart B manifest requirements (see also 51 FR 28664; August 8, 1986). For example, if the waste intended for export is a solid waste according to 261.3 but is not regulated as a hazardous waste subject to manifest requirements, the exporter would not be required to notify EPA of the intent to export. Wastes which are hazardous but exempt from manifest requirements would also be exempt from Part 262, Subpart E. For example, scrap metal (261.6(a)(3)(iii)) and lead-acid batteries (261.6(a)(2)(iv)) sent for reclamation are exempt from Subtitle C hazardous waste regulations (including the manifest requirements), and would therefore not be subject to Subpart E export requirements. Although exporter may be exempt from the requirement to notify EPA, they are advised to check with their Canadian counterparts for any applicable regulations (for example, Canadian manifest requirements) before the waste crosses the border.