

1. Imported Household Waste

Household waste (also known as "municipal solid waste" or "household hazardous waste") is excluded from the definition of hazardous waste under RCRA (40 CFR Section 261.4(b)(1)). Is household waste imported from a foreign country eligible for this exclusion?

RCRA defines household waste as "any material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas) (Section 261.4(b)(1))." Domestically generated household waste is excluded from the definition of hazardous waste in Section 261.4(b)(1) if (1) the waste is generated by individuals on the premises of a temporary or permanent residence for individuals; and (2) the wastestream is composed primarily of materials found in the wastes generated by consumers in their homes. Because imported waste is subject to the applicable domestic laws and regulations of the United States once it enters U.S. jurisdiction, imported household waste is excluded from the definition of hazardous waste in the same way as domestically generated household waste.

U.S. importers may, in certain cases, be required to fulfill certain obligations if the exporting country or the importer's contract with the exporter requires it. For example, an importer may be required to sign and return a tracking document to the foreign exporter.

U.S. importers may want to keep records of the foreign exporter and the origin of any imported household waste should questions arise as to its regulatory status once it enters the United States. Importers should also check with their applicable state agency for other requirements that may apply.