



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

SEP 12 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Mr. Robert Finn
President and CEO
RSR Corporation
2777 Stemmons Freeway, Suite 1800
Dallas, TX 75207

Dear Mr. Finn:

Thank you for your letter of July 12, 2011, to U.S. Environmental Protection Agency Administrator Lisa P. Jackson and Council for Environmental Quality Chair Nancy Sutley regarding your concerns about the export of used or spent lead acid batteries to other countries for recycling that are ill-equipped to reclaim them safely, and suggest that spent lead acid batteries (SLABs) generated by federally-funded operations, such as the Postal Service, Department of Defense, Department of Transportation, and General Services Administration be prohibited from export. In fact, you suggested in RSR's comments on the *National Framework for Electronic Stewardship* that the export of SLABs is a more serious problem than the export of electronic waste (or e-waste).

I agree with you on the importance of recycling SLABs in an environmentally sound manner. However, we believe that the existing regulations and guidance on SLABs are sufficient and decided not to address them in the *National Framework for Electronic Stewardship*. Specifically, as you know, the export of SLABs is currently prohibited under the Resource Conservation and Recovery Act (RCRA) unless the exporter has submitted a notice to EPA requesting approval to export, obtained written consent from the receiving country via EPA, complied with the appropriate export requirements in either 40 Code of Federal Regulations (CFR) Part 262 Subpart E or 40 CFR Part 262 Subpart H, and ensured that the shipments comply with the terms of the receiving country's written consent. All export notices must include details about the proposed shipments, such as the specific recycling facility in the country of import, the maximum amount of batteries they propose to export, and the port of entry to be used in the country of import.

In addition to other guidance materials on filling out and submitting an export notice, we have posted an alert on our website at <http://www.epa.gov/epawaste/hazard/international/oecd-res.htm#alert> highlighting the only correct Harmonized Tariff System (HTS) Classification Commodity Code that should be used for export shipments of SLABs for recovery of lead. The alert warns exporters that this is the only acceptable code. We have also informed U.S. Customs and Border

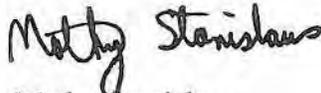
Protection (CBP) about the required paperwork for SLAB export shipments, and that SLAB export shipments without the required paperwork are prohibited from leaving the United States. EPA makes an effort to ensure that countries have adequate information about proposed shipments to their recycling facilities to enable meaningful oversight by that country and to prohibit exports without the importing country's explicit consent.

Moreover, EPA has participated in the development of non-binding guidance on the environmentally sound management of SLABs under both the Basel Convention, www.basel.int/pub/techguid/tech_wasteacid.pdf, and the Commission for Environmental Cooperation, www.cec.org/Storage/61/5350_SLABs_final_dec07_en.pdf. In addition, the United States has helped to sponsor the Basel Convention's Regional Centre for Central America effort regarding the environmentally sound management of used or spent lead-acid batteries. This effort is led by the Basel Convention Regional Centre for Central America and Mexico that is located in El Salvador. Thus, EPA has been quite active in promoting the environmentally sound management of SLABs.

To further increase the environmentally sound management of SLABs, one possibility would be for industry to develop voluntary consensus standards which industry could promote among the global spent lead acid battery community. This could be an effective way to foster improvement in sound recycling.

EPA recognizes your concern about the U.S. export of SLABs and agrees it is important to promote the environmentally sound recycling of these batteries.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, slightly slanted style.

Mathy Stanislaus
Assistant Administrator

cc: Nancy Sutley, Chair, White House Council for Environmental Quality
Steve Leeds, General Services Administration