

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT  
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**1. Frequently Asked Questions on Imports and Exports of Hazardous Waste between the Members of the Organization for Economic Cooperation and Development (OECD)**

*What is the Organization for Economic Cooperation and Development (OECD)?*

The OECD is an international organization designed to foster economic growth, employment, and a rising standard of living between member countries while ensuring the protection of human health and the environment. OECD member countries are listed in 40 CFR §262.58(a)(1) for the purposes of Part 262, Subpart H - Transfrontier Shipments of Hazardous Waste for Recovery within the OECD.

*What are the green, amber, and red lists of wastes? Where are they found?*

The green, amber, and red lists of wastes, originally developed under the OECD Council Decision Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations, dictate the level of control placed on the importing and exporting of a particular waste under Part 262, Subpart H. The lists of wastes are incorporated by reference in Part 262, Subpart H, and may be obtained through the RCRA Docket (703-603-9230) using the Docket Identification Number: F-94-IEHF-FFFFF.

*When do U.S. importers and exporters follow the requirements of Part 262, Subpart H?*

Importers and exporters must meet the requirements of Part 262, Subpart H when waste that is considered hazardous under U.S. national procedures is shipped between the United States and OECD countries listed in §262.58(a)(1) for recovery operations. Waste is considered hazardous under U.S. national procedures when it meets the federal definition of hazardous waste, and is subject to manifesting requirements or to universal waste management standards in Part 273 (§262.80(a)). The term "recovery operations" means activities leading to resource recovery, recycling, reclamation, or direct re-use (§262.81(k)).

*Do U.S. importers and exporters follow Part 262, Subpart H when waste is shipped between the United States and Canada or Mexico?*

Although Canada and Mexico are members of OECD, U.S. importers and exporters do not follow Subpart H when waste is shipped between the United States and Mexico or Canada. The United States has entered into separate bilateral agreements with Mexico and Canada that govern these shipments. U.S. importers and exporters should comply with Subpart F and Subpart E regulations, respectively, in lieu of Subpart H regulations, when dealing with facilities in Mexico or Canada (§262.58(b)).

*What are the requirements for U.S. generators of hazardous waste under Part 262, Subpart H?*

When hazardous waste is destined for recovery operations within the OECD, a U.S. generator may have several requirements under Part 262, Subpart H if the generator acts as a notifier. A notifier is the person who has possession or legal control of the waste when the transfrontier movement of the waste occurs and who proposes the waste movement (§262.81). A generator acting as a notifier must, as applicable, notify EPA, who will obtain consent from the importing and transit countries (§262.83), track the waste shipment (§262.84), execute a written contract with the recovery facility (§262.85), report to EPA annually and keep records (§262.87).