

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 152

Imports and Exports of Hazardous Waste:
Implementation of OECD Council Decision
61 FR 16290-16316
April 12, 1996
(RCRA Cluster VI, HSWA provisions)

Note: 1) Like the export requirements at 40 CFR 262, Subpart E, the 40 CFR 262, Subpart H requirements will be administered by EPA and not the States because the exercise of foreign relations and international commerce powers is reserved to the Federal government under the Constitution. However, EPA strongly encourages States to incorporate these requirements into their regulations for the convenience of the regulated community and for completeness, particularly in the situation where a State has already incorporated the 40 CFR 262, Subparts E and F provisions into its regulations.

2) The requirements in this rule apply to only those wastes identified or listed under the Federal program that are subject to Federal manifesting requirements. Thus, State-only wastes would not be subject to the import/export regulations addressed by this rule. The summary provides guidance and examples for appropriately incorporating these new requirements into State regulations.

3) Note the changes to 40 CFR 260.2 have not been included in this checklist because information requests should be sent to EPA with the information provided according to Federal availability of information procedures. Additionally, States are not required to adopt an analog to 260.2.

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

REQUIREMENTS FOR RECYCLABLE MATERIALS

† add new paragraph; hazardous waste that is exported to or imported from designated member countries of the OECD for purpose of recovery is subject to 40 CFR part 262 subpart H, if subject to either the manifesting requirements in part 262, the universal waste management standards in part 273 or State requirements analogous to part 273	261.6(a)(5)					
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RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

† redesignate paragraphs 262.10(d)-(g) as 262.10(e)-(h); add new paragraph (d); persons who export or import hazardous waste subject to the manifest requirements of part 262, the universal waste standards of part 273, or the State requirements analogous to part 273, to or from countries listed in 262.58(a)(1) for recovery, must comply with part 262, subpart H	262.10(d)					
† former 262.10(d)-(g) become 262.10(e)-(h)	262.10(e)-(h)					

SUBPART E - EXPORTS OF HAZARDOUS WASTE

NOTIFICATION OF INTENT TO EXPORT

† completely revise paragraph; addresses of Office of Enforcement and Compliance Assurance where notifications submitted by mail or by hand-delivery should be sent; display on the envelope of all notifications "Attention: Notification of Intent to Export"	262.53(b)					
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RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
ANNUAL REPORTS						
completely revise paragraph; addresses of Office of Enforcement and Compliance Assurance where annual reports submitted by mail or by hand-delivery should be sent	262.56(b)					
INTERNATIONAL AGREEMENTS						
persons who export or import hazardous waste subject to manifest requirements of Part 262, to the universal waste standards of part 273, or to State requirements analogous to part 273, to or from countries defined in 262.58(a)(1) for purposes of recovery, are subject to part 262 subpart H; requirements of part 262 subparts E and F do not apply	262.58(a)					
designated list of OECD countries for purposes of part 262 subpart H	262.58(a)(1)					
Canada and Mexico considered OECD countries only for the purpose of transit	262.58(a)(2)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
persons who export or import hazardous waste from OECD countries for purposes other than recovery, from Mexico (for any purpose), or from Canada (for any purpose), are subject to part 262 subparts E and F	262.58(b)					

SUBPART H - TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN
THE OECD

† APPLICABILITY

requirements of part 262 subpart H apply to imports and exports of wastes considered hazardous under U.S. national procedures and destined for recovery in countries listed in 262.58(a)(1); a waste is considered hazardous if it meets the definition of hazardous waste in 261.3 and is subject to either the manifesting requirements in part 262 subpart B, the universal waste management standards in part 273, or State requirements analogous to part 273	262.80(a)					
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RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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persons who mix two or more wastes or subject two or more wastes to physical or chemical transformation operations, and thereby create a new hazardous waste, become generators and assume generator duties under RCRA and any notifier duties under part 262 subpart H, if applicable	262.80(b)					

† DEFINITIONS

definitions applicable to part 262 subpart H	262.81					
"competent authorities"	262.81(a)					
"concerned countries"	262.81(b)					
"consignee"	262.81(c)					
"country of transit"	262.81(d)					
"exporting country"	262.81(e)					
"importing country"	262.81(f)					
"notifier"	262.81(g)					
"OECD area"	262.81(h)					
"recognized trader"	262.81(i)					
"recovery facility"	262.81(j)					
"recovery operations"	262.81(k)					
"transfrontier movement"	262.81(l)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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† GENERAL CONDITIONS

level of import and export waste control is indicated by green, amber, or red lists and by U.S. national procedures as defined in 262.80(a); green, amber, and red lists are incorporated by reference in 262.89(e)	262.82(a)					
green-list wastes are subject to existing controls normally applied to commercial transactions, except as provided below:	262.82(a)(1)					
green-list wastes that are considered hazardous under U.S. national procedures are subject to amber-list controls	262.82(a)(1)(i)					
1 green-list wastes that are contaminated or mixed with amber-list wastes, such that the waste is considered hazardous, are subject to amber-list controls	262.82(a)(1)(ii)					
green-list wastes that are contaminated or mixed with red-list wastes, such that the waste is considered hazardous under U.S. national procedures, are subject to red-list controls	262.82(a)(1)(iii)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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amber-list wastes that are considered hazardous under 262.80(a) are subject to the amber-list controls of part 262 subpart H	262.82(a)(2)					
amber-list wastes contaminated or mixed with red-list wastes, such that the waste is considered hazardous under U.S. national procedures, must be handled in accordance with red-list controls	262.82(a)(2)(i)					
[Reserved]	262.82(a)(2)(ii)					
red-list wastes that are considered hazardous under 262.80(a) are subject to red-list controls of part 262 subpart H	262.82(a)(3)					
wastes not yet assigned to a list are eligible for transfrontier movements, as follows:	262.82(a)(4)					
wastes considered hazardous under 262.80(a) are subject to red-list controls, or	262.82(a)(4)(i)					
wastes not considered hazardous under 262.80(a) may move as though they appeared on the green list	262.82(a)(4)(ii)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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general conditions applicable to transfrontier movements of hazardous waste	262.82(b)					
waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country	262.82(b)(1)					
transfrontier movement must comply with applicable international transport agreements, and	262.82(b)(2)					
waste transported through a non-OECD country must comply with applicable international and national laws and regulations	262.82(b)(3)					
provisions relating to re- export for recovery to a third country	262.82(c)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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re-export of amber-list wastes from U.S., as the importing country, to a third country listed in 262.58(a)(1) may occur only after a notifier in the U.S. provides notification to and obtains consent of competent authorities in the third country, the original exporting country, and new transit countries; notification must comply with 262.83; 30-day objection period to proposed movement	262.82(c)(1)					
30-day period begins when competent authorities in both the initial exporting country and the new importing country issue Acknowledgements of Receipt of the notification	262.82(c)(1)(i)					
transfrontier movement may commence if no objection lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing or transit countries	262.82(c)(1)(ii)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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re-export of red-list wastes from original importing country to a third country listed in 262.58(a)(1) may occur following notification of the competent authorities in the third country, the original exporting country, and new transit countries by a notifier in original importing country in accordance with 262.83; transfrontier movement may not proceed until receipt by original importing country of written consent of the competent authorities of the third country, original exporting country, and new transit country	262.82(c)(2)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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re-export of amber-list or red-list wastes to a country other than those listed in 262.58(a)(1) is subject to the notification to and consent of the competent authorities of the original OECD country of export and any OECD country of transit as required in 262.82(c)(1)&(2) in addition to compliance with international agreements and arrangements to which the first importing OECD country is party and all applicable regulatory requirements for exports from the first importing country	262.82(c)(3)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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† NOTIFICATION AND CONSENT

applicability; consent must be obtained from competent authorities of OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to part 262 subpart H; hazardous wastes subject to amber-list controls are subject to the requirements in 262.83(b); hazardous wastes subject to red-list controls are subject to the requirements in 262.83(c); and wastes not identified on any list is subject to the requirements in 262.83(d)	262.83(a)					
export from the U.S. of hazardous wastes on the amber list described in 262.80(a) is prohibited unless the requirements of 262.83(b)(1) or (2) are met	262.83(b)					
transactions requiring specific consent:	262.83(b)(1)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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at least 45 days prior to transfrontier movement the notifier must provide written notification in English of proposed transfrontier movement to Office of Enforcement and Compliance Assurance, with words "Attention: OECD Export Notification" on the envelope; notification must include all the information identified in 262.83(e); for wastes with similar physical and chemical characteristics, the same U.N. classifications, and the same RCRA waste codes, which are to be sent to the same recovery facility, the notifier may submit one notification of intent to export wastes in multiple shipments during a period of up to one year	262.83(b)(1)(i)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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transfrontier movement may commence upon tacit consent; if no objections to notification provided pursuant to 262.83(b)(1)(i) are lodged within 30 days after issuance of Acknowledgment of Receipt by the competent authority of the importing country; tacit consent expires one year after close of 30 day period; renotification and renewal is required for exports after that expiration date	262.83(b)(1)(ii)					
written consent; if competent authorities of OECD importing and transit countries provide written consent in a period less than 30 days, transfrontier movement may commence immediately; written consent expires one year after date of consent; renotification and renewal is required for exports after that expiration date	262.83(b)(1)(iii)					
shipments to facilities preapproved by competent authorities of importing countries:	262.83(b)(2)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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notifier must provide EPA with information identified in 262.83(e) at least 10 days in advance of shipment to pre-approved facility; notification should indicate the facility is pre-approved, and may apply to a single specific shipment or multiple shipments as described in 262.83(b)(1)(i); information must be sent to Office of Enforcement and Compliance Assurance with "OECD Export Notifications--Pre-approved Facility" displayed on the envelope	262.83(b)(2)(i)					
shipments may commence after notification required in 262.83(b)(1)(i) is received by competent authorities of all concerned countries, unless notifier receives information indicating objections to the shipment	262.83(b)(2)(ii)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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export from the U.S. of hazardous wastes as described in 262.80(a) that appear on the red list is prohibited unless notice pursuant to 262.83(b)(1)(i) is given and notifier receives written consent from the importing country and any transit countries prior to transfrontier movement	262.83(c)					
wastes not assigned to the green, amber, or red list that are considered hazardous under 262.80(a) are subject to notification and consent requirements for red-list wastes in accordance with 262.83(c); unlisted wastes that are not considered hazardous under 262.80(a) are not subject to amber or red controls when exported or imported	262.83(d)					
notifications submitted must include the following information:	262.83(e)					
serial number or other identifier of the notification form	262.83(e)(1)					
notifier name and EPA identification number, address, and telephone and telefax numbers	262.83(e)(2)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
importing recovery facility name, address, telephone and telefax numbers, and technologies employed	262.83(e)(3)					
consignee name, address, and telephone and telefax numbers; whether consignee will engage in waste exchange or storage prior to delivery to final recovery facility and identification of operations employed at final recovery facility	262.83(e)(4)					
intended transporters and/or their agents	262.83(e)(5)					
country of export and competent authority; point of departure	262.83(e)(6)					
countries of transit and competent authorities; points of entry and departure	262.83(e)(7)					
country of import and competent authority; point of entry	262.83(e)(8)					
statement of whether notification is single or general notification; if general, include period of validity	262.83(e)(9)					
date foreseen for commencement of transfrontier movement	262.83(e)(10)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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designation of waste type(s) from list (green, red or amber), descriptions of each waste type, estimated total quantity of each waste, RCRA waste code, and U.N. number; and	262.83(e)(11)					
certification/declaration signed by notifier that the information is complete and correct, and that legally enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement	262.83(e)(12)					
† TRACKING DOCUMENT						
U.S. parties subject to 262.85 must ensure that a tracking document meeting the conditions of 262.84(b), accompanies each transfrontier shipment of amber-list or red-list wastes from the initiation of the shipment until it reaches the final recovery facility, except as provided in 262.84(a)(1) and (2)	262.84(a)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
for shipments of hazardous waste in the U.S. solely by water (bulk shipments only), the generator must forward tracking document to last water transporter to handle the waste in the U.S. in accordance with 262.23(c)	262.84(a)(1)					
for rail shipments of hazardous waste in the U.S. originating at the site of generation, the generator must forward the tracking document with the manifest in accordance with 262.23(d) to next non-rail transporter or to last rail transporter to handle the waste in the U.S.	262.84(a)(2)					
tracking document must include information required under 262.83 and the following:	262.84(b)					
date shipment commenced	262.84(b)(1)					
name (if not notifier), address, phone and telefax number of primary exporter	262.84(b)(2)					
company name and EPA identification number of all transporters	262.84(b)(3)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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identification (license, registered name or registration number) of means of transport, including types of packaging	262.84(b)(4)					
any special precautions to be taken by transporters	262.84(b)(5)					
certification/declaration signed by notifier that no objection to the shipment has been lodged, as specified	262.84(b)(6)					
appropriate signatures for each custody transfer	262.84(b)(7)					
notifiers must comply with manifest requirements of 262.54(a),(b),(c),(e), and (i) and part 262 subpart F	262.84(c)					
each U.S. person that has physical custody of waste from time movement commences until it arrives at recovery facility must sign tracking document	262.84(d)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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within three working days of the receipt of imports subject to part 262 subpart H, the owner or operator of the U.S. recovery facility must send signed copies of the tracking document to notifier, Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to competent authorities of exporting and transit countries	262.84(e)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

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CONTRACTS						
transfrontier movements of hazardous wastes subject to amber or red control procedures are prohibited unless they occur under a valid written contract, chain of contracts, or equivalent arrangements; such contracts or equivalent arrangements must be executed by the notifier and the owner or operator of the recovery facility and must specify responsibilities for each; such contracts or equivalent arrangements are valid only if participants to the contract have appropriate legal status	262.85(a)					
contracts or equivalent arrangements must specify name and EPA identification number, where available, of:	262.85(b)					
generator of each type of waste;	262.85(b)(1)					
each person who will have physical custody of wastes;	262.85(b)(2)					
each person who will have legal control of wastes; and	262.85(b)(3)					
the recovery facility	262.85(b)(4)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

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contracts or equivalent arrangements must specify the party who will assume responsibility for alternate waste management if its disposition cannot be carried out as described in the notification of intent to export; contracts must specify:	262.85(c)					
person with actual possession or physical control of wastes must immediately inform notifier and competent authorities of the exporting and importing countries; if wastes located in a country of transit, notify competent authorities of that country; and	262.85(c)(1)					
person specified in contract assumes responsibility for adequate management of wastes in compliance with applicable laws including arranging for the return of the waste to original country of export, if necessary	262.85(c)(2)					
contracts must specify that the consignee will provide notification as required in 262.82(c) prior to re-export to a third country	262.85(d)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

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contracts or equivalent arrangements must include financial guarantee provisions, if required, in accordance with applicable national or international law	262.85(e)					
contracts or equivalent arrangements must require compliance with all applicable requirements of part 262 subpart H	262.85(f)					
upon EPA request, U.S. notifiers, consignees, or recovery facilities must submit to EPA copies of contracts, chain of contracts or equivalent arrangements; confidential information as asserted in accordance with 40 CFR 2.203(b) in the contracts or equivalent arrangements will be disclosed by EPA only as provided in 260.2	262.85(g)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

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† PROVISIONS RELATING TO RECOGNIZED TRADERS

a recognized trader who takes physical custody of waste and conducts recovery operations is acting as the owner or operator of a recovery facility and must be authorized in accordance with applicable Federal law	262.86(a)					
a recognized trader acting as notifier or consignee must comply with the requirements of part 262 subpart H	262.86(b)					

† REPORTING AND RECORDKEEPING

for all waste movements subject to part 262 subpart H, primary exporters, as defined in 262.51, shall file annual reports no later than March 1 of each year that summarize the types, quantities, frequency, and ultimate destination of all hazardous waste exported during previous calendar year; such reports shall include:	262.87(a)					
EPA identification number, name, mailing and site address of the notifier filing report	262.87(a)(1)					
calendar year covered by the report	262.87(a)(2)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
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name and site address of each final recovery facility	262.87(a)(3)					
for each hazardous waste exported by a final recovery facility, a description of the hazardous waste, EPA hazardous waste number, OECD waste type(s) and waste code, DOT hazard class, name and EPA identification number of each transporter, total amount of waste shipped, and number of shipments pursuant to each notification	262.87(a)(4)					
in even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month, and except for waste for which information already provided pursuant to 262.41:	262.87(a)(5)					
description of efforts to reduce volume and toxicity of waste generated; and	262.87(a)(5)(i)					
description of changes in volume and toxicity achieved during the year in comparison to previous years; and	262.87(a)(5)(ii)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

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certification signed by primary exporter that the information is true, accurate, and complete	262.87(a)(6)					
exception reports; persons meeting the definition of primary exporter in 262.51 must file an exception report with the Administrator in lieu of the requirements of 262.42 if any of the following occurs:	262.87(b)					
he has not received a copy of the tracking document signed by the transporter stating the point of departure of the waste from the U.S. within 45 days from date it was accepted by initial transporter	262.87(b)(1)					
within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation that the hazardous waste was received	262.87(b)(2)					
waste is returned to U.S.	262.87(b)(3)					
recordkeeping	262.87(c)					
persons meeting the definition of primary exporter in 262.51 shall keep the following records:	262.87(c)(1)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
a copy of each notification of intent to export and all written consents obtained from competent authorities of concerned countries for at least 3 years from the date the waste was accepted by the initial transporter	262.87(c)(1)(i)					
a copy of each annual report for at least 3 years from the due date of the report; and	262.87(c)(1)(ii)					
a copy of any exception reports and a copy of each confirmation of delivery sent by the recovery facility to the notifier for at least 3 years as specified	262.87(c)(1)(iii)					
periods of retention are automatically extended during unresolved enforcement action or as requested by Administrator	262.87(c)(2)					
† PRE-APPROVAL FOR U.S. RECOVERY FACILITIES						
[reserved]	262.88					
† OECD WASTE LISTS						
for the purposes of part 262 subpart H, a waste is considered hazardous if the waste:	262.89(a)					
meets Federal definition of hazardous waste in 261.3; and	262.89(a)(1)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
is subject to the RCRA manifesting requirements at part 262, subpart B, to the universal waste standards of part 273, or to State requirements analogous to part 273	262.89(a)(2)					
if waste is hazardous under 262.89(a) and appears on the amber or red list, it is subject to amber- or red-list requirements, respectively	262.89(b)					
if waste is hazardous under 262.89(a) and does not appear on either the amber or red lists, it is subject to red-list requirements	262.89(c)					
the appropriate control procedures for hazardous waste and hazardous waste mixtures are addressed in 262.82	262.89(d)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
OECD Green, Amber, and Red Lists as set forth in Appendices 3, 4, and 5 to the OECD Council Decision C(92)39/FINAL are incorporated by reference as they existed on date of approval; notice of any change will be published in the <u>Federal Register</u> ; these materials are available for inspection at Office of Federal Register and may be obtained from the Organization for Economic Cooperation, France	262.89(e)					

PART 263 - STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A - GENERAL

SCOPE

† add new paragraph; transporters of hazardous waste subject to RCRA manifesting requirements of part 262, part 273, or State requirements analogous to part 273, that is being imported or exported to any countries listed in 262.58(a)(1) for the purposes of recovery, is subject to part 263 subpart A, part 262 subpart H, including, but not limited to, 262.84 for tracking documents	263.10(d)					
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**RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

THE MANIFEST SYSTEM

† after "In the case of exports" insert "other than those subject to subpart H of 40 CFR part 262"; delete "(1)" after "other person"; delete "(2)" after "Consent; and"; add new last sentence "For exports of hazardous waste subject to the requirements of subpart H of 40 CFR part 262, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84"	263.20(a)					
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**PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

SUBPART B - GENERAL FACILITY STANDARDS

REQUIRED NOTICES

† redesignate former 264.12(a) as 264.12(a)(1)	264.12(a)(1)					
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RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new paragraph; owner or operator of a recovery facility that has arranged to receive hazardous waste subject to part 262 subpart H, must provide a copy of the tracking document bearing all signatures to the notifier, the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to the competent authorities of all concerned countries within three working days of receipt of shipment; the original signed tracking document must be maintained for at least three years	264.12(a)(2)					

**RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

USE OF MANIFEST SYSTEM

† add new paragraph after comment; within three working days of receipt of a shipment subject to part 262 subpart H, the owner or operator of the facility must provide a copy of the tracking document bearing all signatures to notifier, Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to competent authorities of all concerned countries; original tracking document must be maintained for at least three years from date of signature	264.71(d)					
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**PART - 265 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

SUBPART B - GENERAL FACILITY STANDARDS

REQUIRED NOTICES

† redesignate former 265.12(a) as 265.12(a)(1)	265.12(a)(1)					
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RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new paragraph; owner or operator of a recovery facility that has arranged to receive hazardous waste subject to part 262 subpart H, must provide a copy of the tracking document bearing all signatures to the notifier, the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to the competent authorities of all concerned countries within three working days of receipt of shipment; the original signed tracking document must be maintained for at least three years	265.12(a)(2)					

RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

USE OF THE MANIFEST SYSTEM

† add new paragraph after comment; within three working days of receipt of a shipment subject to part 262 subpart H, owner or operator of the facility must provide a copy of the tracking document bearing all signatures to notifier, Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division, and to competent authorities of all concerned countries; original tracking document must be maintained for at least three years from date of signature	265.71(d)					
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**PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS
WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES**

SUBPART F - RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

APPLICABILITY AND REQUIREMENTS

† add "and" at end of paragraph	266.70(b)(2)					
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RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,2 add new paragraph; for precious metals exported to or imported from OECD countries for recovery, persons who generate, transport or store recyclable materials are subject to part 262 subpart H, 265.12(a)(1) and 265.12(a)(2); for precious metals exported or imported from non-OECD countries, such persons are subject to part 262 subparts E and F	266.70(b)(3)					

PART 273 - STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART B - STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

† EXPORTS

insert "other than to those OECD countries specified in 40 CFR 262.58(a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H)" after "foreign destination"	273.20					
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RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART C - STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

† EXPORTS

insert "other than to those OECD countries specified in 40 CFR 262.58(a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H)" after "foreign destination"	273.40					
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SUBPART D - STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

† EXPORTS

insert "other than to those OECD countries specified in 40 CFR 262.58(a)(1) (in which case the transporter is subject to the requirements of 40 CFR part 262, subpart H)" after "foreign destination"	273.56					
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SUBPART F - IMPORT REQUIREMENTS

† IMPORTS

replace "below" with "in paragraphs (a) through (c) of this section"	273.70 intro					
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RCRA REVISION CHECKLIST 152: Imports and Exports of
Hazardous Waste: Implementation of OECD Council Decision (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
add new paragraph; persons managing universal waste imported from OECD country as specified in 262.58(a)(1) are subject to 273.70(a) through (c) in addition to part 262 subpart H	273.70(d)					

- ¹ There is a typographical error in the Federal Register for this rule: "Green-list waste" should be "Green-list wastes".
- ² There is a typographical error in §266.70(b)(3) in the Federal Register for this rule. In the sentence "For precious metals exported to or imported from designated OECD member countries for recovery, subpart H of part 262 and §265.12(a)(2) of this chapter.", after "for recovery," insert "persons who generate, transport or store recyclable materials are subject to".