

9441.1989(20)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR 27 1989

Mr. Gene Rideout  
Systems Manager  
Dangerous Goods Consultants  
P.O. Box C.P. 283  
Roxboro, Quebec H8Y 3E9

Dear Mr. Rideout:

This response addresses your letters dated August 30, 1988, February 7, 1989, and March 15, 1989, regarding the lab sample exclusion found in 40 CFR Section 261.4(d). It is our understanding that you wish to transport via private or company vehicle samples of hazardous waste from Canada into the United States for analysis. You question whether the samples that you are shipping must be managed as hazardous waste in the United States. You would also like to know if it is acceptable to use a personal or company automobile to transport the sample material in the United States.

Based upon the information that you have provided, it appears that the samples are being handled and shipped in a manner that is outlined in the lab sample exclusion (40 CFR 261.4(d)). Therefore, these samples are exempt from the federal hazardous waste regulations including the hazardous waste import requirements as outlined in 40 CFR 262, Subpart E and 40 CFR 264.12. In addition, as long as each shipment is in compliance with the lab sample exclusion, including the documentation and packaging requirements of 261.4(d)(2)(ii), as well as U.S. Department of Transportation regulations, that may apply, and any other applicable regulations, the mode of transportation used is at your discretion.

Please be aware that the applicability of the Resource Conservation and Recovery Act in a particular State may be different; therefore, you should contact any RCRA authorized State through which you may travel.

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If you have any further questions or need additional information, please contact Emily Roth of my staff at (202) 382-4777.

Sincerely,

Matthew Straus, Deputy Director  
Characterization and  
Assessment Division

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