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BATTERY RECYCLING AND EXPORT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

FEB 12 1987

Honorable Jesse Helms  
United States Senate  
Washington, D.C. 20510

Dear Senator Helms:

Thank you for your January 13, 1987, letter regarding Mr. W. R. Helms' concern about the regulations the Environmental Protection Agency (EPA) has issued regarding the reprocessing of batteries and the transportation and the export of these batteries.

I want to assure you that EPA carefully considered its approach before regulating industries such as spent batteries recycling. We are convinced that regulation of these recycled materials is necessary to adequately protect human health and the environment. Waste destined for recycling can present the same potential for harm as wastes destined for treatment and disposal; that is, the risks associated with transporting and storing wastes is unlikely to vary depending on whether they are ultimately recycled, treated, or disposed. In the past, facilities' recycled hazardous wastes have caused serious health and environmental problems. In fact, recycling operations, including a number of battery reclaimers, account for some of the most serious environmental damage incidents.

The Agency has developed special standards for spent lead acid batteries that are reclaimed to minimize the regulations' impact. In particular, only the person who reclaims the battery is subject to regulation and only the storage activity prior to recycling is regulated. Therefore, even though we regulate these materials, we have designed our regulations to have the least adverse impact on the regulated community while still meeting our statutory mandate of protecting human health and the environment.

EPA also has recently promulgated regulations for the

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export of hazardous waste. (See enclosed August 8, 1986, FR.) These regulations were required by Section 3017 of the Hazardous and Solid Waste Amendments (HSWA) of 1984.

That provision mandated that EPA finalize regulations prohibiting hazardous waste exports, unless: (1) the person exporting the waste has provided notification to the Administrator of EPA; (2) the government of the receiving country has consented to accept the waste; (3) a copy of the receiving country's written consent is attached to the manifest which accompanies the waste shipment; and (4) the shipment conforms to the terms of the foreign country's consent.

In developing the export rules, EPA determined that a hazardous waste which poses risks domestically would pose equivalent threats in international shipments (this includes spent lead acid batteries).

Although EPA recommends that exporters notify the Agency at least 60 days in advance of an intended shipment, we anticipate that the processing of notifications and written consents can be accomplished in less time. Thus, we expect that exporters will not typically be subject to the requirements under 40 CFR Part 262 which require generators who store more than 90 days on-site to obtain a storage permit.

If I can be of any further assistance, please let me know.

Sincerely,

Original Document signed

J. Winston Porter  
Assistant Administrator

Enclosure

RO 12856