



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

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OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

Mr. John V. Currie  
Administrator, International Vessel Operators Dangerous Goods Association  
10 Hunter Brook Lane  
Queensbury, New York 12804

Dear Mr. Currie:

This letter is in response to your request for a formal letter responding to your February 21, 2017, letter to Laura Coughlan, of my staff, concerning the applicability of the Environmental Protection Agency (EPA) Identification (ID) number requirements for international ocean carriers of hazardous waste import and export shipments under the Hazardous Waste Export-Import Revisions to the Final Rule (81 FR 85696, November 28, 2016) that became effective on December 31, 2016. This letter reaffirms the May 15, 2017, email that Ms. Coughlan sent to Ms. Lara Currie of your organization.

As stated in the email dated May 15, 2017, an international ocean carrier that: (1) travels to the U.S. from international waters, (2) picks up a U.S. hazardous waste export shipment at a U.S. port, and (3) travels to additional U.S. ports with the waste shipment remaining on board before going back out into international waters to another country (i.e., a country of transit or the country of import), is not required to obtain an EPA ID number or carry a RCRA manifest while carrying the hazardous waste shipment. Similarly, an international ocean carrier dropping off a foreign hazardous waste shipment from another country at a U.S. port of entry is not required to obtain an EPA ID number or carry a RCRA manifest while carrying the hazardous waste shipment, even if the carrier stops at one or more other U.S. ports on the way to the U.S. port of entry, so long as the waste shipment remains on board the carrier until offloading at the U.S. port of entry. This is consistent with the existing April 17, 2002, RCRA Online policy letter<sup>1</sup> from EPA's Office of Solid Waste Office Director Elizabeth Cotsworth to Ms. Karen Huffman of Criterion Catalysts & Technologies, which stated "EPA would not require an ocean carrier in territorial seas to have an EPA transporter identification number when it is importing or exporting hazardous waste cargo. This is true whether the carrier is a U.S. flagged vessel or a foreign flagged vessel." That same letter also noted that "...the ocean carrier may be subject to other requirements, such as U.S. Department of Transportation (DOT) requirements for transporting hazardous materials."

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<sup>1</sup> RCRA Online Number 14595,

<https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/6d3c973f8e91582085256bcd005a11a1!OpenDocument>

While international ocean carriers are not required to obtain EPA ID numbers or carry RCRA manifests, the November 28, 2016, Hazardous Waste Export-Import Revisions Final Rule did establish requirements that do apply to international ocean carriers transporting hazardous waste import and export shipments. Under the contract requirements in 40 CFR 262.83(f) for hazardous waste export shipments, contracts or equivalent arrangements must:

1. Name all transporters that will have physical custody of the hazardous waste export shipment (40 CFR 262.83(f)(2)(ii));
2. Require the transporter carrying the hazardous waste export shipment to immediately inform the exporter, EPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements in cases where the shipment cannot be managed as described in the notification of intent to export (40 CFR 262.83(f)(3)(i)); and
3. Require all transporters carrying the hazardous waste export shipment to comply with the movement document requirements of 40 CFR 262.83(d) from the start of the shipment at the U.S. shipping site until it reaches the foreign receiving facility, including the signature requirements of 40 CFR 262.83(d)(xiii) at each custody transfer (40 CFR 262.83(f)(8)).

Similarly, under the contract requirements in 40 CFR 262.84(f) for hazardous waste import shipments, contracts or equivalent arrangements must:

1. Name all transporters that will have physical custody of the hazardous waste import shipment (40 CFR 262.84(f)(2)(ii));
2. Require the transporter carrying the hazardous waste import shipment to immediately inform the foreign exporter, the importer, and the competent authority of the country where the shipment is located of the need to make alternate management or return arrangements in cases where the shipment cannot be managed as described in the notification of intent to export submitted by either the foreign exporter or the importer (40 CFR 262.84(f)(4)(i));
3. Require the use of the movement document from the start of the shipment in the country of export until it reaches the U.S. receiving facility (40 CFR 262.84(f)(3)); and
4. Require all transporters carrying the hazardous waste import shipment to comply with the movement document signature requirements of 40 CFR 262.84(d)(xiii) at each custody transfer (40 CFR 262.84(f)(7)).

Therefore, while you are correct that, under the 2016 Hazardous Waste Export-Import Revisions Final Rule, the EPA ID number and RCRA manifest requirements continue to not apply to international ocean carriers in territorial waters carrying hazardous waste import and export shipments, the movement document requirements and the notification requirements (as listed above) for hazardous waste export and import shipments in the 2016 rule do apply.

Thank you for submitting your question. If you have any further questions about the RCRA requirements that apply to international ocean carriers concerning hazardous waste import and export shipments, please feel free to contact Laura Coughlan of my staff at (703)308-0005 or via email at [coughlan.laura@epa.gov](mailto:coughlan.laura@epa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Kathleen Saly" followed by a horizontal line and the word "for".

Barnes Johnson, Director  
Office of Resource Conservation and Recovery