



U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

Enforcement and Compliance

EPA Does Not Effectively Control or Monitor Imports of Hazardous Waste

Report No. 15-P-0172

July 6, 2015



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Abbreviations

BR	Biennial Report
CBP	U.S. Customs and Border Protection
CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
ITDS	International Trade Data System
OECA	Office of Enforcement and Compliance Assurance
OECD	Organization for Economic Cooperation and Development
OFA	Office of Federal Activities
OIG	Office of Inspector General
ORCR	Office of Resource Conservation and Recovery
RCRA	Resource Conservation and Recovery Act
TSDf	Treatment/Storage/Disposal Facility
WIETS	Waste Import Export Tracking System

Cover illustration: An OIG-prepared map showing hazardous waste imports, based on OIG analysis of the EPA's 2011 Biennial Report data. The map excludes approximately 9,000 tons reported without an importing country identified.

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At a Glance

Why We Did This Review

We evaluated the effectiveness of the U.S. Environmental Protection Agency's (EPA's) oversight of hazardous waste imports to the United States. According to data from the EPA's 2011 Biennial Report, hazardous waste treatment/storage/disposal facilities in the United States receive and manage approximately 90,000 tons of hazardous waste annually from at least eight foreign countries. International agreements establish a notice and consent process to ensure the receiving countries are aware of and properly able to handle the waste. Once in the United States, the shipment must be accompanied by a hazardous waste manifest.

This report addresses the following EPA goals or cross-agency strategies:

- *Cleaning up communities and advancing sustainable development.*
- *Ensuring the safety of chemicals and preventing pollution.*
- *Protecting human health and the environment by enforcing laws and assuring compliance.*

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The full report is at: www.epa.gov/oig/reports/2015/20150706-15-P-0172.pdf

EPA Does Not Effectively Control or Monitor Imports of Hazardous Waste

What We Found

The EPA's actions to ensure that hazardous waste imports to the United States are received, processed and managed are incomplete and ineffective. The EPA is unable to (1) confirm that all imported hazardous waste shipments reach their intended destinations, (2) ensure hazardous waste shipments are received only by facilities that are properly permitted to handle the waste, (3) determine whether there are any lost or unaccounted for shipments of hazardous waste, and (4) block hazardous waste from coming into the country without the EPA's consent.

The EPA lacks explicit authority to block imported shipments of hazardous waste that lack prior EPA consent. This could lead to improper handling and disposal, resulting in unknown human and environmental exposure to toxic substances, including solvents, mercury, lead or other metals.

Review of a sample of manifests returned to the EPA found that some shipments occurred outside the consented time frame, incorrectly identified the generator, or had unusually long transit times. More than half of the manifests reviewed were not accompanied by an EPA consent letter or other acceptable documentation as required by federal regulations. Further, the EPA letters consenting to imports did not consistently include sufficient information to verify that the types of hazardous waste shipped are those that have received consent.

Based on our assessment of data in EPA information systems, the EPA has an incomplete picture of hazardous waste entering the country. This can give rise to undetected and unenforced violations of federal hazardous waste laws, which could result in unknown human and environmental exposure to toxic substances. Also, the EPA does not review manifests or data to identify regulatory violations and pursue appropriate enforcement actions consistent with federal laws for importing hazardous waste. The EPA's enforcement options are restricted by a lack of authority to prevent unconsented shipments from entering the United States.

Recommendations and Planned Agency Corrective Actions

We recommend that the EPA implement controls to ensure identification and tracking of all hazardous waste import shipments, develop and implement procedures to identify and pursue administrative and enforcement actions to address deficiencies in the current process, and seek explicit statutory authority to prevent the import of hazardous waste without prior and explicit EPA consent. We revised the draft report recommendations after discussion with the agency, and the agency now agrees with all recommendations.



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

THE INSPECTOR GENERAL

July 6, 2015

MEMORANDUM

SUBJECT: EPA Does Not Effectively Control or Monitor Imports of Hazardous Waste
Report No. 15-P-0172

FROM: Arthur A. Elkins Jr.

A handwritten signature in black ink, appearing to read "Arthur A. Elkins Jr.", is written over the printed name.

TO: Cynthia Giles, Assistant Administrator
Office of Enforcement and Compliance Assurance

Mathy Stanislaus, Assistant Administrator
Office of Solid Waste and Emergency Response

This is our report on the subject evaluation conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

The EPA offices having primary jurisdiction over the issues evaluated in this report are the Office of Solid Waste and Emergency Response's Office of Resource Conservation and Recovery, and the Office of Enforcement and Compliance Assurance's Office of Federal Activities.

Action Required

In accordance with EPA Manual 2750, you are required to provide a written response to this report within 60 calendar days. You should include planned corrective actions and completion dates for all unresolved recommendations. Your response will be posted on the OIG's public website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification. Please email your response to Tina Lovingood at lovingood.tina@epa.gov.

We will post this report to our website at <http://www.epa.gov/oig>.

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Chapter 1

Introduction

Purpose

The purpose of this evaluation was to determine the U.S. Environmental Protection Agency's (EPA's) effectiveness in ensuring that imported hazardous waste shipments are received and processed as expected. We asked the following questions:

- How does the EPA confirm that hazardous wastes imported to the United States reach their intended destination facility and that no hazardous waste is lost or unaccounted for?
- What management or enforcement actions does the EPA take to respond to failures of shipments to reach intended destination facilities, and significant discrepancies in the volume or nature of hazardous waste shipped?

Background

Hazardous waste can be dangerous and potentially harmful to human health or the environment. Hazardous wastes can be liquids, solids, gases, or sludges. They can be discarded commercial products, like cleaning fluids or pesticides, or the by-products of manufacturing processes. The EPA regulates hazardous waste under the authority of the Resource Conservation and Recovery Act (RCRA) Subtitle C. This program regulates the management of hazardous waste from cradle-to-grave.¹

Generators, transporters and treatment/storage/disposal facilities (TSDFs) must notify the EPA of their activities, and TSDFs are required to obtain permits to handle hazardous waste from an authorized state or the EPA. Shipments of hazardous waste from a generator to a TSDF must be accompanied by an EPA hazardous waste manifest. The manifest identifies the generator, transporter, TSDF, type and volume of waste, and dates of shipment and receipt. Additionally, the manifest process requires the TSDF to notify the generator of receipt of the waste, and the generator must notify its state or the EPA if this confirmation is not received.

Hazardous waste exports and imports complicate cradle-to-grave management of hazardous waste because the EPA's jurisdiction ends the moment the shipment leaves the country and starts after it enters the country. RCRA provides different authorities to the EPA for imports and exports. RCRA provides no explicit authority to prevent imports of hazardous waste at the border. In contrast, RCRA provides explicit statutory authority to control exports of hazardous waste.

¹ RCRA establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal, commonly referred to as "cradle-to-grave."

EPA Requirements for Imports of Hazardous Waste

Regulations that apply to domestically generated hazardous waste also apply to imported hazardous waste when it enters the United States. Additionally, the following controls have been developed for hazardous waste imports:

1. One-time notification – Each permitted RCRA TSDf receiving hazardous waste must notify the EPA at least 4 weeks before receipt of the first shipment from a foreign source. This is a one-time notification that identifies the foreign source.²
2. 12-month consent – Foreign governments—including Canada, Mexico, and Organization for Economic Cooperation and Development (OECD) countries—are required to provide notice and obtain the EPA’s consent to ship hazardous waste to a named TSDf in the United States for identified waste streams. The EPA’s consent is valid for up to 12 months.³
3. Manifest submittal – For each import shipment, the TSDf is required to submit to the EPA a copy of the completed manifest and a copy of the EPA consent letter,⁴ or other documentation explaining why a consent letter is not provided.
4. Biennial report of import shipments and volumes – TSDfs and generators are required to identify the content of imported waste shipments and their volumes in the RCRA Biennial Report.⁵
5. Certificate of Recovery – For shipments from certain OECD countries,⁶ TSDfs that recycle hazardous waste imports must submit to the EPA and countries of export and transit separate certificates of receipt and recovery.⁷

Control over the transboundary movement of hazardous waste is a foreign policy function of the government that has been delegated to the EPA’s Office of Federal Activities in the Office of Enforcement and Compliance Assurance. According to the EPA’s 2013 *Standard Operating Procedures for the Regional Review Of Hazardous Waste Import Notifications*, the “delegation of the notification function to the EPA imposes a substantial responsibility on the agency to serve the interests of the US Government. Moreover, shipments of hazardous waste into the US pose potential risks for the public health and environment of our country,

² The Code of Federal Regulations (CFR) in 40 CFR § 265.12(a)(1).

³ Per treaties with Canada and Mexico and the OECD Decision.

⁴ 40 CFR § 265.71(a)(3).

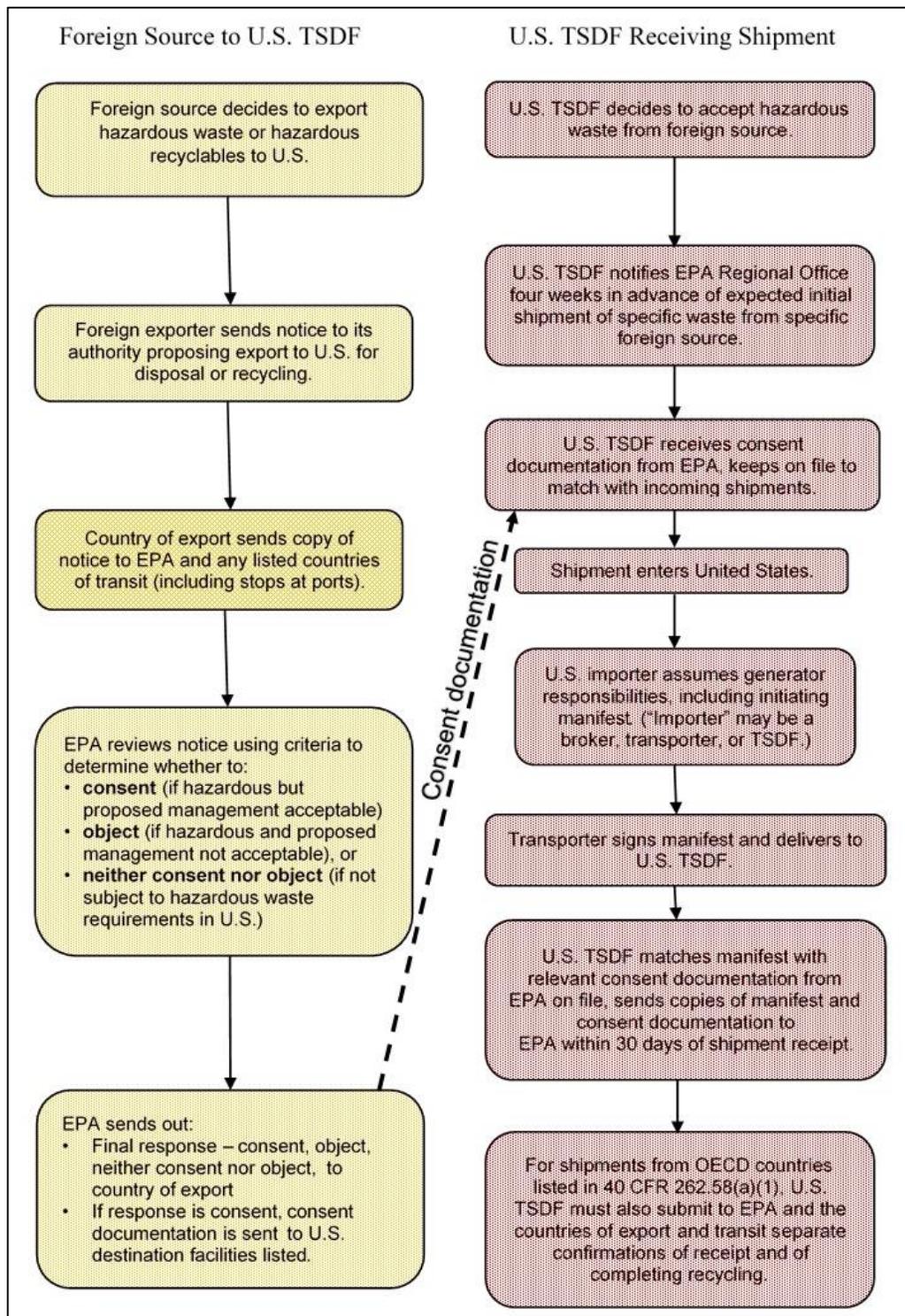
⁵ 40 CFR § 265.75(d) and 40 CFR § 262.41(a)(5).

⁶ For the purposes of 40 CFR 262, Subpart H, the designated OECD member countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

⁷ 40 CFR § 262.58(a)(1), 262.80(a), and 262.83(e).

since these wastes originate outside the US.” Figure 1 illustrates the hazardous waste import process and the responsibilities of all parties involved.

Figure 1 – Import Shipping Procedures



Source: EPA. Modified by Office of Inspector General (OIG).

U.S. Customs and Border Protection (CBP) has ultimate control over border entry points and has broad authority to stop dangerous vehicles or shipments from entering the country. However, RCRA does not designate authority for CBP to stop hazardous waste imports at the border.

CBP is generally responsible for knowing what is in a shipment and whether it poses a risk to the American people, and ensuring that all proper revenues are collected. CBP “conditionally releases” all imports that comply with a more limited number of federal regulations for which CBP has border authority, such as the EPA’s pesticide import requirements. CBP must verify compliance with these regulations before releasing the shipment into the country. The EPA, however, was not designated explicit authority under RCRA for hazardous waste imports and, therefore, CBP does not verify compliance with import requirements at the border, such as whether the EPA has consented to the hazardous waste shipment or whether the shipment has the required EPA manifest. CBP does have its own authority to require an importer to “redeliver” any shipment back to the port of entry that may be in violation of any federal regulations within 30 days of entry into the United States. The EPA could make a request to CBP for redelivery of a shipment if it suspects a facility has imported hazardous waste that is not in compliance with any RCRA regulation.

CBP is currently working with other federal agencies—including the EPA—to implement the International Trade Data System (ITDS). It will allow businesses to submit data required by CBP and Partner Government Agencies to import or export cargo through a “Single Window” concept operated by CBP rather than various Partner Government Agency systems. This system allows importers and exporters to demonstrate compliance with federal regulations to the Partner Government Agencies, who then certify whether the shipment is in compliance. CBP is able to see in ITDS whether the Partner Government Agency certified the shipment and, if not, reject or detain the shipment at the border.

Responsible EPA Offices

Import-export activities for hazardous waste at the EPA are performed by two separate offices:

- **Office of Resource Conservation and Recovery (ORCR):** Within the Office of Solid Waste and Emergency Response (OSWER), ORCR performs the following import-export activities:
 - Promulgates and interprets regulations.
 - Participates in regulatory and voluntary initiatives to promote the safe handling of waste imports and exports.
 - Compiles and issues the Biennial Report (BR).
 - Manages RCRAInfo, a national program management and inventory system about hazardous waste handlers.

- **Office of Federal Activities (OFA):** Within the Office of Enforcement and Compliance Assurance (OECA), OFA performs the following activities:
 - Operates the import-export notice and consent process.
 - Receives hazardous waste manifests for import-export shipments.
 - Receives annual hazardous waste export reports from handlers.
 - Manages the Waste Import Export Tracking System (WIETS).

The OFA and Regional Import-Export Coordinators annually process more than 700 notices for over 7,000 waste streams from foreign countries that ship hazardous waste to the United States. ORCR is in the process of developing a proposed rulemaking (expected to be published in 2015) that will consider revisions to the hazardous waste import-export related requirements in 40 CFR Parts 262–265 for the purpose of (1) making existing import- and export-related requirements more consistent with the current requirements for shipments between members of the OECD; (2) enabling electronic submittal of all import- and export-related documents (e.g., export notices, export annual reports); and (3) enabling electronic validation of export shipment data prior to exit.

EPA Information Systems

Data on hazardous waste imports can be obtained from two EPA sources:

- **Biennial Report:** Hazardous waste TSDFs and large-quantity generators⁸ must report the nature, quantities and disposition of the hazardous waste they handle once every 2 years. This information is compiled in the BR maintained by ORCR. The latest BR data from 2011 indicates that more than 900 shipments of hazardous waste were received by facilities in the United States, with a volume of about 90,000 tons.⁹
- **WIETS:** OFA maintains WIETS to track import and export notifications and determinations. For imports, the information in this database includes the type of waste (if available), the generation country, the destination TSDF, the anticipated waste volume, and if the waste shipment has been approved by the EPA. Since 2011, WIETS has documented over 2,500 hazardous waste import notifications for over 25,000 different waste streams.

⁸ Generators of hazardous waste are considered “large-quantity generators” if they generate 1,000 kilograms per month or more of hazardous waste, or more than one kilogram a month of acutely hazardous waste.

⁹ The 2011 BR was the most recent available BR as of October 2014. The final 2013 BR is expected to be available in December 2014.

Scope and Methodology

We conducted our work from April 2014 to January 2015. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We reviewed 2009 and 2011 data from the EPA's BR and manifest information submitted to OFA. We did not assess the accuracy of the BR data. We sampled (non-statistically) scanned copies of manifests and consent documentation submitted to OFA from TSDFs in 2011 and 2012. We selected 23 files from more than 1,000 supplied by OFA, and we reviewed a total of 211 manifests and consent documentation from these files.

We interviewed EPA staff and management in OECA/OFA and in the Office of Solid Waste and Emergency Response's ORCR. We also interviewed EPA staff responsible for the review of imports/exports in Regions 2, 5, 6 and 9. We analyzed import data available in the BR as well as import manifest summaries compiled by OFA. We reviewed copies of manifests, consent letters, and other documentation received and compiled by OFA. We also analyzed import notices and waste determinations in the WIETS database. Various modules of RCRAInfo were also used to analyze the characteristics, including permit status, of hazardous waste importers. We reviewed international laws and treaties governing the import of hazardous waste and examined EPA policies and procedures for the current data systems in use. We interviewed personnel at CBP regarding their role in handling hazardous waste at the border. We met with the EPA's Office of General Counsel to obtain their interpretation of the EPA's authority to oversee hazardous waste imports under RCRA.

Chapter 2

Hazardous Waste Imports Not Effectively Tracked and Enforcement Actions Are Limited

The EPA's actions to ensure that hazardous waste imports to the United States are received, processed and managed in accordance with RCRA regulations are incomplete and ineffective. Review of a sample of manifests submitted to the EPA found that some shipments occurred outside the consented time frame, incorrectly identified the generator, or had unusually long transit times. Further:

- More than half of the manifests reviewed were not accompanied by a consent letter or other acceptable documentation as required by RCRA regulations.
- The EPA letter consenting to imports did not consistently include sufficient information to verify that the types of hazardous waste shipped were those which received consent.

Review of two EPA information systems revealed major discrepancies in hazardous waste import volumes, indicating that the EPA has incomplete knowledge of hazardous waste import shipments. EPA managers and staff said their enforcement options were restricted by a lack of explicit authority to prevent unconsented shipments from entering the United States. Additionally, the EPA does not review manifests or data to identify regulatory violations and pursue appropriate enforcement actions consistent with RCRA regulations. As a result, the EPA has an incomplete picture of hazardous waste entering the country, and there is the potential for violations of federal hazardous waste regulations to go undetected and unenforced. The EPA has recognized that “shipments of hazardous waste into the U.S. pose potential risks for the public health and environment of our country, since these wastes originate outside the U.S.”¹⁰

EPA Does Not Effectively Track Hazardous Waste Imports

EPA Does Not Have an Accurate Accounting of Hazardous Waste Entering the Country

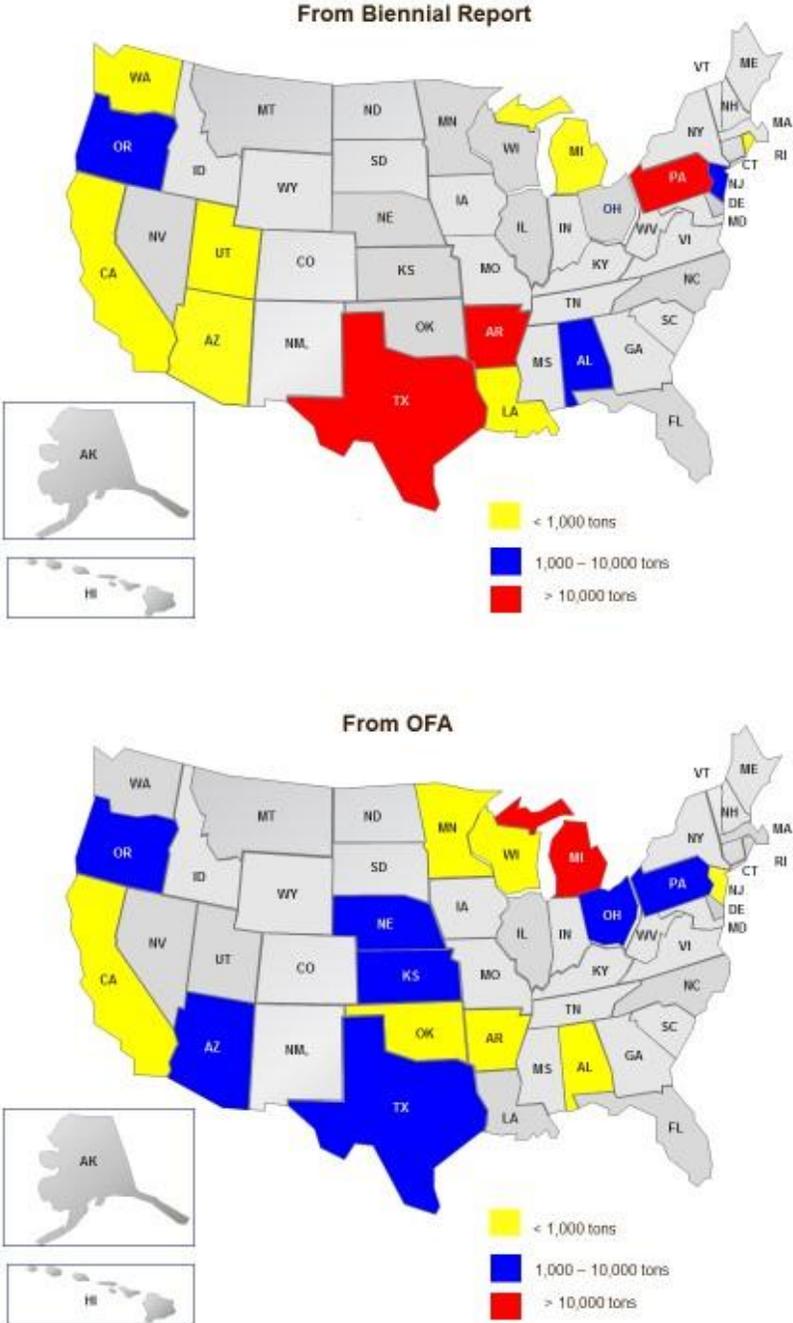
The EPA does not have an accurate accounting of hazardous waste coming into the United States. Comparison of import quantities for 2009¹¹ showed OFA received manifests for less than half the waste identified in the BR. OIG analysis of 2011

¹⁰ From 2013 *Standard Operating Procedures for the Regional Review of Hazardous Waste Import Notifications*.

¹¹ OECA does not regularly compile hazardous waste quantities from import manifests, and data was only available for 2007 and 2009 and only included imports from Canada and Mexico (according to the 2011 BR, almost 90 percent of hazardous waste imported came from these two countries). There are data on the number of manifests received by OFA in 2011 and 2012, but not the waste quantity.

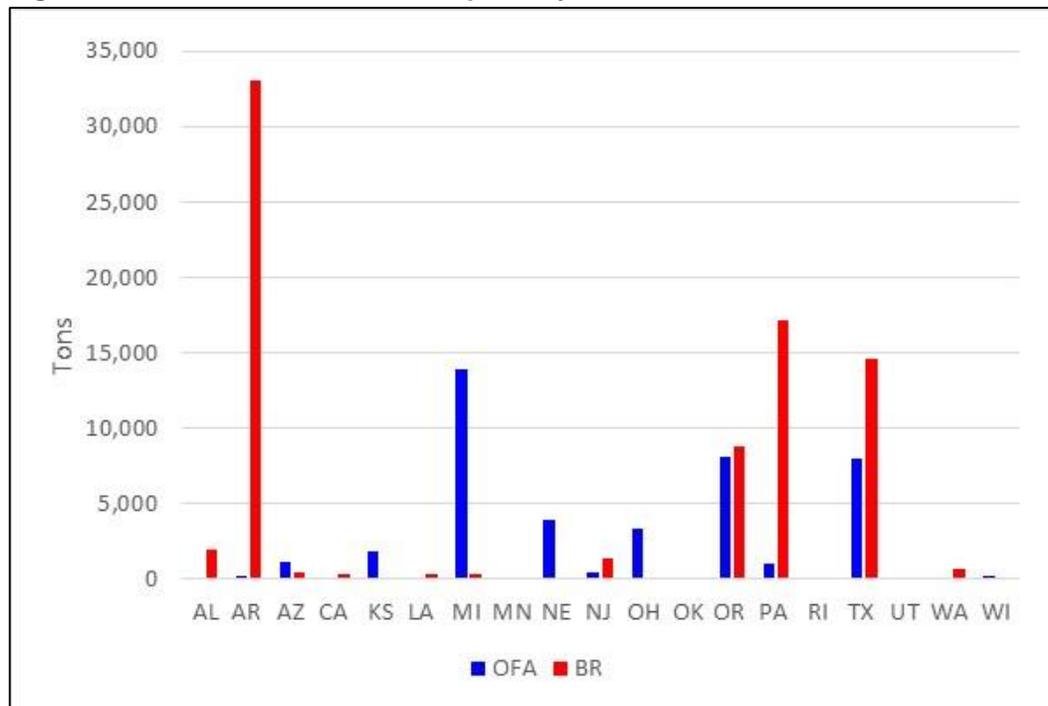
data also showed much of the waste documented in the manifests received by OFA was not reported in the BR. Further, the BR and OFA data had major discrepancies. Figure 2 illustrates the major differences in the quantity of hazardous waste imported into the United States depending on which EPA data source is used. Specific state discrepancies are further illustrated in Figure 3.

Figure 2 – 2009 Hazardous Waste Imports



Source: OIG analysis of OFA manifest and EPA BR data for 2009.

Figure 3 – 2009 Hazardous Waste Imports by State – OFA versus BR Data



Source: OIG analysis of OFA manifest and EPA BR data for 2009.

BR queries also showed internal discrepancies between import volumes reported for generators and TSDFs. The BR requires both generators and TSDFs to identify quantities that were imported. Therefore, the total volumes of imported hazardous waste reported by generators and TSDFs should be identical. However, the EPA records show that little imported hazardous waste is reported by generators. For 2011, BR data indicate only 3,000 tons of hazardous waste reported by generators versus 90,000 tons received by TSDFs.

The EPA does not routinely tally the quantity of hazardous waste imported as indicated on manifests received from OFA. Comparison of import quantities from the manifests is not compared to the import quantities reported to the BR. According to OFA managers and staff, review of the manifest data collected is not performed due to resource constraints and lack of management emphasis that stems from lack of explicit statutory authority to control imports. Also, the WIETS notice and consent tracking system does not track actual shipped quantities, only expected shipment size and frequency.

In practice, expected shipment notices in WIETS are orders of magnitude larger than actual shipments as reported to the BR or OFA. The cause is likely a combination of (a) overestimating import quantity as there is no penalty for doing so, (b) overestimating import quantity so exporters can avoid having to amend the consent or obtain a new consent if they want to export more hazardous waste than originally expected, and (c) potential underreporting of actual shipments as evidenced by the discrepancies in the actual import quantities identified above.

By not following up on these differences between and within data sources, the EPA does not have an accurate accounting of the hazardous waste entering the country. The lack of review of data reported to OFA and through the BR compromises the completeness and quality of data in both sources.

The types of hazardous waste imported include solvents, acids, heavy metals such as cadmium and mercury, and used batteries containing lead. The human health and environmental risks from the waste come from potential mismanagement and contamination of air, water and soil with toxic constituents.

EPA Does Not Have Explicit Authority to Prevent Hazardous Waste Imports From Entering the Country

RCRA is silent as to granting the EPA (or any other agency) express authority to stop shipments of hazardous waste imports at the border. Due to this apparent lack of authority, neither the EPA nor CBP stop shipments of hazardous waste that have not received the EPA's prior consent at the border.¹² Further, imported hazardous waste shipments may be received by TSDFs without prior consent from EPA. The EPA's only knowledge of shipments without prior consent is receipt of a manifest or other documentation from the TSDF. The EPA's only course of action in such cases is communication with the government of the originating country,¹³ or requesting CBP to issue a redelivery notice to the importer to send the hazardous waste shipment back to the port of entry. EPA managers and staff stated they lack explicit authority to pursue enforcement actions against a TSDF for receiving waste without prior consent (or outside the consent period). Without prior consent, there is no assurance that the hazardous waste is sent to TSDFs that are permitted to manage the hazardous waste, or that the waste will be properly managed.

Other Environmental Laws Address Other Imports

While the EPA does not have explicit authority under RCRA to stop unconsented hazardous waste imports from entering the country, the EPA does have explicit authority under other statutes and works more closely with CBP to regulate these imports. Some examples include:

- Pesticides – The Federal Insecticide, Fungicide, and Rodenticide Act explicitly states that any pesticide or device that violates the provision of the act may be refused admission into the United States.¹⁴ It states that the pesticide or device may be destroyed or stored and that any charges

¹² In contrast, illegal imports of counterfeit products such as shoes or purses may be stopped at the border.

¹³ In these cases, EPA would inform the government of the originating country that there may be an exporter in their country who is exporting hazardous waste in violation of international treaties. It would be incumbent on the foreign government to take further action against the exporter.

¹⁴ 7 U.S.C. § 136o.

incurred will be billed to the owner or will constitute a lien on any future importation by the owner.

- Chemicals – The Toxic Substances Control Act states that any chemical substance or mixture that fails to comply with any rule in effect under the act shall be refused entry into the customs territory of the United States. Like the Federal Insecticide, Fungicide, and Rodenticide Act, the Toxic Substances Control Act states that all charges for storage, cartage and labor on and for disposal of substances, mixtures or articles which are refused entry or released shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future entry made by the owner or consignee.¹⁵
- New motor vehicles or new motor vehicle engines – The Clean Air Act prohibits the importation into the United States of any new motor vehicle or new motor vehicle engine manufactured after the effective date of regulations, which are applicable to such vehicle or engine, unless such vehicle or engine is covered by a certificate of conformity issued (and in effect) under regulations prescribed under the act.¹⁶

These examples of the authority to stop specific types of shipments at the border provide a sharp contrast to the inability to stop unconsented hazardous waste imports at the border. RCRA does not address the import of hazardous waste (while it does explicitly address conditions of export). The EPA has stated that without explicit statutory authority under RCRA, it cannot work with CBP to refuse entry of illegal hazardous waste imports like the EPA does for imports of items covered under the other statutes described above.

The EPA is currently focused on using ITDS to manage hazardous waste exports rather than imports, claiming lack of authority as the reason for not including imports. However, according to CBP, the use of ITDS need not be restricted to regulations for which an agency has border authority. For compliance monitoring and assurance purposes, the use of ITDS for hazardous waste imports could identify noncompliers and inform CBP and the EPA on the extent to which hazardous waste imports are entering the country without proper consent. Furthermore, CBP's broader authority to require redelivery of imports up until 30 days after entry (upon request of Partner Government Agencies) is consistent with the use of ITDS.

¹⁵ 15 U.S.C. § 2612.

¹⁶ 42 U.S.C. § 7522(a)(1).

EPA Monitoring of Hazardous Waste Import Transit Is Incomplete

The EPA may be unaware of shipments that do not reach their intended destination facilities, as well as significant discrepancies in the volume or nature of hazardous waste shipped.

Even when there is consent, the EPA does not routinely confirm that the type of waste imported is consistent with both the consent and the receiving facility permit conditions. EPA managers and staff stated that the regions confirm the receiving facility is permitted to accept the type of expected waste to be shipped prior to consent. Import notifications generally do not contain EPA waste codes because they are from foreign entities; however, they do contain a description of the waste or foreign/international waste codes. The regions may examine the waste description to confirm that receiving facilities can handle the waste and make a consent determination. At this point, translating the description into EPA waste codes and entering into WIETS would ensure they are contained in the consent letter as these letters are automatically generated from WIETS. Currently, the information in the consent letter does not typically contain sufficient detail (such as EPA hazardous waste codes) to allow OECA staff to confirm that the type of actual hazardous waste shipped is consistent with that with which the EPA consented.

It should be noted that EPA consent is only given for hazardous waste imports. If the imported waste falls under one of the RCRA recycling exclusions, a notice to import would not be required. If the exporting country requires a notice, only a “neither consent nor object” determination is issued by the EPA since consent is only required for waste that is considered hazardous in the United States.

Our review of EPA consent letters found that more than half of them were issued to facilities that were not permitted to receive hazardous waste,¹⁷ a potentially serious regulatory violation that could lead to criminal or civil enforcement actions. However, according to regional import coordinators we interviewed, this discrepancy was because the waste was either not hazardous or was being sent for recycling. The regional coordinators indicated a “neither consent nor object” determination, rather than a “consent” determination, should have been made in these cases.

The EPA does not analyze BR data on hazardous waste imports as a means to identify hazardous waste imported without EPA consent. For the 2011 data available, we identified 23 TSDFs that submitted import manifests to the EPA but did not report to the BR. The OIG also identified 35 TSDFs that were reported to the BR but did not submit manifests to OFA as required. The EPA was previously unaware of these potential reporting violations. We have provided this information to OFA and ORCR staff so that they may follow up as appropriate.

¹⁷ Under RCRA, a TSDF may not receive hazardous waste for treatment, storage, or disposal without a permit.

The regional coordinators provide recommendations to OFA regarding whether to consent or object to the shipment. According to OFA, the coordinators review the one-time notice of intent to import; the individual notices of intent to import; and other information such as the permitted operations of the TSDF, including allowable types of hazardous waste. The coordinators then provide a recommendation to OFA, which makes the final consent determination. The criteria used by the coordinators are outlined in the 2010 “Criteria and Process for Objecting to Requests to Import Hazardous Waste to a U.S. Facility Memorandum” developed by OFA. Any one of these criteria may be sufficient to object to the proposed import:

1. The notice of intent to import does not provide all required information.
2. The notice of intent to import contains material information that is inconsistent with information contained in the one-time notice to import.
3. The import of the waste is prohibited under other federal statute(s).
4. The U.S. importing facility seeks to import regulated hazardous wastes that are not included in the facility’s permit or interim status authorization.
5. The U.S. importing facility is not in interim status or is operating without a required RCRA permit.
6. The U.S. importing facility’s owner, operator or parent corporation has been convicted under the criminal provisions of any environmental statute within a year of notification.
7. The EPA has received information that demonstrates that the U.S. importing facility cannot properly and safely manage the imported hazardous waste.

The information contained in the one-time notice can become obsolete. One-time notices may not exist. For this reason, some of the regions we spoke with rarely rely on the information in the one-time notice. Additionally, the information in the one-time notice is also in WIETS via the notices of intent to import. Moreover, the agency has stated it is difficult to pursue enforcement action for failure to submit one-time notices.

EPA Tracking of Submitted Manifests and Consents Is Incomplete

An OIG review of a random sample of 211 manifests received by OFA over a 2-year period (2011 to 2012) revealed that 59 percent of the import manifests are not accompanied by a consent letter or other acceptable import documentation as required by RCRA regulations. Although EPA consent requires specific identification of the waste generator, TSDF and waste types, the EPA does not track the consented waste type or that the TSDF is receiving waste from the foreign generator specified in the consent. In the sample we reviewed, the waste type is often absent from consent letters that accompany import manifest copies returned to the EPA. This makes it difficult to verify that the waste received matches the waste for which consent was given. OIG analysis of manifests also revealed other irregularities, including:

- Waste received outside consent window – This invalidates the concept of providing consent for a specified time. Also, the TSDf permit conditions that allowed consent may have changed.
- Incorrectly identified generators – This makes it difficult to follow up with a generator in the event a shipment is overdue, and also complicates efforts to validate import generation and received volumes in the BR.
- Abnormally long domestic shipment times, e.g., over 2 months (not including international transit) – Exposure risk also comes from potential releases or accidents during transportation of hazardous waste imports where the distance between generation and final disposal (cradle to grave) may be longer than for domestic hazardous waste shipments.

Requiring the importer to provide the EPA Notice ID and the foreign generator on the manifest itself would enable the EPA to more easily verify whether the manifest it has received is connected to an entry in WIETS, the system used to track import notices and consents.

According to the EPA's 2013 *Standard Operating Procedures for the Regional Review of Hazardous Waste Import Notifications*, within 30 days of receipt of the hazardous waste, the receiving TSDf is required to submit to EPA import consent documentation and a copy of the import manifest for the shipment. The document further states that this "is one of the basic self-reporting requirements of RCRA which is designed to make compliance monitoring by the EPA possible. Like other self-reporting requirements of RCRA, it is important to require regulated parties to uphold their obligations or else the legal framework enacted by Congress will fail."

There may be valid reasons why import manifests may not be accompanied by a consent letter. For example, imports of hazardous waste from U.S.-owned manufacturing facilities in Mexico (known as "maquiladoras") are not required to give notice or seek consent; thus, imports of this waste may not be accompanied by a consent letter from the EPA. In these cases, the EPA does require documentation to accompany the manifest that explains why the TSDf may not have received a consent letter. However, the EPA is not verifying whether TSDfs submitting manifests without a consent letter have this documentation and whether it is being submitted in lieu of a consent letter for legitimate reasons.

EPA Has Not Enforced Against Improper Hazardous Waste Shipments Coming to the United States

The EPA has rarely taken any enforcement actions against shipments entering the United States without prior consent. EPA managers stated that the appropriate response for shipments without consent would be communication with the government of the foreign country so that it may take enforcement actions against its exporters. The EPA provided documentation indicating that this has been done.

However, the EPA has not taken any enforcement actions against receiving facilities for failure to submit import manifests or include consent documentation. As illustrated in Figures 2 and 3, OFA is unaware of many import shipments that are identified in the BR. Conversely, there are many importers that submitted manifests to OFA but did not report to the BR, which is a potential violation of RCRA regulations. Possible enforcement actions are presented in Table 1.

Table 1: Possible EPA actions for import violations

Import “violation”	Possible Enforcement Action
No one-time notice received	RCRA enforcement action is permitted – this is a violation of RCRA regulations.
No consent given	None – no authority under RCRA. Communication back to exporting country.
Shipment outside of consent timeframe	None – no authority under RCRA. Communication back to exporting country.
Waste type shipped different than what EPA consented to	None – no authority under RCRA. Also, consent letters often do not include RCRA waste type to easily verify.
No consent documentation included with manifest returned to OFA	RCRA enforcement is permitted – this is a violation of RCRA regulations.
No manifest returned to OFA	RCRA enforcement action is permitted – this is a violation of RCRA regulations.
Import shipments not reported in BR	RCRA enforcement action is permitted – this is a violation of RCRA regulations.

Source: OIG analysis.

EPA managers and staff informed us of two instances of enforcement cases related to hazardous waste imports. One was historical reports of illegal stockpiling of hazardous waste imports from Mexico at the border. The second case involved a shipment that entered the country through Region 5 and ended up in a Region 4 facility in Alabama. The case involved an importer attempting to obtain consent through the Federal Insecticide, Fungicide, and Rodenticide Act to import partially empty containers of discarded, illegal pesticides. The EPA’s pesticides program repeatedly denied entry of these containers and informed the RCRA program that there may be undocumented hazardous waste entering the country. The pesticide contained an active ingredient that would be listed as an acutely toxic hazardous waste under RCRA. According to the EPA, enforcement action will be pursued by either Region 4 or 5.

According to EPA managers and staff, the lack of explicit statutory authority to stop hazardous waste shipments at the border has resulted in a reduced level of staff time focused on imports. EPA managers stated that less than 10 percent of OFA and regional coordinator time is focused on imports.

Lack of explicit authority may prevent the EPA from stopping unconsented shipments at the border, but it does not prevent the EPA from taking appropriate and necessary enforcement actions against U.S. handlers (importer, transporter or TSDf) in violation of RCRA requirements. The absence of enforcement activity

in this area may cause hazardous waste importers to become complacent and noncompliant, potentially leading to an increase in rogue importers operating undetected, and increasing the potential for unacceptable human and environmental exposure to toxic contaminants.

Conclusions

Lack of explicit authority restricts the EPA's ability to prevent unconsented hazardous waste shipments from entering the United States. This is a gap in the federal law that governs the management and handling of hazardous waste and its intent to address "cradle-to-grave" management of hazardous waste. With hazardous waste imports, the U.S. border acts as the point of generation (i.e., cradle), but neither the EPA nor CBP believes they otherwise have explicit authority to stop unconsented shipments of hazardous waste at the border. The EPA needs to seek explicit authority to stop unconsented imports at the U.S. border.

The EPA also needs to better use the authorities it does have. The EPA has failed to take enforcement action against domestic entities when RCRA import regulations are violated. The EPA can begin to address this by taking enforcement actions and working with CBP to identify how existing border controls can be more effectively used.

OFA's efforts to monitor hazardous waste import shipments are ineffective; over 60 percent of the hazardous waste volume reported in the BR system was not reported to OFA. However, the BR system also does not provide a complete picture of hazardous waste imports. As a result, there is an incomplete picture of hazardous waste entering the country and a potential for violations of RCRA regulations to go undetected. The EPA could remedy this situation by implementing additional controls for accounting of hazardous waste imports.

Recommendations

We recommend that the Assistant Administrator for Enforcement and Compliance Assurance and Assistant Administrator for Solid Waste and Emergency Response:

1. Implement controls to improve monitoring of hazardous waste imports:
 - a. Reconcile TSDf import manifests submitted to OFA with data reported in the BR.
 - b. Include an additional statement in consent documentation reminding importers of the reporting requirements and emphasizing that TSDfs must submit import manifests to OFA and report imported hazardous waste in the BR.

- c. Require sufficient information in the consent letter and the manifest to confirm that the receiving TSDf and the type of hazardous waste imported have received prior consent
 - d. Implement mechanisms to ensure TSDf's submit required documentation, such as a copy of the consent letter, to OFA in addition to the import manifest.
2. Eliminate the one-time notice of intent to import requirement.
3. Work with CBP to use the ITDS system for hazardous waste imports to enhance domestic compliance monitoring.
4. Seek explicit statutory authority to prevent the import of hazardous waste that does not have prior EPA consent.

Agency Response and OIG Evaluation

We revised the draft report recommendations after discussion with the agency, and the agency now agrees with all recommendations. Agency corrective actions to address the recommendations are:

Recommendation 1a – The agency will reconcile discrepancies between import manifests submitted by TSDf's to OFA with import data reported by those TSDf's in the Biennial Report (BR) for 2011. First, OFA will send letters to those TSDf's identified by the OIG as having submitted data on import shipments in their 2011 BR submittal that could not be matched to import manifests submitted to OFA. Second, ORCR will inform the relevant regions about the discrepancies and ask those regions to work with the relevant authorized states to follow up with those TSDf's identified by the OIG as having submitted 2011 import manifests to OFA but not having submitted matching import data on those manifested import shipments as part of their 2011 BR submittals. Milestone date: March 1, 2016.

Recommendation 1b – The agency will include an additional statement in consent documentation reminding importers of the reporting requirements and emphasizing that TSDf's must submit import manifests to OFA and report imported hazardous waste on the “waste received from off-site” form (WR form) form in the BR, and that importers need to report imported hazardous waste on the “waste generation and management” form (GM form) form in the BR as appropriate. Milestone date: January 31, 2016.

Recommendations 1c-d and 2 – The agency informed us that Recommendations 1 c-d and 2 may be addressed in their proposed rulemaking currently under review by the Office of Management and Budget (OMB). Due to this ongoing deliberative process, the agency managers believed it was inappropriate to specifically address their position on these recommendations until OMB review of the proposed rule is complete. We will therefore review the content of the

proposed rule with EPA staff after OMB review. At that time, we may modify the recommendations and develop mutually-agreeable corrective action dates.

Recommendation 3 – The agency will report on the status of this recommendation by December 31, 2015.

Recommendation 4 – The agency will meet with Administration officials outside of EPA by 2nd Quarter FY2016 to discuss obtaining explicit import border authority.

Recommendations 1a-b, 3, and 4 are open with corrective actions underway. Because recommendations 1c-d and 2 will be discussed by the Agency and OIG staff after OMB review of the proposed rule, these recommendations are considered unresolved and will be addressed in the Agency's 60-day response to this report. Appendix A contains the agency's response to our draft report and planned actions to address our recommendation. We reviewed the technical comments and made revisions to the report as appropriate.

Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS						POTENTIAL MONETARY BENEFITS (in \$000s)	
Rec. No.	Page No.	Subject	Status ¹	Action Official	Planned Completion Date	Claimed Amount	Agreed-To Amount
1	16	Implement controls to improve tracking of hazardous waste imports:		Assistant Administrator for Enforcement and Compliance Assurance and Assistant Administrator for Solid Waste and Emergency Response			
		a. Reconcile TSDf import manifests submitted to OFA with data reported in the BR.	O		3/1/16		
		b. Include an additional statement in consent documentation reminding importers of the reporting requirements and emphasizing that TSDFs must submit import manifests to OFA and report imported hazardous waste in the BR.	O		1/31/16		
		c. Require sufficient information in the consent letter and the manifest to confirm that the receiving TSDf and the type of hazardous waste imported have received prior consent	U				
		d. Implement mechanisms to ensure TSDFs submit required documentation, such as a copy of the consent letter, to OFA in addition to the import manifest.	U				
2	17	Eliminate the one-time notice of intent to import requirement.	U	Assistant Administrator for Enforcement and Compliance Assurance and Assistant Administrator for Solid Waste and Emergency Response			
3	17	Work with CBP to use the ITDS system for hazardous waste imports to enhance domestic compliance monitoring.	O	Assistant Administrator for Enforcement and Compliance Assurance and Assistant Administrator for Solid Waste and Emergency Response	12/31/15		
4	17	Seek explicit statutory authority to prevent the import of hazardous waste that does not have prior EPA consent.	O	Assistant Administrator for Enforcement and Compliance Assurance and Assistant Administrator for Solid Waste and Emergency Response	1/1/17		

¹ O = Recommendation is open with agreed-to corrective actions pending.
C = Recommendation is closed with all agreed-to actions completed.
U = Recommendation is unresolved with resolution efforts in progress.

Agency Response to Draft Report

(Dated March 25, 2015)

MEMORANDUM

SUBJECT: Response to Office of Inspector General Draft Report No. OPE-FY14-0036, "EPA Does Not Effectively Control or Monitor Imports of Hazardous Waste," dated February 23, 2015

FROM: Cynthia Giles
Assistant Administrator, OECA

Mathy Stanislaus
Assistant Administrator, OSWER

TO: Arthur A. Elkins, Jr.
Inspector General

Thank you for the opportunity to respond to the issues and recommendations in the subject audit report. Following is a summary of the agency's key points, along with its responses on each of the report recommendations. For those report recommendations with which the agency agrees, we have provided intended corrective actions and estimated completion dates to the extent we can. For those report recommendations that we do not think are appropriate or supported, we have explained our position, and proposed alternatives to recommendations. For your consideration, we have included a Technical Comments Attachment to supplement this response.

AGENCY'S OVERALL POSITION

Our chief concern is the significant overstatement in the report's draft conclusions, which claim that EPA's monitoring of imports of hazardous waste has "serious flaws." Although the report acknowledges that EPA does not have legal authority to stop hazardous waste imports at the border, the report nevertheless criticizes EPA for failing to properly monitor imports and suggests that EPA should increase its work in this area to do a variety of paperwork exercises of no demonstrated value. The report goes on to recommend that EPA seek new legal authority from Congress and states that "[t]he EPA's actions to ensure that hazardous waste imports to the United States are received, processed and managed in accordance with RCRA regulations are incomplete and ineffective." EPA has several significant concerns about the OIG's recommendations.

First, EPA does conduct some monitoring of hazardous waste imports, as resources permit. Even in the absence of explicit statutory authority, as OIG has recognized, we have in a number of instances informed the sending country of apparent shipment without consent for their enforcement action.

OIG Response 1: As acknowledged in the report, the EPA has informed the sending country of apparent shipments without consent. However, as documented in the report, EPA has incomplete information on imported hazardous waste shipments.

Second, the Agency is taking new steps to improve the tracking of hazardous waste imports that will improve the level of compliance monitoring. EPA is working on a proposed rule, the “Hazardous Waste Export-Import Revisions Rule, EPA-HQ-RCRA-2015-0147,” that would improve the tracking of imports of hazardous waste. In addition, pursuant to recently passed legislation, the Agency is developing a new electronic reporting and electronic manifest program that will enhance EPA’s ability to track imports. These two new regulatory efforts will advance our work in the imports area by making review and analysis of data much more efficient.

OIG Response 2: Both the proposed rule and the electronic manifest program have been agreed upon as acceptable corrective actions to address the revised recommendations, pending the content of the proposed rule after review by OMB.

Third, in a time of constrained resources when EPA’s enforcement program is at the lowest staffing level it has ever been since OECA was created over 20 years ago, EPA must focus its enforcement resources on those violations that pose the greatest environmental and public health impacts. While illegal movements of hazardous waste constitute a matter of serious concern, the available information does not support the need to elevate the compliance analysis of import shipments to a higher priority level, as the draft report recommends. Moreover, the draft report has not identified a substantial impact from hazardous waste imports that requires further action at this time.

OIG Response 3: The OIG has communicated with the EPA about ways to effectively reconcile the two sources of import data with minimal resources. This is reflected in the revised recommendations. With regard to “substantial impact” we refer to EPA’s own language in their 2013 *Standard Operating Procedures for the Regional Review of Hazardous Waste Import Notifications*: “shipments of hazardous waste into the U.S. pose potential risks for the public health and environment of our country, since these wastes originate outside the U.S.”

Fourth, as the draft report itself acknowledges, EPA lacks explicit RCRA import authority to stop imports at the border that lack EPA consent. In light of these factors, the draft report’s recommendation of increased investment is misplaced.

Recognizing the lack of authority to take the recommended actions, the draft report goes on to recommend that the Assistant Administrators of the two Offices seek to obtain explicit statutory authority to prevent the import of hazardous waste that does not have prior EPA consent. OECA and OSWER believe that such a recommendation goes well beyond the OIG’s authority and is not appropriate to include as a recommendation for corrective action.

OIG Response 4: The EPA is incorrect to state that the OIG does not have this authority – nothing in the IG Act prohibits recommending that the EPA seek additional authority. Further, seeking additional authority has been included in OIG recommendations, agreed to by EPA, in prior reports. The OIG recommendation stemmed from EPA’s consistent statements in interviews that efforts to control hazardous waste imports were restricted by the lack of authority and the fact that RCRA did not specifically give EPA the authority to stop imports at the border where consent was not received. After additional discussion, the Agency agreed to meet with Administration officials outside of EPA to discuss obtaining explicit import border authority.

In its technical comments, the Agency requested that the OIG add the word “explicit” before “authority” in the instances in the report where we discussed the lack of RCRA authority to stop imports at the port where consent had not been received. The Agency’s request for the insertion of “explicit” suggests that the Agency may have implicit authority it has not used. In that case, the Agency has not explained why it would otherwise lack the authority to address the imports of hazardous waste under its general RCRA authority.

We would welcome the opportunity to discuss these issues further.

If you have any questions regarding this response, please contact Gwendolyn Spriggs, OECA Point of Contact on (202) 564-2439, or Kecia Thornton, OSWER Point of Contact on (202)566-1913.

Attachments:

[Chart of Agency’s Response to Report Recommendations](#)
[Technical Comments](#)

cc:

Attachment 1: CHART OF AGENCY'S RESPONSE TO REPORT RECOMMENDATIONS

Agreements

No.	Recommendation	High-Level Intended Corrective Action(s)	Estimated Completion by Quarter and FY
1.	Implement controls to improve tracking of hazardous waste imports. This could include ensuring TSDFs report to the BR as both the generator and receiving facility if they are acting in both capacities.	OFA will include a statement in its import consent documentation reminding receiving facilities that they must report to the biennial report (BR) using the "waste generation and management" form (GM form) as well as the "waste received from off-site" form (WR form) if they are both the receiving treatment, storage, or disposal facility (TSDF) and the U.S. importer, and the total quantity of imported and domestically generated waste in any month meets the large quantity generator threshold. The statement will remind the facility that if it is not the U.S. importer, it should remind the U.S. importer of this potential reporting requirement, as all parties that are contributors to the importation of hazardous waste are jointly and severally liable for compliance with import requirements ¹⁸ .	4 th Quarter FY 2015 for changes to import consent documentation. December 2016 for any regulatory changes.

¹⁸ Memo from John Skinner, Director of the Office of Solid Waste, to Harry Seraydarian, Director of the Toxics and Waste Management Division in EPA Region IX, June 25, 1985, available online at [http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/E27643CD81ABBDCA8525670F006BD187/\\$file/11085.pdf](http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/E27643CD81ABBDCA8525670F006BD187/$file/11085.pdf).

		<p>ORCR is considering the inclusion of improved tracking measures for hazardous waste imports in the proposed rule titled “Hazardous Waste Export-Import Revisions Rule” (RIN 2050-AG77) that is currently in development.</p> <p>Since the 2001 BR cycle, the instructions have included a note in the section, WHO IS REQUIRED TO FILE THE HAZARDOUS WASTE REPORT, informing the regulated community that hazardous waste imported from a foreign country in 2015 must be counted in determining a reporter’s generator status and included in their hazardous waste report if the reporting site is the U.S. Importer.</p>	
2.	Eliminate the one-time notice of intent to import requirement.	ORCR is considering the inclusion of this recommendation in the proposed rule titled “Hazardous Waste Export-Import Revisions Rule” (RIN 2050-AG77) that is currently in development.	December 2016.
3.	Work with CBP to use the ITDS system for hazardous waste imports to enhance domestic compliance monitoring.	OSWER and OECA are arranging to discuss with Customs and Border Protection (CBP) the potential use of CBP’s authority to redeliver import shipments under the International Trade Data System (ITDS). Despite our willingness to explore this recommendation now, this avenue may present difficult legal and practical obstacles	4 th Quarter FY 2015 to discuss possibility of redelivery option with CBP.

		and ultimately may not prove to be available.	
5.	<p>Develop and implement procedures to address deficiencies in the current process and pursue enforcement actions as necessary. These procedures could include:</p> <p>b. Including the EPA Notice ID and foreign generator on the manifest returned by the TSDf to OFA, to allow confirmation with data entered into WIETS.</p>	<p>The EPA manifest requirements in 40 CFR Part 262 Subpart F already require entry of the foreign generator name and address in addition to the U.S. importer's name, address, and EPA ID number.</p> <p>ORCR is considering inclusion of the recommendation regarding the EPA notice ID in the proposed rule titled "Hazardous Waste Export-Import Revisions Rule" (RIN 2050-AG77) that is currently in development.</p>	December 2016.

Disagreements

No.	Recommendation	Agency Explanation/Response	Proposed Alternative
1.	Implement controls to improve tracking of hazardous waste imports. This could include reconciling BR data with the import manifests received by OFA as well as ensuring TSDf's report to the BR as both the generator and receiving facility if they are acting in both capacities.	Available data do not support the need for this increased work, particularly at a time of greatly diminished resources.	See Agency proposal for item #1 under Agreements.
4.	Seek explicit statutory authority to prevent the	This recommendation goes beyond OIG's authority and	

	import of hazardous waste that does not have prior EPA consent.	is not appropriate for inclusion as a corrective action.	
5.	Develop and implement procedures to address deficiencies in the current process and pursue enforcement actions as necessary. These procedures could include:		
	a. Ensuring EPA waste codes are entered into WIETS at the time of consent.	Regional Coordinators use their best judgment in determining which EPA waste codes correspond to a particular listing of UN waste codes found in import notifications, where the foreign notices do not provide EPA waste codes. However, the manual entry of EPA waste codes that are not listed in the foreign notice into a WIETS comment box could result in documenting inaccurate and/or incomplete waste code data in WIETS and potentially degrading data quality.	OFA will continue to enter all EPA waste codes listed in the foreign notice in WIETS.
	c. Requiring sufficient information in the consent letter (TSDF and hazardous waste codes) to allow confirmation using the manifest that the receiving TSDF is the one consented to and that the type of hazardous waste	Import Consent documentation already lists the receiving TSDF's name and address, the hazardous waste description and the foreign generator.	ORCR is considering the inclusion of certain changes to ensure that hazardous waste imports have received prior consent in the proposed rule titled "Hazardous Waste Export-Import Revisions Rule" (RIN 2050-AG77) that is

<p>imported received prior consent.</p>		<p>currently in development.</p>
<p>d. Implementing mechanisms to ensure TSDFs submit required documentation, such as a copy of the consent letter, to OFA in addition to the import manifest.</p>	<p>Available data do not support the need for this increased work, particularly at a time of greatly diminished resources.</p>	<p>ORCR is considering adding certain changes to better document consent on the EPA manifest in the proposed rule titled "Hazardous Waste Export-Import Revisions Rule" (RIN 2050-AG77) that is currently in development.</p>
<p>e. Following up with TSDFs for failure to submit a hazardous import manifest to OFA when they are identified as reporting to the BR.</p>	<p>Available data do not support the need for this increased work, particularly at a time of greatly diminished resources.</p>	<p>Once the e-manifest system is functioning, import shipment data will be automatically available to OFA.</p>
<p>f. Following up with TSDFs for failure to report to the BR when they are identified as having submitted a manifest to OFA.</p>	<p>Available data do not support the need for this increased work, particularly at a time of greatly diminished resources.</p>	<p>Once the e-manifest system is functioning, linkage to the BR may be included.</p>

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