

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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PREYNOLDS: PR/ts:OPPT-CMD-OPB:260-3965:8/09/93:NE117 : DISK#9:2PPMIMPT. USE: FILES/CMD, OPB, AUTHOR: SUBJECT-IMPORT OF TRANSFORMERS FOR REUSE: KEY WORDS: IMPORT / REUSE

Mr. Pierre Cote
 Technical Sales Representative
 PPM Canada Inc. - Quebec\Atlantic
 740 St. Maurice Bureau 204
 Montreal, Quebec
 Canada H3C 1L5

Dear Mr. Cote:

This is in response to your facsimile of June 14, 1993, concerning the exportation of electrical equipment to the United States from Canada. Your questions focus on the import of transformers at less than 50 parts per million (ppm) for purposes of metal recovery and requirements regarding the PCB concentration of transformers being imported into the United States for purposes of reuse.

This letter answers your questions in terms of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601-2629; it does not address any obligations you might have under other statutes. Section 6(e)(3)(A) of TSCA prohibits the manufacture of any polychlorinated biphenyl after July 1, 1979, unless it is specifically authorized. Section 3(7) of TSCA defines the term "manufacture" to include import into the customs territory of the United States. Under the TSCA PCB regulations, EPA prohibits the import of PCBs at 50 ppm or greater for disposal. EPA allows the import of PCBs at less than 50 ppm for purposes of disposal, which would include smelting for metal recovery. If after import into the United States for purposes of disposal (i.e., metal recovery) the transformers were determined to be contaminated with PCBs at greater than 50 ppm (i.e., in the internal components such as the core and coils), the importer of those transformers may be subject to an enforcement action for illegal importation. Therefore, to avoid violations under the TSCA PCB regulations, we recommend you consider removing the internal components of any transformer determined to be contaminated at less than 50 ppm that you intend to import to the United States for disposal.

In response to your question regarding the import of PCBs for reuse, neither TSCA nor the PCB regulations authorizes the import (manufacture) of PCBs into the United States for reuse. Any import of PCBs for reuse is strictly prohibited. The 2 ppm quantifiable level/level of detection which appears at §761.3

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threshold for purposes of manufacturing or importing PCBs. Rather, the 2 ppm regulatory cutoff was included in the PCB regulations at §§761.20(d) and (e) to prohibit certain uses of waste oil containing PCBs and to establish acceptable procedures for the marketing and burning of such oil for purposes of energy recovery. For purposes of implementing the ban on imports, EPA is concerned with a qualitative determination on the absolute presence or absence of PCBs, not with a reproducible, quantitative number, such as 2 ppm.

Under section 6(e)(3)(B) of TSCA, you may petition EPA for an exemption from the prohibitions of TSCA section 6(e)(3)(A). The procedures for submitting such an exemption petition are in the Code of Federal Regulations (CFR) at 40 CFR part 750. I must point out that since such petitions, once received by EPA, must be published in the Federal Register and go through a notice and comment period, it takes approximately two years for EPA to formally grant or deny them once the rulemaking process is initiated.

If you have any questions or comments concerning EPA's policy on the import, you may contact Tom Simons of my staff at 202-260-3991. If you have any questions concerning the enforcement of or compliance with this policy, you may contact Cary Secrest with the Office of Compliance Monitoring at 202-260-8660.

Sincerely,



Tony Baney, Chief
Operations Branch

cc: Mike Stahl, OCM
Jack Neylan, OCM
Cary Secrest, OCM
Helene Ambrosino, OE
Jim Curtin, OGC
PCB Coordinators, Regions I-X