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Hotline Questions and Answers

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2. Export Requirements for Transportation Through Transit Countries

A facility generates hazardous waste in Alaska. The generator arranges to send the hazardous waste to a disposal facility in California. In the process of transportation, the hazardous waste will pass through Canadian territory. Will the facility be required to comply with any of the export regulations found under Part 262, Subpart E?

In this scenario, RCRA export regulations do not apply. The regulations for exports of hazardous waste in Part 262, Subpart E apply to any person who meets the definition of a primary exporter. Primary exporter is defined under 262.51 as generally, any person required to initiate a hazardous waste manifest which designates a treatment, storage, or disposal facility in a receiving country. Receiving country is subsequently defined under 262.51 as "a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short term storage incidental to transportation)". In the above scenario, there are no treatment, storage, or disposal facilities in a receiving country that are designated on the manifest, rather, the waste simply passes through a foreign country. RCRA does not require that transit countries be notified.