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Hotline Questions and Answers

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1. Signing the Manifest as an Agent When Importing Hazardous Waste

A waste broker in Mexico arranges to collect hazardous waste from several different Mexican generators, and exports 1500 kilograms of hazardous waste for disposal at a U.S. facility. The RCRA regulations under Part 262, Subpart F require an importer to initiate a manifest when hazardous waste enters the United States. Since the broker from Mexico accepts all responsibility for the hazardous waste from the generator facilities and handles the hazardous waste for the U.S. disposal facility, can the broker sign the Uniform Hazardous Waste Manifest as an agent of the U.S. disposal facility that is importing the waste?

The regulations for imports of hazardous waste allow the importer or his/her agent to sign the generator certification statement on the manifest in place of the generator (262.60(b)(2)). The only requirement for an agent signing the manifest is that the agent must be somehow legally affiliated with the EPA identification number used on the manifest. The Mexican broker could sign the manifest certification only if the broker's company has a U.S. EPA identification number (requiring a U.S. address) or the broker is legally related to the importer (e.g., a subsidiary). A broker signing as an agent because of a legal relation to the importer must place the U.S. address and U.S. EPA identification number of the importer on the manifest.