

# EPA Proposes to Strengthen CRT Export Requirements

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April 2012

On March 15, the Environmental Protection Agency (EPA) issued a proposal to revise certain export provisions of the conditional hazardous waste exclusion for cathode ray tubes (CRTs) sent for recycling or reuse. 77 Fed. Reg.15336. The proposed revisions both add to and clarify existing requirements and are intended to improve EPA's ability to track exports of CRTs. Comments on the proposal are due no later than May 14, 2012.

## **CRT Exporter Definition**

To eliminate any potential confusion over who is responsible for fulfilling CRT exporter obligations, including submitting the export notices required for CRTs exported for recycling (40 C.F.R. § 261.39(a)(5)) and for CRTs exported for reuse (40 C.F.R. § 261.41), EPA is proposing to add a definition of "CRT exporter" to 40 C.F.R. § 260.10. The proposed definition states that a CRT exporter is "any person in the United States who initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for such export."

As part of this definition, EPA is proposing that the CRT exporter and any intermediary arranging for the export must be located "in the United States," because EPA believes that foreign-based entities add to the possibility of confusion over fulfilling the export responsibilities and make it more difficult to establish EPA jurisdiction over such persons.

## **CRT Exports for Recycling**

To provide EPA with more accurate information on the total quantity of CRTs exported for recycling during each calendar year, the Agency is proposing to require annual reports from exporters of used CRTs sent for recycling (40 C.F.R. § 261.39(a)(5)(x)). Annual reports would be due no later than March 1 of each year, and would summarize the quantities, frequency of shipment, and ultimate destination(s) (*i.e.*, the facility or facilities where the recycling occurs) of all CRTs exported for recycling during the prior calendar year. Such reports must also include the name, EPA ID number (if applicable), mailing and site address of the CRT exporter, the calendar year covered by the report, and a certification statement signed by the exporter. These reports would be submitted to the same EPA office that receives export notices on intended shipments required by the

current regulations. These pre-shipment export notices will continue to be required.

### **CRT Exports for Reuse**

For CRTs exported for reuse, EPA is proposing to revise the required export notice to more closely match the export notice for recycling, including the new certification statement. In addition, the proposal would replace the one-time notice provision with a requirement that the notice be submitted periodically, to cover exports for reuse expected over 12 months or less. EPA believes that this additional information in the notice for reuse would greatly improve tracking, and thus better management, of CRTs that are declared to be exported for reuse. No annual reporting is proposed for CRTs exported for reuse.