



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

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

August 20, 2020

**MEMORANDUM**

**SUBJECT:** Enforcement Statement Regarding “Wet” Signature Requirements During the COVID-19 Public Health Emergency

**FROM:** Susan Parker Bodine **SUSAN BODINE**  Digitally signed by  
SUSAN BODINE  
Date: 2020.08.20  
16:44:08 -04'00'

**TO:** All Governmental and Private Sector Partners

**Introduction**

The U.S. Environmental Protection Agency recognizes that social distancing and other government- or company-imposed requirements that are designed to limit the spread of COVID-19, such as work-from-home or other measures to minimize direct contact between workers, in some cases may limit the ability of regulated entities to provide or obtain a “wet” signature where required for a report, certification, or other document submitted to EPA. EPA supports such efforts to slow the spread of COVID-19 and protect the public health, and wants to encourage regulated entities to implement such measures in a way that does not adversely impact their ability to satisfy other laws that protect public health and the environment.

EPA has been contacted by regulated entities expressing concern about the impact of adherence to measures to limit the spread of COVID-19 on their ability to comply with a requirement for a “wet” signature. As with all submissions to EPA, when a paper document with the original “wet” signature is required to be submitted to EPA, it is important that it is timely submitted, is accurate and complete, and is reviewed and approved by the regulated entity’s appropriate personnel. The mere inability to provide a “wet” signature is not a justification for the failure to make a paper submission or certification. However, EPA is aware that social distancing practices, including working from home, may hinder the ability of some regulated entities to provide a “wet” signature as required by an enforceable requirement. Accordingly, this memorandum addresses the limited situation where a “wet” signature cannot be provided due to COVID-19 social distancing efforts, and the signature requirement is enforceable by EPA. The procedures identified in this memorandum are in the public interest both by supporting measures to help limit the spread of COVID-19 and by providing that information required to be reported to EPA must be accurate and truthful, even in the absence of a “wet” signature.

**Scope and Applicability**

This statement applies only to those provisions set forth in a statute, regulation, permit condition, and/or other enforceable federal requirement that are both enforceable by EPA and require a “wet” signature on

a paper document.<sup>1</sup> It does not apply to signature requirements that do not specifically mandate a “wet” signature (*e.g.*, an electronic signature or certification) or a signature requirement that is not an enforceable violation of law (*e.g.*, a signature on permit application).

This statement does not apply to:

- Delegated or authorized states or tribes, who may take a different approach.
- Signatures or certifications for deliverables or submissions required by civil judicial consent decrees or administrative settlements. EPA will coordinate with the Department of Justice where a consent decree mandates a “wet” signature that a regulated entity is unable to provide. Where an administrative settlement requires a “wet” signature, EPA will work with the parties to resolve the issue.
- “Wet” signatures for CERCLA or RCRA corrective action requirements.
- Signatures required for paper hazardous waste manifests, which are covered by an appendix to this memorandum.<sup>2</sup>

This statement is in effect through December 31, 2020. EPA will regularly assess its continuing need and may modify or terminate it prior to this date. EPA will provide at least seven days advance notice if the statement is terminated prior to December 31, 2020.

#### Procedures When a “Wet” Signature Cannot Be Submitted

Where an applicable statute, regulation, permit condition, and/or other enforceable federal requirement provides the option of an electronic signature, regulated entities are strongly encouraged to avail themselves of this option.

Nonetheless, if there is a requirement for a “wet” signature of a responsible official on a paper document and the regulated entity is unable to provide such due to COVID-19 social distancing efforts, EPA will evaluate such noncompliance on a case-by-case basis. As part of that evaluation, EPA will consider the following to be appropriate behavior in response to the inability to provide a “wet” signature on a paper document. Where a “wet” signature is not submitted, the regulated entity should provide either:

- A pdf or other copy of the required “wet” signed document (*e.g.*, a scanned copy) and maintain a copy of the original “wet” signature on file; or
- The required document signed with a digital signature, or other electronic signature method.

A regulated entity should exercise the same diligence in preparing a submission with an alternative signature that it would exercise if providing the same submission with a “wet” signature. The inability to

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<sup>1</sup> EPA notes that there are very few regulatory requirements that mandate a signature in ink as the only acceptable means for “signing” or certifying a submission to EPA; therefore, the availability of various methods for providing electronic signatures should mean that there are very few instances in which a regulated entity may need to avail itself of the procedures discussed in this statement.

<sup>2</sup> “Statement About Signing Paper Hazardous Waste Manifests During the COVID-19 Public Health Emergency” (Aug. 20, 2020).

provide a “wet” signature does not relieve the regulated entity from any applicable certification or other due diligence requirements.<sup>3</sup>

Consistent with the provision noted above for using a pdf or scanned copy of a required signature, EPA would also consider submission of a scanned document by email instead of submission of the paper original via regular mail, as appropriate, as long as the original paper document remains available and is provided upon request.

Importantly, when a regulated entity is unable to provide a “wet” signature on a paper document and utilizes an alternate means to provide a signature substitute that fulfills the purpose and effect of the “wet” signature requirement, EPA would need the following information to undertake its case-by-case evaluation of the noncompliance. Such information should be documented contemporaneously<sup>4</sup> with the use of the alternate signature method, and:

1. Identify the applicable regulatory or other legal provision with the “wet” signature requirement, the specific document or submission for which the substitute signature method or process was used, and its date;
2. Explain the facts and circumstances for how social distancing efforts to slow the spread of COVID-19 was the proximate or direct cause of the inability to provide or obtain a “wet” signature on a paper document; and
3. Detail the alternative means or method used as the substitute for a “wet” signature.

This documentation should be maintained and made available to EPA upon request.

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<sup>3</sup> The use of alternatives to paper signatures similar to those in this memorandum is consistent with procedures adopted for other EPA programs as a result of the COVID-19 public health emergency (e.g., [“Establishment of Standards for Submission of Administrative and Financial Assistance Agreement Forms/Documents with Electronic or Digital Signatures by Email”](#) and [“Flexibilities under the Clean Water Act”](#) (Q&A on signatures)), as well as more generally. See National Law Review, [“Electronic Signatures Becoming the Norm during COVID-19 Outbreak”](#) (Apr. 24, 2020).

<sup>4</sup> The documentation and certification should be prepared and dated contemporaneously with submission signed using alternate means. If the documentation is not prepared and signed contemporaneously, the documentation should include a description of the cause of any delay, the steps taken to ensure that the delayed documentation remains complete and accurate, and the steps taken to minimize or prevent a similar delay in the future.



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

August 20, 2020

**MEMORANDUM**

**SUBJECT:** Statement About Signing Paper Hazardous Waste Manifests During the COVID-19 Public Health Emergency

**FROM:** Peter C. Wright, Assistant Administrator  
Office of Land and Emergency Management

Wright, Peter

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Peter  
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Susan Parker Bodine, Assistant Administrator  
Office of Enforcement and Compliance Assurance

SUSAN  
BODINE

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**TO:** All Governmental and Private Sector Partners

On May 18, 2020, the U.S. Environmental Protection Agency issued a memorandum entitled [COVID-19 Implications for Signing Paper Hazardous Waste Manifests](#) (Temporary COVID-19 Manifest Signature Policy), a temporary policy regarding how handlers of hazardous waste can address generator signatures on paper hazardous waste manifests during the COVID-19 public health emergency. This policy was retroactive to March 13, 2020, and supplemented and incorporated by reference EPA's temporary enforcement policy, issued on March 26, 2020, entitled [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program](#) (Temporary COVID-19 Enforcement Policy). Since that time, EPA announced that the *Temporary COVID-19 Enforcement Policy* terminates on August 31, 2020 (see [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program: Addendum on Termination](#)). Thus, the *Temporary COVID-19 Manifest Signature Policy* also expires on August 31, 2020. However, EPA is extending the *COVID-19 Manifest Signature Policy* in light of some states experiencing an increase in COVID-19 cases following efforts to reopen.

EPA has been contacted by handlers of hazardous waste regarding the anticipated need for continued social distancing for regulated parties obtaining "wet" signatures on paper hazardous waste manifests. According to these handlers, they are conducting hazardous waste operations in states and localities with some of the highest rates of COVID-19 cases in the country. Thus, they believe continued social distancing is necessary to protect truck drivers and facility personnel and strongly urge EPA to continue allowance of the COVID-19 signature substitute policy for paper hazardous waste manifests. Therefore, EPA has determined that the approach set forth in the *Temporary COVID-19 Manifest Signature Policy*, as modified in this statement on manifest signatures, should continue to be available.<sup>1</sup> This statement on manifest signatures is in effect until November 30, 2020, which is also the expiration date of the

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<sup>1</sup> The exercise of enforcement discretion pursuant to the *Temporary COVID-19 Enforcement Policy* and the *COVID-19 Implications for Signing Paper Hazardous Waste Manifests* memoranda applies to noncompliance with the signature requirement for paper hazardous waste manifests for the period from March 13 through August 31, 2020. See *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program: Addendum on Termination*, at 2.

emergency Information Collection Request for this statement. If, however, EPA intends to terminate this statement prior to that date, the agency will post a notification at [www.epa.gov/e-manifest](http://www.epa.gov/e-manifest) at least seven days prior to terminating this temporary statement.

This temporary statement contains three changes from the *Temporary COVID-19 Manifest Signature Policy*: (1) shortening the phrase transporters or designated facilities should write in Box 15, for generator signature, to address space limitations on the manifest form; (2) changing the reference to the EPA policies about signatures on manifests during the COVID-19 public health emergency in the generator's signature substitute; and (3) removing language referencing the *Temporary COVID-19 Enforcement Policy* regarding how generators and transporters should maintain documentation.

On a case-by-case basis, EPA will exercise its enforcement discretion for noncompliance with the signature requirement on paper hazardous waste manifests for the period covered by this statement and resulting from social distancing efforts due to the COVID-19 public health emergency, as provided in this statement. As part of EPA's case-by-case evaluation, EPA will consider the waste handler practices described below to be appropriate behavior in response to the inability to obtain a signature on a paper hazardous waste manifest. Generators and transporters should maintain appropriate documentation demonstrating behavior consistent with this statement.

### **Signing Paper Hazardous Waste Manifests During the COVID-19 Public Health Emergency**

Handlers of hazardous waste continue to express concern with the customer interaction necessary to obtain the generator's signature on the manifest and have requested that transporters be allowed to sign the name of the generator on the manifest to maintain social distancing during the COVID-19 public health emergency. This statement applies only to generator signatures required on the Uniform Hazardous Waste Manifest, EPA form 8700-22/22A, as applicable by either federal law or federally authorized RCRA requirements where the transporter needs to obtain the generator's signature on the manifest but cannot certify compliance with applicable pre-transportation requirements.<sup>2</sup>

1. Transporters should consider the following practices: If obtaining a generator signature on a paper manifest is not reasonably practicable, entities can use the electronic manifest (e-Manifest). To obtain an e-Manifest account, please refer to the e-Manifest user registration webpage at <https://www.epa.gov/e-manifest/e-manifest-user-registration>.
2. If the electronic manifest is not a viable option, then the following steps should be taken:
  - a) The transporter should write the name of the generator in Box 15 and, under "Signature," should write "COVID-19 signature substitute," or abbreviated as "COVID-19 sig. sub.," if insufficient space in the box;
  - b) The generator should provide a signature substitute in a(n) cell phone text message, email, or hard copy letter mailed to the transporter and designated facility. The generator should use

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<sup>2</sup> EPA already allows transporters to sign EPA form 8700-22/22A in lieu of the generator as an offeror of the shipment, if the transporter can certify compliance with all applicable pre-transportation requirements at the time the hazardous material is staged for loading, and the waste has been properly packaged, marked, and labeled and is in proper condition for transportation.

one document/transmittal to cover all manifest activities per transporter/designated facility throughout the duration of this temporary policy<sup>3</sup>; and

- c) The transporter or designated facility should write in Box 14 of the manifest **“documentation for generator signature substitute available upon request.”** Generators and transporters taking the steps outlined above should maintain this documentation for three years from the last shipment needing a signature substitute.

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<sup>3</sup> The generator’s signature substitute is a cell phone text message, an email, or a hardcopy letter that authorizes the generator’s signature on Box 15 of the hazardous waste manifest. An example of this language for the cell phone text message, email, or hardcopy letter is: “I authorize my signature for Box 15 of the Uniform Hazardous Waste Manifest, EPA form 8700-22/22A, for Generator/Offeror’s Certification for all hazardous waste shipments with [transporter company name] as transporter and [designated facility company name] as designated facility during the time of EPA’s policies regarding signature of hazardous waste manifests during the COVID-19 public health emergency.”