

Revision Checklist 238 Summary

Revised February 1, 2019 and May 29, 2024

Rule Title:	Confidentiality Determinations for Hazardous Waste Export and Import Documents
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Reference:	83 <u>FR</u> 60894-60901
Promulgation Date:	December 26, 2017
Effective Date:	June 26, 2018
Cluster:	RCRA Cluster XXVI
Provision Type:	HSWA
Linkage:	31, 49, 129, 152, 215, 222, 232, 236
Optional:	No

Summary: This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. Specifically, this rule applies a confidentiality determination such that no person can assert confidential business information (CBI) claims for documents related to the export, import, and transit of hazardous waste and export of excluded cathode ray tubes (CRTs). EPA is making these changes to apply a consistent approach in addressing confidentiality claims for export and import documentation.

State Authorization: This rule is placed in RCRA Cluster XXVI. The State modification deadline is July 1, 2019 (or July 1, 2020 if a State statutory change is necessary). The provisions of this rule will take effect in all States on the effective date of the rule, since these import and export requirements will be administered by the Federal government as a foreign policy matter, and will not be administered by States. State programs are required to adopt the provisions in this rule to maintain their equivalency with the Federal program under 40 CFR 271.10(e).

When a State adopts the import/export provisions in this rule, they must not replace Federal or international references or terms with State references or terms. This includes 40 CFR 260.2(d), which is required for authorization in States that have previously adopted the optional CRT conditional exclusion in 40 CFR 261.39.

Attorney General (AG) Certification Guidance: An Attorney General's certification of statutory authority is not necessary.

Incorporation by Reference Guidance: When a State adopts the import/export provisions in this rule, they must not replace Federal or international references or terms with State references or terms.