



Ohio Administrative Code

Rule 3745-51-39 Conditional exclusion for used, broken CRTs and processed CRT glass undergoing recycling.

Effective: January 16, 2026

Used, broken cathode ray tubes (CRTs) are not wastes if the CRTs meet the following conditions:

(A) Prior to processing. These materials are not wastes if the materials are destined for recycling and if the materials meet the following requirements:

(1) Storage. The broken CRTs shall be either:

(a) Stored in a building with a roof, floor, and walls; or

(b) Placed in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

(2) Labeling. Each container in which the used, broken CRT is contained shall be labeled or marked clearly with either "Used cathode ray tubes- contain leaded glass" or "Leaded glass from televisions or computers." The container also shall be labeled "Do not mix with other glass materials."

(3) Transportation. The used, broken CRTs shall be transported in a container that meets the requirements of paragraphs (A)(1)(b) and (A)(2) of this rule.

(4) Accumulating speculatively and use constituting disposal. The used, broken CRTs are subject to the limitations on being "accumulated speculatively" as provided in paragraph (C)(8) of rule 3745-51-01 of the Administrative Code. If the used, broken CRTs are used in a manner constituting disposal, the used, broken CRTs shall comply with the applicable requirements of rules 3745-266-20 to 3745-266-23 of the Administrative Code instead of the requirements in this rule.

[Comment: The exercise of foreign relations and international commerce powers is reserved to the federal government under the U.S. Constitution. These responsibilities are not delegable to the states. Therefore, the importation and exportation of hazardous waste into and out of the United States is



solely regulated by the federal government. The text from 40 CFR 261.39 regarding exports is maintained in this rule.]

(5) Exports. In addition to the applicable conditions specified in paragraphs (A)(1) to (A)(4) of this rule, exporters of used, broken CRTs shall comply with the following requirements:

(a) Notify U.S. EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve month or lesser period. The notification shall be in writing, signed by the exporter, and include the following information:

- (i) Name, site address, telephone number and U.S. EPA identification number (if applicable) of the exporter of the CRTs;
- (ii) The estimated frequency or rate at which the CRTs are to be exported and the period of time over which the CRTs are to be exported;
- (iii) The estimated total quantity of CRTs specified in kilograms;
- (iv) All points of entry to and departure from each foreign country through which the CRTs will pass;
- (v) A description of the means by which each shipment of the CRTs will be transported [e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of containers (drums, boxes, tanks, etc.)];
- (vi) The name and site address of the recycler or recyclers and the estimated quantity of used CRTs to be sent to each facility, as well as the names of any alternate recyclers;
- (vii) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs; and



- (viii) The name of any transit country through which the CRTs will be sent, a description of the approximate length of time the CRTs will remain in such country, and the nature of the handling of the CRTs while there.
- (b) Notifications shall be submitted electronically using U.S. EPA's waste import export tracking system (WIETS), or the successor system.
- (c) Upon request by U.S. EPA, the exporter shall furnish to U.S. EPA any additional information which a receiving country requests in order to respond to a notification.
- (d) U.S. EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when U.S. EPA receives a notification which U.S. EPA determines satisfies the requirements of paragraph (A)(5)(a) of this rule.
- (e) The export of CRTs is prohibited unless all of the following occur:
 - (i) The receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, U.S. EPA will forward a U.S. EPA "Acknowledgment of Consent to Export CRTs" to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, U.S. EPA will notify the exporter in writing. U.S. EPA will also notify the exporter of any responses from transit countries.
 - (ii) The exporter or a U.S. authorized agent shall:
 - (a) Submit "Electronic Export Information (EEI)" for each shipment to the "Automated Export System (AES)" or the successor system, under the "International Trade Data System (ITDS)" platform, in accordance with 15 CFR 30.4(b);
 - (b) Include the following items in the EEI, along with the other information required under 15 CFR 30.6:
 - (i) U.S. EPA license code;



- (ii) Commodity classification code in accordance with 15 CFR 30.6(a)(12);
- (iii) U.S. EPA consent number;
- (iv) Country of ultimate destination in accordance with 15 CFR 30.6(a)(5);
- (v) Date of export in accordance with 15 CFR 30.6(a)(2);
- (vi) Quantity of waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume in accordance with 15 CFR 30.6(a)(15); or
- (vii) U.S. EPA net quantity reported in units of kilograms, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(f) When the conditions specified on the original notification change, the exporter shall provide U.S. EPA with a written renotification of the change using the allowable methods listed in paragraph (A)(5)(b) of this section, except for changes to the telephone number in paragraph (A)(5)(a)(i) of this rule and decreases in the quantity indicated pursuant to paragraph (A)(5)(a)(iii) of this rule. The shipment cannot take place until consent of the receiving country to the changes has been obtained [except for changes to information about points of entry and departure and transit countries pursuant to paragraphs (A)(5)(a)(iv) and (A)(5)(a)(viii) of this rule] and the exporter of CRTs receives from U.S. EPA a copy of the "Acknowledgment of Consent to Export CRTs" reflecting the receiving country's consent to the changes.

(g) A copy of the U.S. EPA "Acknowledgment of Consent to Export CRTs" shall accompany the shipment of CRTs. The shipment shall conform to the terms of the "Acknowledgment."

(h) If for any reason a shipment of CRTs cannot be delivered to the recycler or the alternate recycler, the exporter of CRTs shall renotify U.S. EPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with paragraph (A)(5)(f) of this rule and obtain another U.S. EPA "Acknowledgment of Consent to Export CRTs."



(i) Exporters shall keep copies of notifications and U.S. EPA "Acknowledgments of Consent to Export CRTs" for a period of three years after receipt of the "Acknowledgment." Exporters may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated "Acknowledgements" in the CRT exporter's account on U.S. EPA's WIETS, or the successor system, provided that such copies are readily available to view and produce if requested by any U.S. EPA or Ohio EPA inspector. No CRT exporter may be held liable for the inability to produce a notification or "Acknowledgement" for inspection under this rule if the CRT exporter can demonstrate that the inability to produce such copies are due exclusively to technical difficulty with U.S. EPA's WIETS, or the successor system, for which the CRT exporter bears no responsibility.

(j) No later than March first of each year, CRT exporters shall file with U.S. EPA an annual report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destinations (i.e., the facility or facilities where the recycling occurs) of all used CRTs exported during the previous calendar year. Such reports also shall include the following:

(i) The name, U.S. EPA identification number (if applicable), mailing address, and site address of the exporter;

(ii) The calendar year covered by the report;

(iii) A certification signed by the CRT exporter that states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(k) Annual reports shall be submitted to U.S. EPA using the allowable methods specified in paragraph (A)(5)(b) of this rule. Exporters shall keep copies of each annual report for at least three years after the due date of the report. Exporters may satisfy this recordkeeping requirement by retaining electronically submitted annual reports in the CRT exporter's account on the U.S. EPA's



WIETS, or the successor system, provided that a copy is readily available to view and produce if requested by any U.S. EPA or Ohio EPA inspector. No CRT exporter may be held liable for the inability to produce an annual report for inspection under this rule if the CRT exporter can demonstrate that the inability to produce the annual report is due exclusively to technical difficulty with U.S. EPA's WIETS, or the successor system, for which the CRT exporter bears no responsibility.

(B) Requirements for used CRT processing. Used, broken CRTs undergoing "CRT processing" as defined in rule 3745-50-10 of the Administrative Code are not wastes if the used, broken CRTs undergoing CRT processing meet the following requirements:

(1) Storage. Used, broken CRTs undergoing processing are subject to the requirement of paragraph (A)(4) of this rule.

(2) Processing.

(a) All activities specified in subparagraphs (b) and (c) of the definition of "CRT processing" in rule 3745-50-10 of the Administrative Code shall be performed within a building with a roof, floor, and walls; and

(b) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

(C) Processed CRT glass sent to CRT glass making or lead smelting. Glass from used CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a waste unless such glass is "accumulated speculatively" as defined in paragraph (C)(8) of rule 3745-51-01 of the Administrative Code.

(D) Use constituting disposal. Glass from used CRTs that is used in a manner constituting disposal shall comply with the requirements of rules 3745-266-20 to 3745-266-23 of the Administrative Code instead of the requirements of this rule.



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
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[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]