



Ohio Administrative Code

Rule 3745-52-82 General conditions - transboundary movements of hazardous waste for recovery or disposal.

Effective: January 16, 2026

[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. Rules 3745-52-80 to 3745-52-84 of the Administrative Code reflect the federal requirements in 40 CFR Part 262 subpart H.]

(A) Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to either a list of wastes subject to the "Green" control procedures or a list of wastes subject to the "Amber" control procedures and whether the waste is or is not hazardous waste. The "Organization for Economic Cooperation and Development (OECD)" "Green" and "Amber" lists are incorporated by reference in 40 CFR 260.11.

(1) "Green" list wastes.

(a) "Green" wastes that are not hazardous wastes are subject to existing controls normally applied to commercial transactions, and are not subject to the requirements of 40 CFR Part 262 subpart H.

(b) "Green" wastes that are hazardous wastes are subject to the requirements of 40 CFR Part 262 subpart H.

(2) "Amber" list wastes.

(a) "Amber" wastes that are hazardous wastes are subject to the requirements of 40 CFR Part 262 subpart H, even if the wastes are imported to or exported from a country that does not consider the wastes to be hazardous or control the transboundary shipment as a hazardous waste import or export.

(i) For exports, the exporter shall comply with 40 CFR 262.83.



(ii) For imports, the recovery facility or disposal facility and the importer shall comply with 40 CFR 262.84.

(b) "Amber" wastes that are not hazardous wastes, but are considered hazardous by the other country are subject to the "Amber" control procedures in the country that considers the waste hazardous, and are not subject to the requirements of 40 CFR Part 262 subpart H. All responsibilities of the importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.

[Comment: Some "Amber" list wastes are not listed or otherwise identified as hazardous under the Resource Conservation and Recovery Act (RCRA), and therefore are not subject to the requirements of 40 CFR Part 262 subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act) restrict certain waste imports or exports. Such restrictions continue to apply with regard to 40 CFR Part 262 subpart H.]

(3) Mixtures of wastes.

(a) A "Green" waste that is mixed with one or more other "Green" wastes such that the resulting mixture is not hazardous waste is not subject to the requirements of 40 CFR Part 262 subpart H.

[Comment: The regulated community should note that some countries may require, by domestic law, that mixtures of different "Green" wastes be subject to the "Amber" control procedures.]

(b) A "Green" waste that is mixed with one or more "Amber" wastes, in any amount, de minimis or otherwise, or a mixture of two or more "Amber" wastes, such that the resulting waste mixture is hazardous waste is subject to the requirements of 40 CFR Part 262 subpart H.

[Comment: The regulated community should note that some countries may require, by domestic law, that a mixture of a "Green" waste and more than a de minimis amount of an "Amber" waste or a mixture of two or more "Amber" wastes be subject to the "Amber" control procedures.]

(4) Wastes not yet assigned to an OECD waste list are eligible for transboundary movements, as follows:



(a) If such wastes are hazardous wastes, such wastes are subject to the requirements of 40 CFR Part 262 subpart H.

(b) If such wastes are not hazardous wastes, such wastes are not subject to the requirements of 40 CFR Part 262 subpart H.

(B) General conditions applicable to transboundary movements of hazardous waste.

(1) The hazardous waste shall be destined for recovery operations or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;

(2) The transboundary movement shall be in compliance with applicable international transport agreements; and

[Comment: These international agreements include, but are not limited to, the "Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985)."]

(3) Any transit of hazardous waste through one or more countries shall be conducted in compliance with all applicable international and national laws and regulations.

(C) Duty to return wastes subject to the "Amber" control procedures during transit through the United States. When a transboundary movement of hazardous wastes transiting the United States and subject to the "Amber" control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste shall be returned to the country of export. The U.S. transporter shall inform U.S. EPA at the specified mailing address in 40 CFR 262.82(e) of the need to return the shipment. U.S. EPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter shall complete the return within ninety days after the time U.S. EPA informs the country of export of the need to return the waste, unless informed in writing by U.S. EPA of another timeframe agreed to by the concerned countries.



(D) Laboratory analysis exemption. Export or import of a hazardous waste sample is exempt from the requirements of 40 CFR Part 262 subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics, or to determine its suitability for recovery operations or disposal operations, does not exceed twenty-five kilograms in quantity, is appropriately packaged and labeled, and complies with the conditions of 40 CFR 261.4(d) or 40 CFR 261.4(e).

(E) U.S. EPA address for submittals by postal mail or hand delivery. Submittals required by 40 CFR Part 262 subpart H to be made by postal mail or hand delivery should be sent to the following addresses:

(1) For postal mail delivery, the "Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460."

(2) For hand-delivery, the "Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255T), Environmental Protection Agency, William Jefferson Clinton West Building, Room 1329, 1301 Constitution Ave. NW, Washington, DC 20004."

[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."]