

EPA's Electronic Manifest Rulemaking: API Concerns

API member companies complete thousands of hazardous waste manifests each year and therefore have a keen interest in any proposed changes to the manifest system. API has closely followed EPA's progress in developing an electronic manifest ("e-Manifest") system.

API is concerned that the e-manifest rulemaking will not substantially reduce paperwork burdens on waste generators. Moreover, these burdens potentially may increase if some key issues with the rulemaking and associated activities are not addressed. Specifically:

- 1. The proposed e-Manifest system is redundant with state manifesting requirements and fees.** Many states require that completed copies of the paper manifest be sent to them. These states also typically assess fees to pay for the cost of processing the paper manifests. Under the national e-Manifest system, it will be unnecessary and redundant to return paper copies to states and for states to assess manifest fees. It is unclear how EPA will ensure that states do not continue to impose these requirements.
- 2. The proposed e-Manifest system is not coordinated with Department of Transportation hazardous material shipping requirements.** The current paper manifest also serves to meet Department of Transportation regulations for shipping papers. EPA has indicated that the e-Manifest system will not meet DOT's requirements. Therefore, a hard copy of the manifest will have to be printed from the e-Manifest system and carried by the transporter. This significantly decreases the efficiency and benefits of the electronic system, the goal of which is to eliminate the need for paper copies.
- 3. Eliminating unnecessary recordkeeping and reporting requirements.** Under current regulations, when API members ship hazardous waste, they are required to maintain hard copies of the manifest for three years. This requirement is unnecessary under an e-Manifest system, and the recordkeeping regulations should be amended accordingly. Similarly, API members are required to file biennial reports on their hazardous waste generation. Since most of this information will be available in a national e-Manifest system, this reporting requirement should be eliminated or substantially modified.
- 4. Technical issues and adequate training.** Our experience with other electronic systems managed by EPA, such as the Toxic Release Inventory (TRI) system, is that there are inevitable technical issues that confront the initial deployment of the system, and steep learning curves for both EPA system managers and system users. For the e-Manifest system to be effective and efficient, EPA must provide sufficient technical and training resources to ensure that the system functions as designed.

EPA has not published a proposed rule for a centralized e-Manifest system as envisioned, but is moving forward with a final rule on the basis of a 2001 proposal. Therefore it is particularly important that all relevant issues be addressed during the process of interagency review.