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# Waste Imports/Exports: U.S. Environmental Protection Agency Notice/Request for Comment Addressing Freedom of Information Act

03/02/2018

The United States Environmental Protection Agency (“EPA”) issued a February 27th Federal Register Notice and Request for Comment describing Freedom of Information Act (“FOIA”) requests that the agency states it periodically receives asking for:

. . . documentation received or issued by EPA or data contained in EPA database systems pertaining to the export and import of Resource Conservation and Recovery Act (RCRA) hazardous waste from/to the United States, the export of cathode ray tubes (CRTs), the export and import of spent lead acid batteries (SLABs) from the United States, and the export and import of RCRA universal waste from/to the United States.

See 83 Fed. Reg. 8473.

EPA states that the purpose of the notice is to inform “affected businesses” about the documents or data sought by these types of FOIA requests in order to provide such businesses the opportunity to assert claims that any of the information sought that pertain to them is entitled to treatment as confidential business information.

The “affected businesses” are described as those identified or referenced in the documents that were submitted to EPA by the submitting business which may have a right to assert a confidential business information claim concerning information that pertains to them and may do so in response to the notice.

EPA further notes that certain businesses do not meet the definition of “affected businesses” and are not covered by the February 27th Federal Register Notice. These are stated to consist of any business that actually submitted to EPA any document at issue pursuant to applicable RCRA regulatory requirements and did not assert a confidential business information claim as to information that pertains to that business in connection with the document at the time of its submission.

[A copy of the Federal Register Notice can be found here.](#)