



RETAIL INDUSTRY LEADERS ASSOCIATION

99 M Street, SE
Suite 700
Washington, DC 20003

www.rila.org

August 1, 2022

Via regulations.gov (EPA-HQ-OLEM-2021-0609)

ATTN: Bryce Groce
Program Implementation and Information Division
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460-0001

Re: Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-related Reports, PCB Manifest Amendments and Technical Corrections Asbestos; 87 Fed. Register 19290 (April 1, 2022); Docket ID: EPA-HQ-OLEM-2021-0609

Dear Mr. Groce:

The Retail Industry Leaders Association (RILA) appreciates the opportunity to submit comments on the U.S. Environmental Protection Agency's (EPA's or Agency's) above-referenced proposed rule incorporating revisions to e-manifest (hereinafter "Proposed Rule").

By way of background, RILA's members include the largest and most innovative retailers. The retail industry employs over 42 million Americans and accounts for \$1.5 trillion in annual sales. RILA and its member companies strongly support the mission and goals of the EPA to protect human health and the environment, including the safe management and disposal of hazardous waste under the Resource Conservation and Recovery Act (RCRA). RILA appreciates EPA's efforts to increase efficiencies and reduce redundancies in the reporting requirements across the Agency.

In the notice for the Proposed Rule, EPA states that it is also requesting comment on future potential changes aim at integrating biennial reporting requirements with e-Manifest data. RILA's comments are focused on raising awareness of potential challenges with the changes that EPA is exploring.

Reporting Quantities Based on Gross vs. Net Weight

Among other topics, the Agency is requesting comment on whether generators should be required to report waste quantities based on net weight (*i.e.*, not including the weight of the container), rather than gross weight. Such a switch could present challenges for retailers. Some

RILA members raised that the weight of lab pack drums used to store and transport waste will vary. Therefore, it would be difficult to determine net weight in many instances.

Additionally, waste hauler vendors differ in how they report weight. Some RILA member indicated that some waste hauling companies do report net weight, but this is not an industry standard. RILA recommends that EPA consult with the waste hauling industry for a better understanding of the implications of reporting net or gross weight amounts.

Integrating e-Manifest with Biennial Reporting Requirements

EPA stated that it intends to gradually integrate the e-Manifest system with biennial reporting requirements. Some of the biennial report information that is not currently included on manifests includes waste density, physical form, and source. In particular, reporting waste densities would be challenging for retailers. Unlike traditional hazardous waste generators, retailers have very diverse waste streams of nonhomogeneous mixtures of products. It is difficult if not impossible to provide density for mixtures of products in a waste stream. RILA encourages the Agency to account for handling mixtures as it considers the integration of these reporting schema.

Closing

RILA appreciates the opportunity to provide these brief comments on EPA's Proposed Rule. We would welcome and opportunity to discuss our feedback with the Agency on this and other RCRA reporting requirements that impact retailers.

If you have any questions or need any additional information, please contact me at susan.kirsch@rila.org / (202) 866-7477.

Sincerely,



Susan Kirsch
Vice President, Regulatory Affairs