



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

May 18, 2020

MEMORANDUM

SUBJECT: COVID-19 Implications for Signing Paper Hazardous Waste Manifests

FROM: Peter C. Wright, Assistant Administrator
Office of Land and Emergency Management

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Office of Enforcement and Compliance Assurance

TO: All Governmental and Private Sector Partners

Recognizing that the evolving COVID-19 public health emergency may result in potential worker shortages and that social distancing restrictions to limit the spread of COVID-19 may impede normal operations of regulated facilities and laboratories, on March 26, 2020, the Office of Enforcement and Compliance Assurance issued a memorandum entitled [*COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program*](#) (Temporary COVID-19 Enforcement Policy), a temporary policy regarding enforcement of environmental obligations by the U.S. Environmental Protection Agency during this time. The policy also notes that EPA may provide additional enforcement guidance applicable to specific programs on an ongoing basis.

The purpose of this memorandum is to provide generators of hazardous waste flexibility with respect to signatures on paper hazardous waste manifests under the Resource Conservation and Recovery Act (RCRA) during the COVID-19 public health emergency. This policy supplements and incorporates by reference the Temporary COVID-19 Enforcement Policy. In addition, the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) has released a similar notice regarding existing options related to hazardous materials shipping papers and social distancing during the COVID-19 public health emergency, available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-04/PHMSA%20Shipping%20Paper%20Notice.pdf>.

This policy will apply retroactively beginning on March 13, 2020. EPA will post a notification here <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>, at least seven days prior to terminating this temporary policy.

Handlers of hazardous waste have expressed concern with customer interaction to obtain the generator's signature on the manifest and have requested that transporters be allowed to sign the name of the generator on the manifest to maintain social distancing during the COVID-19 public health emergency. This memorandum applies only to generator signatures required on the Uniform Hazardous Waste Manifest, EPA form 8700-22/22A, as applicable by either federal law or federally authorized RCRA

requirements where the transporter needs to obtain the generator's signature on the manifest but cannot certify compliance with applicable pre-transportation requirements.¹

1. Transporters should consider the following practices: If obtaining a generator signature on a paper manifest is not reasonably practicable, entities can use the electronic manifest (e-Manifest). To obtain an e-Manifest account, please refer to the e-Manifest user registration webpage at <https://www.epa.gov/e-manifest/e-manifest-user-registration>.
2. If the electronic manifest is not a viable option, then the following steps should be taken:
 - a) The transporter should write the name of the generator in Box 15 and, under "Signature," should write "Generator using signature substitute due to COVID-19;"
 - b) The generator should provide a signature substitute in a(n) cell phone text message, email, or hard copy letter mailed to the transporter and designated facility. The generator should use one document/transmittal to cover all manifest activities per transporter/designated facility throughout the duration of this temporary policy²; and
 - c) The transporter or designated facility should write in Box 14 of the manifest **"documentation for generator signature substitute available upon request."** As provided in Section 1.A of the Temporary COVID-19 Enforcement Policy, generators and transporters taking the steps outlined above should maintain this documentation.

¹ EPA already allows transporters to sign EPA form 8700-22/22A in lieu of the generator as an offeror of the shipment, if the transporter can certify compliance with all applicable pre-transportation requirements at the time the hazardous material is staged for loading, and the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

² The generator's signature substitute is a cell phone text message, an email, or a hardcopy letter that authorizes the generator's signature on Box 15 of the hazardous waste manifest. An example of this language for the cell phone text message, email, or hardcopy letter is: "I authorize my signature for Box 15 of the Uniform Hazardous Waste Manifest, EPA form 8700-22/22A, for Generator/Offeror's Certification for all hazardous waste shipments with [transporter company name] as transporter and [designated facility company name] as designated facility during the time of EPA's policy entitled *COVID-19 Implications for Signing Paper Hazardous Waste Manifests*."