

**From:** Daguillard, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BBE9682B940C4F2C90732E4D37355DD4-DAGUILLARD,]  
**Sent:** 3/20/2018 7:29:03 PM  
**To:** Bobby Elliott [bobby@resource-recycling.com]  
**CC:** Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]  
**Subject:** RE: U.S. export law

Bobby, on background, please:

**1.) What specific hazardous waste exclusions and/or exemptions potentially related to e-scrap under RCRA should I be aware of? (As of right now, I have identified four: CRTs, metals, circuit boards and batteries.)**

There is no general hazardous waste exclusion under RCRA for e-scrap. However, when certain conditions are met, many types of e-scrap are not regulated either because they are not considered hazardous under U.S. law, or because they fall under specific recycling exemptions. See more at 40 CFR 261.

General information on identifying whether a given waste is RCRA hazardous is available at <https://www.epa.gov/hw/criteria-definition-solid-waste-and-solid-and-hazardous-waste-exclusions> and <https://www.epa.gov/hw/defining-hazardous-waste-listed-characteristic-and-mixed-radiological-wastes>.

**2.) You noted that "many types of e-scrap are not regulated" as a hazardous waste under RCRA. Could you give me 2 or 3 examples of an e-scrap shipment that would be commonly regulated as a hazardous waste?**

See 40 CFR 261.4(a)(22).

See 40 CFR Part 266 Subpart G.

See 40 CFR Part 273

For other e-scrap, the status of the waste as hazardous under RCRA can vary widely. One of the main challenges in determining whether used electronics are RCRA hazardous waste is the heterogeneity of the electronics waste stream. There is wide variability among manufacturers, models, and designs of electronics products in terms of the amounts of potentially hazardous constituents used in these products that might contribute to their being defined as hazardous waste when discarded.

**3.) In terms of navigating questions of responsibility for determining RCRA-related waste classifications, how is "exporter" defined? Is it the recycler that originally handles the waste?**

See 40 CFR section 262.81

If the recycler that originally handles the waste meets this definition, then they are considered exporters.

**4.) As I understand it, the OECD Control System applies additional controls for "green" and "amber" wastes and these controls were incorporated into RCRA in 2016. Is this accurate?**

Learn more about OECD [here](#), specifically re green and amber wastes.

5.) Various sources have suggested that RCRA is limited in scope when it comes to e-scrap exports and often regards e-scrap as non-hazardous and therefore relatively easy to export. What is the U.S. EPA's response to this industry criticism?

EPA focuses on hazardous wastes being shipped for recycling or disposal, and requires prior notice and consent procedures for such wastes. Many used electronics are exported for reuse, refurbishment or repair which extends the life of electronics and reduces use of scarce resources to manufacture new electronics.

Cheers, R.

Robert Daguillard  
Office of Media Relations  
U.S. Environmental Protection Agency  
Washington, DC  
+1 (202) 564-6618 (O)

Ex. 6

**From:** Bobby Elliott [mailto:bobby@resource-recycling.com]  
**Sent:** Monday, March 19, 2018 9:50 AM  
**To:** Daguillard, Robert <Daguillard.Robert@epa.gov>  
**Cc:** Lynn, Tricia <lynn.tricia@epa.gov>  
**Subject:** Re: U.S. export law

Hey Robert,

I'll look forward to hearing from the agency tomorrow and thanks again for your hard work on this - it's been very valuable.

B

On Mon, Mar 19, 2018 at 9:07 AM, Daguillard, Robert <Daguillard.Robert@epa.gov> wrote:

Good morning and thanks, Bobby,

Attribution: We'll almost certainly be sending you the information on background, per current agency practice. I mean, it'll be good information, that you can use, but there very likely won't be a name attached to it.

I thought it courteous to let you know. We're working on a Tuesday end-of-day response.

Let me know if you want to chat with me and/or Tricia.

Cheers, R.

Robert Daguillard

Office of Media Relations

U.S. Environmental Protection Agency

Washington, DC

+1 (202) 564-6618 (O)

**Ex. 6**

**From:** Bobby Elliott [mailto:[bobby@resource-recycling.com](mailto:bobby@resource-recycling.com)]

**Sent:** Friday, March 16, 2018 3:33 PM

**To:** Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)>

**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>

**Subject:** Re: U.S. export law

Hey Robert,

Thanks for reaching out. I can push the deadline to Tuesday, but with the understanding that we'd be getting an on the record response to question 5.

Let me know if that's doable and we can make things work on our end.

Thanks again for all your work and support on this!

B

On Mar 16, 2018 2:42 PM, "Daguillard, Robert" <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)> wrote:

Bobby, I just heard from my colleagues in the e-waste program. They say they need until Tuesday end of day to get your response. Sorry for the delay. Will that work for your purposes?

Robert Daguillard

U.S. EPA

Office of Media Relations

Washington D.C.

**Ex. 6**

202-564-6618 (O)

On Mar 15, 2018, at 10:22 AM, Bobby Elliott <[bobby@resource-recycling.com](mailto:bobby@resource-recycling.com)> wrote:

Hey Robert,

If needed, I can push the deadline to Monday. I know it's complex terrain and the hope is to be as clear as possible for our reporting.

All my best,

B

On Mar 15, 2018 10:16 AM, "Daguillard, Robert" <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)> wrote:

OK. No promises, as you've sent us a set of fairly technical questions, but let's talk tomorrow so we can get a clearer idea of where things stand.

Cheers, R.

Robert Daguillard

Office of Media Relations

U.S. Environmental Protection Agency

Washington, DC

+1 (202) 564-6618 (O)

**Ex. 6**

**From:** Bobby Elliott [mailto:[bobby@resource-recycling.com](mailto:bobby@resource-recycling.com)]  
**Sent:** Thursday, March 15, 2018 10:14 AM  
**To:** Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** RE: U.S. export law

Tomorrow end of day would be fantastic!

On Mar 15, 2018 10:02 AM, "Daguillard, Robert" <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)> wrote:

Thanks, Bobby. What's your deadline on all these questions, please?

Cheers, R.

Robert Daguillard

Office of Media Relations

U.S. Environmental Protection Agency

Washington, DC

+1 (202) 564-6618 (O)

## Ex. 6

**From:** Bobby Elliott [mailto:[bobby@resource-recycling.com](mailto:bobby@resource-recycling.com)]  
**Sent:** Thursday, March 15, 2018 9:32 AM  
**To:** Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)>  
**Cc:** Lynn, Tricia <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>  
**Subject:** Re: U.S. export law

Hey Robert,

I just wanted to reach back out and update you on where things stand as far as our reporting.

The background information you sent over is immensely helpful and has certainly clarified things for me as I delved into the topic of exports.

I have a few background questions below as well as one request for an official EPA comment. It's my hope that the agency will consider answering that one question on the record, as it seems to be a central issue that continue to come up and will be part of our coverage:

Background Questions:

1.) What specific hazardous waste exclusions and/or exemptions potentially related to e-scrap under RCRA should I be aware of? (As of right now, I have identified four: CRTs, metals, circuit boards and batteries.)

2.) You noted that "many types of e-scrap are not regulated" as a hazardous waste under RCRA. Could you give me 2 or 3 examples of an e-scrap shipment that would be commonly regulated as a hazardous waste?

3.) In terms of navigating questions of responsibility for determining RCRA-related waste classifications, how is "exporter" defined? Is it the recycler that originally handles the waste?

4.) As I understand it, the OECD Control System applies additional controls for "green" and "amber" wastes and these controls were incorporated into RCRA in 2016. Is this accurate?

Official Comment:

5.) Various sources have suggested that RCRA is limited in scope when it comes to e-scrap exports and often regards e-scrap as non-hazardous and therefore relatively easy to export. What is the U.S. EPA's response to this industry criticism?

Thanks again for all your time on this - I really do appreciate it!

Bobby

On Wed, Mar 7, 2018 at 4:48 PM, Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)> wrote:

That's super helpful. Thanks, Bobby.

Cheers, R.

Robert Daguillard

Office of Media Relations

U.S. Environmental Protection Agency

Washington, DC

+1 (202) 564-6618 (O)

**Ex. 6**

**From:** Bobby Elliott [<mailto:bobby@resource-recycling.com>]

**Sent:** Wednesday, March 07, 2018 4:48 PM

**To:** Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)>

**Subject:** Re: U.S. export law

Thanks very much for this. I'd love to hear back by the end of the day tomorrow and all of it can be on background. Our story won't be published until mid-week next week -

All my best,

Bobby

On Wed, Mar 7, 2018 at 4:44 PM, Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)> wrote:

Good afternoon Bobby,

With Tricia out today, I'm happy start work on your inquiry. What's your deadline and when are you hoping to publish your piece?

Thanks in advance, R.

Cheers, R.

Robert Daguillard

Office of Media Relations

U.S. Environmental Protection Agency

Washington, DC

+1 (202) 564-6618 (O)

**Ex. 6**

**From:** Bobby Elliott [mailto:[bobby@resource-recycling.com](mailto:bobby@resource-recycling.com)]  
**Sent:** Wednesday, March 07, 2018 4:38 PM  
**To:** Press <[Press@epa.gov](mailto:Press@epa.gov)>; Jones, Enesta <[Jones.Enesta@epa.gov](mailto:Jones.Enesta@epa.gov)>  
**Subject:** Fwd: U.S. export law

----- Forwarded message -----

**From:** **Bobby Elliott** <[bobby@resource-recycling.com](mailto:bobby@resource-recycling.com)>  
**Date:** Wed, Mar 7, 2018 at 4:36 PM  
**Subject:** U.S. export law  
**To:** "Lynn, Tricia" <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>

Hey Tricia,

I am working on a multi-part story on U.S. exports of e-scrap and I wanted to reach out to you on background just to make sure I'm looking into every possible avenue for our coverage.

The first story we're working on is an effort to understand current U.S. law when it comes to exporting e-scrap. My questions below are pretty straightforward and just aimed at clarity above all - let me know if you can get back to me by end of day tomorrow. This is not for attribution, only for background.

1.) Is RCRA the lone U.S. law that currently governs the export of e-scrap?

2.) As I understand it, RCRA exempts e-scrap from being classified as a hazardous waste as long as the waste is being sent for domestic or international recycling. Is this accurate?

3.) Is the CRT rule the only device-specific regulation concerning the downstream movement of end-of-life electronics?

4.) It's my understanding that firms specifically exporting CRT material must provide U.S. EPA with written approval from an importing country before shipping the material overseas. Are companies required to do this for any other devices bound for export?

Thanks as always for your help on this, Tricia -

Bobby

Bobby Elliott

Editor at Large

Resource Recycling

**Ex. 6**

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