



## COMPENDIUM OF CANADA'S ENGAGEMENT IN INTERNATIONAL ENVIRONMENTAL AGREEMENTS AND INSTRUMENTS

### *Agreement between the Government of Canada and the Government of the United States concerning the Transboundary Movement of Hazardous Waste*

**SUBJECT CATEGORY:**

Chemicals and Wastes

**TYPE OF AGREEMENT / INSTRUMENT:**

Canada – United States

**FORM:**

Legally binding treaty

**STATUS:**

- Signed by Canada: October 28, 1986
- In force in Canada: November 8, 1986
- Amended to ensure consistency with Annex II of the Basel Convention: November 25, 1992
- The agreement is automatically renewed every five years unless one of the Parties gives written notice of termination.

**LEAD & PARTNER DEPARTMENTS:**

**Lead:** Environment and Climate Change Canada

**Partners:** Canada Border Services Agency

**FOR FURTHER INFORMATION:****Web Links:**

- [Agreement Between the Government of Canada and the Government of the United States of America Concerning the Transboundary Movement of Hazardous Waste \(consolidated text\)](#)
- [General information on the Canada-US Agreement Concerning the Transboundary Movement of Hazardous Waste](#)
- [Environment and Climate Change Canada's Managing and Reducing Waste website](#)

**Contacts:**

[ECCC Inquiry Centre](#)

**COMPENDIUM EDITION:**

February 2022

**PLAIN LANGUAGE SUMMARY**

Every year, a large amount of hazardous waste crosses the border between Canada and the United States for recycling or disposal. In 1986, Canada and the United States reached an agreement to protect the environment and human health from the movements of these hazardous wastes between the two countries. This is an important agreement for Canada as it sets the rules and conditions allowing these transboundary movements. Canada is actively engaged in this agreement, as close collaboration between the two countries is needed to reduce the environmental and health risks associated with these hazardous wastes.

**OBJECTIVE**

The agreement is intended to ensure that movements of hazardous wastes, including hazardous recyclable materials, and other waste (municipal solid waste destined for final disposal and residues from the incineration of such waste) crossing the Canada–United States boundary are conducted in such a way as to reduce the risks to human health and the environment.

**KEY ELEMENTS**

The agreement is based on the same principles as the Basel Convention, while recognizing the proximity and the capacities of the two countries. The Basel Convention's key objectives are to:

- minimize the generation of hazardous wastes;
- ensure they are disposed of in an environmentally sound manner and as close to the source of generation as possible;
- reduce the international movement of hazardous wastes.

The Canada–USA agreement is recognized as an Article 11 bilateral agreement under the Basel Convention. It allows the continued movement of hazardous waste, waste collected from households, and residues from the incineration of households waste between the two countries, since the United States has not ratified the Basel Convention.

## EXPECTED RESULTS

Compliance with the agreement requires:

- legislation and regulations to implement the classification, import/export controls, and tracking requirements, and environmentally sound management of hazardous wastes;
- administrative procedures to administer and enforce the import/export regime;
- support for technical and policy cooperation initiatives including an annual bilateral meeting.

## CANADA'S INVOLVEMENT

The Canada-US agreement is important to Canada because more than 98% of Canada's transboundary movements of hazardous waste occur with the USA.

The agreement requires Canada to:

- cooperate to ensure that all transboundary shipments of hazardous wastes and other waste comply with the tracking requirements of both countries;
- cooperate in monitoring and spot-checking transboundary shipments of hazardous wastes and other waste;
- notify the United States Environmental Protection Agency (US EPA) of proposed transboundary shipments of hazardous wastes and other waste;
- immediately transmit in writing an acknowledgement of receipt (AOR) to export notices received from the US EPA;
- respond, indicating its consent or its objection to the export, within 30 days after transmitting the AOR to notices from the US EPA, of proposed shipments of hazardous wastes or other waste;
- permit the export, import, and transit of hazardous wastes and other waste across the Canada–United States border for treatment, storage, recycling, or disposal pursuant to terms of Canadian or American laws, regulations, and administrative practices and the terms of the Agreement;
- re-admit shipments of hazardous wastes and other waste returned by the United States; and
- notify the US EPA of any Canadian shipments transiting through the territory of the United States, i.e., Canada-to-Canada movements through the United States.

## RESULTS / PROGRESS

### Activities

The *Canadian Environmental Protection Act, 1999* (CEPA) and the *Cross-border Movement of*

*Hazardous Waste and Hazardous Recyclable Material Regulations* provide the legal authority to implement the 1986 agreement. The federal *Transportation of Dangerous Goods Act* and Regulations are used to assist in the implementation of the prescribed hazards classification scheme for wastes and recyclable materials that are hazardous.

Environment and Climate Change Canada's Waste Reduction and Management Division administers the CEPA waste provisions and regulations and coordinates the reporting requirements and various technical and policy cooperation initiatives. Enforcement is performed by headquarters and regional enforcement officials, in collaboration with Canada Border Services Agency and foreign authorities.

An annual bilateral meeting is held to discuss regulatory amendments and opportunities for enhancing regulatory cooperation and consistency.

### Reports

There are no reporting requirements under the Canada-US Agreements. However, Canada reports annually on all imports, exports and transits to the Basel Convention Secretariat, as required under the Basel Convention. These reports include data regarding the transboundary movements of hazardous waste between Canada and all countries, including the US. [Canada's annual reports can be found on the Basel Convention website.](#)

### Results

Implementation of procedures that facilitate the compliance with the agreement and reduce administrative burden, such as the on-line prior-informed consent application for Canada-US-Mexico shipments.