



National Solid Wastes Management Association

4301 Connecticut Avenue, NW, Suite 300
Washington, D.C. 20008

Via e-mail

May 18, 2006

Docket No. 05-002--2
Regulatory Analysis and Development, PPD, APHIS
Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD 20737-1238

Re: Proposed Rule: Interstate Movement of Garbage From Hawaii

Dear Sir/Madam:

The National Solid Wastes Management Association (NSWMA) is pleased to provide comments on the Department of Agriculture's Animal and Plant Health Inspection Service's (APHIS) proposed rule —*Interstate Movement of Garbage from Hawaii: Municipal Solid Waste* (71 FR 20030: April 21, 2006). NSWMA represents the private waste services industry including companies that provide solid and medical waste collection, processing, recycling, and disposal services. NSWMA members own or operate more than half of the nation's disposal capacity and these facilities may accept and safely dispose of Hawaii's municipal solid waste under the proposed rule. We appreciate the opportunity to provide comments on the proposed rule for the management and disposal Hawaii's municipal solid waste.

In the section titled "Executive Order 12866 and Regulatory Flexibility Act", APHIS states that they are "proposing this action upon request in order to provide the State of Hawaii with additional waste disposal options" for the islands of Oahu and Hawaii.

The unrestricted interstate movement of municipal solid waste is constitutionally protected and an important element in managing waste in a manner protective of public health and the environment. However the proposed rule raises concerns over whether proper and necessary regulatory protections are in place to ensure that transporting and disposing of municipal solid waste from Hawaii to the continental United States will have

no adverse environmental impacts. Throughout the proposed rule and supporting Environmental Assessment dated May 2005, APHIS concludes that the waste movements “will not have significant impact on the environment” or “pose insignificant risk of pest establishment”. These conclusions are based, in part, on data supplied by the baler manufacturer, the private entity that proposes to use the technology, or experts hired by the companies. While these conclusions may in fact be totally reliable, prudence suggests that APHIS should use its own experts to validate the data from the vendors and their consultants. Considering the potential harm that has occurred from the introduction of other non-indigenous plants and animals (e.g., kudzu, zebra mussels, etc.), shipping municipal solid waste from Hawaii to the mainland United States should only be used if alternative disposal options are not available. Despite the “insignificant” chance of non-indigenous plant or animal species being released to the environment, past experience has shown that introductions occur and are hard to control.

NSWMA supports the proposals requirements on the shipment and disposal of municipal solid waste including the following provisions:

- Remove the waste from a means of conveyance only in sealed, leak-proof receptacles approved by the Administrator;
- Transport the waste in packaging approved by the Administrator;
- Move the waste only to a facility approved by the Administrator; and
- Dispose of the waste in a manner approved by the Administrator.

We also support the provisions of the proposed rule that requires any persons in the business of handling or disposing of municipal solid waste to enter into a compliance agreement with APHIS so that any proposed agreements will be evaluated in detail under the National Environmental Policy Act (NEPA).

NSWMA thanks APHIS for the opportunity to comment on the proposed rule for the management and disposal of Hawaii’s municipal solid waste. NSWMA and its members are prepared to assist the APHIS as it addresses these comments and develops the final document. If you have any questions or concerns about our comments, please contact me at 202-364-3730 (bparker@envasns.org).

Sincerely,



Bruce J. Parker
President & CEO
NSWMA