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September 16, 2025

Office of Land and Emergency Management (OLEM) Docket  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
via [www.regulations.gov](http://www.regulations.gov)

Attention: Docket ID No. EPA-HQ-OLEM-2025-0391

Dear Sir or Madam:

The Hazardous Waste Subcommittee (HWSC) of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity to provide comments related to the U.S. Environmental Protection Agency's (EPA) Hazardous Waste Electronic Manifest System ("e-Manifest") Advisory Board meeting, as noticed in the Federal Register on August 7, 2025 (90 FR 38146).

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). These comments have not been reviewed or adopted by the ASTSWMO Board of Directors. In addition, individual State or Territorial waste programs may also provide comments based on their own State perspectives and experiences.

The Federal Register notice announces the upcoming e-Manifest Advisory Board meeting that will be held on September 23 – 25, 2025 and references documents in the docket relative to the meeting, including the Charge Questions posed to the e-Manifest Advisory Board and the Background White Paper providing information on the issues to be discussed by the Board.

The theme of the meeting is "Accelerating the Future: Phasing out Paper Manifests to Unlock the Full Potential of e-Manifest." While historically the HWSC advocated for retaining the use of paper manifests and the data plus image option for designated facilities to submit manifests to EPA, as indicated in our comments to the e-Manifest Advisory Board dated September 10, 2024<sup>1</sup>, the HWSC now supports the use of fully electronic manifests. Our initial position was based on the recognition that industry has historically made significant investments in their own internal databases to track information related to hazardous waste shipments that are not captured on the hazardous waste manifest, including customer information, billing, compliance requirements, and land disposal restriction notifications. However, given that data quality issues are persistent, we believe that maintaining two separate systems is contributing to data quality issues and, therefore, we now support

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<sup>1</sup> <https://www.regulations.gov/comment/EPA-HQ-OLEM-2024-0307-0009>

a transition to fully electronic manifesting, with all entities providing an electronic signature. We also understand the challenges that are currently presented by using a fully electronic manifest.

Phasing out paper manifests entirely will require industry users to make modifications to their own internal databases to comply with fully electronic manifests. Industry will need to train staff on e-Manifest procedures and compliance alongside updating internal workflows to align with digital reporting. These upfront costs and time commitments can strain limited budgets and resources, mostly impacting those in the small business community and rural areas.

The HWSC provides the following comments on the issues presented in the White Paper and the Charge Questions posed to the e-Manifest Advisory Board:

#### Coordinating with the U.S. Department of Transportation

The HWSC believes coordination with the U.S. Department of Transportation (DOT) is necessary, as it appears to be one of the most significant impediments to achieving a fully electronic e-Manifest system. Because the DOT requires a physical paper copy of the manifest to be in the transport vehicle, many users believe it is simply easier to complete the entire process using paper and only upload an image/data file of the paper manifest after it is received at the designated facility. While the HWSC recognizes the impediment of the physical paper copy that the DOT requires, the data quality concerns outweigh the burden of printing a paper copy for transport purposes. Any solution EPA develops to sunset paper manifests will have to consider the current DOT requirement to carry a physical paper copy of the manifest for DOT compliance. The HWSC strongly encourages DOT participation in the conversation to determine if a physical paper copy is an artifact of historical requirements and whether there is still value in a paper manifest given today's reliance on electronic means.

#### VSQG Manifests and User Registration

If EPA chooses to sunset paper manifests and transition to a fully electronic system, the HWSC recommends the following:

1. Facilities that are normally very small quantity generators (VSQGs), but have an episodic event, should be required to register for the e-Manifest system in order to be able to retain manifest records.
2. EPA should consider the impact of the paper sunset requirement on the use of "voluntary" manifests as contemplated in the e-Manifest Frequently Asked Questions<sup>2</sup>. EPA's current interpretation is that if a voluntary manifest is used, it is not required to be submitted to the e-Manifest system. It would seem that if EPA transitions to a fully electronic manifest system (i.e., either fully electronic or hybrid manifests), if an entity chooses to voluntarily use a manifest when one is not mandatory, it will be required to be submitted to the e-Manifest system. The HWSC supports this approach as it is consistent with the regulatory language in 40 CFR 264.71(a)(2)(v) and encourages EPA to provide clear guidance related to this topic.

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<sup>2</sup> <https://www.epa.gov/e-manifest/frequent-questions-about-e-manifest>

### Non-VSQG User Registration

The HWSC supports EPA requiring e-Manifest registration for all entities involved in the waste handling process, including the generator, the transporter, and the designated facility. Most generators that are required to use a manifest are already required to register for the e-Manifest system, as are all designated facilities. It only makes sense that transporters would also be required to register for the e-Manifest system should a sunset of paper manifests occur. Maintaining access to the e-Manifest system would be required in order to comply with the manifest recordkeeping requirements for transporters.

### Paper Record-Retention Requirements

Regarding record-retention requirements, the HWSC supports removing the existing paper-based manifest record-retention requirements. However, removal of this provision requires EPA to retain provisions regarding users maintaining access to the e-Manifest system for electronic record retention. All entities currently required to maintain a paper manifest should be required to establish and maintain electronic access to their manifests via the e-Manifest system. EPA is also seeking input on whether generators should be required to retain and submit the initial version of a hybrid manifest to the e-Manifest system. The HWSC believes the initial version of a hybrid manifest should be retained until the generator confirms the manifest has been submitted to the e-Manifest system. However, we believe that the original paper copy of the hybrid manifest should be uploaded by either the generator or the designated facility to the e-Manifest system.

### Compliance Deadline

The HWSC supports a delayed enforcement and compliance approach to sunset paper manifests, one where the rule becomes effective at least a year after the rule is promulgated. Industry users will need time to hire and train staff in addition to potentially altering their internal databases and procedures. Regulatory staff will need time to provide user support, manage the user registration process, and assist sites with obtaining RCRA EPA IDs. The HWSC believes this type of approach will encourage regulated entities who currently use image only manifests to not use the data plus image manifests but rather go straight to fully electronic manifesting.

### Expanding End User Support

The HWSC appreciates EPA's acknowledgement of the role of State regulators in providing user support and management of the user registration process. States have dedicated resources to approving/denying registered users, investigating accounts associated with multiple users, deactivating/removing permissions for users no longer needing access to the system, developing outreach materials, and providing general troubleshooting relating to user registration and logging in to the system. States generally have relationships with these users and as such, we are usually the first people they reach out to when they have issues with the system. Authorized States will continue to take on this role; however, the HWSC supports expanding the e-Manifest Help Desk role to help reduce the burden on States and to support users who may need additional support that can only be provided by EPA, as the system ultimately is managed by EPA.

The HWSC also supports EPA hosting e-Manifest User Conferences as outlined in the Background White Paper. We believe having all stakeholders involved in the discussion of challenges and solutions is necessary to get this project to completion. The HWSC encourages EPA to evaluate funding opportunities for States to be able effectively participate in these meetings and share our decades of expertise and knowledge of implementing the RCRA program.

#### Additional Resources for State Regulatory Agencies

As e-Manifest continues to evolve, State programs have invested considerable staff resources in areas including user account administration, end user training, quality assurance/quality control (QA/QC) and corrections of the e-Manifest data. This workload has been added over recent years and is not covered by any formerly provided task or funding source. Additionally, the Background White Paper contemplates requiring PCB generators and transporters to register for accounts, as a hazardous waste manifest is required for PCB shipments. This is an additional workload that will be placed on State regulatory agencies that exceeds the current scope of the RCRA program.

Many State RCRA programs have experienced significant cuts in federal funding in recent years and have fewer staff resources than ever to conduct the activities that are needed to support an effective hazardous waste management program. The added work on e-Manifest information has stretched limited program resources and may not be sustainable without revisiting funding levels or expectations of workload.

#### Replacement Manifest Proposal

The HWSC agrees with EPA's proposal related to the replacement manifest as outlined in the Background White Paper in the event that the e-Manifest system becomes temporarily unavailable for electronic manifest tracking. We believe this is sufficient for manifest tracking purposes in those very limited instances where the e-Manifest system is unavailable.

#### e-Manifest and BR Integration

The HWSC supports the sunseting of paper manifests to assist with the integration of e-Manifest and the Biennial Report. Integrating e-Manifest data with Biennial Reporting increases efficiency and ensures more accurate reporting, allowing States to focus resources elsewhere as opposed to identifying discrepancies between the two datasets.

The HWSC firmly believes that the more people that use the e-Manifest system on a regular basis, the better the system and data will become. Additionally, we concur with EPA's conclusion in the Background White Paper that identifies use of fully electronic manifests as a priority in order to fully realize system savings. As such, we continue to support EPA's transition to a fully electronic system.

Thank you again for the opportunity to provide comments. If you have any questions about these comments, please contact me at [melissa.ferree@delaware.gov](mailto:melissa.ferree@delaware.gov) or (302) 739-9403.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Melissa Ferree', with a stylized flourish at the end.

Melissa Ferree (DE), Chair  
ASTSWMO Hazardous Waste Subcommittee