

# Environmental Protection Agency Response to Recommendations from the October 2022 e-Manifest Advisory Board Meeting

On October 4-5, 2022, the Environmental Protection Agency (EPA or Agency) held its sixth public meeting of the Hazardous Waste Electronic Manifest System (e-Manifest) Advisory Board. The purpose of the meeting, entitled "The Road to 100% Electronic Manifests," was for the Board to advise EPA on its proposed changes to the e-Manifest System to increase use of electronic manifests.

Following the October 2022 virtual public meeting, the Advisory Board delivered its final recommendations to the Agency on December 29, 2022. A comprehensive discussion of the Board's recommendation is available at: <https://www.regulations.gov/docket/EPA-HQ-OLEM-2022-0611>.

EPA remains committed to achieving the objectives of the Hazardous Waste Electronic Manifest Establishment Act, which include decreasing burden for users and providing high-quality data applicable to biennial reporting. The Agency finds that this can only be achieved through wide adoption of electronic manifests, yet electronic manifests account for less than half a percent of all manifest submissions at this time. The Agency has strived to develop and present solutions to improve electronic manifesting, in the hopes of achieving its vision of near 100% electronic adoption; however, it is clear from the Advisory Board's recommendations, that both the Agency and its stakeholders have more work to do to reach common ground.

In its background white paper for the October 2022 Advisory Board meeting, EPA proposed to the Advisory Board several policy and IT solutions to dramatically increase the use of electronic manifests. Below is a list EPA's responses, accompanied with EPA's initial charge questions and a summary of the Advisory Board's recommendation.

## Charge Question 1. Site Manager/Dispatcher Sign

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EPA sought advice from the Advisory Board on the Agency's proposed policy solution to allow Site Managers/Dispatchers to sign electronic manifests as the generator, transporter and receiving facility. Specifically, EPA asked the Advisory Board:

(a) To what extent does the Advisory Board support EPA's proposed policy solution of allowing the Site Manager/Dispatcher to sign electronic manifests in lieu of dock workers/drivers?

(b) Please discuss the advantages and disadvantages of this proposed solution, specifically as it relates to increasing the use of electronic manifests and addressing data quality concerns.

**Summary of Advisory Board Recommendations:** The Advisory Board agreed that EPA's proposed policy solution allowing a Site Manager/Dispatcher to sign electronic manifests in lieu of dock workers/drivers is a step in the right direction towards wider electronic e-Manifest adoption. The Advisory Board also stated that this change will provide added flexibility for generators, receiving facilities, and especially transporters. The Board also noted that they preferred using a term such as "remote signers" as instead of "dispatcher."

**EPA Response:** The Agency agrees with the Advisory Board's recommendations to adopt a policy that Site Managers/Dispatchers be allowed to sign in lieu of dock workers and drivers. In addition, EPA agrees with the suggestion to adopt the term "Remote Signer" instead of "Site Manager/Dispatcher." Thus, hereafter, will be referred to as "Remote Signers." EPA will finalize its policy on Remote Signers soon.

## Charge Question 2. Quicker Sign

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EPA sought advice from the Advisory Board on the Agency's proposed IT solution to modify the existing e-Manifest web services (API) to allow users to upload electronic signatures via system-to-system communications. Specifically, EPA asked the Advisory Board:

- a) Please discuss the advantages and disadvantages of this proposed solution, specifically as it relates to increasing the use of electronic manifests and addressing data quality concerns.
- b) How should EPA manage the transition for industry and regulatory users if this solution is adopted?

**Advisory Board Recommendations:** The Advisory Board felt that the use of system-to-system communications between e-Manifest and industry to upload electronic signatures would provide increased accessibility, flexibility, and innovation for wider adoption of electronic manifest usage. Some members thought that this could also help with the timeliness and accuracy of manifest submissions. Potential disadvantages the Advisory Board noted included equity and access disparities, especially for smaller businesses that lack internal IT resources to leverage Application Programming Interface (API) integration with third party tools, as well as companies that do not have dedicated Site Managers. The web application already provides access to upload, but the Advisory Board recommended that EPA consider creating additional user permission roles in collaboration with industry partners and user-friendly directions for each user group (i.e., generator, transporter, receiving facility) to facilitate the learning curve.

The Advisory Board also advised the Agency to convene and conduct focus group sessions with a variety of potential users representing each phase of the waste documentation process to gather information and help overcome barriers. Finally, the Advisory Board recommended that the Agency provide incentives to early adopters, and that the Agency bring industry and enforcement experts together to consider ways to help smooth the transition that will also not introduce any inadvertent/accidental enforcement actions.

**EPA Response:** The Agency appreciates the Advisory Board's recognition of the benefits of Quicker Sign, which allows for the upload of electronic signatures for manifests via web services. EPA plans to implement the Quicker Sign feature in the near future. In addition, in response to user needs, EPA intends to enhance and streamline user permissions as suggested by the Advisory Board.

The Advisory Board noted that a disadvantage to Quicker Sign is inequity to access; EPA believes that the RCRAInfo web application addresses this issue. It is a robust and stable system that all registered handlers can use. EPA acknowledges that the RCRAInfo registration process can be burdensome for those that need to sign with an electronic signature that is compliant with the cross-media electronic reporting rule (CROMERR); however, the registration process is easier for users who only need to sign manifests via Quick Sign. In the near future EPA will be migrating to the General Service Administration's (GSA) single sign on (SSO) solution [Login.gov](https://login.gov), which will provide a smoother registration experience. EPA will also consider ways to provide more user-friendly directions for new RCRAInfo users, as recommended by the Advisory Board.

The Advisory Board also recommended that EPA consider incentives such as grants for early adopters. While EPA does appreciate the Advisory Board's recommendations, the e-Manifest Act did not provide EPA authority to distribute grants from e-Manifest user fees. However, EPA will consider ways to better assist users in the transition, such as focus groups and troubleshooting sessions. In addition, EPA commits to communicating Quicker Sign with enforcement contacts.

### Charge Question 3. Daily Batch Upload

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EPA sought advice from the Advisory Board on the Agency's proposed IT solution to allow users to complete electronic manifests in an industry system and then batch upload manifest information and electronic signatures to e-Manifest once per day throughout the transit process. Specifically, EPA asked the Advisory Board:

- a) Please discuss the advantages and disadvantages of this proposed solution, specifically as it relates to increasing the use of electronic manifests and addressing data quality concerns.
- b) How should EPA manage the transition for industry and regulatory users if this solution is adopted?

**Advisory Board Recommendation:** Although the Advisory Board stated the Daily Batch Upload solution was a step in the right direction, by and large, the Advisory Board did not recommend the Agency move forward with the solution. The Advisory Board said this was because the solution would require a daily upload of information that would likely cause “bandwidth issues”/information overload challenges. The Advisory Board also expressed concern over which entity (i.e., generator, transporter(s), receiving facility, or broker) would be subject to this requirement. They also noted that there could be significant versioning issues if multiple entities uploaded data.

**EPA Response:** Based on the Advisory Board’s recommendations, EPA does not plan to implement this IT solution. EPA appreciates the Advisory Board’s input on the idea of pursuing a potential new solution that would bring together aspects from both the Daily Batch Upload and Data No Image (Charge Question 4), along with new user permissions, as the Advisory Board recommended in Charge Question 1.

## Charge Question 4. Data No Image

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EPA sought advice from the Advisory Board on the Agency’s proposed IT solution to allow users to process manifests in an industry system and then upload manifest information and electronic signatures to EPA at the end of the transit process. Specifically, EPA asked the Advisory Board:

- a) Please discuss the advantages and disadvantages of this proposed solution, specifically as it relates to increasing the use of electronic manifests and addressing data quality concerns.
- b) How should EPA manage the transition for industry and regulatory users if this solution is adopted?

**Advisory Board Recommendation:** Overall, the Board thought the Data No Image scenario has merit because it mirrors the current Data Plus Image process. The Advisory Board also thought that this would work together with the proposed Quicker Sign option, which they believed was an additional benefit.

One major downside of this option discussed by the Advisory Board is that it requires rulemaking to implement. Thus, it could take 4-5 years to implement this option, based on EPA’s projection. The Advisory Board also expressed concerns about this option regarding the timeliness of manifest uploads and missing manifests.

The Advisory Board also advised the post-verification requirement for the generator and transporter(s) is unnecessary. They noted that the current Data Plus Image process does not require these verifications, and the generators and transporters presumably would not be supplying CROMERR-compliant signatures. They remarked that receiving facilities are supplying the CROMERR-compliant signatures, which should suffice. The Advisory Board stated that the failure of the generator and transporter to perform the

required verification would make the manifest ineligible for the electronic manifest fee rate (p. 22 white paper).

**EPA Response:** EPA carefully considered whether to pursue the Data No Image workflow given the Advisory Board's concerns on matters such as missing manifests and the post-receipt verification step, which EPA designed to act as a failsafe for those situations. EPA believes that without the post-receipt verification step, Data No Image would only further propagate errors seen with the current Data Plus Image submission option, which is incurring substantial costs (e.g., assigning the EPA's paper processing center to correct manifests that industry submits, and developing new features such as the Request for Corrections functionality for regulators).

Given the Advisory Board's recommendations on the post-receipt verification step, and the timeline needed to implement, EPA does not intend, at this time, to implement an electronic workflow that directly reflects Data No Image as presented to the Advisory Board. However, EPA appreciates the Board's recommendation on the possibilities of combining aspects from several of the proposed changes such as Quicker Sign and Remote Signer into a potential new electronic workflow that better fits the needs of the user community and would lower the barrier to entry for electronic manifesting.

## Charge Question 5. Proposed Workflow Decision

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EPA sought a recommendation from the Advisory Board on the Agency's proposed Daily Batch or Data No Image workflow. Specifically, EPA asked the Advisory Board:

a) With regards to the Daily Batch or Data No Image workflow, could the Advisory Board provide their recommendation on the workflow that would result in the greatest improvements to electronic manifesting rates and data quality?

**Advisory Board Recommendation:** The Advisory Board felt that the two workflows are not completely isolated but could be merged and implemented in phases. The Board felt both workflows move e-Manifest towards further adoption by industry but do not address the barrier by the Department of Transportation (DOT) for transporters to have a paper manifest in the vehicle.

**EPA Response:** As stated above, EPA agrees with the Advisory Board's recommendation to look at possible avenues that take aspects from the multiple policy and IT solutions presented by EPA. In particular, EPA plans to implement Quicker Sign and Remote Signer which could act as significant building blocks on the road to 100% electronic manifest adoption.