

From: Brian Winters [BrianWinters@proeco.com]
Sent: Monday, February 23, 2004 1:21 PM
To: Timothy Whitehouse
Cc: Gavin Scott; Gerry Gerke
Subject: Crossing the Border, Working Draft Report

Dear Mr. Whitehouse

We have reviewed the Working Draft Report. My operating company Custom Environmental Services Ltd. has submitted EIHWR Notice for the importation of Hazardous Waste/Recyclables from a Mexican generator.

The Working Draft Report does not address shipments from Mexico to Canada or Canada to Mexico. Basel shipments of waste materials are well understood by us as Canada is a Basel signatory.

While this is not a problem for us as the shipments are Basel Convention controlled transactions your report should at least address the implications of Maquiladora waste materials that are not destined to the country of origin. Chapter 2 NAFTA Country Requirements to Track the Transboundary Shipments of Hazardous Waste, International Agreements is confusing as it states that waste materials fit into a hierarchy of specific environmental agreements. It does not specifically state what agreement takes precedence. This is a problem as Maquiladora wastes are typically generated as a result of raw materials entering Mexico and supposedly (as per the Report) they must be returned to the United States via the AVSIO (Return Notice) (Page 12).

For clarity, flow sheets should also be included for Basel to Basel transactions and there should also be a distinct flow sheet for Maquiladora waste to a Basel final destination.

We have notices on file with the Transboundary Movement Division of Environment Canada and Approval from the United States as a "Country of Transit" however we are having issues with Semarnat respecting the Maquiladora generated waste and the procedure for shipment to other than the country of origin.

If you would like to discuss this further please contact myself or Gavin Scott, General Manager, Custom Environmental Services Ltd. at the attached numbers.

Regards

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