

Chairman Dingell at the Subcommittee on Environment and Hazardous Materials markup of H.R. 518 The International Solid Waste Importation and Management Act of 2007

Statement of Congressman John D. Dingell, Chairman
Committee on Energy and Commerce

SUBCOMMITTEE ON ENVIRONMENT
AND HAZARDOUS MATERIALS
MARKUP OF H.R. 518
THE INTERNATIONAL SOLID WASTE IMPORTATION
AND MANAGEMENT ACT OF 2007
MARCH 20, 2007

Mr. Chairman, thank you for scheduling this markup today.

This legislation has been sponsored with great energy by all Members of the Michigan delegation in a bipartisan fashion. I want to express my particular gratitude to the Members of our Committee, Representatives Rogers, Stupak, and Upton, and to my colleague, Mr. Gillmor, the former Chairman of this Subcommittee, for their hard work in shaping this important bill.

H.R. 518 adds a new Section 4011 to the Solid Waste Disposal Act. It requires the U.S. Government to implement the "notice and consent" provisions of the bilateral U.S.-Canadian Agreement. It provides criteria to ensure that the views of the affected State and local governments are properly taken into account, and it adds the necessary statutory enforcement authority.

In 1992, the U.S. and Canada agreed that the "notice and consent" provisions of this bilateral agreement should also apply to municipal solid waste. But neither Administration since then has made any effort to implement the bilateral agreement. And enforcement legislation promised "soon" by the present Administration almost four years ago has yet to arrive.

I would note that Canada is a party to the Basel Convention, which the United States is not. The Basel Convention specifically prohibits Basel parties from exporting waste to a non-party. Thus, this U.S.-Canadian bilateral agreement is the only way waste can travel between the two countries at all. It is critically important that this bilateral agreement be properly implemented and enforced.

According to the most recent information for Fiscal Year 2006, the largest source of waste imported into Michigan continues to be from Canada, with total reported imports to landfills of more than 12 million cubic yards. That is a 23 percent increase from FY2003. Even more disturbing is that since 1996, when Michigan began collecting data, the amount of Canadian waste being disposed of in Michigan has risen by 335 percent. Essentially, the City of Toronto is using Michigan and Detroit as its dumping ground.

The 300 to 400 trucks of waste that cross the bridge every day from Canada into Michigan are more than just a nuisance. These trucks and their cargo pose an environmental risk, are a detriment to our roads, a possible security risk, and, as we heard at the July 2003 hearing, a potential health hazard. The citizens of Michigan need action by Congress. In the meantime, the Administration should comply with the requirements of the treaty to use "best efforts" to implement the "notice and consent" provisions.

H.R. 518 would ensure that the U.S.-Canadian Agreement is properly implemented and enforced. It would also give Michigan and other States more authority to regulate foreign waste until the Environmental Protection Agency's final regulations to implement and enforce the Agreement become effective. Laws or regulations enacted or issued during this interim time period may stay in effect beyond the date that the Federal regulations become effective.

Mr. Chairman, the bill before us today is identical to H.R. 2491, legislation that the House passed approximately six months ago on September 6, 2006.

I again thank you for your efforts today and urge all Members to support H.R. 518

Prepared by the Committee on Energy and Commerce
2125 Rayburn House Office Building, Washington, DC 20515