Appointment

From: Harris, Stewart [Stewart_Harris@americanchemistry.com]
Sent: 3/27/2019 12:46:31 PM
To: Christman, Keith [Keith_Christman@americanchemistry.com]; Russell, Steven K. [Steven_Russell@americanchemistry.com]; Joseph, Aiysha D. [Aiysha_Joseph@americanchemistry.com]; Kang, Min G [KangMG@state.gov]; Layne, Michael J [LayneMJ@state.gov]; Reidhead, Van E [ReidheadVE@state.gov]; Bloomquist, Adam [BloomquistA@state.gov]; Clark, Andrew D [ClarkAD@state.gov]; Williams, Larke S [WilliamsLS@state.gov]; Elizabeth.Mclanahan [elizabeth.mclanahan@noaa.gov]; Steve Morrison [Steve.Morrison@noaa.gov]; Finman, Hodayah [Finman.Hodayah@epa.gov]; Besch, Brianna [besch.brianna@epa.gov]; Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Adrian, Stephanie [Adrian.Stephanie@epa.gov]; Horan, Andrew [Horan.Andrew@epa.gov]; Bailey, Marianne [Bailey.Marianne@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Robiou, Grace [Robiou.Grace@epa.gov]; Nandi, Romell [Nandi.Romell@epa.gov]; Benson, Robert [Benson.Robert@epa.gov]; Doroski, Brenda [Doroski.Brenda@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Nancy Wallace - NOAA Federal [nancy.wallace@noaa.gov]; Dennis, Wendell - FAS [Wendell.Dennis@fas.usda.gov]; Nelsen, Ashley - FAS [Ashley.Nelsen@fas.usda.gov]; Ramos, Karina - FAS [Karina.Ramos@fas.usda.gov]; Waugh, Ted [Ted_Waugh@americanchemistry.com]

Subject: Alliance to End Plastic Waste Briefing/WebEx
Location: ACC - Senate Conf Room, 10th Floor

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Show Time As: Tentative

Recurrence: (none)

Basel Plastic Waste Amendments

Adopted at the 14th Conference of the Parties
April 29 – May 10, 2019

Debrief
May 20, 2019

Outline

- Objective: Provide overview of the Basel amendments on plastic waste and discuss potential impacts and next steps.
  - Background
  - US position
  - Basel plastic waste amendments – what's changed?
  - Remaining ambiguities with respect to certain plastic waste
  - Potential impacts for the US
  - Next steps

Background

- In June/August 2018, Norway proposed amendments to the Basel Convention such that all plastic waste and scrap would be subject to the Basel prior informed consent (PIC) procedure.
  - Norway's rationale: Subjecting plastic waste and scrap to the Basel PIC procedure would improve tracking, ensure sound management, and reduce marine plastic litter.
- At the Basel Open-Ended Working Group meeting in September 2018, the US, some Basel Parties and industry stakeholders expressed concerns that by significantly hindering trade in plastics sent for recycling, the proposal would reduce global recycling and could undermine sound management of end-of-life plastics.
- In October 2018, Norway revised their original amendment proposal such that only certain plastic waste and scrap (including plastic waste considered Basel-hazardous) would be subject to the Basel PIC procedure.

U.S. position

- The U.S. government (USG) does not support requiring the Basel PIC procedure for exports of plastic scrap sent for recycling because:
  - It is unclear how this will address ineffective waste management systems and unsound disposal practices, which are the root cause of marine plastic litter.
  - There are significant amounts of plastic scrap exports and placing additional costs/burdens on these exports could reduce the overall level of plastic recycling in the world and could undermine the incentive to properly manage plastic waste and scrap.
  - Need time to assess impacts of amendments on plastic recycling, (mis)management of end-of-life plastic, and marine plastic litter.
  - Export notices for plastic waste and scrap could overwhelm countries with limited capacity to process notices and take resources away from managing hazardous wastes that pose greater risks.
- The USG is supportive of the Basel Convention addressing marine litter and plastic waste problems via strengthening the capacity of developing countries to soundly manage plastic waste.
  - Basel Partnership on Plastic Waste
  - Updating existing Basel technical guidelines on environmentally sound management of plastic waste.

Adopted amendments on plastic waste

- On May 10, Parties adopted amendments to the Basel Convention such that certain plastic waste and scrap will be subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.

- The amendments changed the following Annexes:

  - **Annex II** covers wastes requiring "special consideration". Annex II waste is subject to Convention requirements.
    - Annex II wastes include "household waste" (or MSW) and residues from the incineration of MSW.

  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Convention requirements.

  - **Annex VIII** lists wastes considered hazardous so they fall under the Convention requirements.

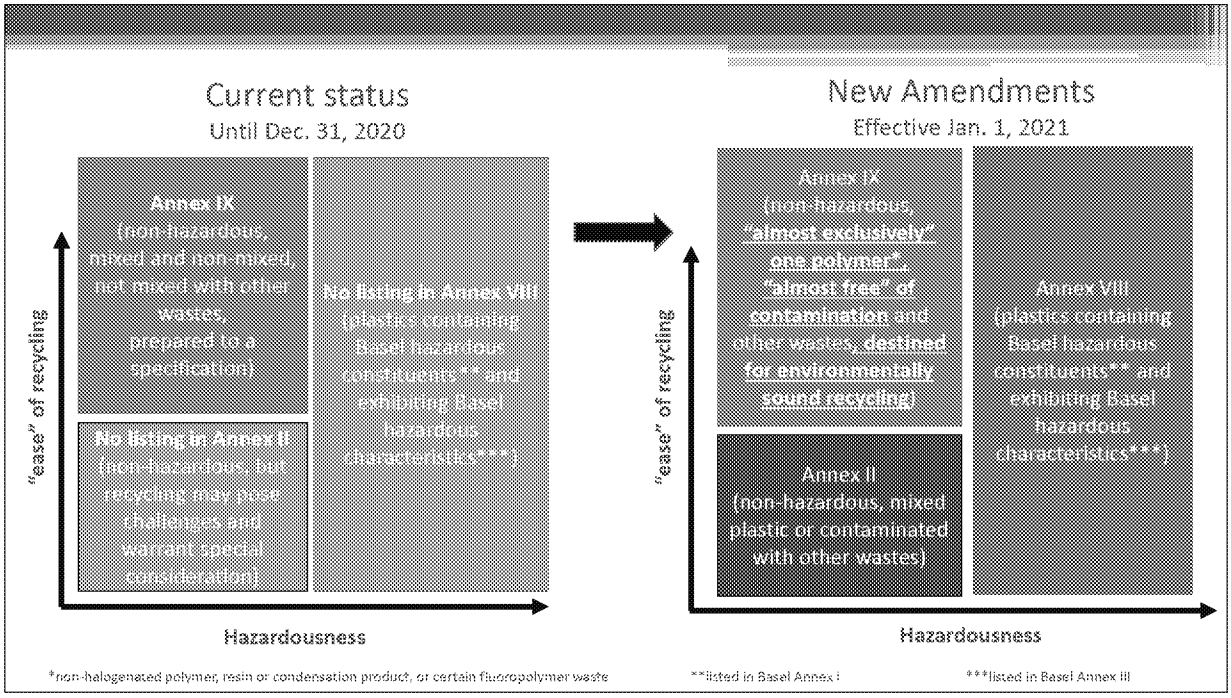
Adopted amendments on plastic waste (cont'd)

- **Annex II,** new entry Y48
  - Most mixed plastic waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic waste contaminated or mixed with other waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic waste must "almost exclusively" consist of a single non-halogenated polymer or resin.
  - Certain unmixed fluorinated polymer wastes are also allowed based on the existing Basel entry.
  - Plastic waste must be "almost free" from contamination and from other types of waste and be destined for environmentally sound recycling.
  - Mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Plastic waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

- **Annex VIII,** new entry A3210
  - Plastic waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Amendments enter into force on **January 1, 2021.**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Until Dec. 31, 2020
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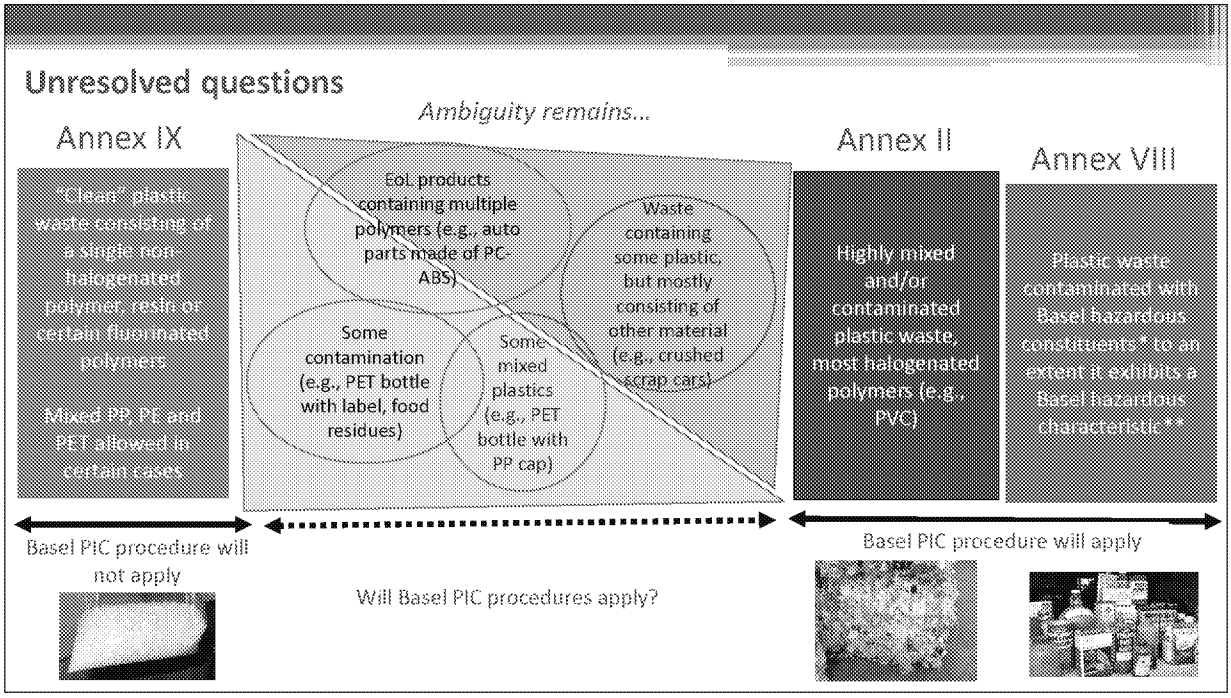
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Plastic waste contaminated with Basel hazardous constituents* to an extent it exhibits a Basel hazardous characteristic**
Basel PIC procedure will not apply
Will Basel PIC procedures apply?
Basel PIC procedure will apply

Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Mixtures of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What is considered environmentally sound recycling and how will "separate recycling" be defined?

Other takeaways from the Basel COP

- Parties were under significant pressure to "do something".
- Rushed, inadequate discussion of technical issues and consideration of impacts, potential for unintended consequences.
- Common misconception that amendments offered a solution to the plastic waste (mismanagement) problem.
- It was important to many developing countries, esp. the African Regional group, that action address land-based plastic waste, not just marine plastic litter.
- Ex. 5 Deliberative Process (DP)
- Technical/legal ambiguities will be taken up by a Basel working group to be established.

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in SE Asia.
- Anticipate significant adverse impact on US recycling programs that could benefit from the revenue generated by higher value plastic scrap exports.
- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
- May lead to increased investments in US plastic processing capacity.
- Anticipate confusion by US industry on technical issues and procedural requirements; need to develop outreach and guidance materials.
- Although the amendments do not change U.S. export and import waste requirements, we anticipate receiving import/export notifications from countries.
- The Basel amendments will be added to the waste listings under the OECD Council Decision unless an OECD member country objects.

Next steps

OECD Council Decision

- Opportunity to disagree with the Basel amendments and negotiate a different level of control under the OECD Council Decision
- To be discussed at the upcoming June meeting of the OECD Working Party on Resource Productivity and Waste (WPRPW)

Basel Convention

- Basel Partnership on Plastic Waste, a public-private initiative to strengthen capacity of developing countries to address plastic waste
- Basel intersessional working group to update Basel technical guidelines on the environmentally sound management of plastic waste
- Further work to identify hazardous constituents relevant for plastic waste, opportunities to comment on specific aspects of the amendments (list of resins and fluorinated polymer wastes)

Stakeholder outreach

- Develop guidance materials for US industry on technical issues and procedural requirements

Appendices

- Slide 14: Existing listing for plastic waste and scrap, B3010 in Basel Annex IX
- Slide 15: Plastic waste amendments to Basel Annexes II and VIII (new listings)
- Slide 16: Plastic waste amendments to Basel Annex IX (changes to existing listing)

Existing plastic waste and scrap entry, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic waste (subject to Basel PIC procedure)

Annex II plastic waste

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[7]

Annex II plastic waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

[4] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[5] In this respect, international and national specifications may offer a point of reference.

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[7] Post-consumer wastes are excluded from this entry.

[8] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

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Annex VIII plastic waste

A3210[13]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

[10] This entry becomes effective as of 1 January 2021.

B3011[11]	Plastic waste listed below, provided it is destined for recycling[12] in an environmentally sound manner and almost free from contamination and other types of wastes (note the related entries on list A A3210 and Y48 in Annex II):[13] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) - Plastic waste almost exclusively[14] consisting of one cured resin or condensation product including the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[15] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[16] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[17]

Revised Basel Annex IX plastic waste listing, B3011

Replaces existing Annex IX plastic waste listing, B3010. These wastes are not subject to Basel PIC procedures.

[11] This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.

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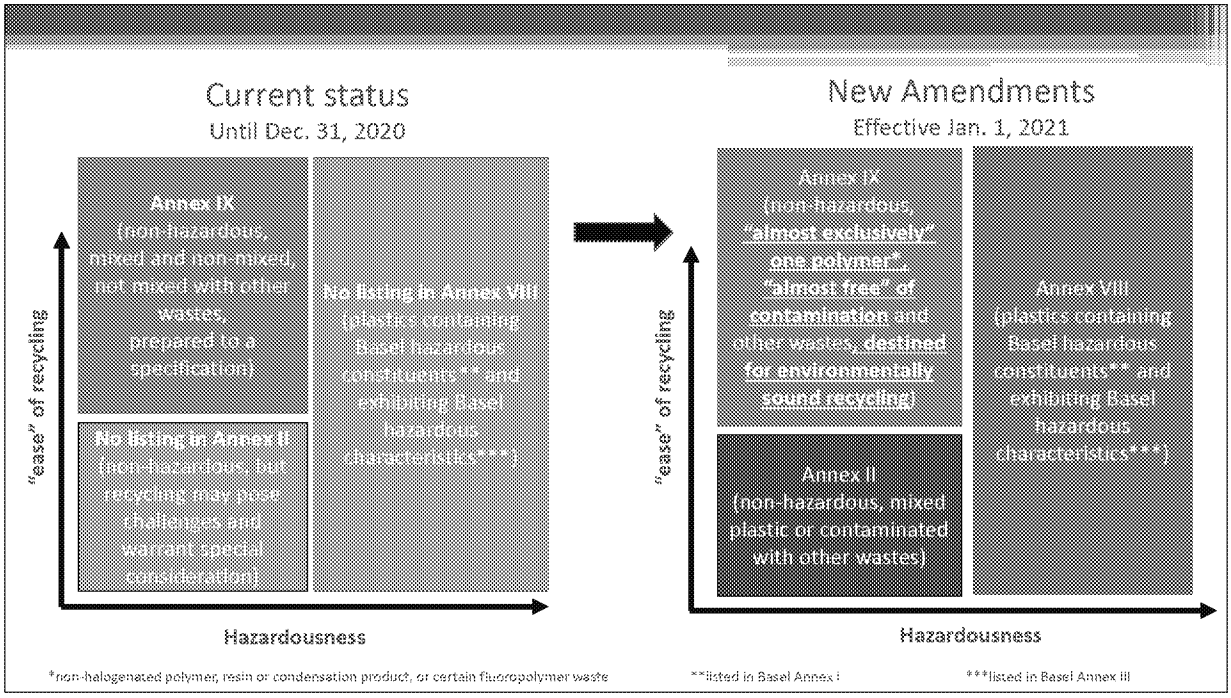
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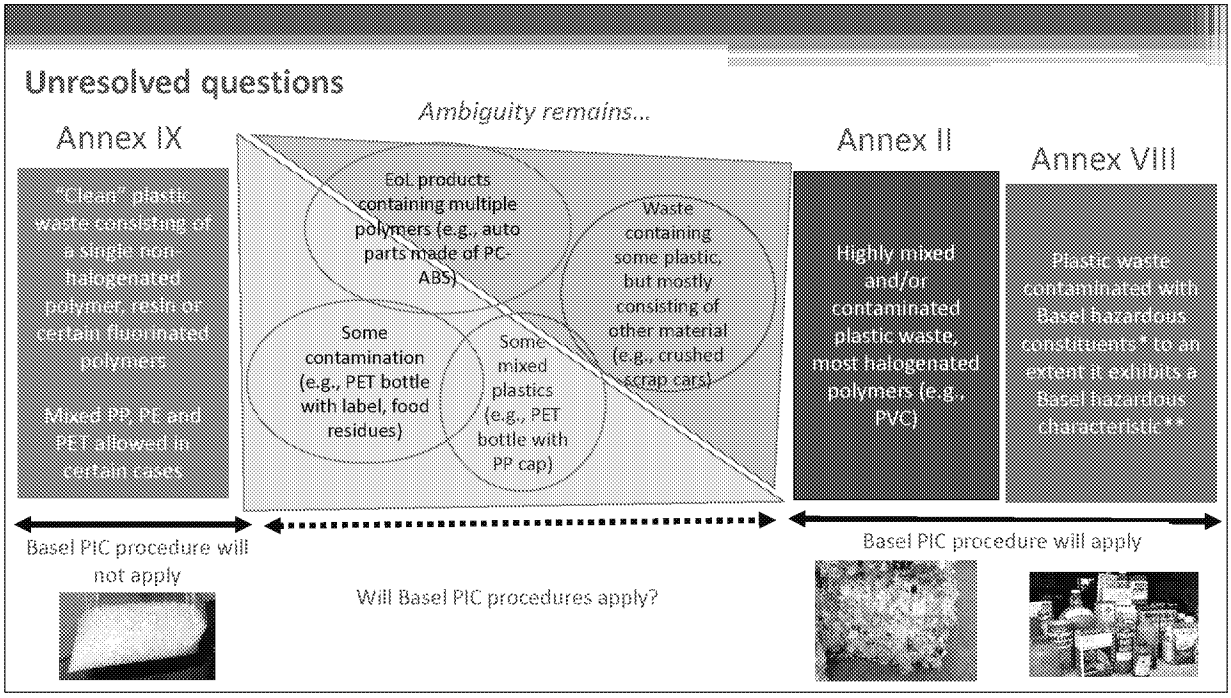
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Effective until Dec. 31, 2020

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New Basel Annex II and VIII plastic waste (subject to Basel PIC procedure)

Annex II plastic waste

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes:[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[7]

Annex II plastic waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

[4] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[5] In this respect, international and national specifications may offer a point of reference.

[6] In this respect, international and national specifications may offer a point of reference.

[7] Post-consumer wastes are excluded from this entry.

[8] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[9] In this respect, international and national specifications may offer a point of reference.

Annex VIII plastic waste

A3210[13]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

[10] This entry becomes effective as of 1 January 2021.

B3011[11]	Plastic waste listed below, provided it is destined for recycling[12] in an environmentally sound manner and almost free from contamination and other types of wastes (note the related entries on list A A3210 and Y48 in Annex II):[13] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) - Plastic waste almost exclusively[14] consisting of one cured resin or condensation product including the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[15] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[16] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[17]

Revised Basel Annex IX plastic waste listing, B3011

Replaces existing Annex IX plastic waste listing, B3010. These wastes are not subject to Basel PIC procedures.

[11] This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.

[12] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

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[14] In this respect, international and national specifications may offer a point of reference.

[15] Post-consumer wastes are excluded from this entry.

[16] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[17] In this respect, international and national specifications may offer a point of reference.

Basel Plastic Waste Amendments

Adopted at the 14th Conference of the Parties
April 29 – May 10, 2019

Debrief
May 20, 2019

Outline

- Objective: Provide overview of the Basel amendments on plastic waste and discuss potential impacts and next steps.
  - Background
  - US position
  - Basel plastic waste amendments – what's changed?
  - Remaining ambiguities with respect to certain plastic waste
  - Potential impacts for the US
  - Next steps

Background

- In June/August 2018, Norway proposed amendments to the Basel Convention such that all plastic waste and scrap would be subject to the Basel prior informed consent (PIC) procedure.
  - Norway's rationale: Subjecting plastic waste and scrap to the Basel PIC procedure would improve tracking, ensure sound management, and reduce marine plastic litter.
- At the Basel Open-Ended Working Group meeting in September 2018, the US, some Basel Parties and industry stakeholders expressed concerns that by significantly hindering trade in plastics sent for recycling, the proposal would reduce global recycling and could undermine sound management of end-of-life plastics.
- In October 2018, Norway revised their original amendment proposal such that only certain plastic waste and scrap (including plastic waste considered Basel-hazardous) would be subject to the Basel PIC procedure.

U.S. position

- The U.S. government (USG) does not support requiring the Basel PIC procedure for exports of plastic scrap sent for recycling because:
  - It is unclear how this will address ineffective waste management systems and unsound disposal practices, which are the root cause of marine plastic litter.
  - There are significant amounts of plastic scrap exports and placing additional costs/burdens on these exports could reduce the overall level of plastic recycling in the world and could undermine the incentive to properly manage plastic waste and scrap.
  - Need time to assess impacts of amendments on plastic recycling, (mis)management of end-of-life plastic, and marine plastic litter.
  - Export notices for plastic waste and scrap could overwhelm countries with limited capacity to process notices and take resources away from managing hazardous wastes that pose greater risks.
- The USG is supportive of the Basel Convention addressing marine litter and plastic waste problems via strengthening the capacity of developing countries to soundly manage plastic waste.
  - Basel Partnership on Plastic Waste
  - Updating existing Basel technical guidelines on environmentally sound management of plastic waste.

Adopted amendments on plastic waste

- On May 10, Parties adopted amendments to the Basel Convention such that certain plastic waste and scrap will be subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.

- The amendments changed the following Annexes:

  - **Annex II** covers wastes requiring "special consideration". Annex II waste is subject to Convention requirements.
    - Annex II wastes include "household waste" (or MSW) and residues from the incineration of MSW.

  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Convention requirements.

  - **Annex VIII** lists wastes considered hazardous so they fall under the Convention requirements.

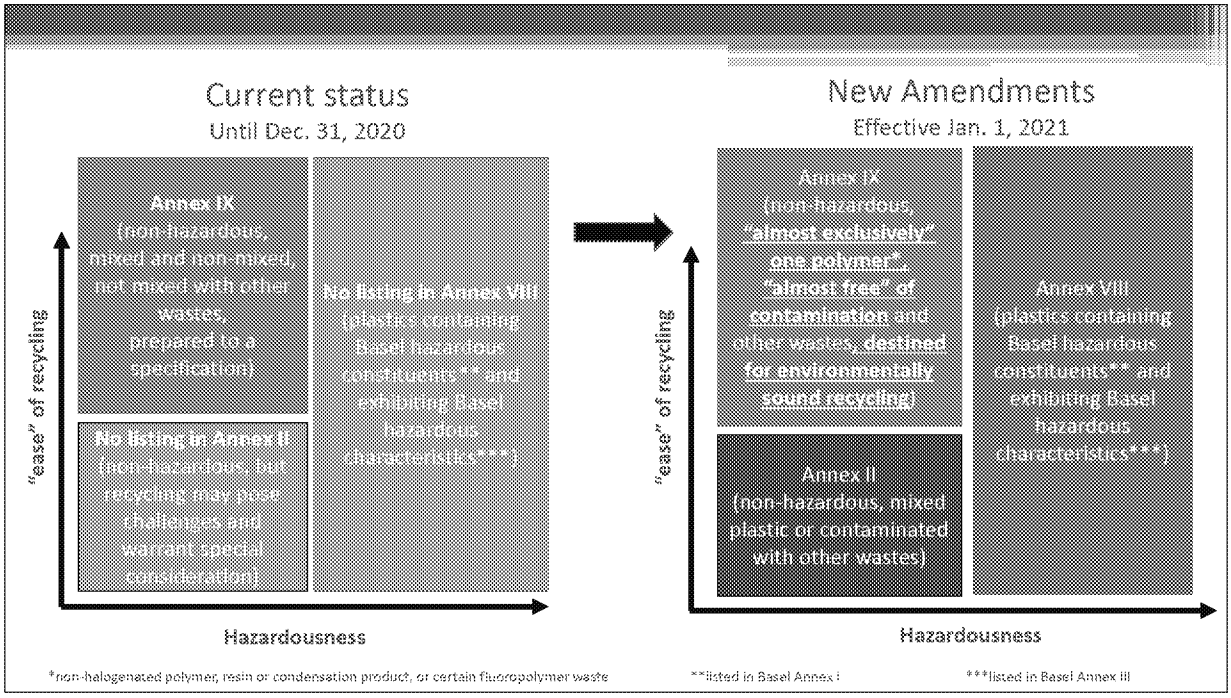
Adopted amendments on plastic waste (cont'd)

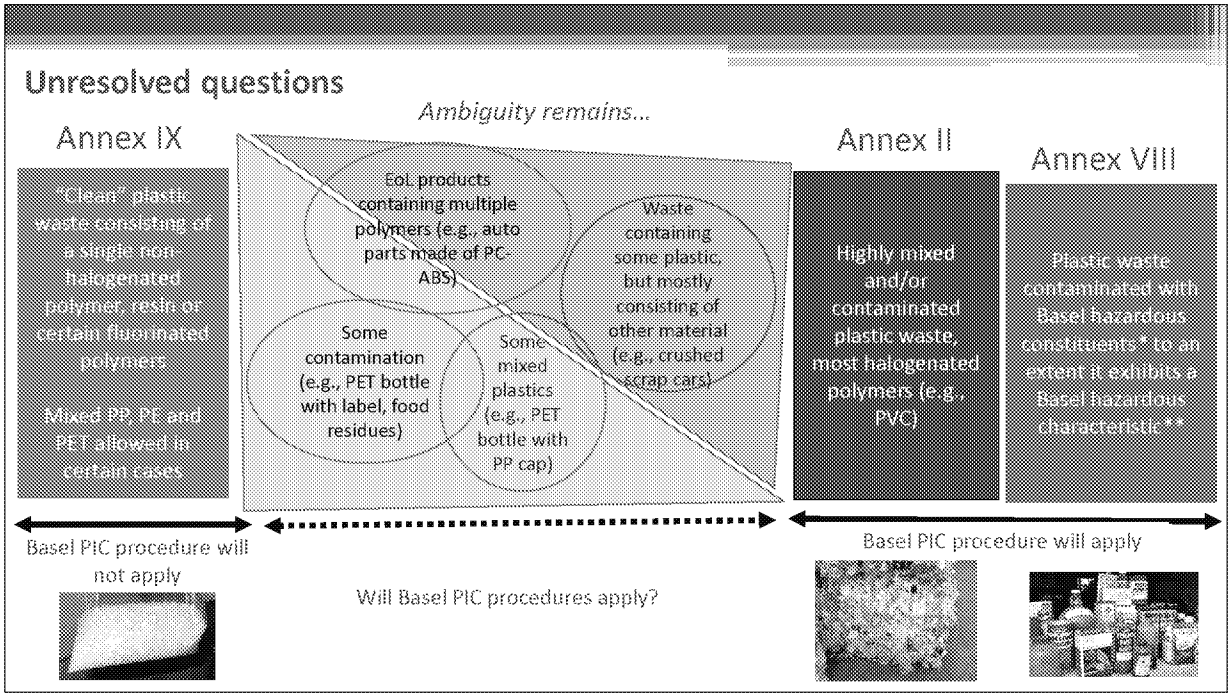
- **Annex II,** new entry Y48
  - Most mixed plastic waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic waste contaminated or mixed with other waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic waste must "almost exclusively" consist of a single non-halogenated polymer or resin.
  - Certain unmixed fluorinated polymer wastes are also allowed based on the existing Basel entry.
  - Plastic waste must be "almost free" from contamination and from other types of waste and be destined for environmentally sound recycling.
  - Mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Plastic waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

- **Annex VIII,** new entry A3210
  - Plastic waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Amendments enter into force on **January 1, 2021.**


Current status
Until Dec. 31, 2020
Annex IX
(non-hazardous, mixed and non-mixed, not mixed with other wastes, prepared to a specification)
No listing in Annex II
(non-hazardous, but recycling may pose challenges and warrant special consideration)
No listing in Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
New Amendments
Effective Jan. 1, 2021
Annex IX
(non-hazardous, "almost exclusively" one polymer*, "almost free" of contamination and other wastes, destined for environmentally sound recycling)
Annex II
(non-hazardous, mixed plastic or contaminated with other wastes)
Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
*non-halogenated polymer, resin or condensation product, or certain fluoropolymer waste
**listed in Basel Annex I
***listed in Basel Annex III


Unresolved questions
Ambiguity remains...
Annex IX
"Clean" plastic waste consisting of a single non-halogenated polymer, resin or certain fluorinated polymers
Mixed PP, PE and PET allowed in certain cases
EoL products containing multiple polymers (e.g., auto parts made of PC-ABS)
Waste containing some plastic, but mostly consisting of other material (e.g., crushed scrap cars)
Some contamination (e.g., PET bottle with label, food residues)
Some mixed plastics (e.g., PET bottle with PP cap)
Annex II
Highly mixed and/or contaminated plastic waste, most halogenated polymers (e.g. PVC)
Annex VIII
Plastic waste contaminated with Basel hazardous constituents* to an extent it exhibits a Basel hazardous characteristic**
Basel PIC procedure will not apply
Will Basel PIC procedures apply?
Basel PIC procedure will apply

Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Mixtures of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What is considered environmentally sound recycling and how will "separate recycling" be defined?

Other takeaways from the Basel COP

- Parties were under significant pressure to "do something".
- Rushed, inadequate discussion of technical issues and consideration of impacts, potential for unintended consequences.
- Common misconception that amendments offered a solution to the plastic waste (mismanagement) problem.
- It was important to many developing countries, esp. the African Regional group, that action address land-based plastic waste, not just marine plastic litter.

Ex. 5 Deliberative Process (DP)

- Technical/legal ambiguities will be taken up by a Basel working group to be established.

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in SE Asia.
- Anticipate significant adverse impact on US recycling programs that could benefit from the revenue generated by higher value plastic scrap exports.
- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
- May lead to increased investments in US plastic processing capacity.
- Anticipate confusion by US industry on technical issues and procedural requirements; need to develop outreach and guidance materials.
- Although the amendments do not change U.S. export and import waste requirements, we anticipate receiving import/export notifications from countries.
- The Basel amendments will be added to the waste listings under the OECD Council Decision unless an OECD member country objects.

Next steps

OECD Council Decision

- Opportunity to disagree with the Basel amendments and negotiate a different level of control under the OECD Council Decision
- To be discussed at the upcoming June meeting of the OECD Working Party on Resource Productivity and Waste (WPRPW)

Basel Convention

- Basel Partnership on Plastic Waste, a public-private initiative to strengthen capacity of developing countries to address plastic waste
- Basel intersessional working group to update Basel technical guidelines on the environmentally sound management of plastic waste
- Further work to identify hazardous constituents relevant for plastic waste, opportunities to comment on specific aspects of the amendments (list of resins and fluorinated polymer wastes)

Stakeholder outreach

- Develop guidance materials for US industry on technical issues and procedural requirements

Appendices

- Slide 14: Existing listing for plastic waste and scrap, B3010 in Basel Annex IX
- Slide 15: Plastic waste amendments to Basel Annexes II and VIII (new listings)
- Slide 16: Plastic waste amendments to Basel Annex IX (changes to existing listing)

Existing plastic waste and scrap entry, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic waste (subject to Basel PIC procedure)

Annex II plastic waste

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[7]

Annex II plastic waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

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Annex VIII plastic waste

A3210[13]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

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Revised Basel Annex IX plastic waste listing, B3011

Replaces existing Annex IX plastic waste listing, B3010. These wastes are not subject to Basel PIC procedures.

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[17] In this respect, international and national specifications may offer a point of reference.

Appointment

From: Harris, Stewart [Stewart_Harris@americanchemistry.com]
Sent: 3/27/2019 12:46:46 PM
To: Harris, Stewart [Stewart_Harris@americanchemistry.com]; Christman, Keith [Keith_Christman@americanchemistry.com]; Russell, Steven K. [Steven_Russell@americanchemistry.com]; Joseph, Aiysha D. [Aiysha_Joseph@americanchemistry.com]; Kang, Min G [KangMG@state.gov]; Layne, Michael J [LayneMJ@state.gov]; Reidhead, Van E [ReidheadVE@state.gov]; Bloomquist, Adam [BloomquistA@state.gov]; Clark, Andrew D [ClarkAD@state.gov]; Williams, Larke S [WilliamsLS@state.gov]; Elizabeth.Mclanahan [elizabeth.mclanahan@noaa.gov]; Steve Morrison [Steve.Morrison@noaa.gov]; Finman, Hodayah [Finman.Hodayah@epa.gov]; Besch, Brianna [besch.brianna@epa.gov]; Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Adrian, Stephanie [Adrian.Stephanie@epa.gov]; Horan, Andrew [Horan.Andrew@epa.gov]; Bailey, Marianne [Bailey.Marianne@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Robiou, Grace [Robiou.Grace@epa.gov]; Nandi, Romell [Nandi.Romell@epa.gov]; Benson, Robert [Benson.Robert@epa.gov]; Doroski, Brenda [Doroski.Brenda@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Nancy Wallace - NOAA Federal [nancy.wallace@noaa.gov]; Dennis, Wendell - FAS [Wendell.Dennis@fas.usda.gov]; Nelsen, Ashley - FAS [Ashley.Nelsen@fas.usda.gov]; Ramos, Karina - FAS [Karina.Ramos@fas.usda.gov]; Waugh, Ted [Ted_Waugh@americanchemistry.com]

Subject: Alliance to End Plastic Waste Briefing/WebEx
Location: ACC - Senate Conf Room, 10th Floor

Start: 4/8/2019 5:00:00 PM
End: 4/8/2019 6:30:00 PM
Show Time As: Busy

Recurrence: (none)

Hi all,

Steve Russell will provide a briefing for interested federal agency staff on the new Alliance to End Plastic Waste. The briefing will be at ACC's offices for those able to attend in person. Please come to the 10th floor reception area, where I will meet you. For those not able to attend in person, below is information for a WebEx. There may be a power point presentation used for the briefing. We plan to provide 30-45 minutes for questions and discussion and so have allocated 90 minutes for the briefing.

Please feel free to pass this along to your federal agency colleagues that I may have missed on the meeting invite.

Let me know if you have any questions.

Thanks,
Stew

Stewart Harris | American Chemistry Council
Director, Marine and Environmental Stewardship, Plastics Division
Stewart_Harris@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
O: (202) 249-6626 | Ex. 6 Personal Privacy (PP)
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OITA AA/DAA MEETING

Title: International Environmental Sub-PCC on Marine Plastic Litter
Date/Time: Friday, August 16th, 1:30-2:30pm
Location: EEOB Room 476

I. Purpose John Thompson has convened the International Marine Plastic Litter Sub-PCC to discuss international marine litter.

II. Participants:

	Principals +1 from
EPA	State
You	NOAA
Stephanie Adrian	USTR
	Treasury
NSC	DOE
John Thompson	USAID
	OMB

III. Agenda

1. Agency International Activities on MPL (All)
2. USG Strategy Update (USAID)
3. Handbook Update (USAID)
4. Costs to clean up MPL (All)
5. Basel Convention (State, USTR, EPA)
6. Other Updates (G7, G20, Our Oceans, etc) (All)

IV. Attachments

1. Background
2. PCC Summary of Conclusions from last meeting
3. USG Blue Ocean Strategy Concept Note with EPA comments incorporated
4. USAID Handbook Outline with EPA comments incorporated
5. Email from OLEM on costs for waste management
6. Background and Timeline for OECD alternative proposal to Basel plastic scrap/waste amendments
7. G7 Leader's Summit Chair Summary on environmental issues
8. EPA's response to PCC's requested list of ML activities

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Attachment 1: Background for Agenda Items

G20 Update:

- Following the successful conclusion of the environment ministers meeting in June, Japan is organizing a meeting to the G20 Resource Efficiency and marine litter issues. EPA is coordinating a submission on USG best practices.

Basel Background

- At the May 2019 Meeting of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Basel Parties decided to newly classify most plastic scrap as subject to Basel Convention requirements, effective January 1, 2021.

- Because the US is a non-Party to the Basel Convention, the Party/Non-Party provision in the treaty means that the US will not be allowed to export or import many types of plastic scrap with many Basel Parties.

- The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision. The OECD Council Decision is the multilateral agreement governing the import and export of hazardous waste and other wastes sent for recovery.

- In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments.

- Under the OECD Council Decision, Basel Convention scrap/waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel scrap/waste listings are adopted.

Basel Convention/OECD objection

- On July 3, EPA, on behalf of the U.S. government, sent a letter to the OECD expressing the U.S. Government's objection to the automatic incorporation of the Basel Convention plastic scrap/waste amendments into the OECD Council Decision on the Control of Transboundary Movements of Wastes Destined for Recovery Operations.

- The U.S. objection suspends the automatic incorporation of the Basel plastic scrap/waste listings into the OECD Council Decision and triggers negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

- The OECD Secretariat created a small technical working group, called the Ad Hoc Task Team, to negotiate new plastic scrap/waste listings and develop a proposal for submission to the OECD Working Party on Resource Productivity and Waste.

- EPA's Office of Resource Conservation and Recovery and State will represent the U.S. government on the OECD Ad Hoc Task Team. The first face-to-face meeting is scheduled for mid-September in Paris.

Rationale behind the OECD Objection letter

- The Basel plastic scrap/waste amendments were adopted to reduce the presence of plastic scrap/waste in the environment in countries that have ineffective waste management systems. By contrast, the OECD is a group of 36 developed countries that have attained high environmental standards and have the capacity to manage scrap and waste in an environmentally sound manner. Less than one percent of plastic waste generated in OECD countries is mismanaged.

- Facilitating trade in plastic scrap for recycling among OECD countries helps ensure that the material is traded between countries that can recycle it in an environmentally sound manner -- reducing some sources of marine plastic litter and other environmental problems associated with the improper disposal of wastes generated from plastic recycling operations in some non-OECD importing countries. Since China imposed its strict import restrictions on plastic scrap, export flows have been redirected to other countries in Southeast Asia and other regions that may not have adequate capacity to manage it.

- Streamlining trade in plastic scrap among OECD countries is especially important because of the recent decision by Parties to the Basel Convention (i.e., the 187 countries that have ratified the Basel Convention) to regulate imports and exports of plastic scrap.

- The U.S. government is concerned that regulating plastic scrap under the OECD agreement would make intra-OECD trade in plastic recyclables more difficult.

- As a result, in OECD countries, plastic recycling could decrease and landfilling of plastic scrap could increase, reducing the environmental and economic benefits that are achieved through recycling.

- The US government is committed to reducing plastic pollution to protect the marine environment and believes that working through the OECD will help achieve this goal. In 2015, plastics recycling in the United States reduced over 2.32 million metric tons of CO2 equivalent (MTCO2E) and provided approximately 4,930 jobs (when compared to landfilling). For more information see: [HYPERLINK "https://www.epa.gov/international-cooperation/protecting-marine-environment"]

G7

- G7 Summit coming at the end of August. USG received a first draft of the G7 Leader's Summit Chair Summary on environmental issues which includes general language on marine litter. EPA provided comments to NSC yesterday. (See attached)

- France will be launching several coalitions that will be covering marine plastic litter which the US doesn't anticipate joining.

Background and Timeline for OECD alternative proposal to Basel plastic scrap/waste amendments
August 6, 2019

Background

On July 3, 2019, EPA, on behalf of the U.S. government, objected to the automatic incorporation of the Basel Convention plastic scrap/waste amendments into the OECD Council Decision (*C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations*). The OECD Council Decision is the multilateral agreement governing the import and export of hazardous waste and other wastes sent for recovery. The U.S. objection, which included an alternative proposal as required under the OECD Council Decision, suspends the automatic incorporation of the Basel plastic scrap/waste listings into the OECD Council Decision and triggers negotiations to decide how transboundary movements of plastic scrap/waste should be addressed within the OECD. The U.S. alternative proposal recommends that all plastic scrap and waste *not* be subject to prior informed consent requirements (e.g., the OECD Green control procedure).

Initial Goal – Consensus by February 2020

The Organization for Economic Cooperation and Development (OECD) Ad Hoc group (formally known as the OECD Ad Hoc Task Team) reaches consensus and presents an alternative proposal to the OECD Working Party on Resource Productivity and Waste (WPRPW) in early February 2020 when the WPRPW meets and can decide whether to approve the alternative proposal. The WPRPW must approve the proposal before it can be endorsed by the OECD Environment Policy Committee (EPOC), which meets in April 2020. To our knowledge, this is the only time EPOC meets in 2020. It will be very difficult to reach consensus after the WPRPW and EPOC groups hold in-person meetings in early 2020. The OECD Secretariat is under tight resource constraints and so it is unlikely that additional in-person meetings will be scheduled under these circumstances.

Our preference is for the OECD to apply streamlined procedures to exports and imports of plastic scrap (such that trade in plastic scrap is not subject to prior informed consent requirements, also known as the OECD Green control procedure). However, we know that many other OECD countries want to make certain plastic scrap/waste subject to prior informed consent requirements, especially plastic scrap/waste that contains additives of concern and that would be considered hazardous waste under the Basel Convention.

Process if consensus is not reached by February 2020

The absolute last date for consensus to be reached is December 1, 2020, which is one month before the Basel amendments enter into force. If no consensus is reached by February 2020, the procedure to work towards consensus by December 1, 2020 is not clear since this is the first time a country has objected to new Basel waste listings. The OECD Secretariat would have to identify the process for trying to reach consensus if the Ad Hoc group is not able to reach consensus by February 2020.

Impact of non-consensus

If no consensus is reached by December 1, 2020, the Basel plastic scrap/waste amendments will not be applied within the OECD and each OECD country will control the scrap/waste in conformity with its domestic legislation. The United States wants to avoid this outcome because OECD countries could adopt a dozen different sets of requirements, which would make trade more difficult. In addition, we anticipate that many OECD countries would adopt the Basel amendments since all other OECD countries are Basel Parties and would likely favor having the same requirements for both OECD and non-OECD countries.

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Anticipated Timeline

May 2019	• Meeting of the Basel Convention's 14th Conference of the Parties in Geneva where Basel Parties adopt new plastic scrap/waste amendments adding new waste listings for plastic scrap and waste.
June 2019	• Meeting of the OECD Working Party on Resource Productivity and Waste (WPRPW) where the Basel plastic scrap/waste amendments were discussed, and the U.S. expressed its intent to object. • Meeting with U.S. industry stakeholders engaged in Basel and OECD plastic issues to share outcomes of the OECD and process updates. These U.S. industry stakeholders help inform the U.S. position and our understanding of the impacts of different potential outcomes. • Bilateral meetings with Canada, Australia, New Zealand, Norway and the European Commission prior to WPRPW meeting to help garner support for U.S. position.
July 2019	• U.S. objects to the automatic incorporation of the new Basel waste listings into the OECD Council Decision. • OECD Secretariat acknowledges U.S. objection, distributes objection letter to OECD member countries, and forms an "Ad Hoc" group to develop an approach for the OECD. • OECD Ad-Hoc group holds its first teleconference. Members of the Ad-Hoc group are governments only and include the U.S., Canada, Australia, Japan, the European Commission, Germany, the UK, France, the Netherlands, Turkey, Austria, Denmark, Finland, Sweden and Chile. A limited number of industry and environmental NGOs will also have an opportunity to participate as observers. Specific organizations have not been identified yet.
Aug. 2019	• U.S. industry stakeholder meeting to share outcomes of the first meeting of the Ad-Hoc group, process updates, and understand their views. • Brief and discuss with ORCR/OLEM/OITA Senior Management options to consider on U.S. position and negotiating strategy at the 1st in-person meeting of the OECD Ad-Hoc group. • Hold bilateral meetings with countries that are members of the Ad-Hoc group to inform and garner support for U.S. position.
Sep. 2020	• Expect European Commission to share an alternative proposal with Ad-Hoc group (timing TBD). • Meeting of OECD Ad-Hoc group in Paris to negotiate an alternative proposal (Sep. 17-18).
***Feb. 2020**	• Meeting of OECD Working Party on Resource Productivity and Waste (i.e., the OECD waste group) in Paris. This group is responsible for approving the alternative proposal. *The goal is for the Ad Hoc group to reach consensus and present an alternative proposal by this time. If no consensus is reached by this time, the OECD Secretariat would have to identify the process for working towards consensus by the last deadline: December 1, 2020.
April 2020	• Meeting of the OECD Environment Policy Committee in Paris. This group has to endorse the alternative proposal, but more as a formality.
TBD 2020	• Meeting of the OECD Council. It is unclear if the OECD Council will have a role in endorsing the alternative proposal.

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Dec. 1, 2020	• Last date to reach consensus on an alternative proposal.
Jan. 1, 2021	• New Basel and OECD plastic/scrap waste listings enter into force.

Final note: Due to the high visibility of this effort, we anticipate a great deal of intra and interagency interest as negotiations progress. We will work closely with our colleagues both within EPA and in the State Department, U.S. Trade Representative, Department of Commerce, and the National Security Council.

ED_005232_00001528-00003

Message

From: Harris, Stewart [Stewart_Harris@americanchemistry.com]
Sent: 3/25/2019 8:05:37 PM
To: Adrian, Stephanie [Adrian.Stephanie@epa.gov]
Subject: RE: USG engagement on marine litter and plastics

Hi Stephanie,

Definitely! Thanks for the note.

As you hopefully saw, we are looking to hold a briefing on the Alliance the End Plastic Waste on April 8 or 9.

April 8: 10 – 11:30am; 12 – 2pm and 3 – 4pm
April 9: 8 – 10am and 1 – 5pm

It looks like the afternoons are better for EPA staff. I hope to have something schedule by the end of the week.

Stew

Stewart Harris | American Chemistry Council
Director, Marine and Environmental Stewardship, Plastics Division
Stewart_Harris@americanchemistry.com
700 2nd Street, NE |Washington, DC| 20002
O: (202) 249-6626 | C: (410) 562-5976
www.americanchemistry.com/plastics
MarineLitterSolutions.com

From: Adrian, Stephanie [mailto:Adrian.Stephanie@epa.gov]
Sent: Monday, March 25, 2019 4:03 PM
To: Harris, Stewart <Stewart_Harris@americanchemistry.com>
Subject: USG engagement on marine litter and plastics

Hi Stew,
You may remember me from various meetings and we ran into each other at that Hill briefing on the Strategic Alliance. Would you mind adding me to your distribution list to the USG for any meetings? Usually my colleagues forward them to me but it would be easier if you could put me on there. Looking forward to hearing about the Alliance soon.
Many thanks!
Steph

Stephanie Adrian MPH
Global Affairs and Policy
Office of International and Tribal Affairs
US Environmental Protection Agency
1200 Pennsylvania Ave, NW, MC2660R
Washington, DC 20460
Office: +202-564-6444
Email: adrian.stephanie@epa.gov
Website: http://www.epa.gov/international

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Message

From: Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]
Sent: 3/26/2019 11:00:45 PM
To: Horan, Andrew [Horan.Andrew@epa.gov]; Harris, Stewart [Stewart_Harris@americanchemistry.com]; Kang, Min G [KangMG@state.gov]; Bloomquist, Adam [BloomquistA@state.gov]; Clark, Andrew D [ClarkAD@state.gov]; Layne, Michael J [LayneMJ@state.gov]; Elizabeth.Mclanahan [elizabeth.mclanahan@noaa.gov]; Steve Morrison [Steve.Morrison@noaa.gov]; Finman, Hodayah [Finman.Hodayah@epa.gov]; Besch, Brianna [besch.brianna@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Bailey, Marianne [Bailey.Marianne@epa.gov]; Adrian, Stephanie [Adrian.Stephanie@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Robiou, Grace [Robiou.Grace@epa.gov]; Nandi, Romell [Nandi.Romell@epa.gov]; Benson, Robert [Benson.Robert@epa.gov]; Doroski, Brenda [Doroski.Brenda@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]
Subject: RE: Alliance to End Plastic Waste Briefing

Hi Stew,

I'm adding a few more folks that may or may not be able to join but letting them know about the opportunity. Thanks again for arranging this briefing on the Alliance.

+Sandra Conners, Bob Benson, Romell Nandi, Grace Robiou, Rick Picardi, Krystal Krejcik, Stephanie Adrian, Marianne Bailey, Brenda Doroski and Kathleen Salyer

Thanks,
Janice

From: Horan, Andrew
Sent: Tuesday, March 26, 2019 4:29 PM
To: Harris, Stewart <Stewart_Harris@americanchemistry.com>; Kang, Min G <KangMG@state.gov>; Bloomquist, Adam <BloomquistA@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Layne, Michael J <LayneMJ@state.gov>; Elizabeth.Mclanahan <elizabeth.mclanahan@noaa.gov>; Steve Morrison <Steve.Morrison@noaa.gov>; Finman, Hodayah <Finman.Hodayah@epa.gov>; Besch, Brianna <besch.brianna@epa.gov>; Sims, JaniceHQ <Sims.JaniceHQ@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: RE: Alliance to End Plastic Waste Briefing

Hi Stew,

Thanks for setting this up. As of now, any of those date and times work for EPA, but prefer April 8 afternoon times.

-Andrew

From: Harris, Stewart <Stewart_Harris@americanchemistry.com>
Sent: Monday, March 25, 2019 3:50 PM
To: Kang, Min G <KangMG@state.gov>; Bloomquist, Adam <BloomquistA@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Layne, Michael J <LayneMJ@state.gov>; Elizabeth.Mclanahan <elizabeth.mclanahan@noaa.gov>; Steve Morrison <Steve.Morrison@noaa.gov>; Finman, Hodayah <Finman.Hodayah@epa.gov>; Besch, Brianna <besch.brianna@epa.gov>; Horan, Andrew <Horan.Andrew@epa.gov>; Sims, JaniceHQ <Sims.JaniceHQ@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Alliance to End Plastic Waste Briefing

Hi all,

As a follow-up to discussions I have had with many of you, I am pulling together a briefing on the new Alliance to End Plastic Waste.

Let me know if any of the times below do not work for a briefing. We will have a room here at ACC and I will set up a conference line for anyone not able to join in person.

April 8: 10 – 11:30am; 12 – 2pm and 3 – 4pm
April 9: 8 – 10am and 1 – 5pm

I am sure I have left people off the list. Please feel free to extend this invitation to your colleagues. I would like to set the date for the briefing by the end of the week.

Thanks,
Stew

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Director, Marine and Environmental Stewardship, Plastics Division
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MarineLitterSolutions.com

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BASEL AMENDMENTS ON PLASTIC SCRAP/WASTE AND OECD COUNCIL DECISION

BACKGROUND:

- At the May 2019 Meeting of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Basel Parties decided to newly classify most plastic scrap as subject to Basel Convention requirements, effective January 1, 2021.
- Because the U.S. is a Non-Party to the Basel Convention, the Party/Non-Party provision in the treaty means that the U.S. will not be allowed to export or import many types of plastic scrap with many Basel Parties.
- Under an Organization for Economic Cooperation and Development (OECD) Council Decision, the U.S. can continue to trade in plastic scrap with OECD countries for recycling/recovery if the OECD reaches a consensus on how to address plastic scrap. Basel Convention scrap/waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel scrap/waste listings are adopted.
- EPA sent a letter in July to the OECD expressing the U.S. objection to the automatic incorporation of the Basel Convention plastic waste amendments into the OECD agreement; this triggered negotiations among OECD countries on how to address plastic waste under the OECD agreement.
- An OECD task team was recently assembled to reach consensus on new plastic scrap listings to ensure continued trade between member countries. Failure to reach consensus could be quite detrimental to U.S. exports and imports.
- If a consensus is reached, the proposal would be vetted through the committee process and submitted to the OECD Council for approval.

KEY POINTS:

- Plastic scrap/waste trade with OECD countries is economically important.
- In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap (40%) with OECD countries valued at more than $315 million.
- Plastic waste is an important globally-traded scrap commodity, and market disruptions could negatively impact U.S. industry. Moreover, additional trade barriers could effectively decrease the value of recyclable plastics, resulting in more OECD-generated plastic waste disposed in landfills, sent for incineration, or used for fuel, which are less desirable for the environment.

TALKING POINTS:

- EPA took a leadership position within the OECD to avoid the automatic incorporation of the Basel plastic waste amendments and to allow additional time for the OECD countries to discuss the rules for trading plastic scrap. The OECD discussions are continuing.

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BASEL AMENDMENTS ON PLASTIC SCRAP/WASTE AND OECD COUNCIL DECISION

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TALKING POINTS:

- EPA, in collaboration with the Department of State and the Office of the United States Trade Representative, is actively negotiating with OECD countries to determine a better path forward on the OECD agreement, in alignment with environmental protection and U.S. economic interests.

ED_005232_00032456-00001

BASEL AMENDMENTS ON PLASTIC SCRAP/WASTE AND OECD COUNCIL DECISION

BACKGROUND:

- At the May 2019 Meeting of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Basel Parties decided to newly classify most plastic scrap as subject to Basel Convention requirements, effective January 1, 2021.
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ED_005232_00072082-00001

Appointment

From: Harris, Stewart [Stewart_Harris@americanchemistry.com]
Sent: 3/27/2019 12:46:45 PM
To: Harris, Stewart [Stewart_Harris@americanchemistry.com]; Christman, Keith [Keith_Christman@americanchemistry.com]; Russell, Steven K. [Steven_Russell@americanchemistry.com]; Joseph, Aiysha D. [Aiysha_Joseph@americanchemistry.com]; Kang, Min G [KangMG@state.gov]; Layne, Michael J [LayneMJ@state.gov]; Reidhead, Van E [ReidheadVE@state.gov]; Bloomquist, Adam [BloomquistA@state.gov]; Clark, Andrew D [ClarkAD@state.gov]; Williams, Larke S [WilliamsLS@state.gov]; Elizabeth.Mclanahan [elizabeth.mclanahan@noaa.gov]; Steve Morrison [Steve.Morrison@noaa.gov]; Finman, Hodayah [Finman.Hodayah@epa.gov]; Besch, Brianna [besch.brianna@epa.gov]; Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Adrian, Stephanie [Adrian.Stephanie@epa.gov]; Horan, Andrew [Horan.Andrew@epa.gov]; Bailey, Marianne [Bailey.Marianne@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Robiou, Grace [Robiou.Grace@epa.gov]; Nandi, Romell [Nandi.Romell@epa.gov]; Benson, Robert [Benson.Robert@epa.gov]; Doroski, Brenda [Doroski.Brenda@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Nancy Wallace - NOAA Federal [nancy.wallace@noaa.gov]; Dennis, Wendell - FAS [Wendell.Dennis@fas.usda.gov]; Nelsen, Ashley - FAS [Ashley.Nelsen@fas.usda.gov]; Ramos, Karina - FAS [Karina.Ramos@fas.usda.gov]; Waugh, Ted [Ted_Waugh@americanchemistry.com]

Subject: Alliance to End Plastic Waste Briefing/WebEx
Location: ACC - Senate Conf Room, 10th Floor

Start: 4/8/2019 5:00:00 PM
End: 4/8/2019 6:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Harris, Stewart [Stewart_Harris@americanchemistry.com]
Sent: 3/27/2019 12:46:31 PM
To: Christman, Keith [Keith_Christman@americanchemistry.com]; Russell, Steven K. [Steven_Russell@americanchemistry.com]; Joseph, Aiysha D. [Aiysha_Joseph@americanchemistry.com]; Kang, Min G [KangMG@state.gov]; Layne, Michael J [LayneMJ@state.gov]; Reidhead, Van E [ReidheadVE@state.gov]; Bloomquist, Adam [BloomquistA@state.gov]; Clark, Andrew D [ClarkAD@state.gov]; Williams, Larke S [WilliamsLS@state.gov]; Elizabeth.Mclanahan [elizabeth.mclanahan@noaa.gov]; Steve Morrison [Steve.Morrison@noaa.gov]; Finman, Hodayah [Finman.Hodayah@epa.gov]; Besch, Brianna [besch.brianna@epa.gov]; Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Adrian, Stephanie [Adrian.Stephanie@epa.gov]; Horan, Andrew [Horan.Andrew@epa.gov]; Bailey, Marianne [Bailey.Marianne@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Robiou, Grace [Robiou.Grace@epa.gov]; Nandi, Romell [Nandi.Romell@epa.gov]; Benson, Robert [Benson.Robert@epa.gov]; Doroski, Brenda [Doroski.Brenda@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Nancy Wallace - NOAA Federal [nancy.wallace@noaa.gov]; Dennis, Wendell - FAS [Wendell.Dennis@fas.usda.gov]; Nelsen, Ashley - FAS [Ashley.Nelsen@fas.usda.gov]; Ramos, Karina - FAS [Karina.Ramos@fas.usda.gov]; Waugh, Ted [Ted_Waugh@americanchemistry.com]

Subject: Alliance to End Plastic Waste Briefing/WebEx
Location: ACC - Senate Conf Room, 10th Floor

Start: 4/8/2019 5:00:00 PM
End: 4/8/2019 6:30:00 PM
Show Time As: Tentative

Recurrence: (none)

Message

From: Harris, Stewart [Stewart_Harris@americanchemistry.com]
Sent: 3/25/2019 7:49:35 PM
To: Kang, Min G [KangMG@state.gov]; Bloomquist, Adam [BloomquistA@state.gov]; Clark, Andrew D [ClarkAD@state.gov]; Layne, Michael J [LayneMJ@state.gov]; Elizabeth.Mclanahan [elizabeth.mclanahan@noaa.gov]; Steve Morrison [Steve.Morrison@noaa.gov]; Finman, Hodayah [Finman.Hodayah@epa.gov]; Besch, Brianna [besch.brianna@epa.gov]; Horan, Andrew [Horan.Andrew@epa.gov]; Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: Alliance to End Plastic Waste Briefing

Hi all,

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April 8: 10 – 11:30am; 12 – 2pm and 3 – 4pm
April 9: 8 – 10am and 1 – 5pm

I am sure I have left people off the list. Please feel free to extend this invitation to your colleagues. I would like to set the date for the briefing by the end of the week.

Thanks,
Stew

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Director, Marine and Environmental Stewardship, Plastics Division
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Appointment

From: Krejcik, Krystal [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=KREJCIK, KRYSTAL]
Sent: 4/4/2019 8:55:30 PM
To: Harris, Stewart [Stewart_Harris@americanchemistry.com]

Subject: Meeting Forward Notification: Alliance to End Plastic Waste Briefing/WebEx

Start: 4/4/2019 9:00:00 PM
End: 4/4/2019 9:30:00 PM
Show Time As: Busy

Your meeting was forwarded

Krejcik, Krystal has forwarded your meeting request to additional people.

Meeting

Alliance to End Plastic Waste Briefing/WebEx

Meeting Time

Monday, April 8, 2019 1:00 PM - Monday, April 8, 2019 2:30 PM

Recipients

Cochran, Kimberly,Vance, Ronald,Bray, Brandon

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Message

From: Salyer, Kathleen [Salyer.Kathleen@epa.gov]
Sent: 11/27/2019 12:12:00 AM
To: Wright, Peter [wright.peter@epa.gov]
CC: Cook, Steven [cook.steven@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; ORCR IO [ORCR_IO@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Bec Brooklpppppppppppppppppppppppppppppppppppppppppppppp [Brooks.Becky@epa.govpppppppp]; Hall, Tayoka [Hall.Tayoka@epa.gov]; Hoverman, Taylor [hoverman.taylor@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]
Subject: Fwd: Seeking to elevate to senior mgmt on Nov. 27 to ensure US gov't support for OECD plastic negotiating positions
Attachments: OECD plastic scrap_US position paper (draft) 11.25.19 v2 +State+EPA+USTR.docx; ATT00001.htm

Hi Peter,

We will need to set up a call tomorrow t Ex. 5 Deliberative Process (DP) negotiation position. We will work with your staff to get the call set up and are available to do a pre-call with you. See Rick's message below for more detail.

Sent from my iPhone

Begin forwarded message:

> **From:** "Picardi, Rick" <Picardi.Rick@epa.gov>
> **Date:** November 26, 2019 at 6:04:05 PM EST
> **To:** "Salyer, Kathleen" <Salyer.Kathleen@epa.gov>, "Smith, Walker" <Smith.Walker@epa.gov>
> **Cc:** "Devlin, Betsy" <Devlin.Betsy@epa.gov>, "Elliott, Ross" <Elliott.Ross@epa.gov>, "Ferrante, Joe" <Ferrante.Joe@epa.gov>, "Dieu, Martin" <Dieu.Martin@epa.gov>, "Yohannes, Lia" <Yohannes.Lia@epa.gov>, "Radtke, Meghan" <Radtke.Meghan@epa.gov>, "Rubright, Tyler" <Rubright.Tyler@epa.gov>
> **Subject: Seeking to elevate to senior mgmt on Nov. 27 to ensure US gov't support for OECD plastic negotiating positions**
>
> Kathleen and Walker
>
> As you know, the OECD Ad Hoc Task Team negotiating how to cover plastic scrap under the OECD agreement on transboundary movements of recoverables is meeting next week from December 2-4.

Ex. 5 Deliberative Process (DP)

A non-consensus outcome will likely mean that US trade opportunities in plastic recyclables will be extremely limited, potentially resulting in the loss of hundreds of millions of dollars in US exports and imports. We want to make sure everyone understands the impacts. The US, of all OECD countries, has the most to lose since as a non-Party to the Basel Convention, the US will not be able to trade in most plastic recyclables with non-OECD Basel Parties as of January 1, 2021. In a non-consensus scenario, many OECD countries could decide that their Basel obligations prohibit them from trading in plastic recyclables with the US as well.

Ex. 5 Deliberative Process (DP)

We will work with the relevant special assistants to schedule a time during Wednesday November 27 to

Ex. 6 Personal Privacy (PP)

I've attached the latest draft of the US position paper. The US position starts on page 6.

Rick Picardi
Chief, International Branch
Material Recovery and Waste Management Division
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
+1 703-308-8879
picardi.rick@epa.gov

Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 5/7/2020 2:59:50 PM
To: Salyer, Kathleen [Salyer.Kathleen@epa.gov]
CC: Elliott, Ross [Elliott.Ross@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]
Subject: FW: US position paper on how to interpret what non-consensus means in OECD
Attachments: Non-consensus OECD_US position paper_5-6-20.docx

FYI – here is the US position paper on non-consensus.
-Andy

Andy Crossland
Acting Director, Materials Recovery and Waste Management Division
Office of Resource Conservation and Recovery
Office of Land and Emergency Management
(202) 853-4459
Crossland.andy@epa.gov

From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Wednesday, May 6, 2020 3:56 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>; Ziegler, Rick <Ziegler.Rick@epa.gov>
Cc: Bellew, Renee <bellew.renee@epa.gov>
Subject: US position paper on how to interpret what non-consensus means in OECD

Hi

I've attached the US position paper for tomorrow's OECD Ad Hoc Task Team negotiations on how to interpret what non-consensus on OECD plastic scrap waste listings means.

Our main position is to argue for what is called the 'status quo' interpretation which means that the plastic scrap and waste currently covered by the OECD Green list would continue to covered by the Green list after January 1, 2021 and the US could continue trading in plastic scrap with other OECD countries.

Ex. 5 Deliberative Process (DP)

Andy: Would you please forward this position paper to Kathleen?

Thanks
Rick Picardi
Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962

picardi.rick@epa.gov

Message

From: Dieu, Martin [Dieu.Martin@epa.gov]
Sent: 11/27/2019 12:02:53 AM
To: McIntosh, Chad [mcintosh.chad@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]
CC: Smith, Walker [Smith.Walker@epa.gov]; Ferrante, Joe [Ferrante.Joe@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Rubright, Tyler [Rubright.Tyler@epa.gov]
Subject: FW: Urgent Elevation Request re OECD plastic negotiating positions
Attachments: OECD plastic scrap_US position paper (draft) 11.25.19 v2 +State+EPA+USTR.docx

Importance: High

Chad – this just came in from Rick Picardi. Rick's requesting assistance from you and Peter (with Walker and Kathleen) Ex. 5 Deliberative Process (DP) tomorrow.

I've copied Nate and Walker – for coordination. I'll be on a plane in the afternoon, but can be reached by mobile phone and email until 12:30pm – when I board.

-- Martin Ex. 6 Personal Privacy (PP)

From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Tuesday, November 26, 2019 6:04 PM
To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>
Cc: Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Ferrante, Joe <Ferrante.Joe@epa.gov>; Dieu, Martin <Dieu.Martin@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Rubright, Tyler <Rubright.Tyler@epa.gov>
Subject: Seeking to elevate to senior mgmt on Nov. 27 to ensure US gov't support for OECD plastic negotiating positions
Importance: High

Kathleen and Walker

As you know, the OECD Ad Hoc Task Team negotiating how to cover plastic scrap under the OECD agreement on transboundary movements of recoverables is meeting next week from December 2-4.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

We will work with the relevant special assistants to schedule a time during Wednesday November 27 to meet. Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

I've attached the latest draft of the US position paper. The US position starts on page 6.

Rick Picardi
Chief, International Branch
Material Recovery and Waste Management Division
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
+1 703-308-8879
picardi.rick@epa.gov

Objection to OECD Council Decision's Incorporation of Basel Plastic Scrap/Waste Amendments
Briefing Paper

Purpose:

- Provide an overview of EPA's plan and rationale for objecting to the incorporation of the recent Basel Convention plastic scrap/waste amendments to the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.
- Seek the Administrator's signature on the objection letter to the Organization for Economic Cooperation and Development (OECD) by July 1.

Background:

The Basel Convention is a legally binding treaty regulating the import and export of hazardous waste and other wastes of special concern (e.g., unsorted municipal solid waste). It was adopted in 1989 and entered into force in 1992. To date, 187 countries have ratified the Basel Convention (i.e., are Basel Parties).

At the recent Basel Conference of the Parties, Basel Parties (i.e. countries that have ratified the Convention) decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. These requirements go into effect on January 1, 2021. Because the U.S. is not a Party to the Basel Convention, the Basel Party/Non-Party prohibition means that the U.S. will not be allowed to export most plastic scrap to non-OECD Basel Parties. The U.S. currently exports large amounts of plastic scrap to non-OECD Basel countries, primarily in Southeast Asia. The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision. In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments. Under the OECD Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted.

Under the new Basel plastic scrap/waste amendments requirements, most shipments of mixed plastic scrap will be subject to the Basel PIC procedures. Plastic scrap/waste considered hazardous under Basel will also be subject to PIC procedures. To be "exempt" from Basel, shipments of plastic scrap will need to generally consist of one polymer and essentially be free of contamination and other wastes. Shipments of clean, mixed plastics containing only polyethylene terephthalate (PET), polypropylene and/or polyethylene will be exempt in certain cases.

Issue:

If the OECD adopts the Basel plastic scrap/waste amendments, most plastic scrap will be subject to PIC requirements (i.e., the OECD amber procedure), and U.S. trade in plastic scrap will become more difficult, subject to delays and increased costs. Therefore, it is important that the U.S. object to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision. We

recommend that the OECD maintain the status quo such that transboundary movements of plastic scrap among OECD member countries continue to be subject to the OECD Council Decision green control procedure (i.e., trade would be 'exempt' from PIC requirements). Facilitating trade in plastic scrap and waste among OECD countries by making plastic scrap/waste subject to the green control procedure will help ensure that the material can move freely to jurisdictions that can recycle it efficiently and in an environmentally sound manner.

Objections must be made in a letter addressed to the OECD Secretary General, the highest ranking official in the OECD Secretariat, and must be received by July 9, 2019. The letter must explain our rationale for objecting using criteria described in the OECD Council Decision and include an alternative proposal. The objection will suspend the automatic incorporation of the Basel waste listings into the OECD Council Decision and trigger negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

Our alternative proposal is to establish two OECD green listings for hazardous and non-hazardous plastic scrap/waste that would be exempt from PIC requirements. First, we propose a new OECD green listing, GH012, which will be broader and more comprehensive than the existing OECD listing to ensure that all non-hazardous plastic scrap/waste are exempt. Second, we propose a new OECD green-listing, GH014, which would exempt plastic scrap/waste that is considered hazardous under the Basel Convention (i.e., contains a hazardous constituent and exhibits a hazardous characteristic). This listing would serve in lieu of the new A3210 Basel listing for hazardous plastic scrap/waste. We also propose to retain the existing OECD green listing for PVC which is a commonly traded polymer.

OECD countries must reach consensus on how to address plastic scrap/waste under the Council Decision by December 1, 2020 (i.e., one month before the Basel amendments enter into force). If no consensus is reached, each country retains its right to control plastic scrap/waste per its domestic legislation and international law. OLEM wants to avoid this outcome because it would mean that OECD countries would apply different procedures to plastic scrap/waste, which would hamper exports for recycling and potentially reduce recycling rates.

In June, ORCR will be attending a meeting of the OECD Working Party on Resource Productivity and Waste where this issue will be briefly discussed. We plan on expressing our intent to object at that time. In preparation for the June meeting, we are holding meetings with U.S. stakeholders and conducting bilateral teleconferences with key OECD countries.

Recommendation:

OLEM is recommending that the Administrator sign the objection letter to the OECD.

Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 3/26/2019 1:03:31 PM
To: Harris, Stewart [Stewart_Harris@americanchemistry.com]
CC: Picardi, Rick [Picardi.Rick@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]
Subject: RE: Alliance to End Plastic Waste Briefing

Hi Stew,

Thanks for reaching out. April 8 works best for us. Look forward to it.

Best,
Lia

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Harris, Stewart <Stewart_Harris@americanchemistry.com>
Sent: Monday, March 25, 2019 3:50 PM
To: Kang, Min G <KangMG@state.gov>; Bloomquist, Adam <BloomquistA@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Layne, Michael J <LayneMJ@state.gov>; Elizabeth.Mclanahan <elizabeth.mclanahan@noaa.gov>; Steve Morrison <Steve.Morrison@noaa.gov>; Finman, Hodayah <Finman.Hodayah@epa.gov>; Besch, Brianna <besch.brianna@epa.gov>; Horan, Andrew <Horan.Andrew@epa.gov>; Sims, JaniceHQ <Sims.JaniceHQ@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Alliance to End Plastic Waste Briefing

Hi all,

As a follow-up to discussions I have had with many of you, I am pulling together a briefing on the new Alliance to End Plastic Waste.

Let me know if any of the times below do not work for a briefing. We will have a room here at ACC and I will set up a conference line for anyone not able to join in person.

April 8: 10 – 11:30am; 12 – 2pm and 3 – 4pm
April 9: 8 – 10am and 1 – 5pm

I am sure I have left people off the list. Please feel free to extend this invitation to your colleagues. I would like to set the date for the briefing by the end of the week.

Thanks,
Stew

Stewart Harris | American Chemistry Council
Director, Marine and Environmental Stewardship, Plastics Division
Stewart_Harris@americanchemistry.com
700 2nd Street, NE |Washington, DC| 20002
O: (202) 249-6626 | C: (410) 562-5976
www.americanchemistry.com/plastics

MarineLitterSolutions.com

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Message

From: Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]
Sent: 4/6/2020 9:18:05 PM
To: Kathleen Salyer (Salyer.Kathleen@epa.gov) [Salyer.Kathleen@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Cochran, Kimberly [Cochran.Kimberly@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Ziegler, Rick [Ziegler.Rick@epa.gov]
CC: Bellew, Renee [bellew.renee@epa.gov]; Radtke, Meghan [Radtke.Meghan@epa.gov]; Rubright, Tyler [Rubright.Tyler@epa.gov]
Subject: U.S. position paper for OECD negotiations on plastic scrap exports/imports
Attachments: OECD plastic scrap negotiations_US position paper_final_4-6-20 .docx

Hi all

The first session in the next round of OECD negotiations on plastic scrap exports and imports is tomorrow. Because the face-to-face OECD meetings were cancelled, the negotiations will be done via a series of shorter online sessions. An inter-agency team from EPA, the State Department and the U.S. Trade Representatives Office has been working the last several weeks to develop a U.S. position paper for this round of negotiations. That position paper is attached. The position paper should not be shared outside the federal government. The U.S. delegation for the session includes myself and Renee Bellew from EPA and representatives from State and USTR.

The U.S. position paper reflects progress that has been made to create a stronger negotiating position on several issues:

- Allowing for a broader range of plastic scrap to be mixed (rather than the very narrow Basel list of three types of plastic scrap)
- Having a "mirror listing" so that plastic scrap not covered by the OECD Amber list is covered by the OECD Green list
- Reinforcing the importance of environmentally sound recycling
- Emphasizing the value of exports for recycling vs. exports for energy recovery (the U.S. does not appear to export plastic for energy recovery)

Ex. 5 Deliberative Process (DP)

Thanks
Rick Picardi
Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962
picardi.rick@epa.gov

Message

From: Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]
Sent: 5/6/2020 7:55:54 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Cochran, Kimberly [Cochran.Kimberly@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Ziegler, Rick [Ziegler.Rick@epa.gov]
CC: Bellew, Renee [bellew.renee@epa.gov]
Subject: US position paper on how to interpret what non-consensus means in OECD
Attachments: Non-consensus OECD_US position paper_5-6-20.docx

Hi

I've attached the US position paper for tomorrow's OECD Ad Hoc Task Team negotiations on how to interpret what non-consensus on OECD plastic scrap waste listings means.

Our main position is to argue for what is called the 'status quo' interpretation which means that the plastic scrap and waste currently covered by the OECD Green list would continue to covered by the Green list after January 1, 2021 and the US could continue trading in plastic scrap with other OECD countries.

Ex. 5 Deliberative Process (DP)

Andy: Would you please forward this position paper to Kathleen?

Thanks
Rick Picardi
Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962
picardi.rick@epa.gov

Message

From: Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]
Sent: 11/26/2019 11:04:03 PM
To: Kathleen Salyer (Salyer.Kathleen@epa.gov) [Salyer.Kathleen@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]
CC: Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Ferrante, Joe [Ferrante.Joe@epa.gov]; Dieu, Martin [Dieu.Martin@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Radtke, Meghan [Radtke.Meghan@epa.gov]; Rubright, Tyler [Rubright.Tyler@epa.gov]
Subject: Seeking to elevate to senior mgmt on Nov. 27 to ensure US gov't support for OECD plastic negotiating positions
Attachments: OECD plastic scrap_US position paper (draft) 11.25.19 v2 +State+EPA+USTR.docx

Importance: High

Kathleen and Walker

As you know, the OECD Ad Hoc Task Team negotiating how to cover plastic scrap under the OECD agreement on transboundary movements of recoverables is meeting next week from December 2-4.

Ex. 5 Deliberative Process (DP)

We will work with the relevant special assistants to schedule a time during Wednesday November 27 to meet.

Ex. 6 Personal Privacy (PP)

I've attached the latest draft of the US position paper. The US position starts on page 6.

Rick Picardi

Chief, International Branch
Material Recovery and Waste Management Division
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
+1 703-308-8879
picardi.rick@epa.gov

Message

From: Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]
Sent: 2/7/2019 7:03:12 PM
To: Stewart_Harris@americanchemistry.com
CC: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: FW: Basel Convention
Attachments: ACC Basel Convention Plastics Strategy.docx; ACC WPC Comments on Plastic Waste Partnership TOR.PDF; ACC WPC Comments on Norway Proposal to Ammend Annexes.pdf

Hi Stewart

It was good to meet you at the AHOEEG meeting in Geneva. I hope you had wonderful holidays.

Thanks for the materials and comments. My office is closely following and responding to the Norwegian proposals on plastic. My office is the one that sends EPA representatives to Basel Convention meetings. We work with counterparts at the State Department who are also part of the U.S. government delegation at Basel meetings. State organized an industry stakeholder conference call on January 31 to discuss the Norwegian proposals. Were you invited to that call? If not, I'll ask State to invite you to future stakeholder meetings.

We'd be glad to talk to you about the Norwegian proposals. Our Basel lead is Lia Yohannes. She's in Argentina now but gets back in a week and a half.

Thanks
Rick Picardi
Chief, International Branch
Material Recovery and Waste Management Division
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
+1 703-308-8879
picardi.rick@epa.gov

From: Devlin, Betsy
Sent: Thursday, February 07, 2019 1:27 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: FW: Basel Convention

From: Smith, Walker
Sent: Thursday, February 7, 2019 11:55 AM
To: Devlin, Betsy <Devlin.Betsy@epa.gov>
Subject: FW: Basel Convention

Per my phone call

Walker B. Smith
Director
Office of Global Affairs and Policy
Office of International and Tribal Affairs

U.S. Environmental Protection Agency
202.564.4044

From: Harris, Stewart [mailto:Stewart_Harris@americanchemistry.com]
Sent: Wednesday, February 06, 2019 8:03 PM
To: Smith, Walker <Smith.Walker@epa.gov>; Sims, JaniceHQ <Sims.JaniceHQ@epa.gov>
Subject: Basel Convention

Hi Walker and Janice,

I can't recall if either of you work Basel, but I thought I would reach out to provide a quick update. Last year, Keith, Steve, and I met with Chad to talk about international issues generally. He asked that we keep him informed on Basel among other things.

Let me know if you have any questions or would like to discuss our thinking.

Take care,
Stew

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www.americanchemistry.com/plastics
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From: Harris, Stewart
Sent: Wednesday, February 6, 2019 7:53 PM
To: McIntosh, Chad <mcintosh.chad@epa.gov>
Cc: Zumwalt, Bryan <Bryan_Zumwalt@americanchemistry.com>; Keith Christman (Keith_Christman@americanchemistry.com) <Keith_Christman@americanchemistry.com>
Subject: Basel Convention

Hi Chad,

I hope you are well.

ACC is in the process of updating our strategy for the Basel Convention consideration of plastic waste. In addition to supporting the creation of a Partnership on Plastic Waste and opposing Norway's proposal, we are considering supporting a review of the annexes for plastic waste.

The attached document was sent to our member companies in advance of an upcoming board meeting. Initial feedback I received has been good, with members stressing that we remain deeply engaged in the Partnership on Plastics Waste (assuming the COP approves its creation) as well as any effort to review the annexes. Also attached are ACC's comments on the Partnership on Plastic Waste and Norway's proposal to amend the annexes.

I recently learned that the EU is considering supporting the Norway proposal to amend the annexes for plastic waste under Basel, if an exemption is added for trade within Europe. I am very concerned that if the EU supports the Norway proposal there will be few countries left to push back. I am in touch with my colleagues at PlasticsEurope who are working the issue.

Keith and I are happy to meet or jump on a call to discuss our thinking. I will keep you informed as we move forward.

Take care,
Stew

Stewart Harris | American Chemistry Council
Director, Marine and Environmental Stewardship, Plastics Division
Stewart_Harris@americanchemistry.com
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Basel Convention – Plastics Strategy

Background: The Basel Convention is an international treaty designed to reduce the movements of hazardous waste between nations, and specifically to prevent transfer of hazardous waste from developed to less developed countries (LDCs). The Convention is also intended to minimize the amount and toxicity of wastes generated, to ensure their environmentally sound management as closely as possible to the source of generation, and to assist LDCs in environmentally sound management of the hazardous and other wastes they generate. The Convention entered into force on 5 May 1992. As of October 2018, 186 states and the European Union are parties to the Convention. The U.S. (and Haiti) have signed but not ratified it. To date transfers of post-consumer mixed plastic waste has not been covered by the Basel Convention.

Recent Expansion: Norway has recently made two specific proposals which will be considered at the next "Conference of the Parties" on April 29-May 10:

(1) Creation of a new voluntary "Partnership on Plastic Waste" to address marine debris under the Basel Convention. Although it would involve industry engagement to ensure appropriate implementation, the Partnership appears to present opportunities to improve waste management in key countries and is not regulatory. The Partnership is expected to be approved at the meeting.

(2) Amending relevant Convention Annexes (II, VIII, IX) to classify plastic waste as "other wastes" subjecting their movement across borders to regulation and prior notification. In recent engagement ACC (and WPC) have opposed this reclassification. Although adoption of the proposed amendments to the annexes for plastic waste is not expected at the meeting, we do expect a recommendation for further work on plastic waste.

Other Considerations: In the face of growing global awareness of plastic waste is the oceans and environment, governments and intergovernmental organizations are facing mounting pressure to act. Norway and the EU (in particular, but also others) are using these forums to advance strict regulations on plastics. This includes concerted efforts to advance a legally binding treaty under UN Environment. In March, the 4th United National Environment Assembly (UNEA-4) will consider proposals to develop a global, legally-binding treaty on plastics, including limits on plastic production and use, and bans on a wide range of products. We believe international policy action of some type is inevitable, with limited opportunities for effective industry engagement. We believe action under Basel, which regulates shipment of waste would be preferable to a treaty that is more likely to focus on production restrictions.

Recommended Strategic Position for the Basel Convention

We recommend that ACC (and other associations):

- **Continue to support** the creation of a new Partnership on Plastic Waste to address marine debris under the Basel Convention;
- **Continue to oppose Norway's current proposal** reclassifying plastic waste as "other wastes" that would heavily regulate the movement of plastic articles across borders; and

- **(NEW) Add our support** for the creation of a work group to update the waste listings for plastics under the Basel Convention

We recommend that this position also be taken up by PlasticsEurope, the World Plastics Council, and all other plastics industry associations. With Plastics Division member approval, it will be shared with those organizations as well.

Leveraging Industry Basel Engagement at UNEA-4

Engaging in Basel provides an example of industry's commitment to increase circularity of plastic packaging and support the trade in plastic waste in an environmentally sound manner. Connecting this with the pillars of the Alliance to End Plastic Waste (AEPW)—Infrastructure, Innovation, Education, and Clean-up—help make industry's commitment more tangible. To leverage the advocacy benefit of industry's support for action under Basel at UNEA-4, we must make a public announcement before both Basel meetings and UNEA-4 that can be emphasized with member states during UNEA.

Proposed Statement (to be sent in letter to Basel Secretariat)

WPC and ACC are fully supportive of the proposed Basel Convention Partnership on Plastic Waste. Such a partnership could develop guidance for treatment technologies to unlock value in used plastics. Projects stemming from the Partnership discussions would demonstrate and build capacity for Environmentally Sound Management of plastic waste. There is a lot of work to be done and we look forward to actively participating.

ACC opposes the existing proposal to reclassifying plastic waste as "other wastes." We believe this reclassification would create insurmountable regulatory hurdles for small developing countries to export used plastics to other states for efficient recycling. However, we recognize the need to update the waste listings for plastics to support more circular economies that enhance domestic recycling capacity, while allowing for efficient international trade of plastic scrap for recycling and recovery. Working in collaboration with the Partnership on Plastic Waste, ACC and WPC support creation of an expert working group under the Basel Convention to examine the current listings for plastic waste under the annexes.

The development of guidelines for Environmentally Sound Management of recycling operations is important to addressing marine debris. ACC and WPC encourage member states to consider existing recycling guidelines in the development of updated guidelines under the Basel Convention.

American Chemistry Council | Plastics Division

December 27, 2018

Ms. Juliette Voinov Kohler
Secretariat of the Basel Convention
c/o Palais des Nations
8-14, avenue de la Paix
1211 Geneva 10
Switzerland

Norwegian Ministry of Climate and Environment
P.O. Box 8013 Dep
NO-0030 OSLO
Norway

Via electronic mail: juliette.kohler@brsmeas.org, postmottak@kld.dep.no

Re: Proposals to amend annexes II, VIII and IX of the Basel Convention to be considered at the fourteenth meeting of the Conference of the Parties

Dear Ms. Kohler,

The World Plastics Council (WPC) and American Chemistry Council (ACC) appreciate the opportunity to comment on Norway's *Proposals to amend annexes II, VIII and IX of the Basel Convention to be considered at the fourteenth meeting of the Conference of the Parties*.

We represent plastic resin manufacturers from across the globe and work closely with users, processors, transporters, converters, and recyclers of plastic materials. WPC and ACC are committed to a healthy ocean and the environmentally sound management of post-use plastic materials whether destined for recycling or final disposal. WPC, ACC, and our association allies in other countries are taking steps to eliminate plastic waste in the environment. In fact under the Declaration of the Global Plastic Associations for Solutions on Marine Litter[1] we have launched 355 different projects to reduce marine litter. ACC has also partnered with Ocean Conservancy and joined Circulate Capital which has committed over $100 million for waste management and recycling infrastructure development in marine litter source countries. We are concerned that the Norway proposal will make it more difficult to solve the marine litter challenge. For these and other reasons, our members have direct and compelling interest in the proposal.

Sources of Plastic Marine Litter

Studies show the vast amount of waste that reaches the ocean is a result of inadequate waste collection and illegal dumping, primarily in rapidly emerging economies. The extent of this problem is reinforced by a World Bank and Embassy of Norway report finding that within one of the leading national sources of marine debris only 45-50% of the country's urban solid waste was being collected. [2] Further, enforcement of the country's waste disposal requirements were insufficient to prevent leakage of waste into the environment.

[1] https://www.marinelittersolutions.com/what-we-do/progress-report/
[2] http://documents.worldbank.org/curated/en/983771527663689822/Indonesia-Marine-debris-hotspot-rapid-assessment-synthesis-report

New Barriers to Proper Management

We are deeply concerned that the proposal by Norway will erect new barriers to the responsible shipment, collection, and recycling of used plastics. As proposed, the amendments increase risks of material mismanagement, especially in countries lacking adequate recycling infrastructure. The lack of adequate in-country infrastructure has contributed to the growth of marine debris. The proposal will exacerbate the many problems arising from inadequate municipal waste management infrastructure.

The proposal falls short of its goal of clarifying the types of plastic waste to be classified as presumptively non-hazardous under Annex IX and those wastes covered by the Convention's Prior Informed Consent procedure. Several key terms in the chapeau require further definition and technical review. For example, creating a category of "single polymer uncontaminated plastic waste" demonstrates a limited technical understanding of the plastic recycling process. Processing mixed polymer waste in an environmentally sound manner is common. In fact, there is high demand for used polyethylene terephthalate bottles, which are typically mixed with caps made from polyethylene or polypropylene when shipped for recycling. The mixture of polymers does not limit recyclability, as separating the polymers is easily done after the material is shredded.

The overly restrictive chapeau criteria and lack of clarity in the proposal will lead to confusion and additional barriers to proper collection and recycling of plastic waste. The current references to "contaminated" and "mixed" lack precision, making it difficult to determine which plastic waste streams would fall under the proposed Annex IX listings and which are to be subject to Basel Convention controls. Similarly, the proposal does not differentiate between waste containing mixed polymers that are easily recycled without significant preparatory treatment, versus waste contaminated with non-recyclable material that requires additional processing. Both types of plastic waste are subject to the Prior Informed Consent process. In addition, the list of resins proposed in Annex IX is incomplete based on our initial review of commercially-available products. Many resins approved for use in food packaging applications are absent from the draft list and should be included in the revised B3010 listing.

WPC and ACC recommend utilizing the proposed Partnership on Plastic Waste to review present definitions and key terms. A shared understanding of the meaning of "plastic", "polymer", "contaminated", and "mixed", along with other key terms is critical to evaluating the impact of proposed changes to the waste listings for plastics under the Convention.

The proposal will increase regulatory and logistical burdens without commensurate benefit, create shipping delays, and in some cases result in a ban on trade. The proposed amendments will also increase costs associated with the transboundary movement of post-use plastics, both for governments and private sector actors working to expand recycling. Those challenges will flow from the legal obligation to coordinate approvals between already overburdened competent authorities in the state of export, the state of import, and any transit countries. An expanded listing for certain plastic wastes under Annex II would also impose new requirements for movement documentation, contractual terms and tracking, and recordkeeping. Increased barriers on global plastics trade will lead to increased burdens on local plastic waste management, regardless of whether the sourcing country has adequate domestic recycling infrastructure.

Disincentivizing these shipments through additional costs and regulatory requirements will not solve the source of the littering and will reduce opportunities for responsible recovery. One of the solutions to lack of recycling infrastructure in rapidly developing countries and small island developing states is likely

to be efficient export of plastics to countries that have environmentally sound recycling infrastructure. However, the regulatory requirements from this proposal would create a barrier that is likely to prevent the scaling up of needed solutions to marine litter.

The time, energy, and resources required to negotiate and implement the amendments could instead be directed at more productive global initiatives to improve plastics waste management practices. The Norwegian proposal will do little, if anything, to support infrastructure improvements or mobilize international resources for those purposes. Instead, the plastics recycling industry would be weakened despite the important contributing role it stands to play in addressing marine litter.

Support for Other Actions under the Convention on Plastic Wastes

We support further work under the Basel Convention aimed at combatting marine litter. As an alternative to the new waste listings proposed, we believe Norway's proposal to create a Partnership on Plastic Waste offers a useful global venue to advance policies for sound plastics waste management and reducing leakage of plastic into the ocean. Such an approach will enable the development of initiatives to improve domestic recycling and disposal infrastructure. Experienced gained under the partnership could also inform the need for possible amendments to the Convention that would optimize environmentally sound collection, transport and management.

In addition, we support further discussion by parties at the next COP on the value of preparing practical guidance for the development of national inventories of plastic wastes. The development of tools to help interested countries gain insights into the sources and disposition of plastic wastes could better inform decision-makers at the national and international level interested in combatting marine litter. To ensure plastic wastes are properly managed, we also encourage the COP to commence work on updating the 2002 Technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal to ensure new recycling and recovery technologies and appropriately described.

Sincerely,

Stewart Harris
Director, Marine and Environmental Stewardship
American Chemistry Council

World Plastics Council: The World Plastics Council (WPC) is the platform for cooperation that engages the key leaders in the industry to address common issues and opportunities that are increasingly global. Effective and efficient solutions require global approaches and the WPC provides global leaders with the opportunity to deal with current issues in a fully anti-trust compliant forum, and to proactively address emerging issues before they grow and become more complex and expensive for the industry and society to manage.

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American Chemistry Council | Plastics Division

December 17, 2018

Ms. Juliette Voinov Kohler
Secretariat of the Basel Convention
c/o Palais des Nations
8-14, avenue de la Paix
1211 Geneva 10
Switzerland

Via electronic mail: juliette.kohler@brsmeas.org

Re: UNEP/CHW/OEWG.11/INF/39, *Draft terms of reference for the Basel Convention Partnership on Plastic Wastes as a basis for further consultation*.

Dear Ms. Kohler,

The World Plastics Council (WPC) and American Chemistry Council (ACC) appreciate the opportunity to comment on UNEP/CHW/OEWG.11/INF/39, *Draft terms of reference for the Basel Convention Partnership on Plastic Wastes as a basis for further consultation*. WPC, ACC, and our association allies in other countries are taking steps to eliminate plastic waste in the environment. Under the Declaration of the Global Plastic Associations for Solutions on Marine Litter[1] we have launched 355 projects to reduce marine litter. ACC and WPC have also partnered with Ocean Conservancy and joined Circulate Capital, which has committed over $100 million for waste management and recycling infrastructure development in marine litter source countries.

Section I. Goal – WPC and ACC strongly support the goal of the Partnership on Plastic Waste. We believe the Partnership offers an effective global venue to advance sound plastics waste management and encourage the Partnership to take a dynamic and active role in engaging and advancing policy with other global initiatives. In fact, studies show lack of waste collection and management in rapidly developing countries is the source of the vast majority of marine litter.[2][3] Further, Ocean Conservancy's *Stemming the Tide* report shows that collection and management of waste is the most useful solution to the marine litter problem.[4] Partnerships such as those under this proposal will help solve this global problem.

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[1] https://www.marinelittersolutions.com/about-us/joint-declaration/
[2] Jambeck et al, Plastic Waste Inputs from Land into the Ocean, http://science.sciencemag.org/content/347/6223/768.full?ijkey=BXtBaPzbQgagE&keytype=ref&siteid=sci
[3] World Bank Rapid Assessment, Indonesia Marine Debris Hotspot, http://documents.worldbank.org/curated/en/983771527663689822/pdf/126686-29-5-2018-14-18-6-SynthesisReportFullReportAPRILFINAL.pdf
[4] https://oceanconservancy.org/wp-content/uploads/2017/04/full-report-stemming-the.pdf

Section III. Objectives – We agree with recommendation to delete 'with other global initiatives'. It is implied that work with other global initiatives would be included in working 'collaboratively'. Inclusion of 'other global initiatives' could limit the scope of collaboration of the partnership with regional or national initiatives. We support the reference in the working principles under Section V calling for the working group to "coordinate and cooperate" with other bodies involved in activities concerning the management of plastic wastes. Information sharing and coordination, particularly through the Basel Convention Regional Centers (BCRCs), should be encouraged as work plans are developed.

The term 'unnecessary or avoidable plastics' is not defined, is ambiguous, and should be deleted. To illustrate, developed countries may not find water sachets necessary, yet developing nations without access to a reliable supply of potable water would consider this essential. We recommend focusing on sustainability, taking into account the life cycle impacts of plastics and alternatives. The term "single-use plastics" is not defined, is subject to misinterpretation, and should be deleted. It's worth noting that "single-use" plastic can provide many important benefits that should not be overlooked. For example, "single use" plastic packaging plays an important role in helping to reduce food waste. A study by TruCost showed that replacing plastic packaging with alternatives would result in 3.8 times the environmental impacts, in part due to increased food waste.[5] It would be more productive for the Partnership to identify specific areas of focus such as encouraging circular economy.

An objective the Partnership should include is promoting design and innovation to reduce the amount of plastic becoming waste. We oppose inclusion of "development of alternatives" as part of this objective. Even if the use of alternatives may reduce plastic becoming waste under some circumstances, the alternatives may have increased environmental impacts, such as increased total energy demand, expended energy, water consumption, solid waste by weight and by volume, global warming potential, acidification, eutrophication, smog formation, and ozone depletion.[6]

Promoting recycling and recovery should be listed as an objective and should include chemical recycling and plastics-to-fuel technology. These are examples of innovations that can help to reduce marine debris by capturing the value of post-use plastics as part of a suite of environmentally sound management approaches to plastic waste.

'Control' is duplicative with the development of a mechanism to monitor transboundary movement of plastic waste, which will control the movement of plastic waste. We recommend that this objective not be included as it would be difficult to operationalize given that the parties are still in the early stages of considering whether to amend the Convention annexes to control certain plastic wastes. Minimization of plastic waste is covered in Objectives (a) and (c).

WPC and ACC recommend including of an additional objective, promoting and advancing the development of adequate waste management infrastructure to ensure the responsible collection and

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[5] Plastics and Sustainability, https://plastics.americanchemistry.com/Plastics-and-Sustainability.pdf
[6] Franklin & Associates, https://plastics.americanchemistry.com/Reports-and-Publications/LCA-of-Plastic-Packaging-Compared-to-Substitutes.pdf

disposal of waste. Collection has been identified as the key first step to preventing plastic from leaking into the ocean.[7]

Section IV. Overall tasks – 'Engaging in monitoring of transboundary movements of plastic wastes' is a responsibility of national governments and not of the Partnership. This task should be deleted.

To complement the addition above under Objectives, we recommend including a task to promote and advance the development of adequate waste management infrastructure to help ensure the responsible collection and disposal of plastic. We also encourage the Parties to initiate work to update the 2002 Technical Guidelines for the Identification and Environmentally Sound Management of Plastic Wastes and for their Disposal to ensure current environmentally sound management practices and recycling technologies are appropriately referenced and applied.

Section IX. Membership – We support the membership provisions and will communicate with the Secretariat regarding our interest in becoming members of the new Partnership.

WPC and ACC believe the Partnership on Plastic Waste offers a beneficial platform to address leakage of plastic waste into the environment. If adopted by the 14th meeting of the Conference of the Parties to the Basel, Rotterdam, and Stockholm Conventions, WPC and ACC would request to be engaged in the Partnership on behalf of global plastic resin producers. If you have any questions or need further information, please contact Stewart Harris, Director, Marine and Environmental Stewardship, American Chemistry Council, at Stewart_Harris@americanchemistry.com or 202-249-6626.

Sincerely,

Stewart Harris
Director, Marine and Environmental Stewardship
American Chemistry Council, Plastics Division

[7] Stemming The Tide, https://oceanconservancy.org/wp-content/uploads/2017/04/full-report-stemming-the.pdf

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Message

From: Harris, Stewart [Stewart_Harris@americanchemistry.com]
Sent: 2/7/2019 1:03:26 AM
To: Smith, Walker [Smith.Walker@epa.gov]; Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]
Subject: Basel Convention
Attachments: ACC Basel Convention Plastics Strategy.docx; ACC WPC Comments on Plastic Waste Partnership TOR.PDF; ACC WPC Comments on Norway Proposal to Ammend Annexes.pdf

Hi Walker and Janice,

I can't recall if either of you work Basel, but I thought I would reach out to provide a quick update. Last year, Keith, Steve, and I met with Chad to talk about international issues generally. He asked that we keep him informed on Basel among other things.

Let me know if you have any questions or would like to discuss our thinking.

Take care,
Stew

Stewart Harris | American Chemistry Council
Director, Marine and Environmental Stewardship, Plastics Division
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www.americanchemistry.com/plastics
MarineLitterSolutions.com

From: Harris, Stewart
Sent: Wednesday, February 6, 2019 7:53 PM
To: McIntosh, Chad <mcintosh.chad@epa.gov>
Cc: Zumwalt, Bryan <Bryan_Zumwalt@americanchemistry.com>; Keith Christman (Keith_Christman@americanchemistry.com) <Keith_Christman@americanchemistry.com>
Subject: Basel Convention

Hi Chad,

I hope you are well.

ACC is in the process of updating our strategy for the Basel Convention consideration of plastic waste. In addition to supporting the creation of a Partnership on Plastic Waste and opposing Norway's proposal, we are considering supporting a review of the annexes for plastic waste.

The attached document was sent to our member companies in advance of an upcoming board meeting. Initial feedback I received has been good, with members stressing that we remain deeply engaged in the Partnership on Plastics Waste (assuming the COP approves its creation) as well as any effort to review the annexes. Also attached are ACC's comments on the Partnership on Plastic Waste and Norway's proposal to amend the annexes.

I recently learned that the EU is considering supporting the Norway proposal to amend the annexes for plastic waste under Basel, if an exemption is added for trade within Europe. I am very concerned that if the EU supports the Norway

proposal there will be few countries left to push back. I am in touch with my colleagues at PlasticsEurope who are working the issue.

Keith and I are happy to meet or jump on a call to discuss our thinking. I will keep you informed as we move forward.

Take care,
Stew

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Basel Convention – Plastics Strategy

Background: The Basel Convention is an international treaty designed to reduce the movements of hazardous waste between nations, and specifically to prevent transfer of hazardous waste from developed to less developed countries (LDCs). The Convention is also intended to minimize the amount and toxicity of wastes generated, to ensure their environmentally sound management as closely as possible to the source of generation, and to assist LDCs in environmentally sound management of the hazardous and other wastes they generate. The Convention entered into force on 5 May 1992. As of October 2018, 186 states and the European Union are parties to the Convention. The U.S. (and Haiti) have signed but not ratified it. To date transfers of post-consumer mixed plastic waste has not been covered by the Basel Convention.

Recent Expansion: Norway has recently made two specific proposals which will be considered at the next "Conference of the Parties" on April 29-May 10:

(1) Creation of a new voluntary "Partnership on Plastic Waste" to address marine debris under the Basel Convention. Although it would involve industry engagement to ensure appropriate implementation, the Partnership appears to present opportunities to improve waste management in key countries and is not regulatory. The Partnership is expected to be approved at the meeting.

(2) Amending relevant Convention Annexes (II, VIII, IX) to classify plastic waste as "other wastes" subjecting their movement across borders to regulation and prior notification. In recent engagement ACC (and WPC) have opposed this reclassification. Although adoption of the proposed amendments to the annexes for plastic waste is not expected at the meeting, we do expect a recommendation for further work on plastic waste.

Other Considerations: In the face of growing global awareness of plastic waste is the oceans and environment, governments and intergovernmental organizations are facing mounting pressure to act. Norway and the EU (in particular, but also others) are using these forums to advance strict regulations on plastics. This includes concerted efforts to advance a legally binding treaty under UN Environment. In March, the 4th United National Environment Assembly (UNEA-4) will consider proposals to develop a global, legally-binding treaty on plastics, including limits on plastic production and use, and bans on a wide range of products. We believe international policy action of some type is inevitable, with limited opportunities for effective industry engagement. We believe action under Basel, which regulates shipment of waste would be preferable to a treaty that is more likely to focus on production restrictions.

Recommended Strategic Position for the Basel Convention

We recommend that ACC (and other associations):

- **Continue to support** the creation of a new Partnership on Plastic Waste to address marine debris under the Basel Convention;
- **Continue to oppose Norway's current proposal** reclassifying plastic waste as "other wastes" that would heavily regulate the movement of plastic articles across borders; and

- **(NEW) Add our support** for the creation of a work group to update the waste listings for plastics under the Basel Convention

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Proposed Statement (to be sent in letter to Basel Secretariat)

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American Chemistry Council | Plastics Division

December 27, 2018

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Norwegian Ministry of Climate and Environment
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Via electronic mail: juliette.kohler@brsmeas.org, postmottak@kld.dep.no

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Support for Other Actions under the Convention on Plastic Wastes

We support further work under the Basel Convention aimed at combatting marine litter. As an alternative to the new waste listings proposed, we believe Norway's proposal to create a Partnership on Plastic Waste offers a useful global venue to advance policies for sound plastics waste management and reducing leakage of plastic into the ocean. Such an approach will enable the development of initiatives to improve domestic recycling and disposal infrastructure. Experienced gained under the partnership could also inform the need for possible amendments to the Convention that would optimize environmentally sound collection, transport and management.

In addition, we support further discussion by parties at the next COP on the value of preparing practical guidance for the development of national inventories of plastic wastes. The development of tools to help interested countries gain insights into the sources and disposition of plastic wastes could better inform decision-makers at the national and international level interested in combatting marine litter. To ensure plastic wastes are properly managed, we also encourage the COP to commence work on updating the 2002 Technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal to ensure new recycling and recovery technologies and appropriately described.

Sincerely,

Stewart Harris
Director, Marine and Environmental Stewardship
American Chemistry Council

World Plastics Council: The World Plastics Council (WPC) is the platform for cooperation that engages the key leaders in the industry to address common issues and opportunities that are increasingly global. Effective and efficient solutions require global approaches and the WPC provides global leaders with the opportunity to deal with current issues in a fully anti-trust compliant forum, and to proactively address emerging issues before they grow and become more complex and expensive for the industry and society to manage.

American Chemistry Council: The American Chemistry Council represents the leading companies engaged in the business of chemistry in the United States. The business of chemistry supports over 25% of U.S. gross domestic product and creates the building blocks for 96% of all manufactured goods. As an $800 billion enterprise, our industry provides 822,000 skilled high-paying American jobs. ACC helped establish The Declaration of the Global Plastics Associations for Solutions on Marine Litter which has led to over 355 projects to reduce marine litter and better control plastic waste. These projects have been undertaken by 74 associations that have signed the Global Declaration in 40 countries. ACC Plastics Division members committed circular economy goals whereby: 100% of plastics packaging is reused, recycled, or recovered by 2040; 100% of plastics packaging is recyclable or recoverable by 2030; and 100% of the U.S. manufacturing sites operated by Plastics Division members participate in Operation Clean Sweep-blue by 2020, with all of their manufacturing sites across North America involved by 2022.

American Chemistry Council | Plastics Division

December 17, 2018

Ms. Juliette Voinov Kohler
Secretariat of the Basel Convention
c/o Palais des Nations
8-14, avenue de la Paix
1211 Geneva 10
Switzerland

Via electronic mail: juliette.kohler@brsmeas.org

Re: UNEP/CHW/OEWG.11/INF/39, *Draft terms of reference for the Basel Convention Partnership on Plastic Wastes as a basis for further consultation*.

Dear Ms. Kohler,

The World Plastics Council (WPC) and American Chemistry Council (ACC) appreciate the opportunity to comment on UNEP/CHW/OEWG.11/INF/39, *Draft terms of reference for the Basel Convention Partnership on Plastic Wastes as a basis for further consultation*. WPC, ACC, and our association allies in other countries are taking steps to eliminate plastic waste in the environment. Under the Declaration of the Global Plastic Associations for Solutions on Marine Litter[1] we have launched 355 projects to reduce marine litter. ACC and WPC have also partnered with Ocean Conservancy and joined Circulate Capital, which has committed over $100 million for waste management and recycling infrastructure development in marine litter source countries.

Section I. Goal – WPC and ACC strongly support the goal of the Partnership on Plastic Waste. We believe the Partnership offers an effective global venue to advance sound plastics waste management and encourage the Partnership to take a dynamic and active role in engaging and advancing policy with other global initiatives. In fact, studies show lack of waste collection and management in rapidly developing countries is the source of the vast majority of marine litter.[2][3] Further, Ocean Conservancy's *Stemming the Tide* report shows that collection and management of waste is the most useful solution to the marine litter problem.[4] Partnerships such as those under this proposal will help solve this global problem.

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[1] https://www.marinelittersolutions.com/about-us/joint-declaration/
[2] Jambeck et al, Plastic Waste Inputs from Land into the Ocean, http://science.sciencemag.org/content/347/6223/768.full?ijkey=BXtBaPzbQgagE&keytype=ref&siteid=sci
[3] World Bank Rapid Assessment, Indonesia Marine Debris Hotspot, http://documents.worldbank.org/curated/en/983771527663689822/pdf/126686-29-5-2018-14-18-6-SynthesisReportFullReportAPRILFINAL.pdf
[4] https://oceanconservancy.org/wp-content/uploads/2017/04/full-report-stemming-the.pdf

Section III. Objectives – We agree with recommendation to delete 'with other global initiatives'. It is implied that work with other global initiatives would be included in working 'collaboratively'. Inclusion of 'other global initiatives' could limit the scope of collaboration of the partnership with regional or national initiatives. We support the reference in the working principles under Section V calling for the working group to "coordinate and cooperate" with other bodies involved in activities concerning the management of plastic wastes. Information sharing and coordination, particularly through the Basel Convention Regional Centers (BCRCs), should be encouraged as work plans are developed.

The term 'unnecessary or avoidable plastics' is not defined, is ambiguous, and should be deleted. To illustrate, developed countries may not find water sachets necessary, yet developing nations without access to a reliable supply of potable water would consider this essential. We recommend focusing on sustainability, taking into account the life cycle impacts of plastics and alternatives. The term "single-use plastics" is not defined, is subject to misinterpretation, and should be deleted. It's worth noting that "single-use" plastic can provide many important benefits that should not be overlooked. For example, "single use" plastic packaging plays an important role in helping to reduce food waste. A study by TruCost showed that replacing plastic packaging with alternatives would result in 3.8 times the environmental impacts, in part due to increased food waste.[5] It would be more productive for the Partnership to identify specific areas of focus such as encouraging circular economy.

An objective the Partnership should include is promoting design and innovation to reduce the amount of plastic becoming waste. We oppose inclusion of "development of alternatives" as part of this objective. Even if the use of alternatives may reduce plastic becoming waste under some circumstances, the alternatives may have increased environmental impacts, such as increased total energy demand, expended energy, water consumption, solid waste by weight and by volume, global warming potential, acidification, eutrophication, smog formation, and ozone depletion.[6]

Promoting recycling and recovery should be listed as an objective and should include chemical recycling and plastics-to-fuel technology. These are examples of innovations that can help to reduce marine debris by capturing the value of post-use plastics as part of a suite of environmentally sound management approaches to plastic waste.

'Control' is duplicative with the development of a mechanism to monitor transboundary movement of plastic waste, which will control the movement of plastic waste. We recommend that this objective not be included as it would be difficult to operationalize given that the parties are still in the early stages of considering whether to amend the Convention annexes to control certain plastic wastes. Minimization of plastic waste is covered in Objectives (a) and (c).

WPC and ACC recommend including of an additional objective, promoting and advancing the development of adequate waste management infrastructure to ensure the responsible collection and

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[5] Plastics and Sustainability, https://plastics.americanchemistry.com/Plastics-and-Sustainability.pdf
[6] Franklin & Associates, https://plastics.americanchemistry.com/Reports-and-Publications/LCA-of-Plastic-Packaging-Compared-to-Substitutes.pdf

disposal of waste. Collection has been identified as the key first step to preventing plastic from leaking into the ocean.[7]

Section IV. Overall tasks – 'Engaging in monitoring of transboundary movements of plastic wastes' is a responsibility of national governments and not of the Partnership. This task should be deleted.

To complement the addition above under Objectives, we recommend including a task to promote and advance the development of adequate waste management infrastructure to help ensure the responsible collection and disposal of plastic. We also encourage the Parties to initiate work to update the 2002 Technical Guidelines for the Identification and Environmentally Sound Management of Plastic Wastes and for their Disposal to ensure current environmentally sound management practices and recycling technologies are appropriately referenced and applied.

Section IX. Membership – We support the membership provisions and will communicate with the Secretariat regarding our interest in becoming members of the new Partnership.

WPC and ACC believe the Partnership on Plastic Waste offers a beneficial platform to address leakage of plastic waste into the environment. If adopted by the 14th meeting of the Conference of the Parties to the Basel, Rotterdam, and Stockholm Conventions, WPC and ACC would request to be engaged in the Partnership on behalf of global plastic resin producers. If you have any questions or need further information, please contact Stewart Harris, Director, Marine and Environmental Stewardship, American Chemistry Council, at Stewart_Harris@americanchemistry.com or 202-249-6626.

Sincerely,

Stewart Harris
Director, Marine and Environmental Stewardship
American Chemistry Council, Plastics Division

[7] Stemming The Tide, https://oceanconservancy.org/wp-content/uploads/2017/04/full-report-stemming-the.pdf

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Appointment

From: Smith, Walker [Smith.Walker@epa.gov]
Sent: 4/15/2019 9:18:38 PM
To: Connors, Sandra [Connors.Sandra@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; VanDrunick, Suzanne [vanDrunick.Suzanne@epa.gov]; Bailey, Marianne [Bailey.Marianne@epa.gov]; Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]; Adrian, Stephanie [Adrian.Stephanie@epa.gov]; Horan, Andrew [Horan.Andrew@epa.gov]
CC: Picardi, Rick [Picardi.Rick@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]

Subject: EPA Marine Litter Coordination Meeting
Location: DCRoomRRB31107-1/Ronald-Reagan-Building; DCRoomRRB31107-2/Ronald-Reagan-Building

Start: 4/22/2019 5:00:00 PM
End: 4/22/2019 6:00:00 PM
Show Time As: Tentative

Please invite the relevant people in your office. The meeting will be "the Fishbowl" on the third floor of the Ronald Reagan Building.

Agenda
EPA Marine Litter Coordination Meeting

Medium Terms Actions (with existing or leveraged resources):

- EPA Coordination with:
  - Alliance to End Plastic Waste
  - World Wildlife Fund
- Best mechanisms for Continuing EPA/federal coordination
  - Domestic
  - International

Long Term Actions:
- FY2021 marine litter budget proposal
- EPA Marine Litter Action Plan

Quick Updates:
- Upcoming Marine Litter Meetings
- UN Environment Assembly Marine Litter Resolution
- Basel Convention – proposed Norway Amendment

Next steps:
- EPA compilation of Marine Litter Activities

Enabling Circular Economy for Plastics

Vision – Achieving a world where all people have access to waste collection, where plastic products are valued for their contribution to achieving the Sustainable Development Goals, are sustainably produced and used, and recovered after use into increasingly circular systems.

UNEA-5 – The fifth session of the United Nations Environment Assembly (UNEA) will focus on *Strengthening Actions for Nature to Achieve the Sustainable Development Goals*. The global plastics industry supports addressing the challenge of plastic waste and marine plastic debris through sustainable consumption and production, design innovation, and infrastructure investment. This requires collaboration between the private sector, civil society, and governments.

Plastics play an essential role in achieving many of the Sustainable Development Goals (SDG), helping achieve the 2030 Agenda. Providing numerous benefits to society in a highly resource efficient manner, plastics play an vital role in improving medical outcomes and increasing access to fresh foods, hygiene and sanitation, modern communication, transportation systems, and employment. These benefits are jeopardized if plastic waste pollutes our environment. As we have seen during the COVID-19 pandemic, plastics are critical to protecting medical workers, yet the pandemic has also illustrated gaps in waste management systems globally with discarded protective equipment littering the environment.

Global Action on Plastics – Governments, the private sector, and civil society are actively working to address the challenge of marine plastic debris. Ongoing efforts include source reduction, design for recycling, reuse models, and capturing municipal solid waste at its source to achieve a more circular system. These efforts lack coordination and therefore fail to achieve the necessary scale to address the challenge of preventing leakage of plastic waste into the environment and our ocean.

UNEA resolution UNEP/EA.3/L.20 emphasized environmentally sound waste management as the highest priority in reducing the leakage of plastic debris into the ocean. Prioritizing investments by multinational development banks, sovereign wealth funds, institutional investors, and others to achieve universal access to environmentally sound waste management systems that capture plastic waste from land and ocean activities is needed. Such a system will require innovation in product design and business models to accelerate the shift to a more circular economy for plastic products.

While strengthening existing multilateral agreements is needed, creation of a new global architecture will enable rapid scaling of innovations and investments. Such massive efforts will help achieve the 2030 Agenda and the SDGs, including promoting sustainable patterns of consumption and production and effective waste management.

Global Governance Structure – The global plastics industry supports adoption of a global governance structure with transparent and prescriptive reporting requirements. Such a

governance structure should be based on and implement the 2030 Agenda and the SDGs. Recognizing existing efforts, a new governance structure should develop linkages with multilateral environmental agreements such as the Basel, Rotterdam, and Stockholm Conventions, while respecting their legal structures.

A systems approach to addressing plastic waste and marine debris is needed to reduce sources and increase circularity of plastics. A global framework should have a clear vision and objective, similar to the Osaka Blue Ocean Vision goal of zero discharge of plastic waste to the marine environment by 2050. Encouraging key innovations, the framework should incentivize technologies such as reducing plastic use through down gauging and increasing material reuse through advanced recycling. Increasing the capacity of governments to address solid waste management, support is needed to achieve universal access, enforce prohibitions on open burning or dumping of waste, improve effectiveness and livelihoods for waste collectors, and enable growth in sustainable markets for processed materials.

Reinforcing national commitments to address marine plastic litter, governments should develop and then submit national or regional waste management plans (including smart KPIs) taking into account existing and needed infrastructure. Plans should be developed with industry and stakeholder engagement, seeking to advance a more circular economy, while addressing leakage of plastic and other waste into the environment.

Given the lack of reliable and verified data globally on the Environmentally Sound Management (ESM) of solid waste, a Secretariat should be established to review plans and then provide governments and civil society with information on archetypes based on regional and geographic differences. Such examples will assist multinational development banks and other funders, such as the Alliance to End Plastic Waste, in identifying projects for funding. The Secretariat should also collect and share information on investments being made to identify funding gaps and share information on progress made, including through the use of Key Performance Indicators.

National plans should:

1. **Focus on waste hierarchy.** Address marine plastic debris in a holistic way by capturing all end-of-life materials that include, but go beyond plastic packaging. Taking a sustainable systems approach, governments should following the waste hierarchy—source reduction and reuse, recycling and composting, energy recovery, and treatment and disposal. Waste collection is a key component of effective waste management.

   Considering local infrastructure, waste reduction measures may include eliminating unnecessary packaging, investing in packaging and product design through a "Sustainability by Design" approach, and developing more efficient delivery systems. Sustainability by Design considers material efficiency, climate impact, economic impact, and the ability to capture post-use packaging for reuse or recycling, among other factors. If specific materials are to be evaluated, compared, or substituted, national plans should include elements that apply life-cycle analysis (including cLCA and

consideration of co-benefits such as avoided emissions) and science-based alternatives assessments to ensure science-based outcomes, while avoiding unintended impacts to human health and the environment.

Recycling measures include developing, improving, and providing access to recycling infrastructure such as traditional and advanced systems for sorting and processing used materials into feedstocks. Access to ESM for treatment and disposal reduces leakage of plastic waste and other end-of-life materials into the environment. Such an approach increases the opportunity to capture value from used materials, helping to offset the costs associated with environmentally sound collection and processing infrastructure.

2. **Enable a more circular economy.** Promote mechanisms enabling a more circular economy for packaging materials and products. A fundamental shift is required to accelerate implementation of "Sustainability by Design" approaches and the conversion of end-of-life plastic products into raw materials so that used products do not become waste. Implementing such a change will require cooperation between government, the private sector, and civil society. Measures may include removing regulatory and economic barriers, creating financial incentives and mechanisms to de-risk investment in developing and deploying innovations; and promoting trade of recyclable/recoverable materials to increase utilization of end-of-life plastic products as raw materials.

   National plans should create incentives for the private sector, academia, and civil society to innovate across the entire spectrum of materials and products, and develop more effective ways to manage plastic packaging and other waste. This includes innovations in product delivery and packaging formats that reduce packaging waste, increasing product recyclability and recoverability, and investments in advanced recycling technology. Advanced recycling technologies have the potential to expand the range of plastics able to be recycled, while capturing value from non-recycled plastics, which can be converted into feedstocks for chemical and fuel production.

   Combining mechanical and advanced recycling technologies, communities are better able to capture value from recovered materials, increasing sustainability of ESM systems. Much of the technology exists and can be tailored to specific national and regional needs and conditions, such as incorporating the informal recycling sector. For example, the plastic industry has taken an active role in deploying advanced recycling technologies, including through the creation of partnerships and joint ventures. Furthering deployment of recycling systems and stimulating markets through incentives will increase the value of recycled materials and encourage sustainable growth.

3. **Elevate the priority of waste management.** Facilitate cross-value chain collaborations within industry to partner with governments and civil society to minimize inadequate

disposal, improve solid waste infrastructure, improve livelihoods of waste collectors, and enable sustainable growth in markets for processed materials. Such measures are in-line with ESM practices and should leverage existing efforts under the Basel Convention. Working collaboratively across government, the private sector, and civil society identify financing mechanisms that apply equally to all materials and are consistent with national or regional-specific needs, taking into account capabilities of government, the private sector, and the informal sector. Engaging the private sector, governments should identify capital and operational funding mechanisms to support sustainable development, growth, and operation of ESM systems for managing plastic and other waste.

4. **Facilitate funding.** Encourage multi-national development banks, sovereign wealth funds, and other investors to prioritize investments in solid waste management systems. National plans should incorporate B2B and other elements to help connect businesses, non-profit foundations, capital lenders and grantors, and local governments. The plan should streamline connections, helping reduce the cost and burden of the financing process for innovators. The plan should identify funding opportunities and help member states access these opportunities. Based on national decisions, funding approaches may include taxes, extended producer responsibility, or other mechanisms that are regionally appropriate.

5. **Promote consumer education**. Encourage member states to work with the private sector and civil society on consumer education programs to reduce marine plastic debris. Such programs should be tailored to specific regional needs, including information on sustainable consumption and ESM for solid waste, among other measures.

Message

From: Sims, JaniceHQ [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9BE46932F2CB40108A80698E34A16832-JSIMS02]
Sent: 3/26/2019 11:00:45 PM
To: Horan, Andrew [Horan.Andrew@epa.gov]; Harris, Stewart [Stewart_Harris@americanchemistry.com]; Kang, Min G [KangMG@state.gov]; Bloomquist, Adam [BloomquistA@state.gov]; Clark, Andrew D [ClarkAD@state.gov]; Layne, Michael J [LayneMJ@state.gov]; Elizabeth.Mclanahan [elizabeth.mclanahan@noaa.gov]; Steve Morrison [Steve.Morrison@noaa.gov]; Finman, Hodayah [Finman.Hodayah@epa.gov]; Besch, Brianna [besch.brianna@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Bailey, Marianne [Bailey.Marianne@epa.gov]; Adrian, Stephanie [Adrian.Stephanie@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]; Rick Picardi (Picardi.Rick@epa.gov) [Picardi.Rick@epa.gov]; Robiou, Grace [Robiou.Grace@epa.gov]; Nandi, Romell [Nandi.Romell@epa.gov]; Benson, Robert [Benson.Robert@epa.gov]; Doroski, Brenda [Doroski.Brenda@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]
Subject: RE: Alliance to End Plastic Waste Briefing

Hi Stew,

I'm adding a few more folks that may or may not be able to join but letting them know about the opportunity. Thanks again for arranging this briefing on the Alliance.

+Sandra Conners, Bob Benson, Romell Nandi, Grace Robiou, Rick Picardi, Krystal Krejcik, Stephanie Adrian, Marianne Bailey, Brenda Doroski and Kathleen Salyer

Thanks,
Janice

From: Horan, Andrew
Sent: Tuesday, March 26, 2019 4:29 PM
To: Harris, Stewart <Stewart_Harris@americanchemistry.com>; Kang, Min G <KangMG@state.gov>; Bloomquist, Adam <BloomquistA@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Layne, Michael J <LayneMJ@state.gov>; Elizabeth.Mclanahan <elizabeth.mclanahan@noaa.gov>; Steve Morrison <Steve.Morrison@noaa.gov>; Finman, Hodayah <Finman.Hodayah@epa.gov>; Besch, Brianna <besch.brianna@epa.gov>; Sims, JaniceHQ <Sims.JaniceHQ@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: RE: Alliance to End Plastic Waste Briefing

Hi Stew,

Thanks for setting this up. As of now, any of those date and times work for EPA, but prefer April 8 afternoon times.

-Andrew

From: Harris, Stewart <Stewart_Harris@americanchemistry.com>
Sent: Monday, March 25, 2019 3:50 PM
To: Kang, Min G <KangMG@state.gov>; Bloomquist, Adam <BloomquistA@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Layne, Michael J <LayneMJ@state.gov>; Elizabeth.Mclanahan <elizabeth.mclanahan@noaa.gov>; Steve Morrison <Steve.Morrison@noaa.gov>; Finman, Hodayah <Finman.Hodayah@epa.gov>; Besch, Brianna <besch.brianna@epa.gov>; Horan, Andrew <Horan.Andrew@epa.gov>; Sims, JaniceHQ <Sims.JaniceHQ@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Alliance to End Plastic Waste Briefing

Hi all,

As a follow-up to discussions I have had with many of you, I am pulling together a briefing on the new Alliance to End Plastic Waste.

Let me know if any of the times below do not work for a briefing. We will have a room here at ACC and I will set up a conference line for anyone not able to join in person.

April 8: 10 – 11:30am; 12 – 2pm and 3 – 4pm
April 9: 8 – 10am and 1 – 5pm

I am sure I have left people off the list. Please feel free to extend this invitation to your colleagues. I would like to set the date for the briefing by the end of the week.

Thanks,
Stew

Stewart Harris | American Chemistry Council
Director, Marine and Environmental Stewardship, Plastics Division
Stewart_Harris@americanchemistry.com
700 2nd Street, NE |Washington, DC| 20002
O: (202) 249-6626 | C: (410) 562-5976
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MarineLitterSolutions.com

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Message

From: Picardi, Rick [Picardi.Rick@epa.gov]
Sent: 11/26/2019 11:04:03 PM
To: Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]
CC: Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Ferrante, Joe [Ferrante.Joe@epa.gov]; Dieu, Martin [Dieu.Martin@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Radtke, Meghan [Radtke.Meghan@epa.gov]; Rubright, Tyler [Rubright.Tyler@epa.gov]
Subject: Seeking to elevate to senior mgmt on Nov. 27 to ensure US gov't support for OECD plastic negotiating positions
Attachments: OECD plastic scrap_US position paper (draft) 11.25.19 v2 +State+EPA+USTR.docx

Importance: High

Kathleen and Walker

As you know, the OECD Ad Hoc Task Team negotiating how to cover plastic scrap under the OECD agreement on transboundary movements of recoverables is meeting next week from December 2-4.

Ex. 5 Deliberative Process (DP)

We will work with the relevant special assistants to schedule a time during Wednesday November 27 to meet. Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

I've attached the latest draft of the US position paper. The US position starts on page 6.

Rick Picardi
Chief, International Branch

Material Recovery and Waste Management Division
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
+1 703-308-8879
picardi.rick@epa.gov

Message

From: Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]
Sent: 3/26/2019 1:03:31 PM
To: Harris, Stewart [Stewart_Harris@americanchemistry.com]
CC: Picardi, Rick [Picardi.Rick@epa.gov]; Krystal Krejcik (krejcik.krystal@epa.gov) [krejcik.krystal@epa.gov]
Subject: RE: Alliance to End Plastic Waste Briefing

Hi Stew,

Thanks for reaching out. April 8 works best for us. Look forward to it.

Best,
Lia

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Harris, Stewart <Stewart_Harris@americanchemistry.com>
Sent: Monday, March 25, 2019 3:50 PM
To: Kang, Min G <KangMG@state.gov>; Bloomquist, Adam <BloomquistA@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Layne, Michael J <LayneMJ@state.gov>; Elizabeth.Mclanahan <elizabeth.mclanahan@noaa.gov>; Steve Morrison <Steve.Morrison@noaa.gov>; Finman, Hodayah <Finman.Hodayah@epa.gov>; Besch, Brianna <besch.brianna@epa.gov>; Horan, Andrew <Horan.Andrew@epa.gov>; Sims, JaniceHQ <Sims.JaniceHQ@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Alliance to End Plastic Waste Briefing

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Stew

Stewart Harris | American Chemistry Council
Director, Marine and Environmental Stewardship, Plastics Division
Stewart_Harris@americanchemistry.com
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Basel Plastic Waste Amendments & OECD Council Decision

Plastic scrap and waste controls

EPA Waste Import-Export Conference
May 5, 2020

Outline

- Objective: Provide overview of the Basel amendments on plastic waste and discuss potential impacts and next steps.
  - Background
  - US position
  - Basel plastic waste amendments – what's changed?
  - Remaining ambiguities with respect to certain plastic waste
  - Potential impacts for the US

Background

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

- A legally binding international treaty establishing prior informed consent for transboundary shipments of waste within its scope.
- Entered into force in 1992; 187 Parties.
- U.S. is a Signatory, but not a Party.
- The U.S. has participated as an Observer in Basel since the Convention's initiation.

BASEL CONVENTION
the world environmental agreement on wastes

Objectives:

- Control and ensure environmentally sound management of hazardous wastes subject to transboundary movement.
- Prevent or control export of hazardous wastes to countries without capacity to manage it in an environmentally sound manner.
- Strengthen capacity of countries, esp. developing countries, to soundly manage waste.

Background

- In June/August 2018, Norway proposed amendments to the Basel Convention such that all plastic waste and scrap would be subject to the Basel prior informed consent (PIC) procedure.
  - Norway's rationale: Subjecting plastic waste and scrap to the Basel PIC procedure would improve tracking, ensure sound management, and reduce marine plastic litter.
- At the Basel Open-Ended Working Group meeting in September 2018, the US, some Basel Parties and industry stakeholders expressed concerns that by significantly hindering trade in plastics sent for recycling, the proposal would reduce global recycling and could undermine sound management of end-of-life plastics.
- In October 2018, Norway revised their original amendment proposal such that only certain plastic waste and scrap (including plastic waste considered Basel-hazardous) would be subject to the Basel PIC procedure.

U.S. position

- The U.S. government (USG) does not support requiring the Basel PIC procedure for exports of plastic scrap sent for recycling because:
  - It is unclear how this will address ineffective waste management systems and unsound disposal practices, which are the root cause of marine plastic litter.
  - There are significant amounts of plastic scrap exports and placing additional costs/burdens on these exports could reduce the overall level of plastic recycling in the world and could undermine the incentive to properly manage plastic waste and scrap.
  - Need time to assess impacts of amendments on plastic recycling, (mis)management of end-of-life plastic, and marine plastic litter.
  - Export notices for plastic waste and scrap could overwhelm countries with limited capacity to process notices and take resources away from managing hazardous wastes that pose greater risks.
- The USG is supportive of the Basel Convention addressing marine litter and plastic waste problems via strengthening the capacity of developing countries to soundly manage plastic waste.
  - Basel Partnership on Plastic Waste
  - Updating existing Basel technical guidelines on environmentally sound management of plastic waste.

Adopted amendments on plastic waste

- On May 10, Parties adopted amendments to the Basel Convention such that certain plastic waste and scrap will be subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.
- The amendments changed the following Annexes:
  - **Annex II** covers wastes requiring "special consideration". Annex II waste is subject to Convention requirements.
    - Annex II wastes include "household waste" (or MSW) and residues from the incineration of MSW.
  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Convention requirements.
  - **Annex VIII** lists wastes considered hazardous so they fall under the Convention requirements.

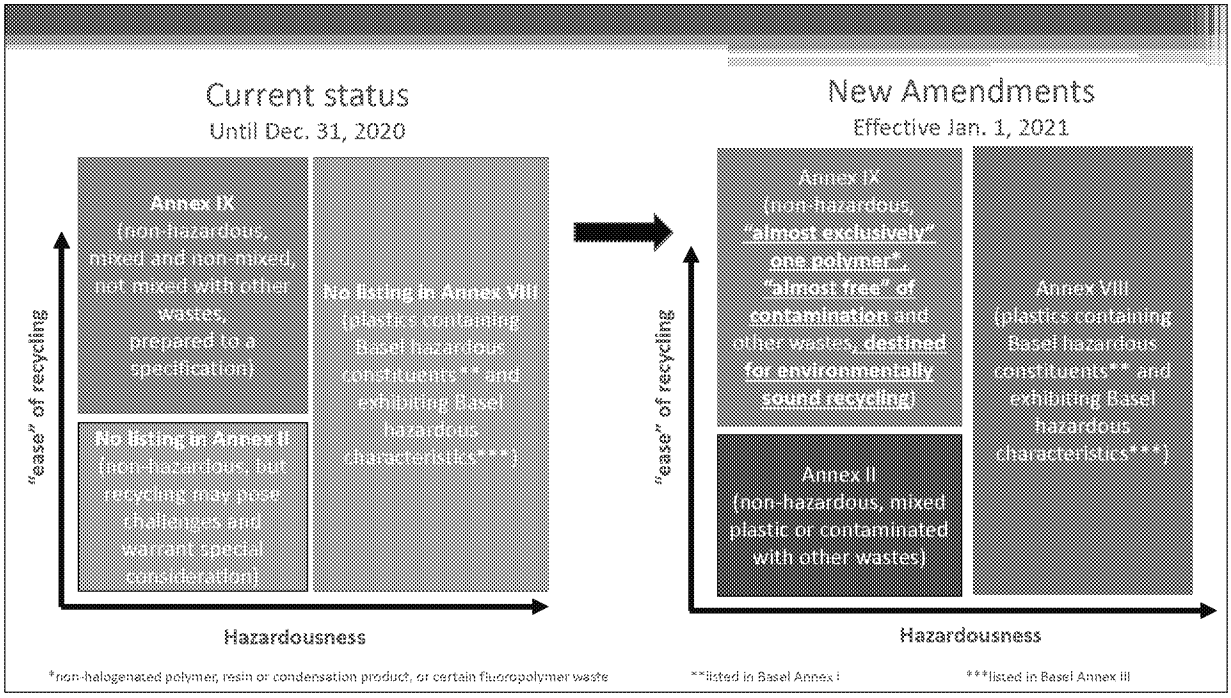
Adopted amendments on plastic waste (cont'd)

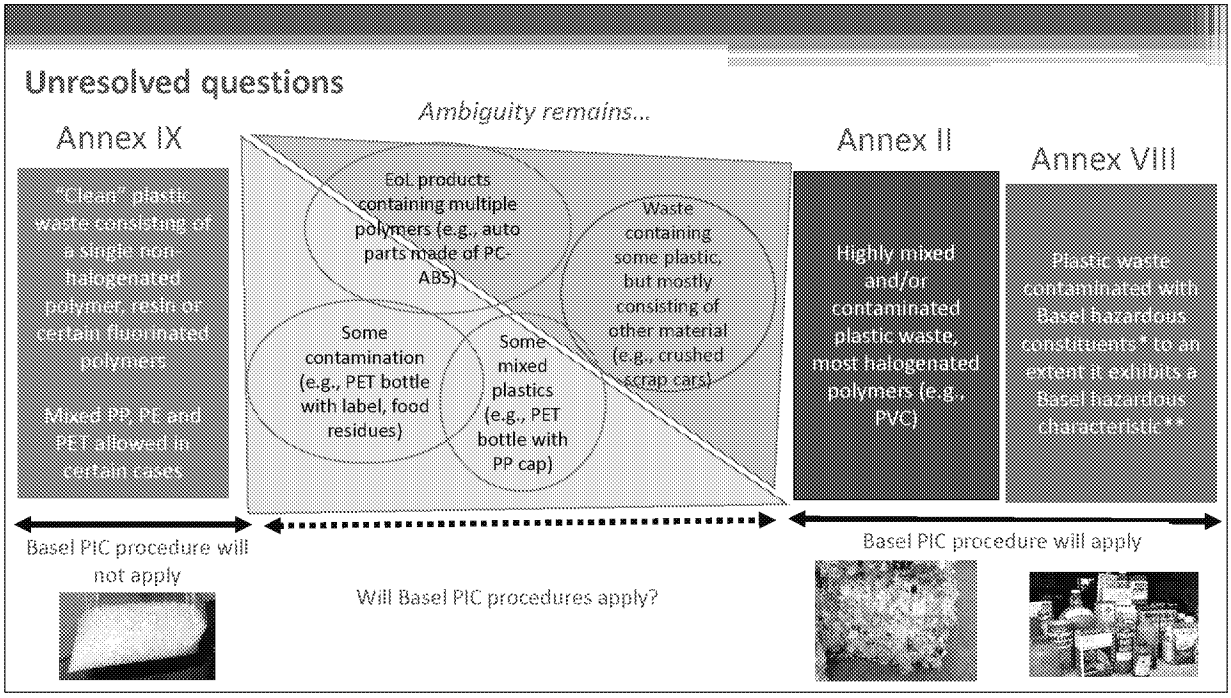
- **Annex II,** new entry Y48
  - Most mixed plastic waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic waste contaminated or mixed with other waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic waste must "almost exclusively" consist of a single non-halogenated polymer or resin.
  - Certain unmixed fluorinated polymer wastes are also allowed based on the existing Basel entry.
  - Plastic waste must be "almost free" from contamination and from other types of waste and be destined for environmentally sound recycling.
  - Mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Plastic waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

- **Annex VIII,** new entry A3210
  - Plastic waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Amendments enter into force on **January 1, 2021.**


Current status
Until Dec. 31, 2020
Annex IX
(non-hazardous, mixed and non-mixed, not mixed with other wastes, prepared to a specification)
No listing in Annex II
(non-hazardous, but recycling may pose challenges and warrant special consideration)
No listing in Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
New Amendments
Effective Jan. 1, 2021
Annex IX
(non-hazardous, "almost exclusively" one polymer*, "almost free" of contamination and other wastes, destined for environmentally sound recycling)
Annex II
(non-hazardous, mixed plastic or contaminated with other wastes)
Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
*non-halogenated polymer, resin or condensation product, or certain fluoropolymer waste
**listed in Basel Annex I
***listed in Basel Annex III


Unresolved questions
Ambiguity remains…
Annex IX
"Clean" plastic waste consisting of a single non-halogenated polymer, resin or certain fluorinated polymers
Mixed PP, PE and PET allowed in certain cases
EoL products containing multiple polymers (e.g., auto parts made of PC-ABS)
Waste containing some plastic, but mostly consisting of other material (e.g., crushed scrap cars)
Some contamination (e.g., PET bottle with label, food residues)
Some mixed plastics (e.g., PET bottle with PP cap)
Annex II
Highly mixed and/or contaminated plastic waste, most halogenated polymers (e.g. PVC)
Annex VIII
Plastic waste contaminated with Basel hazardous constituents* to an extent it exhibits a Basel hazardous characteristic**
Basel PIC procedure will not apply
Will Basel PIC procedures apply?
Basel PIC procedure will apply

Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Mixtures of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What is considered environmentally sound recycling and how will "separate recycling" be defined?

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in SE Asia.
- Anticipate significant adverse impact on US recycling programs that could benefit from the revenue generated by higher value plastic scrap exports.
- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
- May lead to increased investments in US plastic processing capacity.
- Anticipate confusion by US industry on technical issues and procedural requirements.
- Although the amendments do not change U.S. export and import waste requirements, we anticipate receiving export notifications from countries.

OECD Council Decision is connected to Basel Convention

OECD Council Decision

- The Organization for Economic Cooperation and Development (OECD) is a consortium of three dozen developed, democratic countries.
- The OECD Council Decision on the transboundary movement of recoverables was harmonized with the Basel Convention in 2001.
- One of the principal harmonization changes was the Basel waste listings were harmonized with the OECD waste listings (Amber and Green).

OECD plastic scrap negotiations

OECD Council Decision

- Changes to the Basel waste listings are automatically incorporated into the OECD waste listings unless a country objects.
- The U.S. objected last July triggering a negotiation process to develop alternative waste listings in the OECD to be used instead of the new Basel waste listings.
- No country had ever objected before.
- Negotiations started in July 2019 and reached an impasse on April 23.

OECD plastic scrap negotiations

- OECD countries will now try to reach agreement on how to interpret what non-consensus means, however, this seems unlikely.
- The OECD Council Decision says that if a consensus on an alternative OECD approach isn't reached then individual member countries are to apply domestic requirements and international law. However, this can be interpreted in different ways.
- As of January 1, 2021, OECD countries will probably apply different interpretations and, thus, have different requirements for exports and imports of plastic scrap and waste.
- Proposing that country approaches be loaded onto OECD interactive database.

Appendices

- Slide 15: Existing listing for plastic waste and scrap, B3010 in Basel Annex IX
- Slide 16: Plastic waste amendments to Basel Annexes II and VIII (new listings)
- Slide 17: Plastic waste amendments to Basel Annex IX (changes to existing listing)

Existing plastic waste and scrap entry, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic waste (subject to Basel PIC procedure)

Annex II plastic waste

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[7]

Annex II plastic waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

[4] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[5] In this respect, international and national specifications may offer a point of reference.

[6] In this respect, international and national specifications may offer a point of reference.

[7] Post-consumer wastes are excluded from this entry.

[8] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[9] In this respect, international and national specifications may offer a point of reference.

Annex VIII plastic waste

A3210[13]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

[13] This entry becomes effective as of 1 January 2021.

B3011[11]	Plastic waste listed below, provided it is destined for recycling[12] in an environmentally sound manner and almost free from contamination and other types of wastes (note the related entries on list A A3210 and Y48 in Annex II):[13] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) - Plastic waste almost exclusively[14] consisting of one cured resin or condensation product including the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[15] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[16] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[17]

Revised Basel Annex IX plastic waste listing, B3011

Replaces existing Annex IX plastic waste listing, B3010. These wastes are not subject to Basel PIC procedures.

[11] This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.

[12] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[13] In this respect, international and national specifications may offer a point of reference.

[14] In this respect, international and national specifications may offer a point of reference.

[15] Post-consumer wastes are excluded from this entry.

[16] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[17] In this respect, international and national specifications may offer a point of reference.

Message

From: Picardi.Rick@epa.gov [Picardi.Rick@epa.gov]
Sent: 7/3/2019 11:14:57 PM
To: Coughlan, Laura [Coughlan.Laura@epa.gov]; Kreisler, Eva [Kreisler.Eva@epa.gov]; Tatum, Jana [Tatum.Jana@epa.gov]; Shaw, Jean [Shaw.Jean@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]
CC: Prins, Christopher [Prins.Christopher@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: Fwd: U.S. Letter of Objection to OECD Incorporation of Basel Plastic Waste Amendments
Attachments: US Objection Letter to OECD.pdf; ATT00001.htm

Hi all
FYI that EPA sent the official letter to the OECD objecting to the automatic incorporation of the new Basel plastic scrap/waste listings into the OECD scrap/waste listings.
I hope you have/had a wonderful holiday!
Rick

Sent from my iPhone

Begin forwarded message:

From: "Salyer, Kathleen" <Salyer.Kathleen@epa.gov>
Date: July 3, 2019 at 2:24:47 PM CDT
To: "secretary.general@oecd.org" <secretary.general@oecd.org>
Cc: "Ex. 6 Personal Privacy (PP) <Sha Ex. 6 Personal Privacy (PP) Johnson, Barnes" <Johnson.Barnes@epa.gov>, "Devlin, Betsy" <Devlin.Betsy@epa.gov>, "Elliott, Ross" <Elliott.Ross@epa.gov>, "Picardi, Rick" <Picardi.Rick@epa.gov>, "Yohannes, Lia" <Yohannes.Lia@epa.gov>, "Cochran, Kimberly" <cochran.kimberly@epa.gov>
Subject: U.S. Letter of Objection to OECD Incorporation of Basel Plastic Waste Amendments

Dear Secretary General Ángel Gurría,

The U.S. wishes to object to incorporating the three plastic waste amendments to Annexes II, VIII and IX of the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal* into the *OECD Council Decision C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations.*

I have enclosed the U.S. letter of objection as an attachment to this email.

Sincerely,

Kathleen Salyer
Deputy Director
Office of Resource Conservation and Recovery
Office of Land and Emergency Management
US EPA
Washington, DC
703-308-8710

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 3, 2019

THE ADMINISTRATOR

His Excellency Ángel Gurría
Secretary-General
Organisation for Economic Cooperation and Development
2, Rue André Pascal
75775 Paris Cedex 16
FRANCE

Dear Mr. Secretary-General:

The United States is invoking the objection provision in Chapter II. B. Section 3 a) of the *OECD Council Decision C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations*, also known as OECD-Legal-0266. Specifically, the United States wishes to express its objection to incorporating the three plastic waste amendments to Annexes II, VIII and IX of the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal* (the Basel Convention) adopted on May 10, 2019. The United States, in an enclosure to this letter, recommends modifications to the OECD Council Decision as an alternative proposal to the Basel Convention's amendments.

The Basel Convention's plastic waste amendments were adopted to reduce the presence of plastic litter in the environment in countries that have ineffective waste-management systems, including collection, transportation, recycling and disposal infrastructure. The United States supports efforts to reduce marine plastic litter and believes the decision to maintain trade in plastic waste and scrap within the OECD is consistent with those efforts. The OECD member countries have attained high environmental standards and have the capacity to manage waste in an environmentally sound manner. Less than one percent of plastic waste is mismanaged in OECD countries.[1] Subjecting plastic scrap to the Amber control procedure would impede trade for recycling and could reduce the level of recycling among OECD countries. If trade becomes more difficult, we anticipate that more OECD-generated plastic scrap will be disposed in landfills, sent for incineration or used for fuel, which are less-preferred options on the waste-management hierarchy.

The transboundary movements of plastic scrap shipped between OECD member countries for recovery operations should be subject to the Green control procedure based on the criteria for the OECD Risk-Based Approach in Appendix 6 of the OECD Council Decision. Facilitating trade

[1] Jambeck, J., R. Geyer, C. Wilcox, T. Siegler, M. Perryman, A. Andrady, R. Narayan, & Law, K. L. (2015). Plastic waste inputs from land into the ocean. *Science*. 347 (6223): 768-771.

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in plastic scrap among OECD countries by making it subject to the Green control procedure will help ensure that the material can move to jurisdictions that can recycle it efficiently and in an environmentally sound manner. By volume, plastic scrap is one of the most important globally traded scrap commodities. In 2018, the United States traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. Such trade occurs under the terms of contracts using internationally recognized specifications for the material.

The United States looks forward to further discussion of this matter among our OECD colleagues in the coming months.

Sincerely,

Andrew R. Wheeler

Enclosure

cc: Mr. Rodolfo Lacy, OECD Environment Directorate
Mr. Nicola Bonucci, OECD Environment Directorate

United States Alternative Proposal

The United States recommends the following modifications to the *OECD Council Decision C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations* as an alternative proposal to the automatic incorporation of the three plastic waste amendments to Annexes II, VIII and IX of the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal* (the Basel Convention) adopted on May 10, 2019.

We propose adding a new OECD entry, GH012, for non-hazardous plastic scrap and waste such that all plastic scrap and waste is subject to the OECD Green control procedure. The new OECD entry should be added to Part II of Appendix 3 (List of wastes subject to the Green control procedure) as follows:

GH012 Plastic scrap and waste

Correspondingly, we propose that the new Basel entry B3011 not apply and GH012 be applied instead. To reflect this change, a new paragraph should be added to Part I of Appendix 3 (List of wastes subject to the Green control procedure):

(g): Basel entry B3011 does not apply and OECD entry GH012 applies instead when appropriate.

Furthermore, the existing OECD waste code B3010 should be replaced by OECD waste code GH012 in Annex B ("OECD consolidated list of wastes subject to the Green control procedure"), List B3 ("Wastes containing principally organic constituents, which may contain metals and inorganic materials") in the Guidance Manual for the Implementation of the OECD Council Decision C(2001)107/Final, As Amended, On the Control of Transboundary Movements of Wastes Destined for Recovery Operations (Guidance Manual on the OECD Council Decision).

The United States also recommends retaining the existing OECD entry for GH013 Polymers of vinyl chloride (PVC) in Appendix 3 of the OECD Council Decision such that the Green control procedure continues to apply to transboundary movements of PVC.

With regards to the new Basel entry for Y48 in Annex II of the Convention, the United States proposes that this entry not apply in the OECD Council Decision and that OECD entries GH012 and GH013 apply instead when appropriate. We propose the following new paragraph be added to Part I of Appendix 4 (List of wastes subject to the Amber Control Procedure):

(f): Basel entry Y48 does not apply and OECD entries GH012 and GH013 in Appendix 3 Part II apply instead when appropriate.

To reflect this change, the United States also proposes adding the following entry to Annex C, ("OECD consolidated list of wastes subject to the Amber control procedure"), the list of Basel Annex II wastes in the Guidance Manual on the OECD Council Decision:

Y48: does not apply and OECD entries GH012 and GH013 apply instead when appropriate.

With respect to the new Basel entry A3210 in Annex VIII of the Convention, the United States proposes that A3210 not apply to the OECD Council Decision and that the following new OECD entry GH014 be added to Part II of Appendix 3, as follows, so that such waste is subject to the Green control procedure.

> GH014 Plastic waste, including mixtures of such waste, containing or contaminated with Basel Annex I constituents, to an extent that it exhibits a Basel Annex III characteristic (note the related entries GH012 and GH013).

To reflect this change, we propose that the following new paragraph be added to Part I of Appendix 4 (List of wastes subject to the Amber Control Procedure):

> (e): Basel entry A3210 does not apply and OECD entries GH013 and GH014 in Appendix 3 Part II apply instead when appropriate.

Similarly, the following text should be added to Annex C ("OECD consolidated list of wastes subject to the Amber control procedure"), List A3 ("Wastes containing principally organic constituents, which may contain metals and inorganic materials") in the Guidance Manual on the OECD Council Decision:

> A3210 does not apply and OECD entries GH013 and GH014 apply instead when appropriate.

Appointment

From: Ex. 6 Personal Privacy (PP) [@oecd.org]
Sent: 4/27/2020 4:36:29 PM
To: m;

t-

Ex. 6 Personal Privacy (PP)

Subject: 3rd Task Team Meeting on the Basel Convention: DAY 2 / Virtual meeting via Zoom
Attachments: How do I show a PowerPoint presentation during a Zoom meeting.pdf; How to raise your hand in Zoom.pdf; For remote participants- How to participate in an OECD Zoom remote conference_EN.pdf
Location: Ex. 6 Personal Privacy (PP)

Start: 5/7/2020 11:00:00 AM
End: 5/7/2020 2:00:00 PM
Show Time As: Busy

Recurrence: (none)

Dear Participants,

We are pleased to invite you to the Zoom meeting scheduled below:

Topic: 3rd Task Team Meeting on the Basel Convention (Amendments to Council Decision on TMW): DAY 2
Time: May 7, 2020 13.00 - 16.00 PM (Paris Time). The line will be open at 12:15 PM (Paris Time) to allow you to make tests.

Agenda:
Discussion of no-consensus:

- **Interpretations**
- **Resulting amendments to appendices 3 & 4**

Virtual lobby: Please note that there will be a short time after you connect to the Zoom Meeting. Indeed, you will need to wait in a '**virtual lobby**' before we can connect you due to Zoom's new enhanced security features. During this short time, you will be able to rename yourself **(First Name /Last Name / Rep. Country or Organisation name).**
For participants who would like to **join the meeting by phone**, please send us your phone number prior to the meeting and we will rename you.

Tests Call-information: You can make call tests in advance via the following link: https://zoom.us/test
See hereinafter Remote Conferencing Best practices for participants including detailed instructions on:
'How to participate in an OECD Zoom Remote Conference', 'How to raise your hand' & 'How to show a presentation during a Zoom meeting'

Do not hesitate to contact me Ex. 6 Personal Privacy (PP) should you need further information.

Best regards,
The Secretariat

****

Please follow the instructions below to join the meeting:

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Some useful information:

- A headset with microphone is recommended or an audio system with echo canceler
- A wired internet connection is recommended
- Please mute your microphone throughout the meeting, except when you wish to take the floor and speak

Personal Data protection

The OECD processes personal data in accordance with its Personal Data Protection Rules :
https://www.oecd.org/general/data-protection.htm

Appointment

From: Ex. 6 Personal Privacy (PP) @oecd.org]
Sent: 4/16/2020 2:27:47 PM
To:

Ex. 6 Personal Privacy (PP)

Subject: 3rd Meeting of the Task Team on the Basel Convention (Virtual Meeting via Zoom)
Attachments: For remote participants- How to participate in an OECD Zoom remote conference_EN.pdf; How do I show a PowerPoint presentation during a Zoom meeting.pdf; Untitled Attachment; Canceled: 3rd Meeting of the Task Team on the Basel Convention (Virtual Meeting via Zoom)
Location: Ex. 6 Personal Privacy (PP)

Start: 4/23/2020 11:00:00 AM
End: 4/23/2020 2:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Dear Participants,

We are pleased to invite you to the Zoom meeting scheduled below:

Topic: 3rd Meeting of the Task Team on the Basel Convention (Amendments to Council Decision on TMW)

Time: Apr 23, 2020 13.00 – 16.00 PM (Paris Time)
Apr 24, 2020 13.00 – 16.00 PM (Paris Time)

The line will be open at 12:15 PM (Paris Time) to allow you to make tests.

Please use the following link to join both meetings: Ex. 6 Personal Privacy (PP) (It is recommended to use Google Chrome for best performance.)

Virtual lobby: Please note that there will be a short time after you connect to the Zoom Meeting. Indeed, you will need to wait in a **'virtual lobby'** before we can connect you due to Zoom's new enhanced security features. During this short time, you will be able to rename yourself **(First Name /Last Name / Rep. Country or Organisation name).**
For participants who would like to **join the meeting by phone**, please send us your phone number prior to the meeting and we will rename you.

Tests Call-information: You can make call tests in advance via the following link: https://zoom.us/test
See hereinafter Remote Conferencing Best practices for participants including detailed instructions on
'how to connect to Zoom' & **How to show a presentation during a Zoom meeting'**:

Please note that the **Draft Agenda** of the 3rd Meeting of the Task Team on the Basel Convention will be share shortly.
Do not hesitate to contact me Ex. 6 Personal Privacy (PP) should you need further information.

Best regards,
The Secretariat

****

To join the meetings:

Join Zoom With a **Computer** (Zoom Client)

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Some useful information:

- A headset with microphone is recommended or an audio system with echo canceler
- A wired internet connection is recommended
- Please mute your microphone throughout the meeting, except when you wish to take the floor and speak

Personal Data protection

The OECD processes personal data in accordance with its Personal Data Protection Rules :
https://www.oecd.org/general/data-protection.htm

Appointment

To:

Ex. 6 Personal Privacy (PP)

CC:

Subject: Canceled: 3rd Meeting of the Task Team on the Basel Convention (Virtual Meeting via Zoom)
Attachments: For remote participants- How to participate in an OECD Zoom remote conference_EN.pdf; How do I show a PowerPoint presentation during a Zoom meeting.pdf

Start: 4/24/2020 11:00:00 AM
End: 4/24/2020 2:00:00 PM
Show Time As: Free

Importance: High

Recurrence: (none)

Dear Participants,

We are pleased to invite you to the **Zoom meeting** scheduled below:

Topic: 3rd Meeting of the Task Team on the Basel Convention (Amendments to Council Decision on TMW)

Time: Apr 23, 2020 13.00 – 16.00 PM (Paris Time)
Apr 24, 2020 13.00 – 16.00 PM (Paris Time)

The line will be open at 12:15 PM (Paris Time) to allow you to make tests.

Please use the following link to join both meeting Ex. 6 Personal Privacy (PP) (It is recommended to use Google Chrome for best performance.)

Virtual lobby: Please note that there will be a short time after you connect to the Zoom Meeting. Indeed, you will need to wait in a **'virtual lobby'** before we can connect you due to Zoom's new enhanced security features. During this short time, you will be able to rename yourself **(First Name /Last Name / Rep. Country or Organisation name).**
For participants who would like to **join the meeting by phone**, please send us your phone number prior to the meeting and we will rename you.

Tests Call-information: You can make call tests in advance via the following link: https://zoom.us/test
See hereinafter Remote Conferencing Best practices for participants including detailed instructions on
'how to connect to Zoom' & **How to show a presentation during a Zoom meeting'**:

Please note that the **Draft Agenda** of the 3rd Meeting of the Task Team on the Basel Convention will be share shortly.
Do not hesitate to contact me Ex. 6 Personal Privacy (PP) should you need further information.

Best regards,
The Secretariat

****

To join the meetings:

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Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Some useful information:

- A headset with microphone is recommended or an audio system with echo canceler
- A wired internet connection is recommended
- Please mute your microphone throughout the meeting, except when you wish to take the floor and speak

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Basel Plastic Waste Amendments

Adopted at the 14th Conference of the Parties
April 29 – May 10, 2019

Debrief
May 20, 2019

Outline

- Objective: Provide overview of the Basel amendments on plastic waste and discuss potential impacts and next steps.
  - Background
  - US position
  - Basel plastic waste amendments – what's changed?
  - Remaining ambiguities with respect to certain plastic waste
  - Potential impacts for the US
  - Next steps

Background

- In June/August 2018, Norway proposed amendments to the Basel Convention such that all plastic waste and scrap would be subject to the Basel prior informed consent (PIC) procedure.
  - Norway's rationale: Subjecting plastic waste and scrap to the Basel PIC procedure would improve tracking, ensure sound management, and reduce marine plastic litter.
- At the Basel Open-Ended Working Group meeting in September 2018, the US, some Basel Parties and industry stakeholders expressed concerns that by significantly hindering trade in plastics sent for recycling, the proposal would reduce global recycling and could undermine sound management of end-of-life plastics.
- In October 2018, Norway revised their original amendment proposal such that only certain plastic waste and scrap (including plastic waste considered Basel-hazardous) would be subject to the Basel PIC procedure.

U.S. position

- The U.S. government (USG) does not support requiring the Basel PIC procedure for exports of plastic scrap sent for recycling because:
  - It is unclear how this will address ineffective waste management systems and unsound disposal practices, which are the root cause of marine plastic litter.
  - There are significant amounts of plastic scrap exports and placing additional costs/burdens on these exports could reduce the overall level of plastic recycling in the world and could undermine the incentive to properly manage plastic waste and scrap.
  - Need time to assess impacts of amendments on plastic recycling, (mis)management of end-of-life plastic, and marine plastic litter.
  - Export notices for plastic waste and scrap could overwhelm countries with limited capacity to process notices and take resources away from managing hazardous wastes that pose greater risks.
- The USG is supportive of the Basel Convention addressing marine litter and plastic waste problems via strengthening the capacity of developing countries to soundly manage plastic waste.
  - Basel Partnership on Plastic Waste
  - Updating existing Basel technical guidelines on environmentally sound management of plastic waste.

Adopted amendments on plastic waste

- On May 10, Parties adopted amendments to the Basel Convention such that certain plastic waste and scrap will be subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.

- The amendments changed the following Annexes:

  - **Annex II** covers wastes requiring "special consideration". Annex II waste is subject to Convention requirements.
    - Annex II wastes include "household waste" (or MSW) and residues from the incineration of MSW.

  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Convention requirements.

  - **Annex VIII** lists wastes considered hazardous so they fall under the Convention requirements.

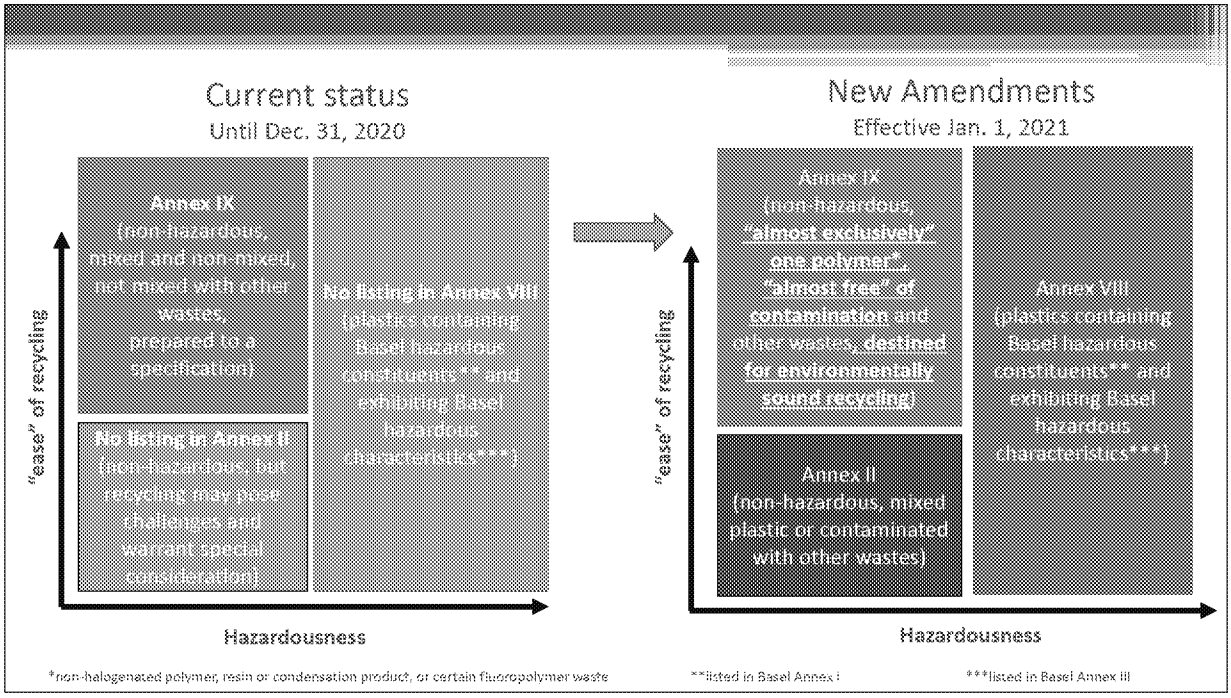
Adopted amendments on plastic waste (cont'd)

- **Annex II,** new entry Y48
  - Most mixed plastic waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic waste contaminated or mixed with other waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic waste must "almost exclusively" consist of a single non-halogenated polymer or resin.
  - Certain unmixed fluorinated polymer wastes are also allowed based on the existing Basel entry.
  - Plastic waste must be "almost free" from contamination and from other types of waste and be destined for environmentally sound recycling.
  - Mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Plastic waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

- **Annex VIII,** new entry A3210
  - Plastic waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Amendments enter into force on **January 1, 2021.**


Current status
Until Dec. 31, 2020
Annex IX
(non-hazardous, mixed and non-mixed, not mixed with other wastes, prepared to a specification)
No listing in Annex II
(non-hazardous, but recycling may pose challenges and warrant special consideration)
No listing in Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
New Amendments
Effective Jan. 1, 2021
Annex IX
(non-hazardous, "almost exclusively" one polymer*, "almost free" of contamination and other wastes, destined for environmentally sound recycling)
Annex II
(non-hazardous, mixed plastic or contaminated with other wastes)
Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
*non-halogenated polymer, resin or condensation product, or certain fluoropolymer waste
**listed in Basel Annex I
***listed in Basel Annex III

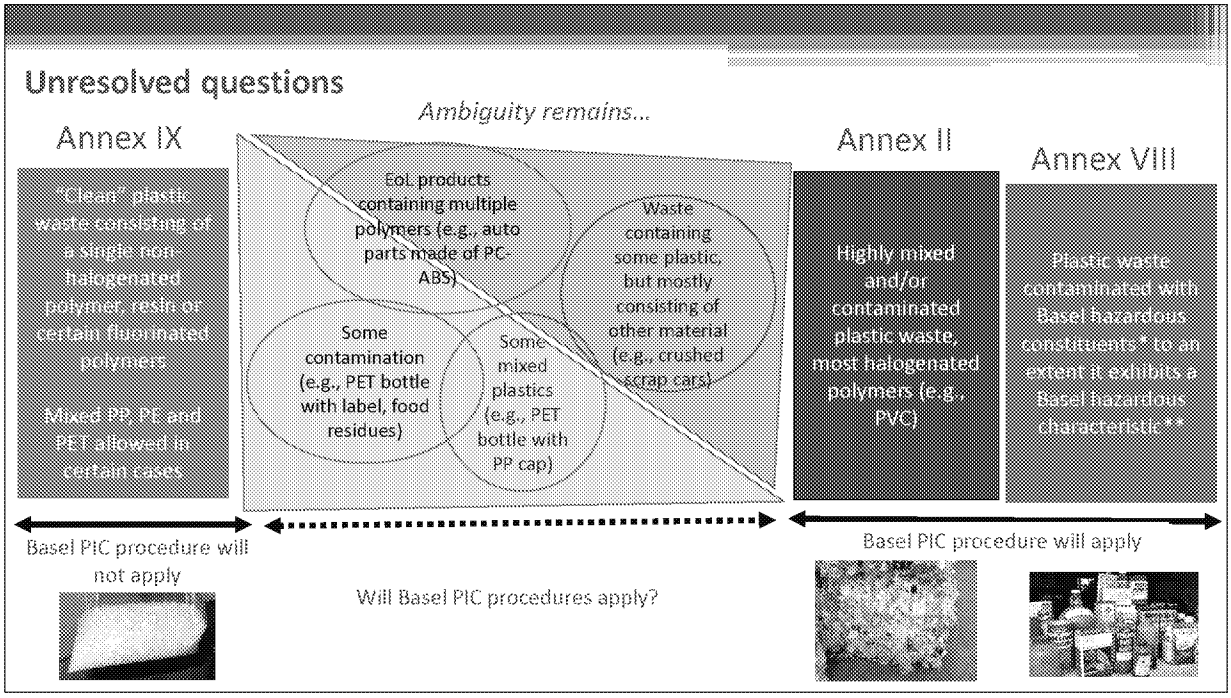


Image 1: PET flake after washing and crushing
Image 2: mixed plastic waste
Image 3: plastic containers that contained pesticides, other toxic chemicals

Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Mixtures of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What is considered environmentally sound recycling and how will "separate recycling" be defined?

Other takeaways from the Basel COP

- Parties were under significant pressure to "do something".
- It was important to many developing countries, esp. the African Regional group, that action address land-based plastic waste, not just marine plastic litter.

Ex. 5 Deliberative Process (DP)

- Common misconception that amendments offered a solution to the plastic waste (mismanagement) problem.
- Rushed, inadequate discussion of technical issues and consideration of impacts, potential for unintended consequences.
- Technical/legal ambiguities will be taken up by a Basel working group to be established.

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in SE Asia.
- Anticipate significant adverse impact on US recycling programs that could benefit from the revenue generated by higher value plastic scrap exports.
- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
- May lead to increased investments in US plastic processing capacity.
- Anticipate confusion by US industry on technical issues and procedural requirements; need to develop outreach and guidance materials.
- Although the amendments do not change U.S. export and import waste requirements, we anticipate receiving import/export notifications from countries.
- Increased interest in ratifying the Basel Convention or in trying to develop agreements ("Article 11 Agreements") with individual countries if trade is to continue.
- The Basel amendments will be added to the waste listings under the OECD Council Decision unless an OECD member country objects.

Next steps

OECD Council Decision

- Opportunity to disagree with the Basel amendments and negotiate a different level of control under the OECD Council Decision
- To be discussed at the upcoming June meeting of the OECD Working Party on Resource Productivity and Waste (WPRPW)

Basel Convention

- Basel Partnership on Plastic Waste, a public-private initiative to strengthen capacity of developing countries to address plastic waste
- Basel intersessional working group to update Basel technical guidelines on the environmentally sound management of plastic waste
- Further work to identify hazardous constituents relevant for plastic waste, opportunities to comment on specific aspects of the amendments (list of resins and fluorinated polymer wastes)

Stakeholder outreach

- Develop guidance materials for US industry on technical issues and procedural requirements

Ex. 5 Deliberative Process (DP)

Appendices

- Slide 14: Existing listing for plastic waste and scrap, B3010 in Basel Annex IX
- Slide 15: Plastic waste amendments to Basel Annexes II and VIII (new listings)
- Slide 16: Plastic waste amendments to Basel Annex IX (changes to existing listing)

Existing plastic waste and scrap entry, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic waste (subject to Basel PIC procedure)

Annex II plastic waste

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[3]

Annex II plastic waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

[4] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[5] In this respect, international and national specifications may offer a point of reference.

[6] In this respect, international and national specifications may offer a point of reference.

[7] Post-consumer wastes are excluded from this entry.

[8] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[9] In this respect, international and national specifications may offer a point of reference.

Annex VIII plastic waste

A3210[10]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

[10] This entry becomes effective as of 1 January 2021.

B3011[11]	Plastic waste listed below, provided it is destined for recycling[12] in an environmentally sound manner and almost free from contamination and other types of wastes (note the related entries on list A A3210 and Y48 in Annex II):[13] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) - Plastic waste almost exclusively[14] consisting of one cured resin or condensation product including the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[15] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[16] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[17]

Revised Basel Annex IX plastic waste listing, B3011

Replaces existing Annex IX plastic waste listing, B3010. These wastes are not subject to Basel PIC procedures.

[11] This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.

[12] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[13] In this respect, international and national specifications may offer a point of reference.

[14] In this respect, international and national specifications may offer a point of reference.

[15] Post-consumer wastes are excluded from this entry.

[16] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[17] In this respect, international and national specifications may offer a point of reference.

Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 8/11/2020 12:30:41 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]
Subject: Re: For review: web content - Basel amendments (draft)

Flag: Follow up

<!--[if lte mso 15 || CheckWebRef]-->

Yohannes, Lia has shared a OneDrive for Business file with you. To view it, click the link below.

OECD-Basel web content draft, 7.30.20.docx

<!--[endif]-->

Rick,

I added a question (FQ #1) to summarize the new Basel plastic scrap and waste listings as you suggested (See attached and below). If you're OK with this text, I'll accept all changes.

Should I then send for review to Andy and Ross? Do you want Laura to do a quick review as well?

Thanks again,
Lia

Frequent question added:

1. **What are the Basel plastic scrap and waste amendments?**

The Basel plastic scrap and waste amendments were adopted by Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 2019 to control exports and imports of most plastic scrap and waste. As a result of these changes, transboundary movements of most plastic scrap and waste will be allowed only with the prior written consent of the importing country and any transit countries, a process known as prior notice and consent. The amendments take effect on January 1, 2021.

Under these new Basel amendments, plastic scrap and waste will be covered by one of three categories in the Basel Convention, corresponding to the following Basel scrap/waste listings:

- Basel listing B3011 will be added to Basel Annex IX and covers plastic scrap that is pre-sorted, clean, uncontaminated, and destined for "environmentally sound recycling". Prior notice and consent is not required for B3011 plastic scrap. Basel listing B3011 replaces the existing Basel B3010 listing for plastic scrap in Basel Annex IX.

- Basel listing A3210 will be added to Basel Annex VIII and covers plastic scrap and waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (listed in Basel Annex III). Prior notice and consent is required for Basel A3210 plastic scrap and waste.

- Basel listing Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent is required for Basel Y48 plastic scrap and waste.

For more details on the Basel listing changes, see Frequent Questions #2 and 3. You can also read the Basel plastic scrap and waste amendments.

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Friday, August 7, 2020 4:51 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: FW: For review: web content - Basel amendments (draft)

Great job! I added my comments. I don't have any other questions about what you intended to say.

Should we have a question that summarizes what the new Basel plastic scrap and waste listings are? It seems as though we should. Something along the lines of:

> B3011 will be added to Basel Annex IX and covers x, y and z. Prior notice and consent is not required for B3011 plastic scrap.
> A3210 will be added to Basel Annex VIII and covers plastic scrap or waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (Basel Annex III lists the characteristics). Prior notice and consent is requied for A3210.
> Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent required.
>
> For more details on the Basel listing changes see the following link _____.

It would give readers a better sense of what the Q&As are referring to.

Rick Picardi
Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962
picardi.rick@epa.gov

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, July 30, 2020 1:16 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: For review: web content - Basel amendments (draft)

Rick,

Here's a draft of the web content on the Basel plastic scrap and waste amendments. Look forward to your input.

Lia

Liabeth Yohannes
International Branch

Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
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Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 10/17/2019 8:02:46 PM
To: Sullivan, Drew [sullivan.drew@epa.gov]
CC: Picardi, Rick [Picardi.Rick@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Coughlan, Laura [Coughlan.Laura@epa.gov]; ORCR Press [ORCR_Press@epa.gov]
Subject: RE: MEDIA INQUIRY QUESTIONS; The Guardian; US plastic scrap trade; DDL Thursday at 4 p.m.

Hi Drew,

Here's our final response to the Guardian. Can you please send us a copy of what OPA sends to the reporter so I can share with the State Department? Thanks

What has been the US's position on the Basel Convention and Norway's amendment to require prior informed consent for plastic waste streams not directly destined for a recycling plant?

The United States supports the Basel Convention and its framework for requiring that transboundary shipments of hazardous waste be subject to the prior informed consent process. Under the U.S. waste law, the Resource Conservation and Recovery Act (RCRA), and its implementing regulations, U.S. exports and imports of hazardous waste are subject to similar requirements as those established under the Basel Convention. For example, exports and imports of RCRA hazardous waste are subject to the notification and consent process whereby a shipment is only allowed after the importing country and transit countries give consent. Furthermore, RCRA hazardous waste exporters and importers are subject to requirements to track each shipment (i.e., RCRA manifest and international movement document) and confirm its receipt and completion of recovery or disposal (i.e., confirmation of receipt and confirmation of recovery or disposal documentation). You can find more information about these requirements on our webpage at https://www.epa.gov/hwgenerators/information-exporters-resource-conservation-and-recovery-act-rcra-hazardous-waste and https://www.epa.gov/hwgenerators/information-importers-and-receiving-facilities-resource-conservation-and-recovery-act, as well as in the Code of Federal Regulations (CFR) at 40 CFR 262 Subpart H.

***

The Basel plastic scrap/waste amendments newly classify most plastic scrap as Basel-controlled waste subject to Basel Convention requirements regardless of whether the material is destined for recycling. For shipments of plastic scrap to be considered "exempt" from Basel Convention requirements, they will need to meet a very narrow and strict set of criteria that is difficult and costly to satisfy. The United States is concerned that barriers to the responsible movement of plastic scrap for recycling will decrease its value and make virgin plastics more attractive by comparison, likely increasing the overall volume of disposal of plastics from the waste stream.

The United States believes the solution to reducing the amount of plastic in the environment is to strengthen the capacity of countries to manage waste in an environmentally sound manner, which includes supporting private sector innovation in all parts of the plastics supply chain.

Has the US in recent negotiations taken Argentina's position against the amendment? (I understand the US is not a party to the convention, but I am told it has participated in discussions alongside Argentina.)

The United States participates in Basel Convention meetings as a non-Party observer. At the recent Basel Convention 14th Conference of the Parties in May, the United States raised concerns about the Basel plastic scrap amendments because the amendments make recyclable plastic scrap a Basel-controlled waste and could have the unintended consequence of reducing plastic recycling and exacerbating the amount of plastic entering the environment.

Could Argentina's recent decree reclassifying certain types of waste allow the import of US plastics?

We have just become aware of Argentina's new waste decree and have not had a chance to assess its impacts.

Has the US been in conversations with leaders in Argentina about this change?

No, the USEPA is not aware of any such conversations.

Is the US EPA aware of any companies looking to ship US plastic waste to Argentina?

No, the US EPA is not aware of any such companies.

Liabeth Yohannes
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From: Sullivan, Drew <sullivan.drew@epa.gov>
Sent: Tuesday, October 15, 2019 2:12 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Coughlan, Laura <Coughlan.Laura@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Subject: RE: MEDIA INQUIRY QUESTIONS; The Guardian; US plastic scrap trade; DDL Thursday at 4 p.m.

The deadline is Thursday, October 17 at 4 p.m.

Thank you.

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

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From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Tuesday, October 15, 2019 1:30 PM
To: Sullivan, Drew <sullivan.drew@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Coughlan, Laura <Coughlan.Laura@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Subject: RE: MEDIA INQUIRY QUESTIONS; The Guardian; US plastic scrap trade

Thanks, Drew. I'll work on drafting responses and coordinate with the State Department. Just so you know, I have to leave at 3:30pm today for a doctor's appointment, but will have call forwarding to cell if anything comes up.

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov

+1.703.308.8413

From: Sullivan, Drew <sullivan.drew@epa.gov>
Sent: Tuesday, October 15, 2019 1:17 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Coughlan, Laura <Coughlan.Laura@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Subject: RE: MEDIA INQUIRY QUESTIONS; The Guardian; US plastic scrap trade

Below are the reporter's questions. Deadline TBD:

- What has been the US's position on the Basel Convention and Norway's amendment to require prior informed consent for plastic waste streams not directly destined for a recycling plant?
- Has the US in recent negotiations taken Argentina's position against the amendment? (I understand the US is not a party to the convention, but I am told it has participated in discussions alongside Argentina.)
- Could Argentina's recent decree reclassifying certain types of waste allow the import of US plastics?
- Has the US been in conversations with leaders in Argentina about this change?
- Is the US EPA aware of any companies looking to ship US plastic waste to Argentina?

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

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From: Sullivan, Drew <sullivan.drew@epa.gov>
Sent: Tuesday, October 15, 2019 10:58 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Coughlan, Laura <Coughlan.Laura@epa.gov>
Subject: RE: MEDIA INQUIRY; The Guardian; US plastic scrap trade

Yes, I agree with that to keep it in writing. I asked OPA for specific written questions.

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

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From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Tuesday, October 15, 2019 10:48 AM
To: Sullivan, Drew <sullivan.drew@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>;

Coughlan, Laura <Coughlan.Laura@epa.gov>
Subject: RE: MEDIA INQUIRY; The Guardian; US plastic scrap trade

Thanks, sounds good. Just so you know, it sounds like EPA Press is giving the reporter the choice of interview or written responses. I think we'd prefer to keep it in writing.

+ Laura since she's Acting this week.

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Sullivan, Drew <sullivan.drew@epa.gov>
Sent: Tuesday, October 15, 2019 10:42 AM
To: Ames, Jeremy <Ames.Jeremy@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>
Subject: MEDIA INQUIRY; The Guardian; US plastic scrap trade

Hi Lia,

Per below, it sounds like you saw the below email from The Guardian. Once we receive the specific written questions, we'll pass those to you so that we can provide a written response.

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

Follow us on Twitter: @EPAland

Good morning – Emily Holden/The Guardian sent the below request & also copied Lia. Can you let me know if this is something that Lia can speak to and you'd like to do an interview or if you'd like to provide a statement. She'd like to speak to Lia this week. I've asked for her full list of questions and if she'd take something in writing. + Martin for OITA awareness.

Inquiry:
I'm working on a story about Argentina's decree changing the definition of waste, which would allow it to import more plastic waste from the US.
Including this link from an advocacy organization as context, as it is the only English-language post on this that I have found:
https://www.ban.org/news/2019/10/7/argentinas-new-waste-decree-is-illegal-and-must-be-repealed
I am told Lia Yohannes has worked most closely on the Basel Convention. Would she be available to discuss the US position on the Basel Convention? Particularly on the change for contaminated and unsorted waste? And also what Argentina's decision could mean for the US and its waste?

Thanks,
Maggie

Maggie Sauerhage
Office of Public Affairs
U.S. Environmental Protection Agency
Office: (202) 564-0443
Cell: (202) 704-6352

From: Ames, Jeremy <Ames.Jeremy@epa.gov>
Sent: Tuesday, October 15, 2019 8:38 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: RE: The Guardian may reach out about US plastic scrap trade

Thanks. If the reporter calls please refer them to the EPA press office, 202-564-4355, press@epa.gov. If they email you can forward to us and we'll route it.

Jeremy

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358
Follow us @EPAland

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Tuesday, October 15, 2019 8:27 AM
To: ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: The Guardian may reach out about US plastic scrap trade

Good morning! Just wanted to let you know that Jim Puckett, of the NGO Basel Action Network, gave my contact info to a reporter from the Guardian. I haven't received any questions directly from her yet, but just wanted to let you know.

Lia

Liabeth Yohannes
International Branch
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Yohannes.lia@epa.gov
+1.703.308.8413

From: Jim Puckett <jpuckett@ban.org>
Sent: Thursday, October 10, 2019 2:03 PM
To: Emily Holden <emily.holden@theguardian.com>
Subject: Here you go

US EPA contact:

Lia Yohannes Yohannes.Lia@epa.gov

Just to let you know: By putting contaminated and unsorted plastics on the Annex II of basel the following changes:

Is

1. There will be an obligation on both the importing and exporting country to ensure the fate of the waste is environmentally sound before allowing the trade
2. Both Importing and exporting country can prevent the trade from taking place.

Jim

Jim Puckett
Executive Director
Basel Action Network

Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax: +1.206.652.5750
Skype: jimpuckett

From: Emily Holden <emily.holden@theguardian.com>
Date: Thursday, October 10, 2019 at 10:24 AM
To: Multiple Recipients <jpuckett@ban.org>
Cc: Katriana Dubytz <katriana@ban.org>
Subject: Re: Argentina / Illegal

Thanks Jim. I could actually talk between now and 3:30 ET if that works for you?

Or otherwise, how about Monday at noon ET?

On Thu, Oct 10, 2019 at 12:56 PM Jim Puckett <jpuckett@ban.org> wrote:

> Dear Emily:
>
> Sure. Let Katriana of our office know. She does my calendar.
>
> Best, Jim

Jim Puckett
Executive Director

Basel Action Network

Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax: +1.206.652.5750
Skype: jimpuckett

From: Emily Holden <emily.holden@theguardian.com>
Date: Wednesday, October 9, 2019 at 6:29 PM
To: Multiple Recipients <jpuckett@ban.org>
Subject: Re: Argentina / Illegal

I'm actually waiting for our environment editor to get back to me on whether he'd like a story. Can I check back with you tomorrow or Monday? (I'm out Friday.)

Emily Holden

D.C.-based environment reporter
Guardian News & Media

Mobile, WhatsApp, Signal: +1 225 284 8303
Email: emily.holden@theguardian.com
Twitter: @emilyhholden

The Guardian

900 17th Street NW
Washington, DC 20006
theguardian.com/us

On Oct 9, 2019, at 7:52 PM, Jim Puckett <jpuckett@ban.org> wrote:

Probably too late now?

<image001.png>

Jim Puckett
Executive Director

Basel Action Network

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e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax: +1.206.652.5750
Skype: jimpuckett

From: Emily Holden <emily.holden@theguardian.com>
Date: Wednesday, October 9, 2019 at 12:21 PM
To: Multiple Recipients <jpuckett@ban.org>
Subject: Re: Argentina / Illegal

Thanks Jim, I can call now if that works. What's your extension?

On Wed, Oct 9, 2019 at 2:57 PM Jim Puckett <jpuckett@ban.org> wrote:

Emily:

I will be happy to talk with you about the Argentine illegality with basel – please let me know.

Best, Jim

<image002.png>

Jim Puckett
Executive Director

Basel Action Network

Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax: +1.206.652.5750
Skype: jimpuckett

--

Emily Holden

D.C.-based environment reporter
Guardian News & Media

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(Also Signal, Confide, WhatsApp)
Email: emily.holden@theguardian.com
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The Guardian

900 17th Street NW
Washington, DC 20006
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The Guardian

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Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 10/16/2020 7:51:59 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]
Subject: FW: Participation Instructions for Oct 19 2PM webinar U.S. EPA: New International Requirements for Exports and Imports of Plastic
Attachments: International requirements plastic scrap EPA webinar govt, 10.16.20 (clean).pdf; Oct 19 2PM EDT webinar U.S. EPA New International Reqs for Exports Import Plastic.ics

FYI

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Balent, Jean <Balent.Jean@epa.gov>
Sent: Friday, October 16, 2020 3:48 PM
Cc: Balent, Jean <Balent.Jean@epa.gov>
Subject: Participation Instructions for Oct 19 2PM webinar U.S. EPA: New International Requirements for Exports and Imports of Plastic

Thank you for your interest in this online event. Participation instructions are listed below.

U.S. EPA: New International Requirements for Exports and Imports of Plastic
Target audience: EPA, state and local governments
October 19, 2020 from 2:00 - 3:30pm eastern

This webinar will explain the new international requirements for exports and imports of plastic recyclables or scrap. In May 2019, 187 countries decided to significantly restrict international trade in plastic scrap and waste to help address the improper disposal of plastic waste and reduce its leakage into the environment. As a result of these changes adopted under a treaty called the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, international shipments of most plastic scrap and waste will be allowed only with the prior written consent of the importing country and any transit countries, effective January 1, 2021.

The new Basel provisions will significantly limit the market for U.S. plastic recyclables. Because of a provision under the Basel Convention that prohibits trade between countries that have ratified the Convention (i.e., Parties) and non-Party countries like the United States, Basel Parties will not be able to trade most plastic scrap and waste with the United States absent a separate agreement between countries that meets certain Basel criteria. The United States has one such agreement that addresses trade in non-hazardous plastic scrap with member countries of the Organization for Economic Cooperation and Development (OECD) and the webinar will discuss how plastic scrap is covered under that agreement.

How to Attend:

On Oct 19, 2020 shortly before 2PM eastern, please click here to join the live event.
The online room will open at approximately 1:55pm eastern.

If that above link does not work, please copy and paste this URL into your web browser:
https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWNhYzk1MzctMzBkMy00OTFmLWIxMmItYTU0ZDY0OTVhNGZj%40thread.v2/0?context=%7b%22Tid%22%3a%2288b378b3-6748-4867-acf9-76aacbeca6a7%22%2c%22Oid%22%3a%223e09bb42-d048-42b8-abf5-894596a27d2f%22%2c%22IsBroadcastMeeting%22%3atrue%7d

Information about the online broadcast:

- This event will be broadcast using Microsoft Teams Live Events.
- Audio will be available online using your speakers or headphones on your computer or mobile device.
- You are recommended to disconnect from VPNs or other remote networks for optimum experience.
- During the live event, you will be able to watch and listen to the presentation using your computer or mobile device as well as privately submit questions in writing to the presenters.
- Live closed captioning will be available during the online broadcast.
- A copy of the presentation materials have been included for your reference.
- Additional information on this topic can be found at https://www.epa.gov/hwgenerators/new-international-requirements-export-and-import-plastic-recyclables-and-waste

If you have any other questions, please Jean Balent at balent.jean@epa.gov.

Jean M Balent
Environmental Scientist

US EPA
Technology Innovation and Field Services Division
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C - 571-329-1385
cluin.org

New International Requirements for Exports and Imports of Plastic Recyclables

EPA Webinar

October 19, 2020

Rick Picardi and Lia Yohannes
U.S. EPA, Office of Resource Conservation and Recovery

Main message on U.S. exports of plastic recyclables

- Starting on January 1, 2021, exports of most plastic scrap (i.e., plastic recyclables) will be significantly restricted by most countries under a treaty called the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

- As a result of these changes, it will be considered illegal for most countries to import the majority of plastic scrap from the United States.
  - This includes major importing countries for U.S. plastic scrap such as India, Hong Kong, Malaysia, and Thailand.

Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal

BASEL CONVENTION

the world environmental agreement on wastes

- A legally binding treaty establishing prior notice and consent for transboundary shipments of waste within its scope.
- Entered into force in 1992; 187 Parties.
- The treaty's main objective is to control and ensure environmentally sound management of primarily hazardous wastes subject to transboundary movement.
- U.S. is a Signatory, but not a Party.
- The U.S. has participated as an Observer in Basel since the Convention's initiation.

Prior notice and consent process explained

Exports of wastes subject to Basel Convention prior notice and consent requirements are allowed only with the prior written consent of the importing country and any transit countries.

Process

1. Exporter submits notice to exporting country government

2. Exporting country government forwards notice to proposed importing country government

3. Importing country government reviews notice and consents, objects or conditionally consents to export notice and informs exporting country government

4. Exporting country government informs exporter of decision

5. If consent received, exporter generally has approval to export for one year under the conditions of the consent and/or import permit

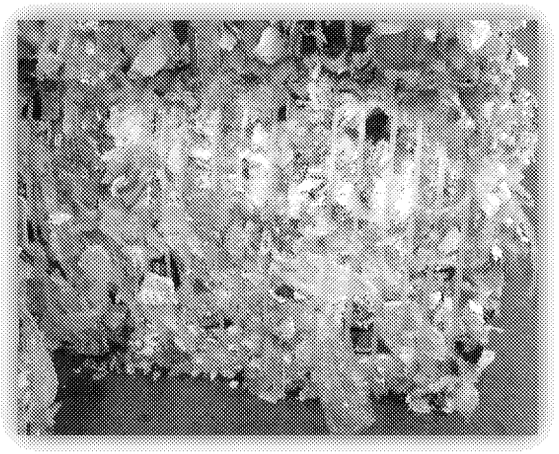
New Basel Convention requirements for exports of plastic scrap

- In May 2019, Basel Parties decided to newly classify most plastic scrap and waste as subject to Basel Convention prior notice and consent requirements for export, effective January 1, 2021.

- These changes are referred to as the Basel Convention Plastic Waste Amendments.

- Because of a longstanding Basel Party/Non-Party trade prohibition, Basel Parties will not be allowed to trade most plastic scrap and waste with the United States, except under a separate bilateral or multilateral agreement that meets certain Basel criteria.

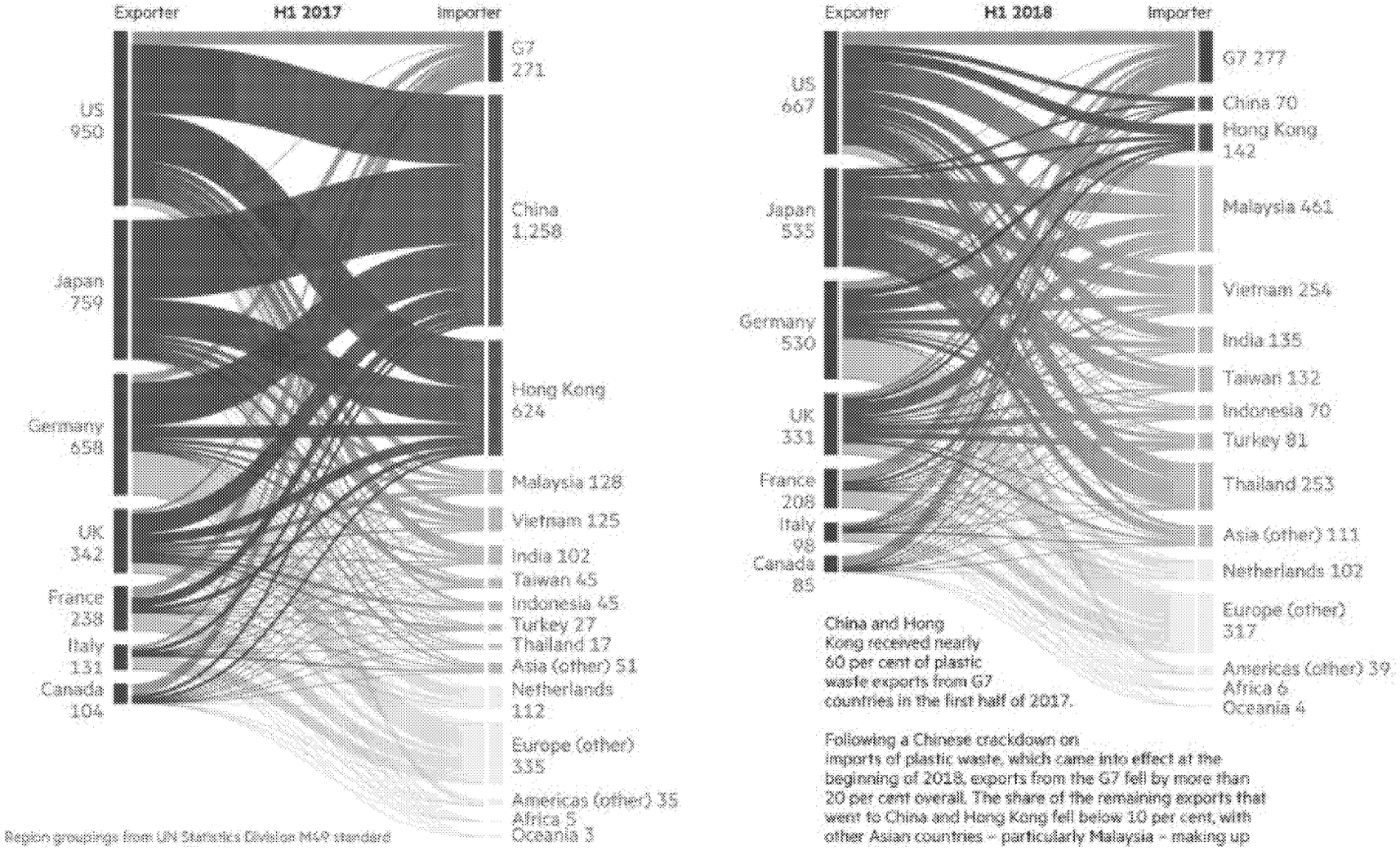
  - The amendments were proposed to address marine plastic litter.



Background

- In 2016, China imported about half of all plastic scrap intended for recycling globally (Brooks et al., 2018).
- Export flows changed when China implemented strict import restrictions on recyclables, including plastic scrap, in 2017.
- Concerns about capacity of 'new' importing countries to dispose of residual waste from recycling in an environmentally sound manner.

Exports of plastic scrap from G7 countries (000's metric tonnes)

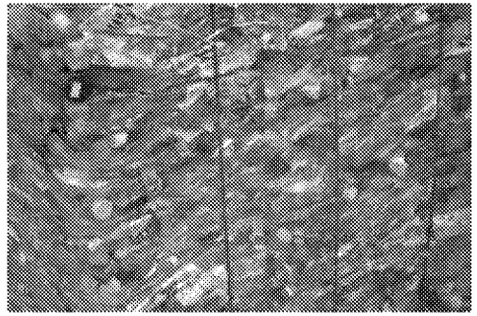


Source: The Financial Times - https://www.ft.com/content/360e2524-d71a-11e8-a854-33d6f82e62f8

What are the new Basel plastic scrap and waste amendments?

- The new Basel Convention plastic scrap and waste amendments classify plastic scrap and waste into 3 categories:
  - Basel Annex II contains the 1st category:
    - Covers most non-hazardous plastic scrap and waste; subject to Basel requirements
  - Basel Annex VIII contains the 2nd category:
    - Covers plastic waste classified as Basel-hazardous waste; subject to Basel requirements
  - Basel Annex IX contains the 3rd category:
    - Covers a small subset of non-hazardous plastic scrap; ***not*** subject to Basel requirements
- Because of the longstanding Basel Party/Non-Party trade prohibition, Basel Parties will not be allowed to trade most plastic scrap and waste (the 1st and 2nd categories) with the United States, except under a separate bilateral or multilateral agreement.

New Basel Convention requirements for plastic scrap exports



- Exports must meet a very narrow and strict set of criteria to be classified as not subject to Basel requirements under the 3rd category.

- In general, plastic scrap must be pre-sorted, clean, destined for environmentally sound recycling and be classified as:
  - Plastic scrap "almost exclusively" consisting of one non-halogenated polymer (e.g., PE, PP, PET, PS, ABS), one resin (e.g., epoxy resin) or a limited number of fluorinated polymers
  - Mixed plastic scrap consisting of polyethylene (PE), polypropylene (PP), and/or polyethylene terephthalate (PET) sent for "separate recycling" of each material

*Described in new **Basel B3011 listing** in Basel Annex IX (replaces current Basel B3010)*

- Exports not meeting these criteria would be subject to Basel requirements and the Basel Party/non-Party trade prohibition.

New Basel Convention requirements for plastic scrap exports

- Exports of most non-hazardous plastic scrap and waste (1st category), will be subject to Basel requirements including:
  - plastic scrap that is contaminated (e.g., with food residue and/or other waste)
  - plastic scrap mixed with other types of scrap
  - plastic scrap containing halogenated polymers (e.g., PVC scrap)
  - mixed plastic scrap except for shipments consisting of polyethylene (PE), polypropylene (PP), and/or polyethylene terephthalate (PET) that meet criteria in Basel listing B3011

*Described in new **Basel listing Y48** in Basel Annex II*

- Exports of hazardous plastic scrap and waste (2nd category) will also be subject to Basel requirements:
  - Plastic scrap and waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.

*Described in new **Basel listing A3210** in Basel Annex VIII*

Key terms and questions

- Uncertainty remains about how Basel Parties will interpret the new Basel plastic scrap and waste listings because key terms have not been defined.

- To be classified as *not* subject to Basel requirements, plastic scrap must generally be "**almost exclusively**" of one non-halogenated polymer, resin or one of a limited number of fluorinated polymers, be "**almost free from contamination and from other types of waste**," and be destined for "**recycling in an environmentally sound manner**."

- Clean, mixed plastic scrap consisting of PE, PP, and/or PET is allowed if destined for "**separate recycling of each material**".

It is expected that Basel Parties will try to clarify these terms.

Unresolved questions

B3011, Annex IX

Clean, pre-sorted plastic scrap consisting of a single non-halogenated polymer, resin or certain fluorinated polymers sent for environmentally sound recycling

Mixed PP, PE and PET allowed in certain cases

More clarity needed…

End-of-life products containing multiple polymers (e.g., auto parts made of PC-ABS)

Waste containing some plastic, but mostly consisting of other material (e.g., office furniture, cooking appliances)

Some contamination (e.g., PET bottle with label, minimal food residues)

Y48, Annex II

Mixed and/or contaminated plastic waste, halogenated polymers (e.g., PVC scrap)

A3210, Annex VIII

Plastic waste characterized as hazardous waste under the Basel Convention

Not subject to Basel Convention requirements

Will Basel Convention requirements apply?

Basel Convention requirements apply

OECD Council Decision (2001)

- Legally binding multilateral agreement governing the export and import of hazardous waste for recovery among the 36 developed countries that are members of the Organization for Economic Cooperation and Development (OECD).

- As a member country of the OECD, the Council Decision allows the U.S. to trade in Basel-covered waste with OECD countries that are Basel Parties.
  - In 2019, the U.S. traded nearly 581,000 metric tons of plastic scrap with OECD countries valued at more than $289 million. This represents over 55% of U.S. trade in plastic scrap.
  - Mexico and Canada are our most important OECD trading partners.

- Basel and OECD waste listings are generally harmonized and new Basel scrap and waste listings are automatically incorporated into the OECD Council Decision unless an OECD Member country objects.

Developing an OECD approach to trade in plastic scrap

- In July 2019, the U.S. objected to the automatic incorporation of the Basel amendments on plastic scrap and waste into the OECD Council Decision, triggering negotiations to develop an alternative approach.

  Rationale:
  - OECD countries have an opportunity to incentivize recycling plastic scrap in countries that have strong recycling and waste management systems.
  - Regulating exports/imports of plastic scrap could make trade more difficult and undermine the value and market for plastic recyclables.
  - Could lead to fewer incentives to recycle and increase disposal of plastics.

- Negotiations to seek agreement on rules for intra-OECD trade in plastic scrap recently concluded.

New OECD requirements for exports of plastic scrap and waste

- Hazardous plastic scrap and waste will be subject to prior notice and consent requirements for export
  - Plastic waste containing or contaminated with hazardous constituents (Appendix 1 of the OECD Decision) to an extent that it exhibits a hazardous characteristic (Appendix 2 of the OECD Decision).
- Much uncertainty remains about the requirements OECD countries will impose for intra-OECD trade in non-hazardous plastic scrap and waste
  - No agreement reached on an OECD approach to non-hazardous plastic scrap and waste.
  - Whether the OECD prior notice and consent requirements apply depend on the requirements imposed by the OECD countries involved in the transboundary movement.

New OECD requirements for exports of plastic scrap and waste

- Much uncertainty remains about the requirements OECD countries will impose for intra-OECD trade in non-hazardous plastic scrap and waste …(cont'd)
  - Some OECD countries will require prior notice and consent for non-hazardous plastic scrap under their domestic laws and regulations.
  - Some OECD countries will consider most plastic scrap outside of the scope of the Council Decision. This may mean that some countries will not be willing to trade in plastic scrap with the U.S.
- Countries agreed to consider another attempt to try to reach consensus before the end of 2024.

U.S. requirements for exports and imports of plastic scrap

- Plastic scrap and waste regulated as hazardous waste under the regulations implementing the U.S. Resource Conservation and Recovery Act (RCRA), is subject to RCRA hazardous waste export and import requirements, which include:
  - Prior notice and consent from importing and transit countries
  - Tracking requirements
  - Confirmation of receipt and recovery

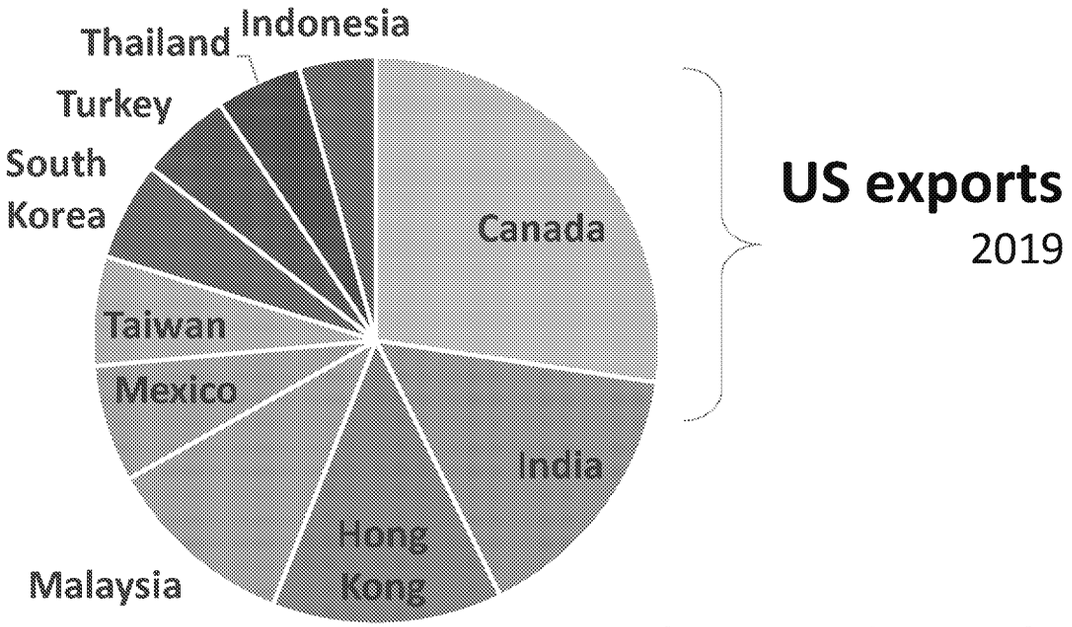
- The majority of plastic scrap and waste is not regulated as hazardous waste under RCRA, and therefore, is not subject to RCRA export and import requirements.

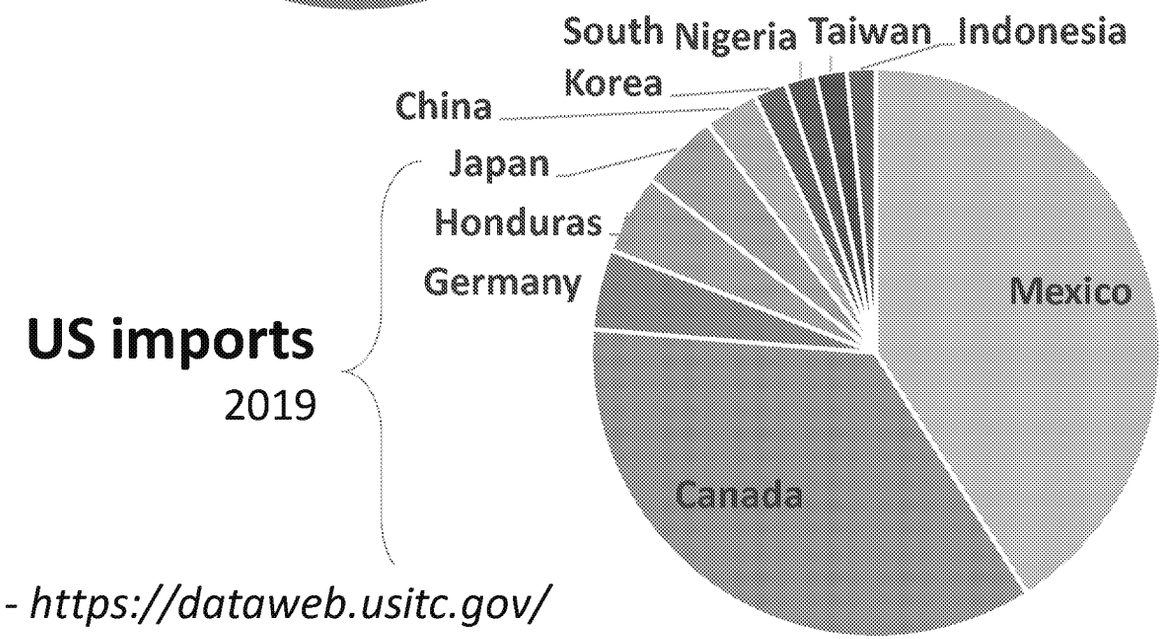
- Anticipate countries will increasingly consider certain plastic waste as hazardous waste.

- U.S. exports are subject to applicable laws and regulations in importing and transit countries, as well as applicable international law.

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most U.S. exports of plastic scrap are to non-OECD Basel Party countries, primarily in Asia.
- In 2019, the U.S. exported about 667,000 metric tons of plastic scrap worth over $279 million.
- The same year, the U.S. imported 399,000 metric tons of plastic scrap valued at more than $226 million.





Source: U.S. International Trade Commission and U.S. Census Bureau - https://dataweb.usitc.gov/

Factors to consider in planning for impacts

Issues to consider in planning for further changes to the economics of plastic recycling

Anticipated impact: Confusion by the regulated community on technical issues and procedural requirements. EPA anticipates receiving export/import notifications for non-hazardous plastic scrap even though the amendments do not change U.S. export and import waste requirements.

- EPA provides information on the new international requirements to facilitate compliance at https://www.epa.gov/hwgenerators/new-international-requirements-export-and-import-plastic-recyclables-and-waste.

Anticipated impact: Significant limits on the market for U.S. plastic scrap

- Consider identifying the current end markets for plastic scrap in your municipality or state. If exported, are end markets in OECD (e.g., Canada) or non-OECD countries?

Factors to consider in planning for impacts (cont'd)

Issues to consider in planning for further changes to the economics of plastic recycling

Anticipated impact: Significant adverse impacts on U.S. recycling programs that have benefitted from the revenue generated by higher value plastic scrap exports.

- Keep in mind when planning the likelihood of reduced revenues from the sale of plastic scrap due to the decrease in exports.

Anticipated impact: Closer examination of current U.S. plastic processing capacity

- How to address factors that affect the composition and quality of plastic scrap (e.g., contamination rates, processing efficiency) such that Basel B3011 listing criteria could be met? Is it economically viable to do so?

Factors to consider in planning for impacts (cont'd)

Issues to consider in planning for further changes to the economics of plastic recycling

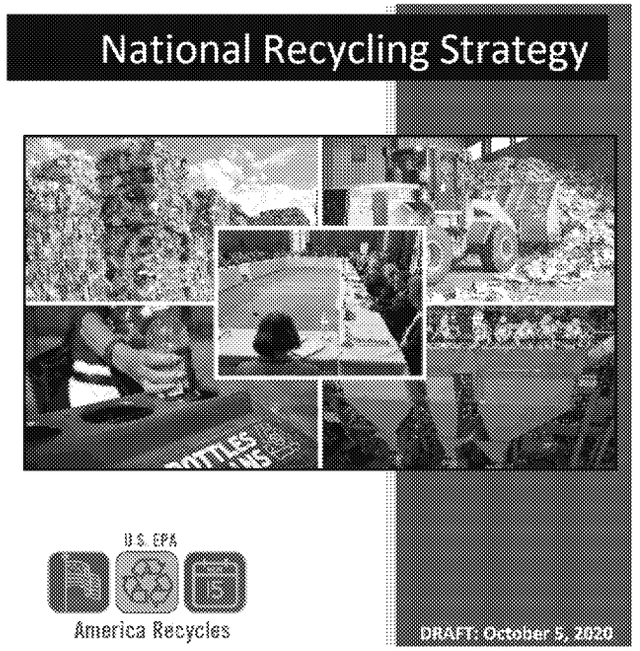
Anticipated impact: Reduced U.S. exports for plastic recycling will likely lead to increased disposal of plastic scrap in domestic landfills.

- Consider planning for the management of plastic scrap that may not be economically viable to recycle in the U.S. or export for recycling.

******

These changes could lead to greater incentives to improve the efficiency of the U.S. recycling system and develop domestic markets.

- EPA's draft National Recycling Strategy identifies strategic objectives and actions to create stronger, more resilient, and cost-effective U.S. recycling system.



Available at: **https://www.epa.gov/americarecycles**

Resources

U.S. EPA resources:

- Explanation of Basel Convention plastic scrap and waste amendments:

NEW! https://www.epa.gov/hwgenerators/new-international-requirements-export-and-import-plastic-recyclables-and-waste

- U.S. hazardous waste export and import requirements: https://www.epa.gov/hwgenerators/information-about-transboundary-shipments-hazardous-wastes

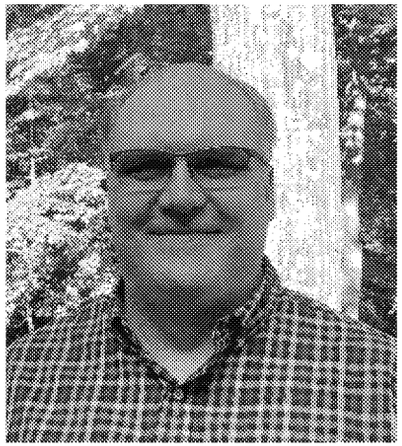
- U.S. international agreements for transboundary shipments of waste: https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste

Basel Convention resources:

- Basel Convention Plastic Waste Amendments: https://www.informea.org/en/decision/amendments-annexes-ii-viii-and-ix-basel-convention-advance

- Basel Convention: http://www.basel.int/Implementation/Plasticwaste/PlasticWasteAmendments/Overview/tabid/8426/Default.aspx

Questions?



Rick Picardi, Chief, International Branch
U.S. EPA, Office of Resource Conservation and Recovery

Lia Yohannes, International Policy Analyst, International Branch
U.S. EPA, Office of Resource Conservation and Recovery
Yohannes.lia@epa.gov

EPA webpage on new requirements:
https://www.epa.gov/hwgenerators/new-international-requirements-export-and-import-plastic-recyclables-and-waste

Submission to the OECD Ad Hoc Task Team and Working Party on Resource Productivity and Waste (WPRPW) regarding proposed modifications to Appendices 3 and 4 of the OECD Council Decision on Transboundary Movements of Waste Destined for Recovery Operations

GAIA, EEB & CIEL

February 2020

1. Environmentally-sound management is not the norm for plastic wastes traded among OCED countries

Waste management companies often take advantage of lower or poorly enforced environmental standards in other countries to cheaply dispose of plastic wastes. This is dumping rather than legitimate economic trade. It is outsourcing the environmental and human health costs from the country of origin to the country of import. The environmental and human impacts of this global plastic waste dumping has already been documented (GAIA, "Discarded: Communities on the Frontlines of the Global Plastics Crisis", April 2019).

Evidence shows that similar dumping is happening between some OECD countries:

- September 2019: Greenpeace investigators find Italian mixed plastic waste from Italy dumped in an illegal storate site in Izmir province, Turkey (Greenpeace, Discarica abusiva di rifiuti in plastica (italiani) in Turchia, 5 September 2019);

- October 2019: Greenpeace investigators find 100 bales of Italian and German mixed wastes dumped in a disused petrol station in the Gliwice region, southern Poland. The Italian waste dumped in that location was found to have transited through the Italian sorting plant of the Di Gennaro spa company in Marcianise, which forms part of Copela, Italy's national consortium for recovery and recycling (La Repubblica, Greenpeace rintraccia in Polonia 45 tonnellate di rifiuti italiani, 15 October 2019);

- October 2019: Journalist Marianne Kerfridern for Arte finds German waste including plastic waste dumped in the open environment in Poland (Arte, Décharges illégales hors de contrôle - Vox pop, 6 October 2019);

- March 2019: Investigative journalists from the Organized Crime and Corruption Reporting Project (OCCRP) find Italian, German waste including plastic waste co-incinerated in cement kilns in Romania, with local cancers on the rise (OCCRP, Cement's Dirty Business, 7 March 2019).

2. Plastic wastes that are hard to recycle in practice are most likely to be dumped; OECD countries need protection from such dumping by restricting green-listed flows to plastics realistically destined for ESM recycling, as per the Basel plastic amendments

   a. *Plastics other than PET and HDPE are hard to recycle in practice*

Before 2018, many waste management companies in OECD countries already knew that plastics other than PET and HDPE were not recycled domestically, but they believed that China could recycle these plastics. In fact, ESM recycling for such plastics is difficult or simply not possible, and most of them are not recycled but burnt, harming human health and the environment. This is why China adopted its National Sword policy.

The economic value of plastic waste non-PET, non-HDPE plastic waste, often baled as mixed plastics, formerly exported to China) is now near zero - to be exact, $0.003 per pound in the U.S. in December 2019. Taking transportation costs into account, shipping of non-PET, non-HDPE plastic waste is often an

economic burden for exporters, but may still be cheaper than domestic disposal where environmental regulations are strong, encouraging dumping behaviour.

Many waste-management companies in the USA now only collect PET and HDPE for recycling:

- In Florida, USA, the Department of Environmental Protection advises residents to only recycle plastic bottles and jugs (most likely to be PET and HDPE);
- In Oregon, USA, the Oregon Refuse and Recycling Association also recommends that only bottles and jugs (most likely to be PET and HDPE) are collected;
- The Wisconsin Department of Natural Resources, USA, has told stakeholders that they can directly send plastics #3-7 (all but PET and HDPE) for disposal since there are not economically viable to recycle;
- The city of Laramie, Wyoming, USA, stopped accepting plastics #3-7 for recycling because of the lack of a recycling market;
- The Shoreway MRF in San Carlos, California, USA collects plastics #3-7 for disposal only, not recycling;
- Meanwhile, other material recovery facilities (MRFs) continue to accept plastics #3-7 from municipal waste streams, not because they know they can recycle them, but because they are stuck in contracts stipulating that they must take these plastics; the issue will come up when the contracts are up for renewal.

PVC wastes are particularly harmful for the environment and human health, leading some OECD countries to regulate its use, in order to minimize waste volumes:

- In August 2019, Korea announced it would ban the use several forms of PVC packaging; legislation came into force in December 2019;
- See Health Care Without Harm, "Briefing/Opinion: Why PVC and PTFE should not be placed on OECD Green list of waste shipment", October 2019;
- PVC should absolutely not be green-listed for unrestricted trade within the OECD. Where adequate facilities exist for PVC recycling, those can be pre-approved under OECD regulations to streamline amber-listed trade.

Contamination of plastics with pigments, and non-target materials such as glues and hard-to-detach labels interfere with recycling; the Basel Plastic Amendments addresses this issue by only green-listing clean, sorted plastic waste flows

- Previously, Korea struggled to manage its domestic plastic waste because coloring and contamination interfered with the ability to recycle these wastes. In August 2019, Korea announced it would ban the use of colored plastic bottles, glue and hard-to-detach labels because they interfere with recycling; leglislation came into force in December 2019.

b. Basel Convention plastic waste amendments would preserve legitimate OECD trade in recyclable plastics

New Basel regulations would allow many plastics, including some not recyclable under current market conditions in the US and other OECD countries, to be traded without restriction. These regulations are a good starting point, and there is no risk of over-regulation by adopting them in the OECD decision. For instance, Korea would be able to keep importing HDPE waste from the USA as it already does.

Message

From: Smith, Walker [Smith.Walker@epa.gov]
Sent: 11/26/2019 5:58:54 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]
CC: Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: RE: Update on OECD Negotiations - Ex. 5 Deliberative Process (DP) Shift in US negotiating position

Thanks Rick. I will let Chad know that Peter is aware.

Walker B. Smith
Director
Office of Global Affairs and Policy
Office of International and Tribal Affairs
U.S. Environmental Protection Agency
202.564.4044

From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Tuesday, November 26, 2019 12:07 PM
To: Smith, Walker <Smith.Walker@epa.gov>
Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: FW: Update on OECD Negotiations - Ex. 5 Deliberative Process (DP) Shift in US negotiating position

Walker
Kathleen sent the Ex. 5 Deliberative Process (DP) e-mail to Peter. Let me know if you have any questions.
Thanks
Rick
703-308-8879

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>
Sent: Tuesday, November 26, 2019 12:04 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hall, Tayoka <Hall.Tayoka@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>
Subject: Update on OECD Negotiations - Ex. 5 Deliberative Process (DP) Shift in US negotiating position

Hi Peter,

Here is an update on the OECD negotiation from Rick. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) we still hope have some portion of plastic scrap on the OECD Green list and as much U.S. trade as possible within the OECD continue. We'll know more next week when the working group meets. OITA staff will be sharing this information with Chad. Please let us know if you have any questions.

Kathleen Salyer
Deputy Director
Office of Resource Conservation and Recovery
US EPA

Washington, DC
703-308-8710
Twitter: @EPALand, #NoWastedFood

From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Monday, November 25, 2019 5:13 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>; Ferrante, Joe <Ferrante.Joe@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>
Cc: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Ex. 5 Deliberative Process (DP) OECD likely not able to reach consensus on plastic scrap

As you know, since the U.S. objected to the automatic incorporation of the new Basel Convention plastic scrap listings into the listings of the legally binding OECD Council Decision on transboundary movements for recovery, an OECD working group has been negotiating an alternative approach on how plastic scrap should be covered among OECD countries.

That Organization for Economic Cooperation and Development (OECD) working group, called the Ad Hoc Task Team, met in September and made some progress on developing an alternative proposal for how the OECD Council Decision should cover plastic scrap. Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) A second meeting of the Ad Hoc Task Team is scheduled for December 2-4 to continue the negotiations.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) As a result, the Task Team meeting could focus on what non-consensus means and discuss the legal interpretations. Presumably, the OECD countries will still need to decide what the Council Decision scrap listings should say in a no consensus situation since the Council Decision cannot remain silent, for the sake of exporters and importers, in the absence of an alternative approach in the OECD to plastic scrap. This gives us in the USG an opportunity to continue a technical discussion in the Task Team to salvage what we can and have some plastic scrap be considered in the OECD Green listing, i.e. not subject to prior notice and consent for export. An inter-agency staff group is considering technical approaches to salvage some Green listing based on the current U.S. position paper.

Ex. 5 Deliberative Process (DP)

and which scrap should be Green. Failure to reach consensus by December 1, 2020 could create significant legal uncertainty for trade in plastic scrap between the U.S. and other OECD countries. The Council Decision states that in the event on non-consensus "each Member country retains its right to control such waste(s) in conformity with its domestic legislation [i.e. statutes and regulations] and international law." Presumably our OECD trading partners, all of whom are Basel parties, will have to decide in this scenario whether they can continue to trade Basel-covered waste/scrap with the U.S., a Basel non-party. For each country, that decision will turn in part on its interpretation of the OECD Council Decision, the provisions of which are not entirely clear on the legal implications of a no-consensus outcome. It is therefore difficult to predict what each country will decide to do when the Basel plastic scrap amendments enter into force on January 1, 2021 in a no-consensus scenario.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The plan of the inter-agency U.S. negotiating delegation is to keep the OECD negotiations focused on technical issues in the hopes, as mentioned above, that we can have some portion of plastic scrap on the OECD Green list and as much U.S. trade as possible within the OECD can continue.

Rick Picardi
Chief, International Branch
Material Recovery and Waste Management Division
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
+1 703-308-8879
picardi.rick@epa.gov

Message

From: Salyer, Kathleen [Salyer.Kathleen@epa.gov]
Sent: 11/26/2019 5:04:00 PM
To: Wright, Peter [wright.peter@epa.gov]
CC: Cook, Steven [cook.steven@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; ORCR IO [ORCR_IO@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Hall, Tayoka [Hall.Tayoka@epa.gov]; Hoverman, Taylor [hoverman.taylor@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]
Subject: Update on OECD Negotiations - Ex. 5 Deliberative Process (DP) Shift in US negotiating position

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Kathleen Salyer
Deputy Director
Office of Resource Conservation and Recovery
US EPA
Washington, DC
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Twitter: @EPALand, #NoWastedFood

From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Monday, November 25, 2019 5:13 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Smith, Walker <Smith.Walker@epa.gov>; Ferrante, Joe <Ferrante.Joe@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>
Cc: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Ex. 5 Deliberative Process (DP) OECD likely not able to reach consensus on plastic scrap

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That Organization for Economic Cooperation and Development (OECD) working group, called the Ad Hoc Task Team, met in September and made some progress on developing an alternative proposal for how the OECD Council Decision should cover plastic scrap. The negotiations at the September meeting were limited in part because the European Union countries had decided to negotiate as a bloc but had not reached EU-wide agreement on a position on the issues. A second meeting of the Ad Hoc Task Team is scheduled for December 2-4 to continue the negotiations.

Ex. 5 Deliberative Process (DP)

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can and have some plastic scrap be considered in the OECD Green listing, i.e. not subject to prior notice and consent for export. An inter-agency staff group is considering technical approaches to salvage some Green listing based on the current U.S. position paper.

Ex. 5 Deliberative Process (DP) then it will not be possible for the OECD to reach a consensus on which plastic scrap should be Amber in the OECD (i.e. subject to prior notice and consent) and which scrap should be Green. Failure to reach consensus by December 1, 2020 could create significant legal uncertainty for trade in plastic scrap between the U.S. and other OECD countries. The Council Decision states that in the event on non-consensus "each Member country retains its right to control such waste(s) in conformity with its domestic legislation [i.e. statutes and regulations] and international law." Presumably our OECD trading partners, all of whom are Basel parties, will have to decide in this scenario whether they can continue to trade Basel-covered waste/scrap with the U.S., a Basel non-party. For each country, that decision will turn in part on its interpretation of the OECD Council Decision, the provisions of which are not entirely clear on the legal implications of a no-consensus outcome. It is therefore difficult to predict what each country will decide to do when the Basel plastic scrap amendments enter into force on January 1, 2021 in a no-consensus scenario.

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Rick Picardi
Chief, International Branch
Material Recovery and Waste Management Division
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
+1 703-308-8879
picardi.rick@epa.gov

Message

From: Ex. 6 Personal Privacy (PP) oecd.org]
Sent: 5/18/2020 5:18:36 PM
To:

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

CC:

Subject: [SAVE THE DATE] Extraordinary online meeting of WPRPW, 16 & 17 June 2020, 13-16h CEST

Importance: High

Message sent on Ex. 6 Personal Privacy (PP) *Chair of the Working Party on Resource Productivity and Waste*

To: - WPRPW Delegates
- Costa Rica & South Africa
- Observers

Cc: - Members of the Ad-Hoc Task Team on Amendments Council Decision on TMW

Dear Delegates,

I would like to invite for an **Extraordinary Meeting of the Working Party on Resource Productivity and Waste (WPRPW)**, which will be held online on **16 and 17 June 2020, 13.00-16.00** (Paris time, CEST).

Subject of discussion will be the Modifications to Appendices 3 and 4 of the OECD Council Decision on Transboundary Movements of Waste Destined for Recovery Operations.

A detailed agenda, call-in information and relevant documents will be sent shortly.

Kind Regards,

Ex. 6 Personal Privacy (PP)

Message

From: Ex. 6 Personal Privacy (PP) oecd.org]
Sent: 11/13/2019 5:24:07 PM
To:

Ex. 6 Personal Privacy (PP)

CC:

Subject: Invitation letter to attend the 2nd Meeting of OECD Ad Hoc Task Team on Amendments to Council Decision on TMW, 2-4 December 2020
Attachments: Invitation letter_2nd Meeting of OECD Ad Hoc Task Team.pdf

Importance: High

Message sent on Ex. 6 Personal Privacy (PP) *(Head of the Environment and Economy Integration Division) to members of the Ad-hoc Task Team on the Basel Convention*

Dear Members,

Please find attached the official Invitation letter to attend the **2nd Meeting of OECD Ad Hoc Task Team on Amendments to Council Decision on TMW, 2-4 December 2020.**

Thank you for your kind attention

Best regards,

Ex. 6 Personal Privacy (PP)
Environment and Economy Integration Division
Environment Directorate
Ex. 6 Personal Privacy (PP) oecd.org | |
https://community.oecd.org/community/wprpw

OECD
BETTER POLICIES FOR BETTER LIVES
Organisation for Co-operation and Development
46, quai Alphonse Le Gallo – 92100 Boulogne-Billancourt

Message

From: Sullivan, Drew [sullivan.drew@epa.gov]
Sent: 10/15/2019 5:17:01 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
CC: Picardi, Rick [Picardi.Rick@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Coughlan, Laura [Coughlan.Laura@epa.gov]; ORCR Press [ORCR_Press@epa.gov]
Subject: RE: MEDIA INQUIRY QUESTIONS; The Guardian; US plastic scrap trade

Below are the reporter's questions. Deadline TBD:

- What has been the US's position on the Basel Convention and Norway's amendment to require prior informed consent for plastic waste streams not directly destined for a recycling plant?
- Has the US in recent negotiations taken Argentina's position against the amendment? (I understand the US is not a party to the convention, but I am told it has participated in discussions alongside Argentina.)
- Could Argentina's recent decree reclassifying certain types of waste allow the import of US plastics?
- Has the US been in conversations with leaders in Argentina about this change?
- Is the US EPA aware of any companies looking to ship US plastic waste to Argentina?

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

Follow us on Twitter: @EPAland

From: Sullivan, Drew <sullivan.drew@epa.gov>
Sent: Tuesday, October 15, 2019 10:58 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Coughlan, Laura <Coughlan.Laura@epa.gov>
Subject: RE: MEDIA INQUIRY; The Guardian; US plastic scrap trade

Yes, I agree with that to keep it in writing. I asked OPA for specific written questions.

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

Follow us on Twitter: @EPAland

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Tuesday, October 15, 2019 10:48 AM
To: Sullivan, Drew <sullivan.drew@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>;

Coughlan, Laura <Coughlan.Laura@epa.gov>
Subject: RE: MEDIA INQUIRY; The Guardian; US plastic scrap trade

Thanks, sounds good. Just so you know, it sounds like EPA Press is giving the reporter the choice of interview or written responses. I think we'd prefer to keep it in writing.

+ Laura since she's Acting this week.

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Sullivan, Drew <sullivan.drew@epa.gov>
Sent: Tuesday, October 15, 2019 10:42 AM
To: Ames, Jeremy <Ames.Jeremy@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>
Subject: MEDIA INQUIRY; The Guardian; US plastic scrap trade

Hi Lia,

Per below, it sounds like you saw the below email from The Guardian. Once we receive the specific written questions, we'll pass those to you so that we can provide a written response.

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

Follow us on Twitter: @EPAland

Good morning – Emily Holden/The Guardian sent the below request & also copied Lia. Can you let me know if this is something that Lia can speak to and you'd like to do an interview or if you'd like to provide a statement. She'd like to speak to Lia this week. I've asked for her full list of questions and if she'd take something in writing. + Martin for OITA awareness.

Inquiry:
I'm working on a story about Argentina's decree changing the definition of waste, which would allow it to import more plastic waste from the US.
Including this link from an advocacy organization as context, as it is the only English-language post on this that I have found:
https://www.ban.org/news/2019/10/7/argentinas-new-waste-decree-is-illegal-and-must-be-repealed
I am told Lia Yohannes has worked most closely on the Basel Convention. Would she be available to discuss the US position on the Basel Convention? Particularly on the change for contaminated and unsorted waste? And also what Argentina's decision could mean for the US and its waste?

Thanks,
Maggie

Maggie Sauerhage
Office of Public Affairs
U.S. Environmental Protection Agency
Office: (202) 564-0443
Cell: (202) 704-6352

From: Ames, Jeremy <Ames.Jeremy@epa.gov>
Sent: Tuesday, October 15, 2019 8:38 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: RE: The Guardian may reach out about US plastic scrap trade

Thanks. If the reporter calls please refer them to the EPA press office, 202-564-4355, press@epa.gov. If they email you can forward to us and we'll route it.

Jeremy

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358
Follow us @EPAland

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Tuesday, October 15, 2019 8:27 AM
To: ORCR Press <ORCR_Press@epa.gov>
Cc: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: The Guardian may reach out about US plastic scrap trade

Good morning! Just wanted to let you know that Jim Puckett, of the NGO Basel Action Network, gave my contact info to a reporter from the Guardian. I haven't received any questions directly from her yet, but just wanted to let you know.

Lia

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Jim Puckett <jpuckett@ban.org>
Sent: Thursday, October 10, 2019 2:03 PM
To: Emily Holden <emily.holden@theguardian.com>
Subject: Here you go

US EPA contact:

Lia Yohannes Yohannes.Lia@epa.gov

Just to let you know: By putting contaminated and unsorted plastics on the Annex II of basel the following changes:

Is

1. There will be an obligation on both the importing and exporting country to ensure the fate of the waste is environmentally sound before allowing the trade
2. Both Importing and exporting country can prevent the trade from taking place.

Jim

Jim Puckett
Executive Director
Basel Action Network

Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax: +1.206.652.5750
Skype: jimpuckett

From: Emily Holden <emily.holden@theguardian.com>
Date: Thursday, October 10, 2019 at 10:24 AM
To: Multiple Recipients <jpuckett@ban.org>
Cc: Katriana Dubytz <katriana@ban.org>
Subject: Re: Argentina / Illegal

Thanks Jim. I could actually talk between now and 3:30 ET if that works for you?

Or otherwise, how about Monday at noon ET?

On Thu, Oct 10, 2019 at 12:56 PM Jim Puckett <jpuckett@ban.org> wrote:

> Dear Emily:
>
> Sure. Let Katriana of our office know. She does my calendar.
>
> Best, Jim

Jim Puckett
Executive Director

Basel Action Network

Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax: +1.206.652.5750
Skype: jimpuckett

From: Emily Holden <emily.holden@theguardian.com>
Date: Wednesday, October 9, 2019 at 6:29 PM
To: Multiple Recipients <jpuckett@ban.org>
Subject: Re: Argentina / Illegal

I'm actually waiting for our environment editor to get back to me on whether he'd like a story. Can I check back with you tomorrow or Monday? (I'm out Friday.)

Emily Holden

D.C.-based environment reporter
Guardian News & Media

Mobile, WhatsApp, Signal: +1 225 284 8303
Email: emily.holden@theguardian.com
Twitter: @emilyhholden

The Guardian

900 17th Street NW
Washington, DC 20006
theguardian.com/us

On Oct 9, 2019, at 7:52 PM, Jim Puckett <jpuckett@ban.org> wrote:

Probably too late now?

<image001.png>

Jim Puckett
Executive Director

Basel Action Network

Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax: +1.206.652.5750
Skype: jimpuckett

From: Emily Holden <emily.holden@theguardian.com>
Date: Wednesday, October 9, 2019 at 12:21 PM
To: Multiple Recipients <jpuckett@ban.org>
Subject: Re: Argentina / Illegal

Thanks Jim, I can call now if that works. What's your extension?

On Wed, Oct 9, 2019 at 2:57 PM Jim Puckett <jpuckett@ban.org> wrote:

Emily:

I will be happy to talk with you about the Argentine illegality with basel – please let me know.

Best, Jim

<image002.png>

Jim Puckett
Executive Director

Basel Action Network

Website: www.ban.org
e-Mail: jpuckett@ban.org
Tel: +1.206.652.5555, Fax: +1.206.652.5750
Skype: jimpuckett

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Emily Holden

D.C.-based environment reporter
Guardian News & Media

Mobile: 1-225-284-8303
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Email: emily.holden@theguardian.com
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New International Requirements for Exports and Imports of Plastic Scrap

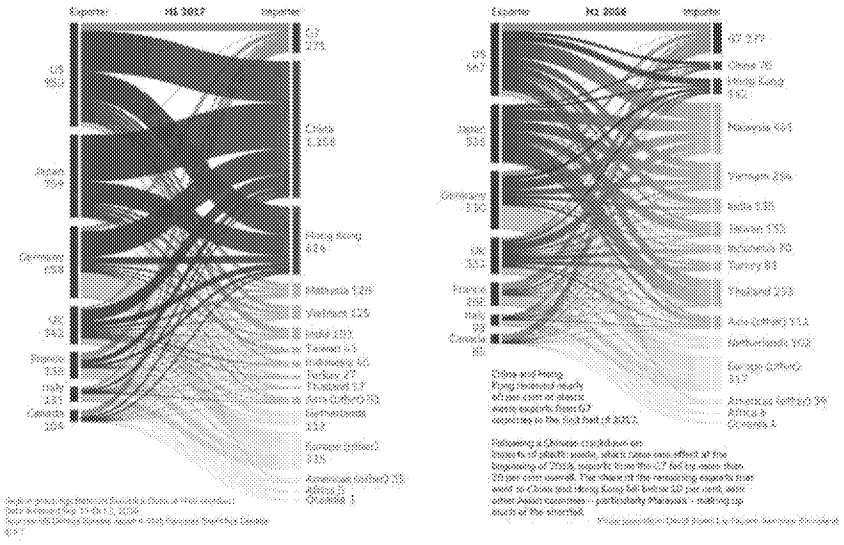
ORCR All Hands Meeting

October 3, 2019

Background

- In 2016, China imported about half of all plastic scrap intended for recycling globally (7.35 of 14.1 million MT).
- Export flows changed when China implemented strict import restrictions on recyclables, including plastic scrap, in 2017.
- Concerns about capacity of 'new' importing countries to properly dispose of residual waste.

Exports of plastic scrap from G7 countries (M metric tonnes)



Data: Brooks et al., 2018 and UN Comtrade Data
Graphic: Financial Times https://www.ft.com/content/360e2524-d71a-11e8-a854-33d6f82e62f8

Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal

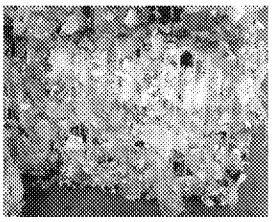
BASEL CONVENTION
the world environmental agreement on wastes

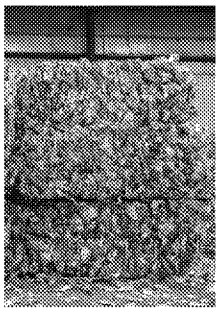
- A legally binding international treaty establishing prior informed consent for transboundary shipments of waste within its scope.
- Entered into force in 1992; 187 Parties.
- U.S. is a Signatory, but not a Party.
- The U.S. has participated as an Observer in Basel since the Convention's initiation.

Objectives:

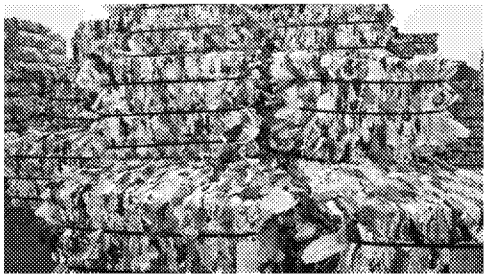
- Control and ensure environmentally sound management of hazardous wastes subject to transboundary movement.
- Prevent or control export of hazardous wastes to countries without capacity to manage it in an environmentally sound manner.
- Strengthen capacity of countries, esp. developing countries, to soundly manage waste.

New Basel requirements for exports of plastic scrap



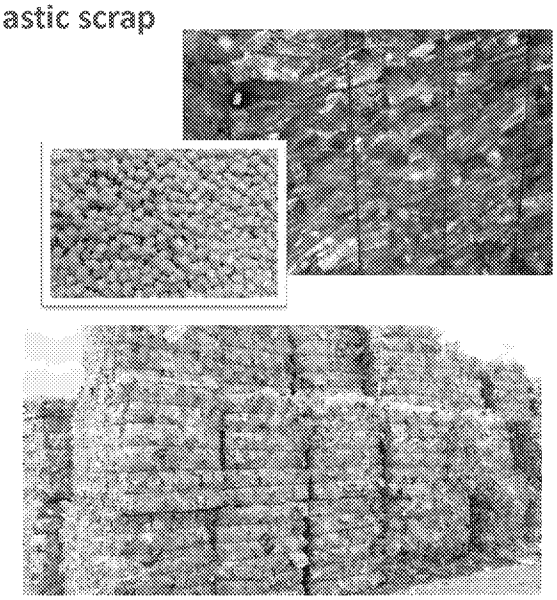


- At the May Basel Convention Conference of the Parties, Basel Parties decided to newly classify most plastic scrap as subject to Basel Convention prior informed consent (PIC) requirements for export, effective January 1, 2021.
  - The amendments were originally proposed by Norway to reduce marine plastic litter.
- New Basel listings for plastic scrap:
  - Most mixed plastics and plastics mixed with other scrap materials
  - Plastic scrap considered hazardous waste under the Basel Convention



New Basel requirements for exports of plastic scrap

- To be considered "exempt", shipments of plastic scrap must meet a very narrow and strict set of criteria that is difficult and costly.
- Exports will need to be pre-sorted and generally consist of a single non-halogenated polymer and be free from other scrap and contamination.
- Exports of mixed plastics of certain polymers (polyethylene, polypropylene and PET) will be exempt under certain circumstances.



Unresolved issues

Key terms

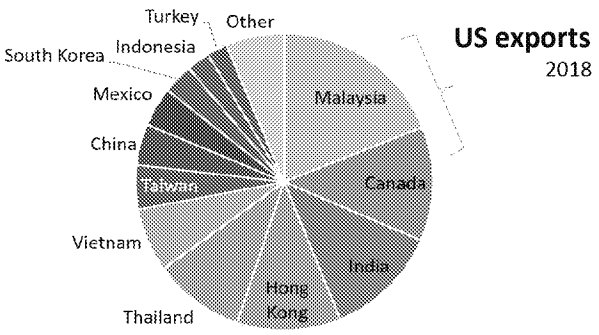
- To be "exempt" from Basel requirements, plastic scrap/waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling.**
- Clean, mixed plastics consisting of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

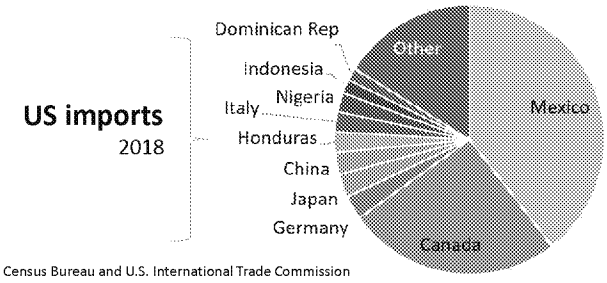
Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What will be considered environmentally sound recycling and how will "separate recycling" be defined?
- What types of plastic scrap will be controlled as 'hazardous' under the Basel Convention?

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in Asia.
- In 2018, the U.S. exported about 1.07 million metric tonnes of plastic scrap worth over $445 million.
- The same year, the U.S. imported 442,000 metric tonnes of plastic scrap valued at more than $245 million.





Data: U.S. Census Bureau and U.S. International Trade Commission

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- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
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- Anticipate confusion by US industry on technical issues and procedural requirements; need to develop outreach and guidance materials.
- Anticipate receiving import/export notifications for plastic scrap, even though the amendments do not change US export and import waste requirements.

OECD Council Decision (2001)

- Legally binding multilateral agreement governing the export and import of hazardous waste for recovery among countries that are members of the Organization for Economic Cooperation and Development (OECD).

- As a member country of the OECD, the Council Decision allows the U.S. to trade in Basel-covered waste with OECD countries that are Basel Parties.
  - In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents over 40% of U.S. trade in plastic scrap.
  - Mexico and Canada are our most important OECD trading partners.

- Basel and OECD waste listings are generally harmonized and new Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD Member country objects.

Developing an OECD approach to trade in plastic scrap

- In July 2019, the U.S. objected to the automatic incorporation of the Basel amendments on plastic scrap into the OECD Council Decision, triggering negotiations to develop an alternative approach.

  Rationale:
  - OECD countries have an opportunity to incentivize recycling plastic scrap in countries that have strong recycling and waste management systems.
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  - Regulating exports/imports of plastic scrap could make trade more difficult and undermine the value and market for plastic recyclables.
  - Could lead to fewer incentives to recycle and increase disposal of plastics.

- Negotiations are underway to decide how intra-OECD trade in plastic scrap/waste should be addressed.

Developing an OECD approach to trade in plastic scrap (cont'd)

'Hazardous' plastic scrap

- Most, if not all, OECD countries want to regulate all plastic scrap considered hazardous under the Basel Convention.
- The knowledge of constituents and additives in plastics and the risks they present in plastic scrap is limited.
- It's unclear what kinds of material the listing would cover making it difficult to operationalize.

Non-hazardous plastic scrap

- Many OECD countries have indicated a desire to regulate at least some non-hazardous plastics that are difficult to recycle. Likely includes some mixed plastics.

Timeline

- Need to reach consensus on alternative approach by mid-December 2019.

Questions?

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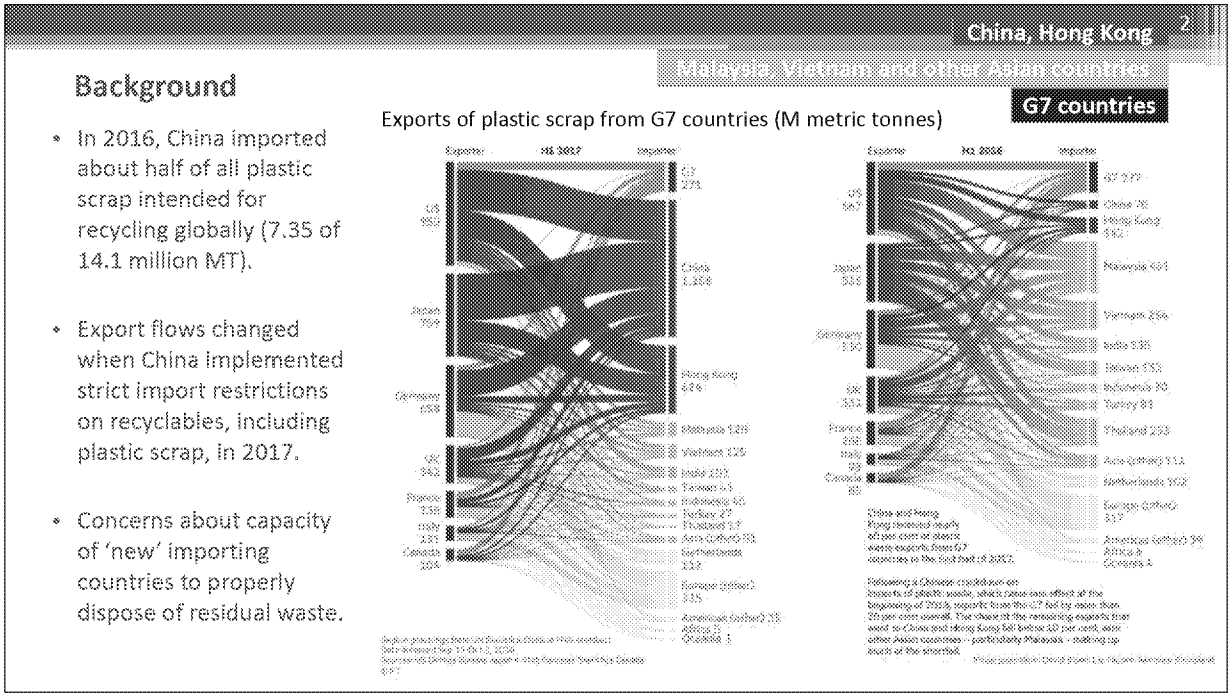

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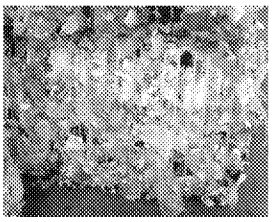

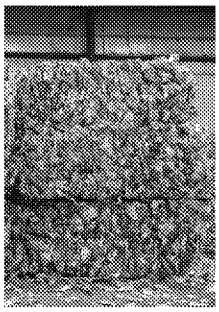

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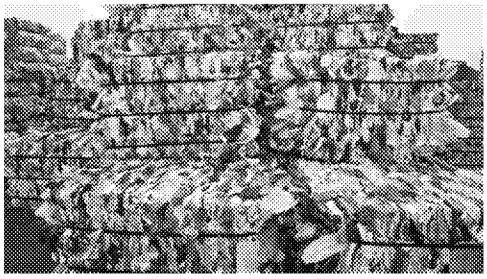

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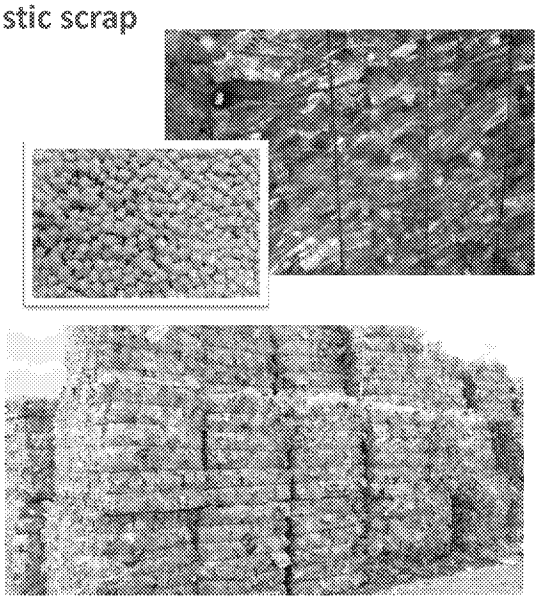

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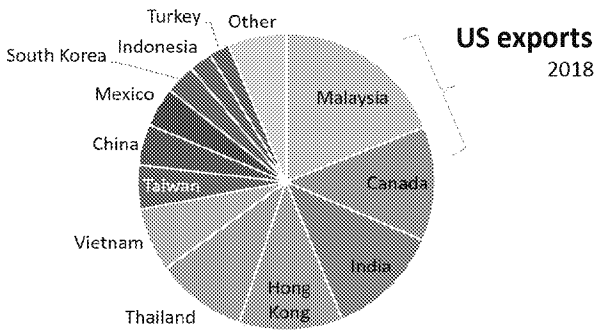

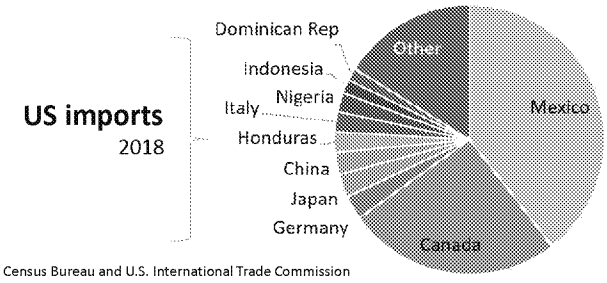

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Questions?

Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 9/24/2019 6:49:39 PM
To: Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Sundin, Elizabeth [Sundin.Elizabeth@epa.gov]
CC: Huff, Mark J [huff.markj@epa.gov]; ORCR IO [ORCR_IO@epa.gov]; ORCR Press [ORCR_Press@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Rubright, Tyler [Rubright.Tyler@epa.gov]
Subject: RE: PRESS INQUIRY: InsideEPA on OECD mtg; DDL 1:00 PM 9/24

Kathleen and everyone,

Thanks so much for your review! Please see final response below.

Liz: Can you please send us the response that OPA sends to the reporter? I promised a copy to State and USTR.

Thanks,
Lia

Final response:

Dear Ms. Yohannan,

Thank you for your questions. As you are aware, on July 3, 2019, the United States objected to the automatic incorporation of the three plastic scrap/waste amendments to Annexes II, VIII and IX of the Basel Convention into the OECD Council Decision. The U.S. objection, which included an alternative proposal as required under the OECD Council Decision, triggers negotiations to decide how transboundary movements of plastic scrap/waste should be addressed within the OECD. In July, an OECD Ad Hoc group (known as the OECD Ad Hoc Task Team) was established to develop recommendations on how exports and imports of plastic scrap should be controlled within the OECD.

Responses to your questions below.

Could you tell me the outcome of the meeting? Where does the U.S. proposal now stand – did it move forward?

Response: The Ad Hoc Task Team had a productive meeting on September 19 and 20 to exchange views on a possible OECD alternative approach to the Basel Convention plastic scrap and waste amendments. At the meeting, countries broadly expressed support for achieving a consensus outcome that reflects the environmentally sound management capabilities in OECD countries and identified common ground in working towards a consensus decision on the OECD approach to transboundary movements of plastic scrap. Reaching a consensus on an alternative approach tailored to the OECD is a priority for the U.S. government.

The United States believes that OECD countries have an opportunity to reduce plastic pollution by incentivizing the management of plastic scrap in jurisdictions that have strong recycling and waste management systems. Facilitating trade in plastic scrap for recycling among OECD countries promotes plastic recycling in OECD markets and helps ensure that trade occurs between countries that can recycle plastic in an environmentally sound manner.

The U.S. government is concerned that regulating plastic scrap under the OECD agreement would make intra-OECD trade in plastic recyclables more difficult and could undermine the market for plastic recyclables. By volume, plastic scrap is one of the most important globally-traded scrap commodities. According to the U.S. Census Bureau and U.S. International Trade Commission, in 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents over 40% of U.S. trade in plastic scrap – imports making up nearly 60% of U.S. OECD trade in plastic scrap. Introducing new barriers to responsible trade in recyclable plastics could decrease their value, resulting in fewer incentives to recycle and

more OECD-generated plastic waste disposed of in landfills, incinerators, or used for fuel. Less plastic recycling in OECD countries would diminish both the environmental and economic benefits that are achieved through recycling.

As waste generation increases globally, the OECD should be working to expand demand for resource efficient closed-loop solutions such as plastic recycling. OECD countries can facilitate this process by strengthening their market for recyclables, and encouraging innovation.

What was the response from the other OECD countries to this?

Response: We cannot speak on behalf of other OECD members. Members plan to reconvene in the coming months.

Did the U.S. make changes to its request in terms of how hazardous waste would be treated?

Response: The United States continues to advocate for safe and environmentally sound transboundary movements of hazardous waste for recovery within the OECD. We look forward to working with our OECD partners to safeguard and improve the sound management of hazardous waste within the OECD.

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>
Sent: Tuesday, September 24, 2019 2:36 PM
To: Rubright, Tyler <Rubright.Tyler@epa.gov>
Cc: Huff, Mark J <huff.markj@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Sundin, Elizabeth <Sundin.Elizabeth@epa.gov>
Subject: Re: PRESS INQUIRY: InsideEPA on OECD mtg; DDL 1:00 PM 9/24

Looks good Lia. Thanks!

Sent from my iPhone

On Sep 24, 2019, at 1:43 PM, Rubright, Tyler <Rubright.Tyler@epa.gov> wrote:

I had no comments, well done

From: Huff, Mark J <huff.markj@epa.gov>
Sent: Tuesday, September 24, 2019 1:19 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Sundin, Elizabeth <Sundin.Elizabeth@epa.gov>
Subject: RE: PRESS INQUIRY: InsideEPA on OECD mtg; DDL 1:00 PM 9/24

No comment from me- thanks!

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Tuesday, September 24, 2019 1:04 PM

To: ORCR IO <ORCR_IO@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Sundin, Elizabeth <Sundin.Elizabeth@epa.gov>
Subject: RE: PRESS INQUIRY: InsideEPA on OECD mtg; DDL 1:00 PM 9/24

Kathleen and all,

We got a press inquiry from InsideEPA on last week's OECD meeting on plastic scrap. We coordinated our response with the State Department and the U.S. Trade Representative, and Betsy and Rick reviewed. Given the high visibility of the issue, Betsy recommended that you have a chance to review the response as well (attached). I mentioned it to Jeremy as well. Our deadline was extended to tomorrow at 4pm, but we were hoping to get the response out today, if possible.

Please let me know if you have any questions.

Thanks,
Lia

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Sundin, Elizabeth <Sundin.Elizabeth@epa.gov>
Sent: Monday, September 23, 2019 9:48 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>
Subject: PRESS INQUIRY: InsideEPA on OECD mtg; DDL 1:00 PM 9/24

Hi Lia and Rick

The reporter got back to OPA with a deadline on this inquiry for 1:00pm tomorrow, 9/24. Let me know if we won't be able to make that deadline.

Thanks,
Liz

From: Ames, Jeremy <Ames.Jeremy@epa.gov>
Sent: Saturday, September 21, 2019 9:43 AM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>
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Thanks, will pass these along to OPA and let them know we're working on a response.

Sent from my iPhone

On Sep 21, 2019, at 5:44 AM, Picardi, Rick <Picardi.Rick@epa.gov> wrote:

> Hi Jeremy

Lia and I just participated in an international meeting on plastic scrap exports and imports. Inside EPA sent us some questions related to the meeting which are in the email below. Lia and I are flying back from Europe this weekend but can start working on responses on Monday.

I tried to send this email to ORCRpress by couldn't pull up ORCRpress on my loaner phone.

Please let me know if you have any questions.

Rick

Sent from my iPhone

Begin forwarded message:

> **From:** "Yohannes, Lia" <Yohannes.Lia@epa.gov>
> **Date:** September 21, 2019 at 09:06:57 GMT+2
> **To:** "Picardi, Rick" <Picardi.Rick@epa.gov>
> **Subject: InsideEPA on OECD mtg**
>
> FYI let's discuss Monday
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Suzanne Yohannan <suzanney@iwpnews.com>
> > **Date:** September 20, 2019 at 10:47:00 PM GMT+2
> > **To:** "Yohannes.lia@epa.gov" <Yohannes.lia@epa.gov>
> > **Subject: OECD meeting**
> >
> > Dear Ms. Yohannes,
> >
> > I'm a reporter for the news service Inside EPA. I'm trying to follow up on this week's OECD Ad Hoc task team's meeting where the U.S. and other OECD parties reviewed the U.S. objection to adopting the Basel Convention's amendments on plastic waste trade, and instead offered an alternative proposal.
> >
> > I understand you were part of the U.S. delegation. I was wondering if you would be able to respond to a few questions on the meeting. My questions follow.
> >
> > Could you tell me the outcome of the meeting? Where does the U.S. proposal now stand – did it move forward?
> >
> > What was the response from the other OECD countries to this?

Did the U.S. make changes to its request in terms of how hazardous waste would be treated?

This can be on background. If you can respond, I'm at the email or number below.

Thanks very much.

Suzanne Yohannan
Inside EPA
703-562-8759
suzanney@iwpnews.com

Appointment

From: Ex. 6 Personal Privacy (PP) oecd.org]
Sent: 4/16/2020 2:26:43 PM
To:

Ex. 6 Personal Privacy (PP)

Subject: 3rd Meeting of the Task Team on the Basel Convention (Virtual Meeting via Zoom)
Attachments: For remote participants- How to participate in an OECD Zoom remote conference_EN.pdf; How do I show a PowerPoint presentation during a Zoom meeting.pdf
Location: Ex. 6 Personal Privacy (PP)

Start: 4/23/2020 11:00:00 AM
End: 4/23/2020 2:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Dear Participants,

We are pleased to invite you to the **Zoom meeting** scheduled below:

Topic: 3rd Meeting of the Task Team on the Basel Convention (Amendments to Council Decision on TMW)

Time: Apr 23, 2020 13.00 – 16.00 PM (Paris Time)
Apr 24, 2020 13.00 – 16.00 PM (Paris Time)

The line will be open at 12:15 PM (Paris Time) to allow you to make tests.

Please use the following link to join both meetings: Ex. 6 Personal Privacy (PP) (It is recommended to use **Google Chrome** for best performance.)

Virtual lobby: Please note that there will be a short time after you connect to the Zoom Meeting. Indeed, you will need to wait in a **'virtual lobby'** before we can connect you due to Zoom's new enhanced security features. During this short time, you will be able to rename yourself **(First Name /Last Name / Rep. Country or Organisation name).**

For participants who would like to **join the meeting by phone**, please send us your phone number prior to the meeting and we will rename you.

Tests Call-information: You can make call tests in advance via the following link: https://zoom.us/test
See hereinafter Remote Conferencing Best practices for participants including detailed instructions on
'how to connect to Zoom' & **How to show a presentation during a Zoom meeting'**:

Please note that the **Draft Agenda** of the 3rd Meeting of the Task Team on the Basel Convention will be share shortly.
Do not hesitate to contact me Ex. 6 Personal Privacy (PP) should you need further information.

Best regards,
The Secretariat

****

To join the meetings:

Join Zoom With a **Computer** (Zoom Client)
Or with Chrome Ex. 6 Personal Privacy (PP)

Join Zoom with a **tablet** or **smartphone** (download Zoom app IOS or Android - Wifi and 3G/4G)
Meeting ID Ex. 6 Personal Privacy (PP)
Password:
Or with chrom Ex. 6 Personal Privacy (PP)

Join by **phone**
Meeting ID Ex. 6 Personal Privacy (PP)
Password:
Please press *6 for 'mute and unmute' yourself / *9 'raise and lower hand'
Find your local number Ex. 6 Personal Privacy (PP)

Join by SIP

Ex. 6 Personal Privacy (PP)

Examples :

With a Cisco system from US East: 135005272@162.255.36.11 with a Polycom system from US East : 162.255.36.11##135005272 You can also call the IP address and enter the code once connected.

Some useful information:

- A headset with microphone is recommended or an audio system with echo canceler
- A wired internet connection is recommended
- Please mute your microphone throughout the meeting, except when you wish to take the floor and speak

Personal Data protection

The OECD processes personal data in accordance with its Personal Data Protection Rules : https://www.oecd.org/general/data-protection.htm

Message

From: Ex. 6 Personal Privacy (PP) [@oecd.org]
Sent: 11/7/2019 10:07:34 AM
To: Ex. 6 Personal Privacy (PP)

Subject: 2nd Conference Call Meeting of the Task Team on the Basel Convention: 13 November 2019 (Via Zoom)
Attachments: ATT00001.txt

Dear Members,

Please see below the instructions to join the '**2nd Conference Call meeting of the Ad Hoc Task Team on the Basel Convention'** (via **Zoom)**, which will take place on **13 November 2019 at 14:30 CEST** (Please note that the time meeting has changed)

All participants are requested to be online at least 15 minutes before the beginning of the meeting.

****

☞ Topic: 2nd Conference Call Meeting of the Task Team on Basel Convention
☞ Time: **Nov 13, 2019 02:30 PM Paris**

- **Join with a Computer**
  Join the Meeting

- **Join with a Tablet or a Smartphone** (download Zoom App IOS, Android)
  Meeting ID: Ex. 6 Personal Privacy (PP)
  Password:

- **Dial by Phone, select your location**
  Meeting ID: Ex. 6 Personal Privacy (PP)
  Find your local number: Ex. 6 Personal Privacy (PP)

☞ Please use Chrome / Firefox & Edge or Safari (latest version).

****

Thank you all for your kind attention.

Best regards,

Ex. 6 Personal Privacy (PP)
Environment and Economy Integration Division
Environment Directorate
Ex. 6 Personal Privacy (PP) ecd.org | |
https://community.oecd.org/community/wprpw

Organisation for Co-operation and Development
46, quai Alphonse Le Gallo – 92100 Boulogne-Billancourt

Appointment

From: Ex. 6 Personal Privacy (PP) [oecd.org]
Sent: 4/23/2020 2:24:28 PM
To:

Ex. 6 Personal Privacy (PP)

CC:

Subject: Canceled: 3rd Meeting of the Task Team on the Basel Convention (Virtual Meeting via Zoom)
Attachments: For remote participants- How to participate in an OECD Zoom remote conference_EN.pdf; How do I show a PowerPoint presentation during a Zoom meeting.pdf
Location: Ex. 6 Personal Privacy (PP)

Start: 4/24/2020 11:00:00 AM
End: 4/24/2020 2:00:00 PM
Show Time As: Free

Importance: High

Recurrence: (none)

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Topic: 3rd Meeting of the Task Team on the Basel Convention (Amendments to Council Decision on TMW)

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Best regards,
The Secretariat

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Or with Chrome Ex. 6 Personal Privacy (PP)

Join Zoom with a **tablet** or **smartphone** (download Zoom app IOS or Android - Wifi and 3G/4G)

Ex. 6 Personal Privacy (PP)

Join by **phone**

Ex. 6 Personal Privacy (PP)

Please press *6 for 'mute and unmute' yourself / *9 'raise and lower hand'
Find your local number: Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Examples :

With a Cisco system from US East: Ex. 6 Personal Privacy (PP) with a Polycom system from US East : Ex. 6 Personal Privacy (PP) You can also call the IP address and enter the code once connected.

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https://www.oecd.org/general/data-protection.htm

Beveridge & Diamond

October 29, 2019

Memorandum

This paper addresses two issues that have recently arisen in connection with the U.S. objection to the automatic incorporation of the 2019 Basel Convention plastics amendment into the OECD Decision on the Control of Transboundary Movements of Wastes Destined for Recovery Operations.

1. **Whether the alternative proposal proposed by the United States, if adopted, would somehow invalidate the Article 11 status of the OECD Decision under the Basel Convention.**

One threshold question is whether OECD member governments have latitude to adopt an amendment to the OECD Decision that does not fully incorporate all of the newly adopted plastics listings under the Basel Convention.

The short answer is yes: OECD member governments do have the latitude to adjust the scope of Basel-controlled plastic wastes that they choose to control through notice and consent procedures, without affecting the validity of the OECD Decision as a valid Article 11 agreement. The U.S. proposal, or some variation of it, is neither inconsistent with the spirit of the Basel Convention amendments, nor inconsistent with the legal obligations of Basel Convention parties under Article 11.

First, the Basel Convention parties adopted the plastics amendment based on their understanding that additional controls *under the Basel Convention* were necessary to ensure the environmentally sound management of plastic wastes. There is no indication that the Basel Convention parties had any concerns about trade of plastic wastes *among OECD member countries*. All of the expressed concerns about trade in plastics and the adverse impact of that trade were directly related to trade flows involving *non-OECD member* countries.

Second, there is ample precedent under the Basel Convention showing the wide scope of derogations that are permissible under article 11, including with respect to derogations under the existing OECD Decision. Article 11 allows derogations not only from the control *procedures* that apply to Basel-controlled wastes. It also allows derogations from the scope of wastes that *are deemed to be controlled* through notice and consent procedures. For example, the OECD Decision expressly states in Appendix 4 that the Basel Convention A1180 listing for hazardous electronics and A2060 for coal fly ash "do not apply" and instead that corresponding green control procedure entries "apply instead when appropriate." Any suggestion that the failure to adopt controls on the full list of plastics controlled under the new Basel Convention amendment would be incompatible with the history and general understanding of the scope of article 11 in this context; no party has ever credibly asserted that the OECD Decision is not a valid article 11 agreement.

Third, any limit imposed on the flexibility of arrangements under the OECD agreement would logically mean that the EU would also be required to apply full Basel Convention controls (or at least OECD amber controls) to all Annex II-listed plastic wastes traded within the EU, even between two EU member states. This too is inconsistent with the common understanding of what can (and should be able to) be accomplished within the scope of a legitimate article 11 agreement.

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2. Whether a "no-consensus" decision in the OECD negotiations would result in an exclusion of all plastic waste trade from the scope of the OECD Decision.

A second question concerns the implications of a failure to reach consensus within the OECD on an alternative listing for plastic wastes. To be sure, the far-preferable outcome of the current OECD negotiations is a consensus decision that achieves a uniform application of controls among OECD members as a whole. The alternative – in which trade controls are determined by domestic legislation among the relevant parties -- would be chaotic and highly inefficient. But in the event that consensus is *not* achieved, it is prudent to understand the potential legal consequences.

Legally Available Interpretations

- The implications of a no-consensus outcome would present a novel question of interpretation under the OECD Decision.

- One highly restrictive reading is that such an outcome would remove all plastics from the scope of the OECD Decision and in addition preclude trade in most plastic wastes between the United States and OECD member countries that are parties to the Basel Convention.
    - Such trade would be permitted only if those OECD members were to conclude a separate article 11 agreement.
    - Under this reading, an OECD member that is a party to the Basel Convention (e.g., New Zealand) would be legally prohibited from trading a Y48 plastic waste with the United States, even if such waste trade is otherwise not subject to control under New Zealand or U.S. domestic law.
    - That result would also be compelled even if recycling in the United States would lead to the superior environmentally sound management of those wastes.

- But a more balanced and flexible interpretation of the legal consequences of the no-consensus outcome is also possible.
    - Under this alternative reading, the text of the appendices to the OECD Decision would be amended, as required by Chapter II.B.3.e, to make clear that the Basel Convention's 2019 *plastics amendment* "will not be applied within the OECD Control System."
    - However, that does not necessarily mean that all plastic *wastes* would be excluded from the full scope of the OECD Decision.
    - Instead, they could still be traded among OECD members, provided that such trade is consistent with the national legislation applicable to such wastes, as "wastes not listed" in the OECD.
        - The provisions of Chapter II.B.6 make it clear that wastes *can* be traded under the aegis of the OECD Decision even if they are not specifically listed in Appendix 3 or Appendix 4.
        - Chapter II.B.6 -- titled "wastes not listed in Appendices 3 or 4 to this Decision" – is expressly designed for such wastes. It provides that wastes that are not listed in the Decision "shall be eligible for transboundary movements pursuant to this Decision, subject to [certain specified] conditions." One of those conditions is that wastes will "be subject to the controls required for the transboundary movements of wastes by the domestic legislation of the countries concerned" – a provision that is completely consistent with the language in Chapter II.B.3.e. stating that "each member country

retains its right to control such wastes in conformity with its domestic legislation and international law."

- It is true that there is no express linkage in the text between the no-consensus provision in paragraph 3 of the Decision and the "wastes not listed" provisions in paragraph 6. And the language in the chapeau of paragraph 6 refers to "wastes that ... *have not yet been assigned*" to Appendix 3 or 4, which (if read narrowly) might suggest that it does not apply to wastes that were *previously* assigned to one of those appendices. But, that same language could also be read broadly to include the new Basel plastics amendment listings, which clearly have "not yet been assigned" to either Appendix.
- More importantly, there is nothing in the OECD Decision stating that wastes that are subject of a no-consensus decision are *per se* excluded in their entirety from the scope of the OECD decision.
- Indeed, the OECD Legal Directorate's "*Explanatory Note*" appears to acknowledge that plastic wastes would remain within the scope of the OECD Decision, at least for some purposes.
  - It states (in paragraph 13) that "plastic waste would *continue to be subject to the existing general provisions contained in the OECD Decision*," citing in particular the "safeguard" provisions in Chapter II.C and Chapter II.B.8.
  - If plastic wastes are subject to those general safeguard provisions, then they are clearly not outside the ambit of the OECD Decision, and could be traded under its aegis for purposes of Article 11 of the Basel Convention.

<u>Policy Considerations Clearly Favor the More Flexible Interpretation</u>

- From a policy standpoint, a more flexible reading makes much more sense.
- For example, in the situation above, the United States and New Zealand clearly *could* conclude a bilateral agreement that would permit such trade.
  - To do so, they would need that agreement to include safeguards to ensure the environmentally sound management of those wastes as required under the Basel Convention – safeguards that are *already in place* for trade under the OECD Decision. (For example, under the OECD Decision, there is a general requirement that all wastes shipped under the Decision, including those within the green control procedure, must be destined for recovery operations within a recovery facility that will handle them in an environmentally sound manner, as well as be covered by contracts and existing controls normally applied in commercial transactions.)
  - But why would we require those countries to devote time and resources to conclude a separate bilateral agreement when the OECD Decision is already available for that purpose?
- The OECD members should avoid a waste of time and resources that could be better directed at solving the underlying sources of marine plastic pollution that led to the Basel Amendment in the first place.

***

For further information or questions please contact Russ LaMotte, rlamotte@bdlaw.com.

Beveridge & Diamond

November 5, 2019

Memorandum:
Safeguards and Interpretation of Basel and OECD Plastic Listings

This memorandum responds to questions regarding interpretive ambiguities that have arisen in the context of the OECD negotiations regarding the incorporation of the Basel Convention plastic amendment into the OECD Waste Decision.

Key Points

We understand that, given the uncertainty as to exactly which plastic wastes are included in Annex II entry Y48 and Annex IX entry B3011, the question has arisen whether economic operators will be able to challenge a plastic waste classification under the OECD Decision, in a manner similar to the option available under the Basel Convention. The chapeaux to List A and List B of the Basel Convention allow stakeholders to provide evidence that a given waste is hazardous or is not hazardous. In contrast, there is no chapeaux to Annex II of the OECD Decision; there is a chapeau on only one Appendix of OECD Decision C(2001)107/FINAL, although there are other safeguard clauses.

In general, it is helpful in this context to keep in mind that both the Basel Convention and the OECD Decision are agreements that are not self-executing or directly binding on private actors. So in assessing opportunities of a private actor to challenge a particular classification as applied in particular transaction, reference to national implementing measures will be needed. We have focused below on where these agreements provide flexibility or interpretive scope to make adjustments to the default waste classifications.

The bottom line, however, is that the OECD Members should consider designing specific language to allow stakeholders to demonstrate that a given plastic waste, due to its characteristics or risks, is not subject to the Amber-list procedures and can instead move under the Green-list procedure. Such a mechanism would not apply by default under the OECD Decision as currently structured, but it could be added as part of the revision of the OECD Decision to cover plastics (e.g., by allowing OECD members to apply the Appendix 6 risk criteria to exempt a particular waste). This approach would be analogous to the procedures that are available to overcome the presumption of Basel controls that apply to waste listings under the current Annex VIII of the Basel Convention.

Questions arising under the amended Basel Convention

Q1: Do the chapeaux and safeguards allow challenging a plastic waste under A3210 listing in Annex VIII?

A: When the amendment enters into force, the A3210 listings will – like all of the other Annex VIII listings – be subject to the caveat/safeguards found in both Annex I paragraph (b) ("Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1 (a), of this Convention.") and in the chapeau to Annex VIII ("Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and *their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous*."). Moreover, the application of the Annex III

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safeguard is effectively *built into* the A3210 listing, because A3210, by its own terms, only applies to a plastic waste "*to an extent that it exhibits an Annex III characteristic*." So it is in theory still possible for an operator to demonstrate to a party (e.g., via testing) that a given plastic waste is non-hazardous under the Basel Convention article 1.1(a), and therefore out of scope of Annex VIII. As noted above, the particular requirements for how an operator would challenge a proposed classification for a particular waste will depend on the implementing measures and practices of the countries concerned.

However, unlike other A-listed waste categories, the structure of the 2019 plastics amendments significantly affects the legal effect of that determination. A determination that a plastic waste is non-hazardous does not necessarily take the waste outside the scope of Basel Convention controls. Instead, the non-hazardous plastic waste will default into the catch-all scope of Y48 (and therefore be controlled as an "other waste" under the Convention), unless it also falls into one of the B3011 listings. The value of the Annex III safeguards to allow a waste to "test out" of the Basel scope is therefore significantly reduced for wastes that are "plastic wastes."

Q2: Do the chapeaux and safeguards allow challenging a plastic waste under B3011 listing in Annex IX?

A: When the amendment enters into force, the B3011 listings will – like all of the other Annex IX listings – be subject to the caveat/safeguards found in both Annex I paragraph (b) ("Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic.") and in the chapeau to Annex IX ("Wastes contained in this Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention, unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic."). So, even if a plastic waste falls into one of the four categories of plastics listed in B3011, if an operator or Party authority could demonstrate that a given plastic waste contains an Annex I constituent and exhibits an Annex III characteristic, the waste would fall out of Annex IX and instead be subject to the A3210 listing.

Q3: Do the chapeaux and safeguards allow challenging a plastic waste under Y48 listing in Annex II?

As explained above, the structure of the listings for plastic wastes is comprehensive, with the Y48 listing capturing all plastic wastes unless either (a) the waste contains an Annex I constituent and exhibits an Annex III hazard (in which case they are controlled as hazardous), or (b) the waste falls into one of the four categories of plastic wastes set out in B3011. Although there are ambiguities and questions about the scope of those four categories of the B3011 listing, there is no other mechanism by which an operator or Party would be able to identify a waste as uncontrolled.

<u>Questions arising under the to-be amended OECD Decision C(2001)107/FINAL</u>

The precise answers to Q4-Q6 will depend on whether and how the specific listings of plastic wastes are ultimately incorporated into the revised OECD Decision.

Q4: Do the chapeaux and safeguards allow challenging a plastic waste under B3011 listing in Appendix 3?

A: As noted above, there is obviously room for interpretation with respect to the terms of the B3011 listing itself. So there is likely to be room for trading operators and OECD member authorities to interpret and challenge a determination of whether a given waste falls into a B3011 listing.

Apart from those interpretations, in general (subject to the caveat above that the actually answer will depend on the specifics of the listing decision), a plastic waste listing in Appendix 3 of the OECD Decision that is modeled on the B3011 listing could still result in one of the 4 categories of plastic waste covered in B3011 being controlled under the amber list procedure. This result could arise under two scenarios:

(a) If the plastic wastes fall into the general safeguard language of the Decision: That "safeguard" language is found in both Chapter C of the Decision and also in the chapeau of Appendix 3, and provides for amber list controls to apply to Appendix 3 wastes if they are contaminated by other materials to the extent that they increase the risks associated with wastes, based on Appendix 6 risk criteria, or that prevents recovery in an environmentally sound matter; or

(b) If an OECD party makes a decision to exercise its right under Chapter II.B.4.b to treat the green-listed plastic waste as if subject to the amber procedure, subject to the notification obligation in II.B.5.

The Guidance Manual for the OECD decision clarifies that Appendix 3 incorporates by reference the *listings* in Basel Annex IX, not the chapeau of Annex IX. As with Basel implementation, the particular process for challenging a waste classification will depend in part on the measures used to implement the OECD Decision in the Member States concerned.

Q5: Do the chapeaux and safeguards allow challenging a plastic waste under A3210 listing in Appendix 4?

A: In general (and subject to the caveat above that the actually answer will depend on the specifics of the OECD listing decision), a waste falling under Basel A3210 would be subject to amber controls under the OECD agreement because it would be incorporated by reference in the current text of Appendix 4 part I ("Wastes listed in Annexes II and VIII of the Basel Convention"). A plastic waste falling into A3210 could, however, still potentially be controlled for purposes of trade between OECD member countries under the green list procedure, if the relevant OECD parties made a decision to exercise their rights under Chapter II.B.4.c to treat the amber-listed plastic waste as if subject to the green procedure, subject to the notification obligation in II.B.5.

If the question here is whether there would an opportunity to challenge whether a given plastic waste is actually hazardous for purposes of OECD trade (assuming that A3210 is carried into the OECD Decision in Annex 4), the answer is yes. Not because of the caveat language in the chapeau of Annex VIII, but because (as noted above) the text of A3210 *itself*, by its own terms, only applies to a plastic waste *"to an extent that it exhibits an Annex III characteristic."* (Note, however, that whether or not the amber procedure would still apply depends on how the Y48 Annex II listing is ultimately addressed in the revised OECD Decision.)

In the absence of language added to the OECD listing decision, there does not appear to be a separate channel by which a trading entity or OECD member state could "challenge" a listing. The language of an OECD listing for hazardous plastic wastes <u>could in theory</u> be drafted in a way that would differ from the text of A3210, such that even a plastic waste that would be considered "hazardous" under the Basel

Convention that is by default subject to the amber procedure in the OECD could be brought into under the Green-listed procedures for purposes of intra-OECD trade (e.g., if the Appendix 4 listing were drafted in a manner that allowed OECD members to apply the Appendix 6 risk criteria to exempt a particular waste from amber controls). However, the inclusion of such a provision would be novel in the OECD Decision and would require careful drafting to establish how such a waste would be controlled in the event of different views between the OECD members involved.

Q6: Do the chapeaux and safeguards allow challenging a plastic waste under Y48 listing in Appendix 4?

In general (and subject to the caveat above that the actually answer will depend on the specifics of the OECD listing decision), a waste falling under Basel Y48 would be subject to amber controls under the OECD agreement because it would be incorporated by reference in the current text of Appendix 4 part I ("Wastes listed in Annexes II and VIII of the Basel Convention"). A plastic waste falling into Y48 could, however, still potentially be controlled for purposes of trade between OECD member countries under the green list procedure, if the relevant OECD parties made a decision to exercise their rights under Chapter II.B.4.c to treat the amber-listed plastic waste as if subject to the green procedure, subject to the notification obligation in II.B.5.

In the absence of language added to the OECD listing decision, there does not appear to be a separate channel by which a trading entity or OECD member state could "challenge" a determination that a given plastic falls into the Y48 category, other than the ambiguity and interpretive scope afforded by the B3011 text as describe above.

***

For further information or questions, please contact Russ LaMotte, rlamotte@bdlaw.com.

ED_005232B_00001545-00004

Message

From: West, Jay [Jay_West@americanchemistry.com]
Sent: 11/6/2019 4:31:47 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: OECD-Basel Alignment
Attachments: 2019-11-05 Interpretation of Safeguards in Basel and OECD agreements for Plastics (Final).pdf; 2019-10-29 Legal Issues in OECD Waste Discussion re Plastics (Final).pdf

Dear Rick and Lea,

I want to share with you two legal analyses supported by ACC regarding various dimensions of the Basel-OECD alignment exercise. Both were submitted to the OECD Secretariat to be shared with the full Task Team.

Jay West | American Chemistry Council
Senior Director, Chemical Products and Technology
Jay_West@americanchemistry.com
700 Second Street NE | Washington, DC 20002
O: 202-249-6407 | F: 202-330-5546
www.americanchemistry.com

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Beveridge & Diamond

October 29, 2019

Memorandum

This paper addresses two issues that have recently arisen in connection with the U.S. objection to the automatic incorporation of the 2019 Basel Convention plastics amendment into the OECD Decision on the Control of Transboundary Movements of Wastes Destined for Recovery Operations.

1. **Whether the alternative proposal proposed by the United States, if adopted, would somehow invalidate the Article 11 status of the OECD Decision under the Basel Convention.**

One threshold question is whether OECD member governments have latitude to adopt an amendment to the OECD Decision that does not fully incorporate all of the newly adopted plastics listings under the Basel Convention.

The short answer is yes: OECD member governments do have the latitude to adjust the scope of Basel-controlled plastic wastes that they choose to control through notice and consent procedures, without affecting the validity of the OECD Decision as a valid Article 11 agreement. The U.S. proposal, or some variation of it, is neither inconsistent with the spirit of the Basel Convention amendments, nor inconsistent with the legal obligations of Basel Convention parties under Article 11.

First, the Basel Convention parties adopted the plastics amendment based on their understanding that additional controls *under the Basel Convention* were necessary to ensure the environmentally sound management of plastic wastes. There is no indication that the Basel Convention parties had any concerns about trade of plastic wastes *among OECD member countries*. All of the expressed concerns about trade in plastics and the adverse impact of that trade were directly related to trade flows involving *non-OECD member* countries.

Second, there is ample precedent under the Basel Convention showing the wide scope of derogations that are permissible under article 11, including with respect to derogations under the existing OECD Decision. Article 11 allows derogations not only from the control *procedures* that apply to Basel-controlled wastes. It also allows derogations from the scope of wastes that *are deemed to be controlled* through notice and consent procedures. For example, the OECD Decision expressly states in Appendix 4 that the Basel Convention A1180 listing for hazardous electronics and A2060 for coal fly ash "do not apply" and instead that corresponding green control procedure entries "apply instead when appropriate." Any suggestion that the failure to adopt controls on the full list of plastics controlled under the new Basel Convention amendment would be incompatible with the history and general understanding of the scope of article 11 in this context; no party has ever credibly asserted that the OECD Decision is not a valid article 11 agreement.

Third, any limit imposed on the flexibility of arrangements under the OECD agreement would logically mean that the EU would also be required to apply full Basel Convention controls (or at least OECD amber controls) to all Annex II-listed plastic wastes traded within the EU, even between two EU member states. This too is inconsistent with the common understanding of what can (and should be able to) be accomplished within the scope of a legitimate article 11 agreement.

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2. Whether a "no-consensus" decision in the OECD negotiations would result in an exclusion of all plastic waste trade from the scope of the OECD Decision.

A second question concerns the implications of a failure to reach consensus within the OECD on an alternative listing for plastic wastes. To be sure, the far-preferable outcome of the current OECD negotiations is a consensus decision that achieves a uniform application of controls among OECD members as a whole. The alternative – in which trade controls are determined by domestic legislation among the relevant parties -- would be chaotic and highly inefficient. But in the event that consensus is *not* achieved, it is prudent to understand the potential legal consequences.

Legally Available Interpretations

- The implications of a no-consensus outcome would present a novel question of interpretation under the OECD Decision.

- One highly restrictive reading is that such an outcome would remove all plastics from the scope of the OECD Decision and in addition preclude trade in most plastic wastes between the United States and OECD member countries that are parties to the Basel Convention.
    - Such trade would be permitted only if those OECD members were to conclude a separate article 11 agreement.
    - Under this reading, an OECD member that is a party to the Basel Convention (e.g., New Zealand) would be legally prohibited from trading a Y48 plastic waste with the United States, even if such waste trade is otherwise not subject to control under New Zealand or U.S. domestic law.
    - That result would also be compelled even if recycling in the United States would lead to the superior environmentally sound management of those wastes.

- But a more balanced and flexible interpretation of the legal consequences of the no-consensus outcome is also possible.
    - Under this alternative reading, the text of the appendices to the OECD Decision would be amended, as required by Chapter II.B.3.e, to make clear that the Basel Convention's 2019 *plastics amendment* "will not be applied within the OECD Control System."
    - However, that does not necessarily mean that all plastic *wastes* would be excluded from the full scope of the OECD Decision.
    - Instead, they could still be traded among OECD members, provided that such trade is consistent with the national legislation applicable to such wastes, as "wastes not listed" in the OECD.
        - The provisions of Chapter II.B.6 make it clear that wastes *can* be traded under the aegis of the OECD Decision even if they are not specifically listed in Appendix 3 or Appendix 4.
        - Chapter II.B.6 -- titled "wastes not listed in Appendices 3 or 4 to this Decision" – is expressly designed for such wastes. It provides that wastes that are not listed in the Decision "shall be eligible for transboundary movements pursuant to this Decision, subject to [certain specified] conditions." One of those conditions is that wastes will "be subject to the controls required for the transboundary movements of wastes by the domestic legislation of the countries concerned" – a provision that is completely consistent with the language in Chapter II.B.3.e. stating that "each member country

retains its right to control such wastes in conformity with its domestic legislation and international law."

- It is true that there is no express linkage in the text between the no-consensus provision in paragraph 3 of the Decision and the "wastes not listed" provisions in paragraph 6. And the language in the chapeau of paragraph 6 refers to "wastes that ... *have not yet been assigned*" to Appendix 3 or 4, which (if read narrowly) might suggest that it does not apply to wastes that were *previously* assigned to one of those appendices. But, that same language could also be read broadly to include the new Basel plastics amendment listings, which clearly have "not yet been assigned" to either Appendix.
- More importantly, there is nothing in the OECD Decision stating that wastes that are subject of a no-consensus decision are *per se* excluded in their entirety from the scope of the OECD decision.
- Indeed, the OECD Legal Directorate's "*Explanatory Note*" appears to acknowledge that plastic wastes would remain within the scope of the OECD Decision, at least for some purposes.
  - It states (in paragraph 13) that "plastic waste would *continue to be subject to the existing general provisions contained in the OECD Decision*," citing in particular the "safeguard" provisions in Chapter II.C and Chapter II.B.8.
  - If plastic wastes are subject to those general safeguard provisions, then they are clearly not outside the ambit of the OECD Decision, and could be traded under its aegis for purposes of Article 11 of the Basel Convention.

<u>Policy Considerations Clearly Favor the More Flexible Interpretation</u>

- From a policy standpoint, a more flexible reading makes much more sense.
- For example, in the situation above, the United States and New Zealand clearly *could* conclude a bilateral agreement that would permit such trade.
  - To do so, they would need that agreement to include safeguards to ensure the environmentally sound management of those wastes as required under the Basel Convention – safeguards that are *already in place* for trade under the OECD Decision. (For example, under the OECD Decision, there is a general requirement that all wastes shipped under the Decision, including those within the green control procedure, must be destined for recovery operations within a recovery facility that will handle them in an environmentally sound manner, as well as be covered by contracts and existing controls normally applied in commercial transactions.)
  - But why would we require those countries to devote time and resources to conclude a separate bilateral agreement when the OECD Decision is already available for that purpose?
- The OECD members should avoid a waste of time and resources that could be better directed at solving the underlying sources of marine plastic pollution that led to the Basel Amendment in the first place.

***

For further information or questions please contact Russ LaMotte, rlamotte@bdlaw.com.

Beveridge & Diamond

November 5, 2019

Memorandum:
Safeguards and Interpretation of Basel and OECD Plastic Listings

This memorandum responds to questions regarding interpretive ambiguities that have arisen in the context of the OECD negotiations regarding the incorporation of the Basel Convention plastic amendment into the OECD Waste Decision.

Key Points

We understand that, given the uncertainty as to exactly which plastic wastes are included in Annex II entry Y48 and Annex IX entry B3011, the question has arisen whether economic operators will be able to challenge a plastic waste classification under the OECD Decision, in a manner similar to the option available under the Basel Convention. The chapeaux to List A and List B of the Basel Convention allow stakeholders to provide evidence that a given waste is hazardous or is not hazardous. In contrast, there is no chapeaux to Annex II of the OECD Decision; there is a chapeau on only one Appendix of OECD Decision C(2001)107/FINAL, although there are other safeguard clauses.

In general, it is helpful in this context to keep in mind that both the Basel Convention and the OECD Decision are agreements that are not self-executing or directly binding on private actors. So in assessing opportunities of a private actor to challenge a particular classification as applied in particular transaction, reference to national implementing measures will be needed. We have focused below on where these agreements provide flexibility or interpretive scope to make adjustments to the default waste classifications.

The bottom line, however, is that the OECD Members should consider designing specific language to allow stakeholders to demonstrate that a given plastic waste, due to its characteristics or risks, is not subject to the Amber-list procedures and can instead move under the Green-list procedure. Such a mechanism would not apply by default under the OECD Decision as currently structured, but it could be added as part of the revision of the OECD Decision to cover plastics (e.g., by allowing OECD members to apply the Appendix 6 risk criteria to exempt a particular waste). This approach would be analogous to the procedures that are available to overcome the presumption of Basel controls that apply to waste listings under the current Annex VIII of the Basel Convention.

Questions arising under the amended Basel Convention

Q1: Do the chapeaux and safeguards allow challenging a plastic waste under A3210 listing in Annex VIII?

A: When the amendment enters into force, the A3210 listings will – like all of the other Annex VIII listings – be subject to the caveat/safeguards found in both Annex I paragraph (b) ("Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1 (a), of this Convention.") and in the chapeau to Annex VIII ("Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and *their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous*."). Moreover, the application of the Annex III

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safeguard is effectively *built into* the A3210 listing, because A3210, by its own terms, only applies to a plastic waste "*to an extent that it exhibits an Annex III characteristic*." So it is in theory still possible for an operator to demonstrate to a party (e.g., via testing) that a given plastic waste is non-hazardous under the Basel Convention article 1.1(a), and therefore out of scope of Annex VIII. As noted above, the particular requirements for how an operator would challenge a proposed classification for a particular waste will depend on the implementing measures and practices of the countries concerned.

However, unlike other A-listed waste categories, the structure of the 2019 plastics amendments significantly affects the legal effect of that determination. A determination that a plastic waste is non-hazardous does not necessarily take the waste outside the scope of Basel Convention controls. Instead, the non-hazardous plastic waste will default into the catch-all scope of Y48 (and therefore be controlled as an "other waste" under the Convention), unless it also falls into one of the B3011 listings. The value of the Annex III safeguards to allow a waste to "test out" of the Basel scope is therefore significantly reduced for wastes that are "plastic wastes."

Q2: Do the chapeaux and safeguards allow challenging a plastic waste under B3011 listing in Annex IX?

A: When the amendment enters into force, the B3011 listings will – like all of the other Annex IX listings – be subject to the caveat/safeguards found in both Annex I paragraph (b) ("Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic.") and in the chapeau to Annex IX ("Wastes contained in this Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention, unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic."). So, even if a plastic waste falls into one of the four categories of plastics listed in B3011, if an operator or Party authority could demonstrate that a given plastic waste contains an Annex I constituent and exhibits an Annex III characteristic, the waste would fall out of Annex IX and instead be subject to the A3210 listing.

Q3: Do the chapeaux and safeguards allow challenging a plastic waste under Y48 listing in Annex II?

As explained above, the structure of the listings for plastic wastes is comprehensive, with the Y48 listing capturing all plastic wastes unless either (a) the waste contains an Annex I constituent and exhibits an Annex III hazard (in which case they are controlled as hazardous), or (b) the waste falls into one of the four categories of plastic wastes set out in B3011. Although there are ambiguities and questions about the scope of those four categories of the B3011 listing, there is no other mechanism by which an operator or Party would be able to identify a waste as uncontrolled.

<u>Questions arising under the to-be amended OECD Decision C(2001)107/FINAL</u>

The precise answers to Q4-Q6 will depend on whether and how the specific listings of plastic wastes are ultimately incorporated into the revised OECD Decision.

Q4: Do the chapeaux and safeguards allow challenging a plastic waste under B3011 listing in Appendix 3?

A: As noted above, there is obviously room for interpretation with respect to the terms of the B3011 listing itself. So there is likely to be room for trading operators and OECD member authorities to interpret and challenge a determination of whether a given waste falls into a B3011 listing.

Apart from those interpretations, in general (subject to the caveat above that the actually answer will depend on the specifics of the listing decision), a plastic waste listing in Appendix 3 of the OECD Decision that is modeled on the B3011 listing could still result in one of the 4 categories of plastic waste covered in B3011 being controlled under the amber list procedure. This result could arise under two scenarios:

(a) If the plastic wastes fall into the general safeguard language of the Decision: That "safeguard" language is found in both Chapter C of the Decision and also in the chapeau of Appendix 3, and provides for amber list controls to apply to Appendix 3 wastes if they are contaminated by other materials to the extent that they increase the risks associated with wastes, based on Appendix 6 risk criteria, or that prevents recovery in an environmentally sound matter; or

(b) If an OECD party makes a decision to exercise its right under Chapter II.B.4.b to treat the green-listed plastic waste as if subject to the amber procedure, subject to the notification obligation in II.B.5.

The Guidance Manual for the OECD decision clarifies that Appendix 3 incorporates by reference the *listings* in Basel Annex IX, not the chapeau of Annex IX. As with Basel implementation, the particular process for challenging a waste classification will depend in part on the measures used to implement the OECD Decision in the Member States concerned.

Q5: Do the chapeaux and safeguards allow challenging a plastic waste under A3210 listing in Appendix 4?

A: In general (and subject to the caveat above that the actually answer will depend on the specifics of the OECD listing decision), a waste falling under Basel A3210 would be subject to amber controls under the OECD agreement because it would be incorporated by reference in the current text of Appendix 4 part I ("Wastes listed in Annexes II and VIII of the Basel Convention"). A plastic waste falling into A3210 could, however, still potentially be controlled for purposes of trade between OECD member countries under the green list procedure, if the relevant OECD parties made a decision to exercise their rights under Chapter II.B.4.c to treat the amber-listed plastic waste as if subject to the green procedure, subject to the notification obligation in II.B.5.

If the question here is whether there would an opportunity to challenge whether a given plastic waste is actually hazardous for purposes of OECD trade (assuming that A3210 is carried into the OECD Decision in Annex 4), the answer is yes. Not because of the caveat language in the chapeau of Annex VIII, but because (as noted above) the text of A3210 *itself*, by its own terms, only applies to a plastic waste *"to an extent that it exhibits an Annex III characteristic."* (Note, however, that whether or not the amber procedure would still apply depends on how the Y48 Annex II listing is ultimately addressed in the revised OECD Decision.)

In the absence of language added to the OECD listing decision, there does not appear to be a separate channel by which a trading entity or OECD member state could "challenge" a listing. The language of an OECD listing for hazardous plastic wastes <u>could in theory</u> be drafted in a way that would differ from the text of A3210, such that even a plastic waste that would be considered "hazardous" under the Basel

Convention that is by default subject to the amber procedure in the OECD could be brought into under the Green-listed procedures for purposes of intra-OECD trade (e.g., if the Appendix 4 listing were drafted in a manner that allowed OECD members to apply the Appendix 6 risk criteria to exempt a particular waste from amber controls). However, the inclusion of such a provision would be novel in the OECD Decision and would require careful drafting to establish how such a waste would be controlled in the event of different views between the OECD members involved.

Q6: Do the chapeaux and safeguards allow challenging a plastic waste under Y48 listing in Appendix 4?

In general (and subject to the caveat above that the actually answer will depend on the specifics of the OECD listing decision), a waste falling under Basel Y48 would be subject to amber controls under the OECD agreement because it would be incorporated by reference in the current text of Appendix 4 part I ("Wastes listed in Annexes II and VIII of the Basel Convention"). A plastic waste falling into Y48 could, however, still potentially be controlled for purposes of trade between OECD member countries under the green list procedure, if the relevant OECD parties made a decision to exercise their rights under Chapter II.B.4.c to treat the amber-listed plastic waste as if subject to the green procedure, subject to the notification obligation in II.B.5.

In the absence of language added to the OECD listing decision, there does not appear to be a separate channel by which a trading entity or OECD member state could "challenge" a determination that a given plastic falls into the Y48 category, other than the ambiguity and interpretive scope afforded by the B3011 text as describe above.

***

For further information or questions, please contact Russ LaMotte, rlamotte@bdlaw.com.

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Message

From: Salyer, Kathleen [Salyer.Kathleen@epa.gov]
Sent: 7/15/2019 6:47:40 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]; ORCR IO [ORCR_IO@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Cochran, Kimberly [cochran.kimberly@epa.gov]; Ames, Jeremy [Ames.Jeremy@epa.gov]
Subject: RE: FYI Basel Action Network criticizes US OECD objection (press release)

Thanks Lia. I'm going to send this up to OLEM IO for awareness, but could you provide a few more sentences of background on BAN, like what there main angle is. Thanks

---

From: Yohannes, Lia
Sent: Monday, July 15, 2019 9:13 AM
To: ORCR IO <ORCR_IO@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>
Subject: FYI Basel Action Network criticizes US OECD objection (press release)

FYI – Basel Action Network (BAN) criticizes US for OECD objection (below). BAN is one of the main NGOs that covers the Basel Convention. The organization is based in Seattle.

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Jim Puckett <jpuckett@ban.org>
Sent: Monday, July 15, 2019 1:57 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: US Objects to New Global Rules to Better Control Exports of Contaminated and Mixed Plastic Waste

press release

For Immediate Release

US Objects to New Global Rules to Better Control Exports of Contaminated and Mixed Plastic Waste

Stands Alone among Developed Countries as "Waste Dumping Nation"

Seattle, WA. July 15, 2019. The US is the sole member of the Organization of Economic Cooperation and Development (OECD) -- the group of 36 developed nations, that has chosen to object to the adoption of recently agreed Basel Convention trade controls to ensure that plastic wastes that are dirty and mixed and thus difficult to recycle can only be exported with the prior permission of the importing country.

"Just as in climate negotiations, the US is out of step with the rest of the developed world -- this time in the global effort to stem the tide of plastic waste dumping," said Jim Puckett, Executive Director of the Basel Action Network (BAN) -- a global waste trade watchdog organization. *"Rather than requiring waste traders to first clean and separate plastic wastes or else get the importing country's permission to receive it, the US seeks a free-trade pathway to allow its waste brokers to dump dirty, unrecyclable wastes on other OECD countries such as Mexico, Canada, Turkey and South Korea with impunity."*

The adoption among the OECD of new Basel Convention definitions placing dirty and contaminated plastics on its Annex II (wastes for special consideration), is automatic in the OECD's unique waste trading regime, unless one or more of the OECD countries object, by the 60-day deadline -- in this case by July 9, 2019. As the OECD deadline has now passed, only the US Environmental Protection Agency had filed an objection with the OECD office in Paris. The objection will now trigger a lengthy debate within the OECD with a view to reaching consensus. Without consensus, the US can block the rest of the OECD from incorporating the new global listings.

The EPA in their objection letter, claimed that the new rules would hinder recycling, just as they did at the Basel Convention meeting earlier this year. However, the 187 Parties to the Convention did not agree with this analysis. The new controls were passed by consensus in order to improve recycling and not allow it to be used as an excuse for simply global dumping. The US is not a party to the Basel Convention, but it is party to the similar OECD agreement for trade in wastes within that block.

BAN is warning all countries of the world to beware of exports of hazardous, plastic and other wastes that might be exported to them from the US without notice and without any assurances of environmentally sound recycling capacity in the receiving country. According to the watchdog group, this has been the situation for over a decade with respect to American electronic waste which continues to be exported from the US daily to Asia, and to Africa causing serious pollution and occupational disease in communities there. Most recently, following China's new "National Sword" policy barring imports of most scrap, a plastic waste tsunami has slammed Southeast Asia, with much of it coming from the US.

"It is clear that the US is positioning itself further as a country that intends to solve its waste problems by dumping them on their global neighbors. And these are often unsuspecting, weaker, and at times, impoverished countries," said Puckett. *"To protect themselves, we urge countries to adopt the same import restrictions that China has put in place, to beef up border controls, and finally, to ratify the Basel Ban Amendment."*

The Basel Ban Amendment, which prohibits hazardous waste exports from being exported from developed to developing countries passed in 1995, but still lacks two countries for it to enter into the force of international law and become part of the Basel Convention. It has already been ratified by all EU countries and Norway, but is opposed by the United States.

For more information:

Jim Puckett, Executive Director, Basel Action Network,
email: jpuckett@ban.org,
office phone: +1 (206) 652-5555

To see the US Objection

For a description of the Implications of the Proposed Basel Convention Changes Click Here.

About Basel Action Network

Founded in 1997, the Basel Action Network is a 501(c)3 charitable organization of the United States, based in Seattle, WA. BAN is the world's only organization focused on confronting the global environmental justice and economic inefficiency of toxic trade and its devastating

impacts. Today, BAN serves as the information clearinghouse on the subject of waste trade for journalists, academics, and the general public. Through its investigations, BAN uncovered the tragedy of hazardous electronic waste dumping in developing countries. For more information, see www.BAN.org.

Basel Action Network, 80 Yesler Way, Suite 300, Seattle, WA 98104

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Message

From: Ex. 6 Personal Privacy (PP)
Sent: 1/16/2020 5:06:18 PM
To:

Ex. 6 Personal Privacy (PP)

CC:

Ex. 6 Personal Privacy (PP)

Subject: Call-in information; WPRPW information webinar on outcomes of Basel Task Team, 21 January, 14-16h CET
Attachments: Task Team Report-ONE.pdf

Importance: High

Message sent on behalf of Ex. 6 Personal Privacy (PP) ***Head of the Environment and Economy Integration Division, Environment Directorate***

To: -WPRPW Delegates
-Costa Rica & South Africa
-Registered participants
Cc: -Members of the Ad-Hoc Task Team on Amendments Council Decision on TMW

Dear colleagues,

Thanks to those of you who registered for the informational webinar on the progress made by the "Ad Hoc Task Team to the Working Party on Resource Productivity and Waste Further to the Objection to Incorporation of Amendments to the Basel Convention into the OECD Decision on Transboundary Movements of Waste destined for Recovery Operations". We would be grateful to receive any further registrations by the end of the week at the latest (please email Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)

We hereby confirm that the **webinar** will be held on **Tuesday 21 January, 14.00-16.00** (Paris time, CEST).

The webinar will be held via Zoom. Please find the call-in information at the bottom of this e-mail.

This webinar is meant to help prepare WPRPW delegates and colleagues for the corresponding discussion in the upcoming meeting of WPRPW.

The draft agenda of the Webinar is as follows:

1. **Presentation on the outcomes of the negotiations of the Ad Hoc Task Team** (by the Chair of the Ad Hoc Task Team and WPRPW)
2. **Presentation on related legal interpretations and considerations** (by the OECD Legal Directorate)
3. **Q&A Session**

We would encourage you to have a look at the **Report from the Task Team** to WPRPW in advance of the Webinar (again attached to this email).
Other relevant documents that were produced by the Task Team are available from the WPRPW community site.

The OECD Secretariat (EEI Division) is inviting you to a scheduled Zoom meeting.

Topic: **WPRPW Conference call on outcomes on Task Team on Basel amendments**
Time: **Jan 21, 2020 12:00 PM Paris**

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- A wired internet connection is recommended
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- TUTO : How for getting connexion

Kind Regards,

Ex. 6 Personal Privacy (PP)

Head of the Environment and Economy Integration Division
Environment Directorate

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Message

From: Ames, Jeremy [Ames.Jeremy@epa.gov]
Sent: 10/8/2019 12:48:48 PM
To: ORCR IO [ORCR_IO@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]
CC: ORCR Press [ORCR_Press@epa.gov]
Subject: Inside EPA: EPA Stalls In Initial Push To Curb Impact Of Global Plastic Waste Limits

EPA Stalls In Initial Push To Curb Impact Of Global Plastic Waste Limits

October 07, 2019
The United States in recent low-level talks within the Organization for Economic Cooperation and Development (OECD) stalled in its attempt to gain support for a proposal that would effectively block limits that the group of the world's wealthiest countries is considering on trade in plastic recyclables, says a source familiar with the talks.

At the same time, during the talks, the U.S. government backed off to a degree from trying to expand existing free trade in plastic recyclables to also include plastics containing hazardous substances, the source says.

The U.S. government is following through on EPA Administrator Andrew Wheeler's objection filed in July to the OECD, seeking to prevent it from adopting recently approved amendments to the Basel Convention limiting trade in plastic waste into the OECD's current waste policies. The OECD represents the world's 36 wealthiest countries.

The U.S. objection "suspends" the OECD from automatically adopting the Basel plastic waste listings into its Council Decision -- which is a multilateral agreement governing the import and export of hazardous and other wastes shipped for recovery, according to EPA.

The United States is one of a few developed countries that is not a party to the Basel Convention, a global body governing the waste trade, and therefore could not block the Basel Convention parties from adopting the measure.

The Basel Convention measure, proposed by Norway and adopted by 187 countries in May, aims to restrict shipments of plastic recyclables from richer countries to third-world countries, prompted by concerns over plastic pollution in the oceans, an industry source says. The measure would now subject mixtures of plastics -- those made from more than one polymer -- to "Prior Informed Consent" procedures and other restrictions, according to an environmental group's legal analysis of the U.S. proposal. The Basel measure takes effect in January 2021.

The U.S. objection to OECD adopting the Basel measure triggered negotiations among OECD members, which began at a task team-level meeting held Sept. 19-20 in Paris, to decide how international trade on plastic waste should be addressed under the OECD's Council Decision.

The United States has put forth an alternative proposal that would effectively maintain the status quo of free trade among OECD countries in plastic waste recycling and expand that trade to include plastics containing hazardous substances.

If the OECD adopts the Basel amendments, the U.S. government could be shut out of exporting plastics to any Basel country unless it sets up separate agreements with those countries, one industry source has said.

During the September meeting, the source familiar with the talks says that while other OECD countries did not ask the United States to withdraw its objection, the U.S. proposal to allow trade of mixed plastics, in addition to single polymer plastics, to continue to be traded freely among OECD countries was not embraced. The other countries "insisted on the impossibility to accept the U.S. alternative as proposed," the source says in a written response, while noting that environmentalists did ask the U.S. government to withdraw its objection.

While representatives from the other OECD countries appear to be looking to reach a consensus decision, this source says, they acknowledged at the meeting that they are bound by the Basel amendment and therefore need to stick "as close[ly] as possible to the text" of that amendment.

'Formally Withdraw'

The United States in its proposal also sought to broaden existing allowances on free trade among OECD members, pushing to allow free trade in any plastic waste even if it contains hazardous substances -- something currently limited under the OECD. "They basically wanted to green list all plastic waste, including those that are currently considered hazardous," the source familiar with the talks says, referring to the OECD's green control procedure. That procedure applies to wastes posing a low risk to human health and the environment and therefore does not subject them to any other controls than those typically applied in commercial transactions, according to OECD's website.

But, this source says, the United States during the meeting partially backed off on its hazardous substance suggestion, agreeing to "formally withdraw" that aspect of its proposal. However, it only conceded to the pullback provided that the term "hazardous" as it relates to plastics is redefined, the source says, noting such a move would contradict Basel measures and eliminate the OECD decision as a valid agreement under Basel.

An EPA spokesperson responding to written questions on the talks deflected answering whether the U.S. government had backed off on its position on hazardous plastic waste, saying that the United States is advocating for "safe and environmentally sound transboundary movements of hazardous waste for recovery within the OECD."

The spokesperson generally characterizes the September meeting as "productive" in that parties exchanged views on a possible alternative approach to adopting the Basel plastic waste amendments.

The spokesperson says the United States "is concerned that regulating plastic scrap under the OECD agreement would make intra-OECD trade in plastic recyclables more difficult and could undermine the market for plastic recyclables." The spokesperson points to plastic scrap as one of the most important internationally-traded scrap commodities, noting that the United States in 2018 traded almost 610,000 metric tons of plastic scrap with OECD countries that was valued at over $315 million.

"Introducing new barriers to responsible trade in recyclable plastics could decrease their value, resulting in fewer incentives to recycle and more OECD-generated plastic waste disposed of in landfills, incinerators, or used for fuel," the spokesperson says.

Wheeler in his July letter argued that maintaining free trade in plastic waste in the OECD would be consistent with efforts to reduce marine plastic litter. He noted that OECD members "have attained high environmental standards and have the capacity to manage waste in an environmentally sound manner."

A decision on how international trade on plastic waste should be addressed under the OECD is crucial for domestic recyclers as the United States and other exporters have seen a squeeze on their exports after China last year restricted imports of scrap, including plastics, under its "National Sword" initiative, and other importing countries followed suit.

Limited Recycling

A second source familiar with the meeting says in a written response that the U.S. proposal "was vital" to allowing time for all the OECD members to examine the impact of the new plastic waste listings on their waste management and infrastructure. This source cites expected disruptions in processing plastic recyclables if the Basel amendment is adopted.

"Given the current very low recycling rates for plastics and the need to 'increase recycling of plastics across the board[,]' bringing in notifications for getting recyclables into recycling facilities would seem counterproductive -- time delays -- cost increases, etc.," the source says.

An OECD analysis created before the United States filed its objection indicates both plusses and minuses with the adoption of the Basel amendment, saying that more stringent controls could improve the controls on plastic waste shipments within the OECD and lower risks that such waste will find its way into the environment. “However, it could also undermine economically efficient and environmentally sound recovery of waste within the OECD area by rendering more difficult intra-OECD/Adherent shipments of plastic waste destined for recycling operations, as it would subject them to new notification procedures."

Environmentalists are taking issue with the United States’ proposal.

“Once again the U.S. is the outlier of the global community working against a clean planet and a responsible circular economy,” says a source with the environmental group the Basel Action Network.

The environmental group Center for International Environmental Law (CIEL) has written a legal analysis that examines the various impacts of the OECD either adopting the Basel amendments, adopting the U.S. alternative proposal, or failing to come to a consensus. CIEL says the best avenue would be for the U.S. government to withdraw its objection, with the Basel amendments being adopted, thereby minimizing disturbances to OECD waste trade.

If the U.S. approach is adopted, that would nonetheless present a snag for OECD members that are also party to the Basel Convention, according to CIEL. These parties would effectively be adopting a measure less environmentally sound than the Basel amendment, and therefore be violating their international obligations under Basel, it says. This would prevent “the use of OECD streamlined and simplified procedures by OECD member parties to the Basel Convention."

And if no consensus is reached, trade in plastic recyclables would only be permitted between the Basel countries and the United States in plastic recyclables that are non-hazardous, nearly free from contamination and are single polymers, CIEL says.

The OECD analysis notes too that no consensus would create “the risk that different countries will apply different procedures to the same waste."

According to OECD documents, the task team working to reach a consensus is under a tentative deadline of completing its work by the first quarter of 2020, while the deadline for reaching consensus within the OECD is Dec. 1, 2020. -- Suzanne Yohannan (syohannan@iwpnews.com)

Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 7/15/2019 1:13:00 PM
To: ORCR IO [ORCR_IO@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Cochran, Kimberly [cochran.kimberly@epa.gov]; Ames, Jeremy [Ames.Jeremy@epa.gov]
Subject: FYI Basel Action Network criticizes US OECD objection (press release)

FYI – Basel Action Network (BAN) criticizes US for OECD objection (below). BAN is one of the main NGOs that covers the Basel Convention. The organization is based in Seattle.

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Jim Puckett <jpuckett@ban.org>
Sent: Monday, July 15, 2019 1:57 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: US Objects to New Global Rules to Better Control Exports of Contaminated and Mixed Plastic Waste

press release

For Immediate Release

US Objects to New Global Rules to Better Control Exports of Contaminated and Mixed Plastic Waste

Stands Alone among Developed Countries as "Waste Dumping Nation"

Seattle, WA. July 15, 2019. The US is the sole member of the Organization of Economic Cooperation and Development (OECD) -- the group of 36 developed nations, that has chosen to object to the adoption of recently agreed Basel Convention trade controls to ensure that plastic wastes that are dirty and mixed and thus difficult to recycle can only be exported with the prior permission of the importing country.

"Just as in climate negotiations, the US is out of step with the rest of the developed world -- this time in the global effort to stem the tide of plastic waste dumping," said Jim Puckett, Executive Director of the Basel Action Network (BAN) -- a global waste trade watchdog organization. *"Rather than requiring waste traders to first clean and separate plastic wastes or else get the importing country's permission to receive it, the US seeks a free-trade pathway to allow its waste brokers to dump dirty, unrecyclable wastes on other OECD countries such as Mexico, Canada, Turkey and South Korea with impunity."*

The adoption among the OECD of new Basel Convention definitions placing dirty and contaminated plastics on its Annex II (wastes for special consideration), is automatic in the OECD's unique waste trading regime, unless one or more of the OECD countries object, by the 60-day deadline -- in this case by July 9, 2019. As the OECD deadline has now passed, only the US Environmental Protection Agency had filed an objection with the OECD office in Paris. The objection will now trigger a lengthy debate within the OECD with a view to reaching consensus. Without consensus, the US can block the rest of the OECD from incorporating the new global listings.

The EPA in their objection letter, claimed that the new rules would hinder recycling, just as they did at the Basel Convention meeting earlier this year. However, the 187 Parties to the Convention did not agree with this analysis. The new controls were passed by consensus in order to improve recycling and not allow it to be used as an excuse for simply global dumping. The US is not a party to the Basel Convention, but it is party to the similar OECD agreement for trade in wastes within that block.

BAN is warning all countries of the world to beware of exports of hazardous, plastic and other wastes that might be exported to them from the US without notice and without any assurances of environmentally sound recycling capacity in the receiving country. According to the watchdog group, this has been the situation for over a decade with respect to American electronic waste which continues to be exported from the US daily to Asia, and to Africa causing serious pollution and occupational disease in communities there. Most recently, following China's new "National

Sword" policy barring imports of most scrap, a plastic waste tsunami has slammed Southeast Asia, with much of it coming from the US.

"It is clear that the US is positioning itself further as a country that intends to solve its waste problems by dumping them on their global neighbors. And these are often unsuspecting, weaker, and at times, impoverished countries," said Puckett. *"To protect themselves, we urge countries to adopt the same import restrictions that China has put in place, to beef up border controls, and finally, to ratify the Basel Ban Amendment."*

The Basel Ban Amendment, which prohibits hazardous waste exports from being exported from developed to developing countries passed in 1995, but still lacks two countries for it to enter into the force of international law and become part of the Basel Convention. It has already been ratified by all EU countries and Norway, but is opposed by the United States.

For more information:

Jim Puckett, Executive Director, Basel Action Network,
email: jpuckett@ban.org,
office phone: +1 (206) 652-5555

To see the US Objection

For a description of the Implications of the Proposed Basel Convention Changes Click Here.

About Basel Action Network

Founded in 1997, the Basel Action Network is a 501(c)3 charitable organization of the United States, based in Seattle, WA. BAN is the world's only organization focused on confronting the global environmental justice and economic inefficiency of toxic trade and its devastating impacts. Today, BAN serves as the information clearinghouse on the subject of waste trade for journalists, academics, and the general public. Through its investigations, BAN uncovered the tragedy of hazardous electronic waste dumping in developing countries. For more information, see www.BAN.org.

Basel Action Network, 80 Yesler Way, Suite 300, Seattle, WA 98104

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Basel Plastic Scrap/Waste Amendments

Adopted at the 14th Conference of the Parties
April 29 – May 10, 2019

June 13, 2019

Outline

- Objective: Provide overview of the Basel amendments on plastic scrap/waste and discuss potential impacts and next steps.
  - Background
  - Basel plastic scrap/waste amendments – what's changed?
  - Remaining ambiguities with respect to certain plastic scrap/waste
  - Potential impacts for the US
  - Next steps

Background

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

- A legally binding international treaty establishing prior informed consent for transboundary shipments of waste within its scope.
- Entered into force in 1992; 187 Parties.
- U.S. is a Signatory, but not a Party.
- The U.S. has participated as an Observer in Basel since the Convention's initiation.

BASEL CONVENTION

the world environmental agreement on wastes

Objectives:

- Control and ensure environmentally sound management of hazardous wastes subject to transboundary movement.
- Prevent or control export of hazardous wastes to countries without capacity to manage it in an environmentally sound manner.
- Strengthen capacity of countries, esp. developing countries, to soundly manage waste.

Background

- In June/August 2018, Norway proposed amendments to the Basel Convention such that all plastic waste and scrap would be subject to the Basel prior informed consent (PIC) procedure.
  - Norway's rationale: Subjecting plastic waste and scrap to the Basel PIC procedure would improve tracking, ensure sound management, and reduce marine plastic litter.
- At the Basel Open-Ended Working Group meeting in September 2018, the US, some Basel Parties and industry stakeholders expressed concerns that by significantly hindering trade in plastic scrap sent for recycling, the proposal would reduce global recycling.
- In October 2018, Norway revised their original amendment proposal such that only certain plastic waste and scrap (including plastic waste considered Basel-hazardous) would be subject to the Basel PIC procedure.

Adopted amendments on plastic waste

- On May 10, Parties adopted amendments to the Basel Convention such that certain plastic waste and scrap will be subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.
- The amendments changed the following Annexes:
  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Basel Convention requirements.
  - **Annex II** lists wastes requiring "special consideration" which are subject to Convention requirements.
    - Examples: "household waste" (or MSW) and residues from the incineration of MSW.
  - **Annex VIII** lists wastes considered hazardous and so they are subject to Convention requirements.

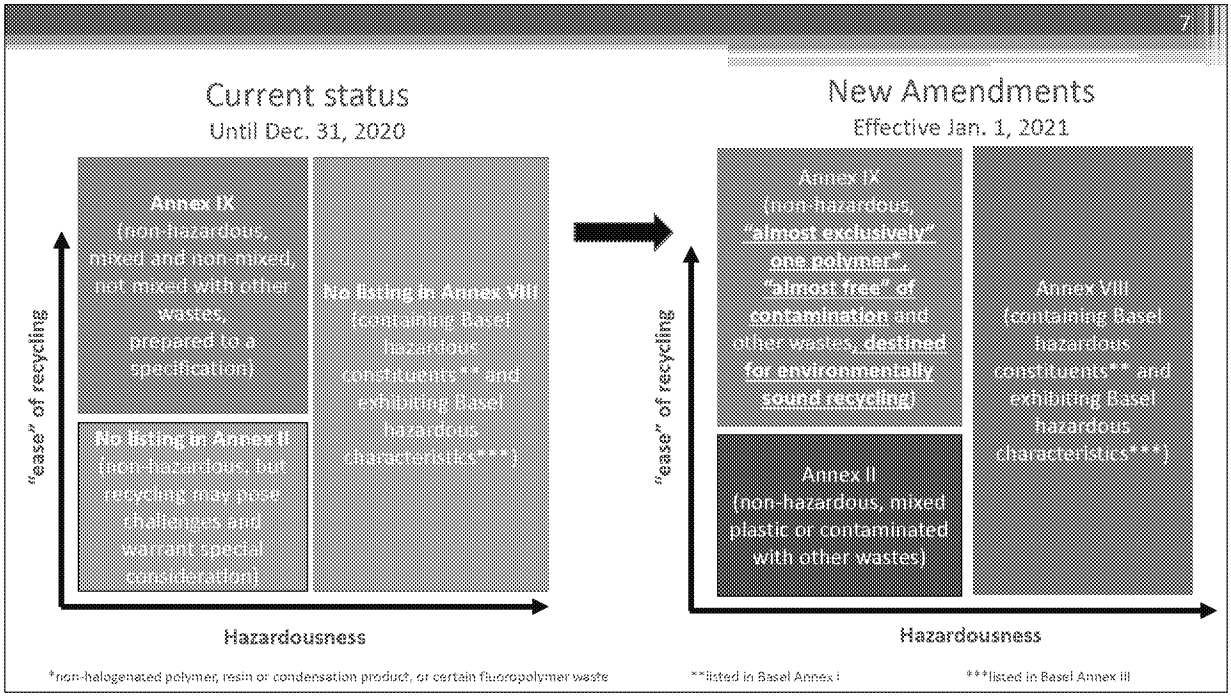
Adopted amendments on plastic scrap/waste (cont'd)

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic scrap/waste must "almost exclusively" consist of a single non-halogenated polymer or resin, be "almost free" from contamination and from other types of waste, and must be destined for environmentally sound recycling.
  - Shipments of clean, mixed plastics consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Certain unmixed fluorinated polymer scrap/wastes are also allowed based on the existing Basel entry.
  - Plastic scrap/waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

- **Annex II,** new entry Y48
  - Most mixed plastic scrap/waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic scrap/waste contaminated or mixed with other waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex VIII,** new entry A3210
  - Plastic scrap/waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Amendments enter into force on **January 1, 2021.**


Current status
Until Dec. 31, 2020
Annex IX
(non-hazardous, mixed and non-mixed, not mixed with other wastes, prepared to a specification)
No listing in Annex II
(non-hazardous, but recycling may pose challenges and warrant special consideration)
No listing in Annex VIII
(containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
New Amendments
Effective Jan. 1, 2021
Annex IX
(non-hazardous, "almost exclusively" one polymer*, "almost free" of contamination and other wastes, destined for environmentally sound recycling)
Annex II
(non-hazardous, mixed plastic or contaminated with other wastes)
Annex VIII
(containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
*non-halogenated polymer, resin or condensation product, or certain fluoropolymer waste
**listed in Basel Annex I
***listed in Basel Annex III

Unresolved questions

Ambiguity remains…

Annex IX

"Clean" plastic scrap/waste consisting of a single non-halogenated polymer resin or certain fluorinated polymers

Mixed PP, PE and PET allowed in certain cases

EoL products containing multiple polymers (e.g., auto parts made of PC-ABS)

Waste containing some plastic, but mostly consisting of other material (e.g., crushed scrap cars)

Some contamination (e.g., PET bottle with label, food residues)

Some mixed plastics (e.g., PET bottle with PP cap)

Annex II

Highly mixed and/or contaminated plastic scrap/waste, most halogenated polymers (e.g. PVC)

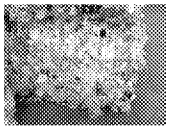
Annex VIII

Plastic scrap/waste contaminated with Basel hazardous constituents* to an extent it exhibits a Basel hazardous characteristic**

Basel PIC procedure will not apply

Will Basel PIC procedures apply?

Basel PIC procedure will apply



Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic scrap/waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Clean, mixed plastics consisting of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What will be considered environmentally sound recycling and how will "separate recycling" be defined?

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in SE Asia.
- Anticipate significant adverse impact on US recycling programs that could benefit from the revenue generated by higher value plastic scrap exports.
- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
- May lead to increased investments in US plastic processing capacity.
- Anticipate confusion by US industry on technical issues and procedural requirements; need to develop outreach and guidance materials.
- Although the amendments do not change U.S. export and import waste requirements, we anticipate receiving import/export notifications from countries.
- The Basel amendments will be added to the waste listings under the OECD Council Decision unless an OECD member country objects.

Next steps

OECD Council Decision

- Opportunity to disagree with the Basel amendments and negotiate a different level of control under the OECD Council Decision
- To be discussed at the upcoming June meeting of the OECD Working Party on Resource Productivity and Waste (WPRPW)

Basel Convention

- Basel Partnership on Plastic Waste, a public-private initiative to strengthen capacity of developing countries to address plastic waste
- Basel intersessional working group to improve clarity of Basel amendments and update Basel technical guidelines on the environmentally sound management of plastic waste
- Further work to identify hazardous constituents relevant for plastic waste, opportunities to comment on specific aspects of the amendments (list of cured resins and fluorinated polymer wastes)

Stakeholder outreach

- Develop guidance materials for US industry on technical issues and procedural requirements

Appendices

- Slide 15: Existing listing for plastic scrap/waste, B3010 in Basel Annex IX
- Slide 16: Plastic scrap/waste amendments to Basel Annexes II and VIII (new listings)
- Slide 17: Plastic scrap/waste amendments to Basel Annex IX (changes to existing listing)

Existing plastic waste and scrap listing, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic scrap/waste (subject to Basel PIC procedure)

Annex II plastic scrap/waste listing

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[7]

Annex II plastic scrap/waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

[4] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[5] In this respect, international and national specifications may offer a point of reference.

[6] In this respect, international and national specifications may offer a point of reference.

[7] Post-consumer wastes are excluded from this entry.

[8] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[9] In this respect, international and national specifications may offer a point of reference.

Annex VIII plastic scrap/waste listing

A3210[10]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

[10] This entry becomes effective as of 1 January 2021.

Revised Basel Annex IX plastic scrap/waste listing, B3011

Replaces existing Annex IX plastic scrap/waste listing, B3010. This material is not subject to Basel PIC procedures.

B3011[11]	Plastic waste listed below, provided it is destined for recycling[12] in an environmentally sound manner and almost free from contamination and other types of wastes (note the related entries on list A A3210 and Y48 in Annex II):[13] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) - Plastic waste almost exclusively[14] consisting of one cured resin or condensation product including the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[15] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[16] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[17]

[11] This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.

[12] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[13] In this respect, international and national specifications may offer a point of reference.

[14] In this respect, international and national specifications may offer a point of reference.

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Basel Plastic Waste Amendments

Adopted at the 14th Conference of the Parties
April 29 – May 10, 2019

SMM EF Call
May 30, 2019

Outline

- Objective: Provide overview of the Basel amendments on plastic waste and discuss potential impacts and next steps.
  - Background
  - US position
  - Basel plastic waste amendments – what's changed?
  - Remaining ambiguities with respect to certain plastic waste
  - Potential impacts for the US
  - Next steps

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Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

- A legally binding international treaty establishing prior informed consent for transboundary shipments of waste within its scope.
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- Strengthen capacity of countries, esp. developing countries, to soundly manage waste.

Background

- In June/August 2018, Norway proposed amendments to the Basel Convention such that all plastic waste and scrap would be subject to the Basel prior informed consent (PIC) procedure.
  - Norway's rationale: Subjecting plastic waste and scrap to the Basel PIC procedure would improve tracking, ensure sound management, and reduce marine plastic litter.
- At the Basel Open-Ended Working Group meeting in September 2018, the US, some Basel Parties and industry stakeholders expressed concerns that by significantly hindering trade in plastics sent for recycling, the proposal would reduce global recycling and could undermine sound management of end-of-life plastics.
- In October 2018, Norway revised their original amendment proposal such that only certain plastic waste and scrap (including plastic waste considered Basel-hazardous) would be subject to the Basel PIC procedure.

U.S. position

- The U.S. government (USG) does not support requiring the Basel PIC procedure for exports of plastic scrap sent for recycling because:
  - It is unclear how this will address ineffective waste management systems and unsound disposal practices, which are the root cause of marine plastic litter.
  - There are significant amounts of plastic scrap exports and placing additional costs/burdens on these exports could reduce the overall level of plastic recycling in the world and could undermine the incentive to properly manage plastic waste and scrap.
  - Need time to assess impacts of amendments on plastic recycling, (mis)management of end-of-life plastic, and marine plastic litter.
  - Export notices for plastic waste and scrap could overwhelm countries with limited capacity to process notices and take resources away from managing hazardous wastes that pose greater risks.
- The USG is supportive of the Basel Convention addressing marine litter and plastic waste problems via strengthening the capacity of developing countries to soundly manage plastic waste.
  - Basel Partnership on Plastic Waste
  - Updating existing Basel technical guidelines on environmentally sound management of plastic waste.

Adopted amendments on plastic waste

- On May 10, Parties adopted amendments to the Basel Convention such that certain plastic waste and scrap will be subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.
- The amendments changed the following Annexes:
  - **Annex II** covers wastes requiring "special consideration". Annex II waste is subject to Convention requirements.
    - Annex II wastes include "household waste" (or MSW) and residues from the incineration of MSW.
  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Convention requirements.
  - **Annex VIII** lists wastes considered hazardous so they fall under the Convention requirements.

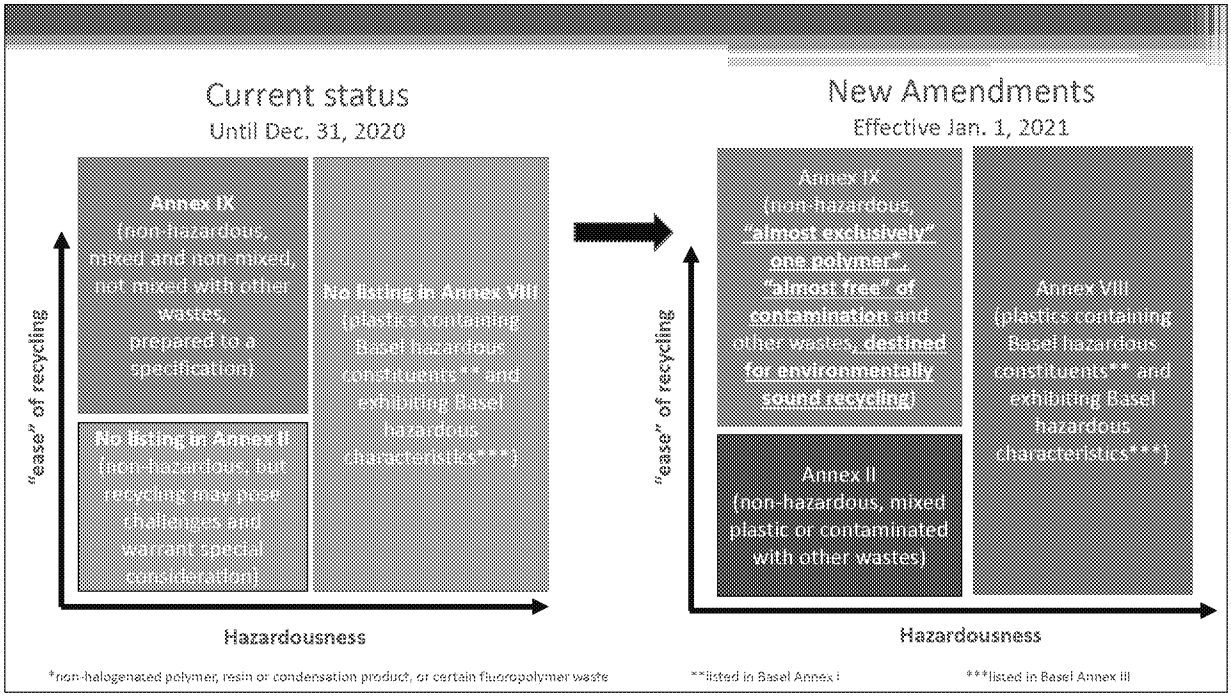
Adopted amendments on plastic waste (cont'd)

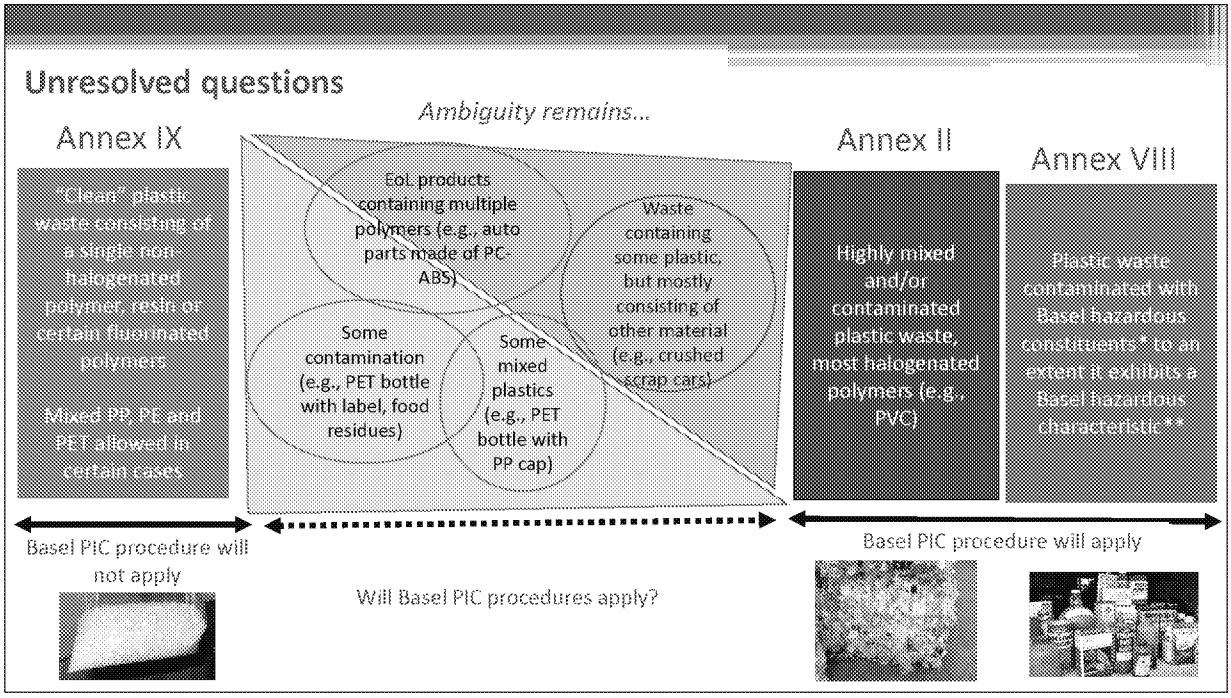
- **Annex II,** new entry Y48
  - Most mixed plastic waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic waste contaminated or mixed with other waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic waste must "almost exclusively" consist of a single non-halogenated polymer or resin.
  - Certain unmixed fluorinated polymer wastes are also allowed based on the existing Basel entry.
  - Plastic waste must be "almost free" from contamination and from other types of waste and be destined for environmentally sound recycling.
  - Mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Plastic waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

- **Annex VIII,** new entry A3210
  - Plastic waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Amendments enter into force on **January 1, 2021.**


Current status
Until Dec. 31, 2020
Annex IX
(non-hazardous, mixed and non-mixed, not mixed with other wastes, prepared to a specification)
No listing in Annex II
(non-hazardous, but recycling may pose challenges and warrant special consideration)
No listing in Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
New Amendments
Effective Jan. 1, 2021
Annex IX
(non-hazardous, "almost exclusively" one polymer*, "almost free" of contamination and other wastes, destined for environmentally sound recycling)
Annex II
(non-hazardous, mixed plastic or contaminated with other wastes)
Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
*non-halogenated polymer, resin or condensation product, or certain fluoropolymer waste
**listed in Basel Annex I
***listed in Basel Annex III


Unresolved questions
Ambiguity remains...
Annex IX
"Clean" plastic waste consisting of a single non-halogenated polymer, resin or certain fluorinated polymers
Mixed PP, PE and PET allowed in certain cases
EoL products containing multiple polymers (e.g., auto parts made of PC-ABS)
Waste containing some plastic, but mostly consisting of other material (e.g., crushed scrap cars)
Some contamination (e.g., PET bottle with label, food residues)
Some mixed plastics (e.g., PET bottle with PP cap)
Annex II
Highly mixed and/or contaminated plastic waste, most halogenated polymers (e.g. PVC)
Annex VIII
Plastic waste contaminated with Basel hazardous constituents* to an extent it exhibits a Basel hazardous characteristic**
Basel PIC procedure will not apply
Will Basel PIC procedures apply?
Basel PIC procedure will apply

Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Mixtures of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What is considered environmentally sound recycling and how will "separate recycling" be defined?

Other takeaways from the Basel COP

- Parties were under significant pressure to "do something".
- Rushed, inadequate discussion of technical issues and consideration of impacts, potential for unintended consequences.
- Common misconception that amendments offered a solution to the plastic waste (mismanagement) problem.
- It was important to many developing countries, esp. the African Regional group, that action address land-based plastic waste, not just marine plastic litter.

Ex. 5 Deliberative Process (DP)

- Technical/legal ambiguities will be taken up by a Basel working group to be established.

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in SE Asia.
- Anticipate significant adverse impact on US recycling programs that could benefit from the revenue generated by higher value plastic scrap exports.
- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
- May lead to increased investments in US plastic processing capacity.
- Anticipate confusion by US industry on technical issues and procedural requirements; need to develop outreach and guidance materials.
- Although the amendments do not change U.S. export and import waste requirements, we anticipate receiving import/export notifications from countries.
- The Basel amendments will be added to the waste listings under the OECD Council Decision unless an OECD member country objects.

Next steps

OECD Council Decision

- Opportunity to disagree with the Basel amendments and negotiate a different level of control under the OECD Council Decision
- To be discussed at the upcoming June meeting of the OECD Working Party on Resource Productivity and Waste (WPRPW)

Basel Convention

- Basel Partnership on Plastic Waste, a public-private initiative to strengthen capacity of developing countries to address plastic waste
- Basel intersessional working group to update Basel technical guidelines on the environmentally sound management of plastic waste
- Further work to identify hazardous constituents relevant for plastic waste, opportunities to comment on specific aspects of the amendments (list of resins and fluorinated polymer wastes)

Stakeholder outreach

- Develop guidance materials for US industry on technical issues and procedural requirements

Appendices

- Slide 15: Existing listing for plastic waste and scrap, B3010 in Basel Annex IX
- Slide 16: Plastic waste amendments to Basel Annexes II and VIII (new listings)
- Slide 17: Plastic waste amendments to Basel Annex IX (changes to existing listing)

Existing plastic waste and scrap entry, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic waste (subject to Basel PIC procedure)

Annex II plastic waste

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[7]

Annex II plastic waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

[4] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[5] In this respect, international and national specifications may offer a point of reference.

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Annex VIII plastic waste

A3210[13]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

[10] This entry becomes effective as of 1 January 2021.

B3011[11]	Plastic waste listed below, provided it is destined for recycling[12] in an environmentally sound manner and almost free from contamination and other types of wastes (note the related entries on list A A3210 and Y48 in Annex II):[13] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) - Plastic waste almost exclusively[14] consisting of one cured resin or condensation product including the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[15] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[16] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[17]

Revised Basel Annex IX plastic waste listing, B3011

Replaces existing Annex IX plastic waste listing, B3010. These wastes are not subject to Basel PIC procedures.

[11] This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.

[12] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[13] In this respect, international and national specifications may offer a point of reference.

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[17] In this respect, international and national specifications may offer a point of reference.

Basel Plastic Waste Amendments

Adopted at the 14th Conference of the Parties
April 29 – May 10, 2019

RCSD Division Meeting
June 5, 2019

Outline

- Objective: Provide overview of the Basel amendments on plastic waste and discuss potential impacts and next steps.
  - Background
  - US position
  - Basel plastic waste amendments – what's changed?
  - Remaining ambiguities with respect to certain plastic waste
  - Potential impacts for the US
  - Next steps

Background

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

- A legally binding international treaty establishing prior informed consent for transboundary shipments of waste within its scope.
- Entered into force in 1992; 187 Parties.
- U.S. is a Signatory, but not a Party.
- The U.S. has participated as an Observer in Basel since the Convention's initiation.

BASEL CONVENTION

the world environmental agreement on wastes

Objectives:

- Control and ensure environmentally sound management of hazardous wastes subject to transboundary movement.
- Prevent or control export of hazardous wastes to countries without capacity to manage it in an environmentally sound manner.
- Strengthen capacity of countries, esp. developing countries, to soundly manage waste.

Background

- In June/August 2018, Norway proposed amendments to the Basel Convention such that all plastic waste and scrap would be subject to the Basel prior informed consent (PIC) procedure.
  - Norway's rationale: Subjecting plastic waste and scrap to the Basel PIC procedure would improve tracking, ensure sound management, and reduce marine plastic litter.
- At the Basel Open-Ended Working Group meeting in September 2018, the US, some Basel Parties and industry stakeholders expressed concerns that by significantly hindering trade in plastics sent for recycling, the proposal would reduce global recycling and could undermine sound management of end-of-life plastics.
- In October 2018, Norway revised their original amendment proposal such that only certain plastic waste and scrap (including plastic waste considered Basel-hazardous) would be subject to the Basel PIC procedure.

U.S. position

- The U.S. government (USG) does not support requiring the Basel PIC procedure for exports of plastic scrap sent for recycling because:
  - It is unclear how this will address ineffective waste management systems and unsound disposal practices, which are the root cause of marine plastic litter.
  - There are significant amounts of plastic scrap exports and placing additional costs/burdens on these exports could reduce the overall level of plastic recycling in the world and could undermine the incentive to properly manage plastic waste and scrap.
  - Need time to assess impacts of amendments on plastic recycling, (mis)management of end-of-life plastic, and marine plastic litter.
  - Export notices for plastic waste and scrap could overwhelm countries with limited capacity to process notices and take resources away from managing hazardous wastes that pose greater risks.
- The USG is supportive of the Basel Convention addressing marine litter and plastic waste problems via strengthening the capacity of developing countries to soundly manage plastic waste.
  - Basel Partnership on Plastic Waste
  - Updating existing Basel technical guidelines on environmentally sound management of plastic waste.

Adopted amendments on plastic waste

- On May 10, Parties adopted amendments to the Basel Convention such that certain plastic waste and scrap will be subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.
- The amendments changed the following Annexes:
  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Basel Convention requirements.
  - **Annex II** lists wastes requiring "special consideration" which are subject to Convention requirements.
    - Examples: "household waste" (or MSW) and residues from the incineration of MSW.
  - **Annex VIII** lists wastes considered hazardous and so they are subject to Convention requirements.

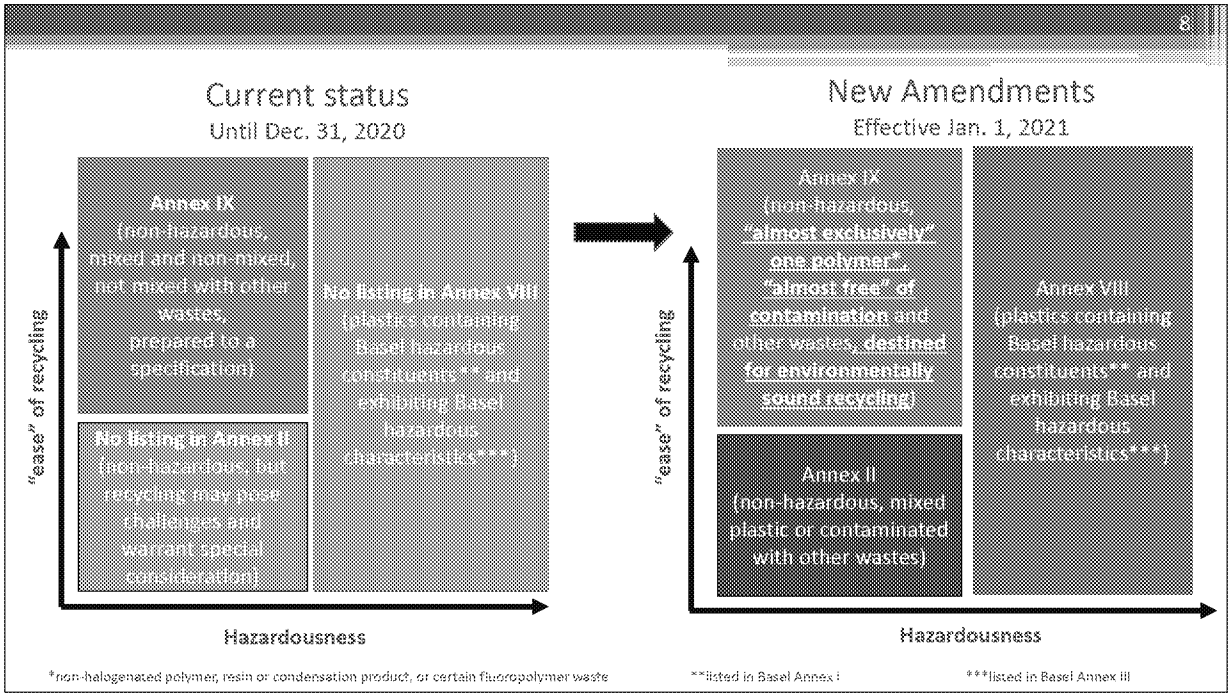
Adopted amendments on plastic waste (cont'd)

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic waste must "almost exclusively" consist of a single non-halogenated polymer or resin.
  - Certain unmixed fluorinated polymer wastes are also allowed based on the existing Basel entry.
  - Plastic waste must be "almost free" from contamination and from other types of waste and be destined for environmentally sound recycling.
  - Mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Plastic waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

- **Annex II,** new entry Y48
  - Most mixed plastic waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic waste contaminated or mixed with other waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex VIII,** new entry A3210
  - Plastic waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Amendments enter into force on **January 1, 2021.**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Unresolved questions

Ambiguity remains…

Annex IX

"Clean" plastic waste consisting of a single non-halogenated polymer, resin or certain fluorinated polymers

Mixed PP, PE and PET allowed in certain cases

EoL products containing multiple polymers (e.g., auto parts made of PC-ABS)

Waste containing some plastic, but mostly consisting of other material (e.g., crushed scrap cars)

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Highly mixed and/or contaminated plastic waste, most halogenated polymers (e.g. PVC)

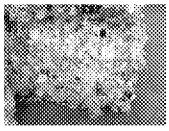
Annex VIII

Plastic waste contaminated with Basel hazardous constituents* to an extent it exhibits a Basel hazardous characteristic**

Basel PIC procedure will not apply

Will Basel PIC procedures apply?

Basel PIC procedure will apply



Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Mixtures of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What is considered environmentally sound recycling and how will "separate recycling" be defined?

Other takeaways from the Basel COP

- Parties were under significant pressure to "do something".
- Rushed, inadequate discussion of technical issues and consideration of impacts, potential for unintended consequences.
- Common misconception that amendments offered a solution to the plastic waste (mismanagement) problem.
- It was important to many developing countries, esp. the African Regional group, that action address land-based plastic waste, not just marine plastic litter.

Ex. 5 Deliberative Process (DP)

- Technical/legal ambiguities will be taken up by a Basel working group.

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in SE Asia.
- Anticipate significant adverse impact on US recycling programs that could benefit from the revenue generated by higher value plastic scrap exports.
- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
- May lead to increased investments in US plastic processing capacity.
- Anticipate confusion by US industry on technical issues and procedural requirements; need to develop outreach and guidance materials.
- Although the amendments do not change U.S. export and import waste requirements, we anticipate receiving import/export notifications from countries.
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Next steps

OECD Council Decision

- Opportunity to disagree with the Basel amendments and negotiate a different level of control under the OECD Council Decision
- To be discussed at the upcoming June meeting of the OECD Working Party on Resource Productivity and Waste (WPRPW)

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- Basel Partnership on Plastic Waste, a public-private initiative to strengthen capacity of developing countries to address plastic waste
- Basel intersessional working group to update Basel technical guidelines on the environmentally sound management of plastic waste
- Further work to identify hazardous constituents relevant for plastic waste, opportunities to comment on specific aspects of the amendments (list of resins and fluorinated polymer wastes)

Stakeholder outreach

- Develop guidance materials for US industry on technical issues and procedural requirements

Appendices

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Existing plastic waste and scrap entry, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

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[23] It is understood that such scraps are completely polymerized.

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[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic waste (subject to Basel PIC procedure)

Annex II plastic waste

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[3]

Annex II plastic waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

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Basel Plastic Waste Amendments

Adopted at the 14th Conference of the Parties
April 29 – May 10, 2019

SMM EF Call
May 30, 2019

Outline

- Objective: Provide overview of the Basel amendments on plastic waste and discuss potential impacts and next steps.
  - Background
  - US position
  - Basel plastic waste amendments – what's changed?
  - Remaining ambiguities with respect to certain plastic waste
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- The U.S. government (USG) does not support requiring the Basel PIC procedure for exports of plastic scrap sent for recycling because:
  - It is unclear how this will address ineffective waste management systems and unsound disposal practices, which are the root cause of marine plastic litter.
  - There are significant amounts of plastic scrap exports and placing additional costs/burdens on these exports could reduce the overall level of plastic recycling in the world and could undermine the incentive to properly manage plastic waste and scrap.
  - Need time to assess impacts of amendments on plastic recycling, (mis)management of end-of-life plastic, and marine plastic litter.
  - Export notices for plastic waste and scrap could overwhelm countries with limited capacity to process notices and take resources away from managing hazardous wastes that pose greater risks.
- The USG is supportive of the Basel Convention addressing marine litter and plastic waste problems via strengthening the capacity of developing countries to soundly manage plastic waste.
  - Basel Partnership on Plastic Waste
  - Updating existing Basel technical guidelines on environmentally sound management of plastic waste.

Adopted amendments on plastic waste

- On May 10, Parties adopted amendments to the Basel Convention such that certain plastic waste and scrap will be subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.

- The amendments changed the following Annexes:

  - **Annex II** covers wastes requiring "special consideration". Annex II waste is subject to Convention requirements.
    - Annex II wastes include "household waste" (or MSW) and residues from the incineration of MSW.

  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Convention requirements.

  - **Annex VIII** lists wastes considered hazardous so they fall under the Convention requirements.

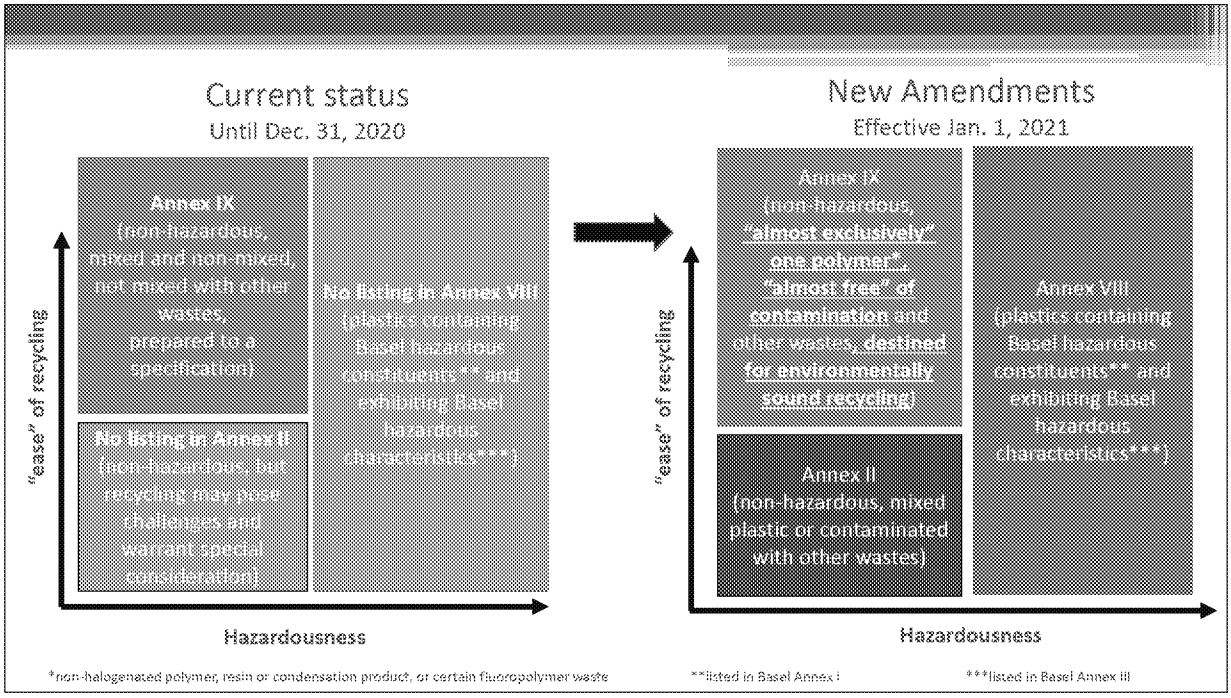
Adopted amendments on plastic waste (cont'd)

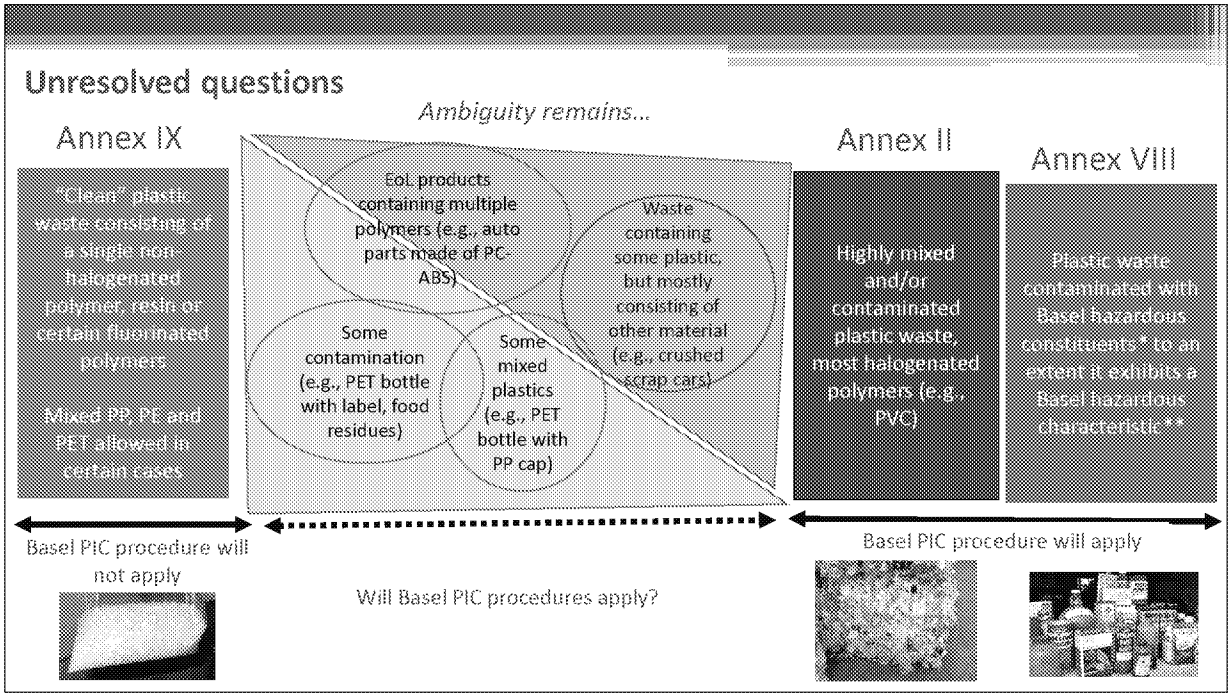
- **Annex II,** new entry Y48
  - Most mixed plastic waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic waste contaminated or mixed with other waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic waste must "almost exclusively" consist of a single non-halogenated polymer or resin.
  - Certain unmixed fluorinated polymer wastes are also allowed based on the existing Basel entry.
  - Plastic waste must be "almost free" from contamination and from other types of waste and be destined for environmentally sound recycling.
  - Mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Plastic waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

- **Annex VIII,** new entry A3210
  - Plastic waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Amendments enter into force on **January 1, 2021.**


Current status
Until Dec. 31, 2020
Annex IX
(non-hazardous, mixed and non-mixed, not mixed with other wastes, prepared to a specification)
No listing in Annex II
(non-hazardous, but recycling may pose challenges and warrant special consideration)
No listing in Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
New Amendments
Effective Jan. 1, 2021
Annex IX
(non-hazardous, "almost exclusively" one polymer*, "almost free" of contamination and other wastes, destined for environmentally sound recycling)
Annex II
(non-hazardous, mixed plastic or contaminated with other wastes)
Annex VIII
(plastics containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
*non-halogenated polymer, resin or condensation product, or certain fluoropolymer waste
**listed in Basel Annex I
***listed in Basel Annex III


Unresolved questions
Ambiguity remains...
Annex IX
"Clean" plastic waste consisting of a single non-halogenated polymer, resin or certain fluorinated polymers
Mixed PP, PE and PET allowed in certain cases
EoL products containing multiple polymers (e.g., auto parts made of PC-ABS)
Waste containing some plastic, but mostly consisting of other material (e.g., crushed scrap cars)
Some contamination (e.g., PET bottle with label, food residues)
Some mixed plastics (e.g., PET bottle with PP cap)
Annex II
Highly mixed and/or contaminated plastic waste, most halogenated polymers (e.g. PVC)
Annex VIII
Plastic waste contaminated with Basel hazardous constituents* to an extent it exhibits a Basel hazardous characteristic**
Basel PIC procedure will not apply
Will Basel PIC procedures apply?
Basel PIC procedure will apply

Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Mixtures of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What is considered environmentally sound recycling and how will "separate recycling" be defined?

Other takeaways from the Basel COP

- Parties were under significant pressure to "do something".
- Rushed, inadequate discussion of technical issues and consideration of impacts, potential for unintended consequences.
- Common misconception that amendments offered a solution to the plastic waste (mismanagement) problem.
- It was important to many developing countries, esp. the African Regional group, that action address land-based plastic waste, not just marine plastic litter.

Ex. 5 Deliberative Process (DP)

- Technical/legal ambiguities will be taken up by a Basel working group to be established.

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in SE Asia.
- Anticipate significant adverse impact on US recycling programs that could benefit from the revenue generated by higher value plastic scrap exports.
- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
- May lead to increased investments in US plastic processing capacity.
- Anticipate confusion by US industry on technical issues and procedural requirements; need to develop outreach and guidance materials.
- Although the amendments do not change U.S. export and import waste requirements, we anticipate receiving import/export notifications from countries.
- The Basel amendments will be added to the waste listings under the OECD Council Decision unless an OECD member country objects.

Next steps

OECD Council Decision

- Opportunity to disagree with the Basel amendments and negotiate a different level of control under the OECD Council Decision
- To be discussed at the upcoming June meeting of the OECD Working Party on Resource Productivity and Waste (WPRPW)

Basel Convention

- Basel Partnership on Plastic Waste, a public-private initiative to strengthen capacity of developing countries to address plastic waste
- Basel intersessional working group to update Basel technical guidelines on the environmentally sound management of plastic waste
- Further work to identify hazardous constituents relevant for plastic waste, opportunities to comment on specific aspects of the amendments (list of resins and fluorinated polymer wastes)

Stakeholder outreach

- Develop guidance materials for US industry on technical issues and procedural requirements

Appendices

- Slide 14: Existing listing for plastic waste and scrap, B3010 in Basel Annex IX
- Slide 15: Plastic waste amendments to Basel Annexes II and VIII (new listings)
- Slide 16: Plastic waste amendments to Basel Annex IX (changes to existing listing)

Existing plastic waste and scrap entry, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic waste (subject to Basel PIC procedure)

Annex II plastic waste

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[3]

Annex II plastic waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

[4] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[5] In this respect, international and national specifications may offer a point of reference.

[6] In this respect, international and national specifications may offer a point of reference.

[7] Post-consumer wastes are excluded from this entry.

[8] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[9] In this respect, international and national specifications may offer a point of reference.

Annex VIII plastic waste

A3210[13]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

[13] This entry becomes effective as of 1 January 2021.

B3011[11]	Plastic waste listed below, provided it is destined for recycling[12] in an environmentally sound manner and almost free from contamination and other types of wastes (note the related entries on list A A3210 and Y48 in Annex II):[13] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) - Plastic waste almost exclusively[14] consisting of one cured resin or condensation product including the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[15] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[16] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[17]

Revised Basel Annex IX plastic waste listing, B3011

Replaces existing Annex IX plastic waste listing, B3010. These wastes are not subject to Basel PIC procedures.

[11] This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.

[12] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[13] In this respect, international and national specifications may offer a point of reference.

[14] In this respect, international and national specifications may offer a point of reference.

[15] Post-consumer wastes are excluded from this entry.

[16] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[17] In this respect, international and national specifications may offer a point of reference.

Objection to OECD Council Decision's Incorporation of Basel Plastic Scrap/Waste Amendments
Briefing Paper

Purpose:

- Provide an overview of EPA's plan and rationale for objecting to the incorporation of the recent Basel Convention plastic scrap/waste amendments to the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.
- Seek the Administrator's signature on the objection letter to the Organization for Economic Cooperation and Development (OECD) by July 1.

Background:

The Basel Convention is a legally binding treaty regulating the import and export of hazardous waste and other wastes of special concern (e.g., unsorted municipal solid waste). It was adopted in 1989 and entered into force in 1992. To date, 187 countries have ratified the Basel Convention (i.e., are Basel Parties).

At the recent Basel Conference of the Parties, Basel Parties (i.e. countries that have ratified the Convention) decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. These requirements go into effect on January 1, 2021. Because the U.S. is not a Party to the Basel Convention, the Basel Party/Non-Party prohibition means that the U.S. will not be allowed to export most plastic scrap to non-OECD Basel Parties. The U.S. currently exports large amounts of plastic scrap to non-OECD Basel countries, primarily in Southeast Asia. The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision. In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments. Under the OECD Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted.

Under the new Basel plastic scrap/waste amendments requirements, most shipments of mixed plastic scrap will be subject to the Basel PIC procedures. Plastic scrap/waste considered hazardous under Basel will also be subject to PIC procedures. To be "exempt" from Basel, shipments of plastic scrap will need to generally consist of one polymer and essentially be free of contamination and other wastes. Shipments of clean, mixed plastics containing only polyethylene terephthalate (PET), polypropylene and/or polyethylene will be exempt in certain cases.

Issue:

If the OECD adopts the Basel plastic scrap/waste amendments, most plastic scrap will be subject to PIC requirements (i.e., the OECD amber procedure), and U.S. trade in plastic scrap will become more difficult, subject to delays and increased costs. Therefore, it is important that the U.S. object to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision. We

recommend that the OECD maintain the status quo such that transboundary movements of plastic scrap among OECD member countries continue to be subject to the OECD Council Decision green control procedure (i.e., trade would be 'exempt' from PIC requirements). Facilitating trade in plastic scrap and waste among OECD countries by making plastic scrap/waste subject to the green control procedure will help ensure that the material can move freely to jurisdictions that can recycle it efficiently and in an environmentally sound manner.

Objections must be made in a letter addressed to the OECD Secretary General, the highest ranking official in the OECD Secretariat, and must be received by July 9, 2019. The letter must explain our rationale for objecting using criteria described in the OECD Council Decision and include an alternative proposal. The objection will suspend the automatic incorporation of the Basel waste listings into the OECD Council Decision and trigger negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

Our alternative proposal is to establish two OECD green listings for hazardous and non-hazardous plastic scrap/waste that would be exempt from PIC requirements. First, we propose a new OECD green listing, GH012, which will be broader and more comprehensive than the existing OECD listing to ensure that all non-hazardous plastic scrap/waste are exempt. Second, we propose a new OECD green-listing, GH014, which would exempt plastic scrap/waste that is considered hazardous under the Basel Convention (i.e., contains a hazardous constituent and exhibits a hazardous characteristic). This listing would serve in lieu of the new A3210 Basel listing for hazardous plastic scrap/waste. We also propose to retain the existing OECD green listing for PVC which is a commonly traded polymer.

OECD countries must reach consensus on how to address plastic scrap/waste under the Council Decision by December 1, 2020 (i.e., one month before the Basel amendments enter into force). If no consensus is reached, each country retains its right to control plastic scrap/waste per its domestic legislation and international law. OLEM wants to avoid this outcome because it would mean that OECD countries would apply different procedures to plastic scrap/waste, which would hamper exports for recycling and potentially reduce recycling rates.

In June, ORCR will be attending a meeting of the OECD Working Party on Resource Productivity and Waste where this issue will be briefly discussed. We plan on expressing our intent to object at that time. In preparation for the June meeting, we are holding meetings with U.S. stakeholders and conducting bilateral teleconferences with key OECD countries.

Recommendation:

OLEM is recommending that the Administrator sign the objection letter to the OECD.

Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 7/17/2019 1:21:24 PM
To: Sullivan, Drew [sullivan.drew@epa.gov]
CC: ORCR Press [ORCR_Press@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Bergman, Shawna [Bergman.Shawna@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Cochran, Kimberly [cochran.kimberly@epa.gov]
Subject: RE: REMINDER: MEDIA INQUIRY: OECD objection letter; DDL Thursday, 7/18 at 3 p.m.
Attachments: OECD Obj. German trade mag. press response, 7.17.19.docx

Hi Drew,

Thanks. Here's our response for this inquiry (below and attached). Betsy and Rick reviewed and OK'd. We pulled text from the desk statement, previous response to Inside EPA, and from the objection letter itself.

Please let us know if you have any questions. Would you mind sending us a copy of what OPA sends to the reporter (so we have it for our records)?

Thanks
Lia

Response

1) Can you confirm that this is the letter that was sent to the Secretariat on behalf of the US government?

   Response: Yes. On July 3, 2019, the U.S. EPA, on behalf of the U.S. government, sent a letter to the OECD Secretariat expressing the U.S. Government's objection to the automatic incorporation of the Basel Convention plastic scrap/waste amendments into the OECD Council Decision (*C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations*).

   A copy of the U.S. letter of objection is attached.

2) The "alternative proposal" that must accompany objections is mentioned in the letter. What is the US proposing?

   Response: The United States proposes that plastic scrap and waste sent for recycling among OECD countries continue to be controlled under the OECD Green control procedure. Specifically, the United States proposes the establishment of two new OECD Green listings for plastic scrap/waste, described as follows:

   - First, the U.S. proposes a new OECD Green listing, GH012, which would be broader and more comprehensive than the existing OECD plastic scrap/waste listing, B3010. This new OECD listing, GH012 would cover all plastic scrap/waste considered to be non-hazardous under the Basel Convention and would serve in lieu of the new Basel Convention listings, Y48 and B3011.
   - Second, the U.S. proposes a new OECD Green listing, GH014, which would cover the plastic scrap/waste included in the new Basel listing A3210. This new OECD listing, GH014, would cover all plastic scrap/waste considered to be hazardous under the Basel Convention and would replace the new Basel Convention listing A3210.
   - Finally, the U.S. proposes to retain the existing OECD Green listing for PVC scrap, GH013.

   The U.S. government believes that the OECD has an opportunity to reduce plastic pollution, including marine litter, by maintaining streamlined export and import procedures for plastic scrap among OECD countries. The OECD is a group of 36 developed countries positioned to incentivize managing plastic scrap in jurisdictions that

have strong recycling and waste management systems. Facilitating trade in plastic scrap for recycling among OECD countries helps ensure that the material is traded between countries that can recycle it in an environmentally sound manner -- reducing some sources of marine plastic litter and other environmental problems associated with the improper disposal of wastes generated from plastic recycling operations in some non-OECD importing countries.

Streamlining trade among OECD countries is especially important because of the recent decision by Parties to the Basel Convention (i.e., the 187 countries that have ratified the Basel Convention) to regulate imports and exports of plastic scrap. The U.S. government is concerned that regulating plastic scrap under the OECD agreement would make intra-OECD trade in plastic recyclables more difficult. As a result, in OECD countries, plastic recycling could decrease and landfilling of plastic scrap could increase, reducing the environmental and economic benefits that are achieved through recycling.

The US government is committed to reducing plastic pollution to protect the marine environment and believes that working through the OECD will help achieve this goal. In 2015, plastics recycling in the United States reduced over 2.32 million metric tons of CO_2 equivalent (MTCO2E) and provided approximately 4,930 jobs (when compared to landfilling). For more information see: https://www.epa.gov/international-cooperation/protecting-marine-environment

3) Can you say anything to the procedure going forward? Which US angeny/ies will be involved in the efforts to find a consensus? What is the time frame for the evaluation of the US's objections?

Response: The U.S. objection suspends the automatic incorporation of the Basel plastic scrap/waste listings into the OECD Council Decision and triggers negotiations among OECD countries to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

Per the OECD Council Decision, OECD countries must reach consensus on how to address the new Basel plastic scrap/waste listings under the Council Decision one month before the Basel amendments enter into force (i.e., December 1, 2020).

The U.S. EPA is coordinating with agencies throughout the U.S. federal government in the effort to reach consensus.

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Sullivan, Drew
Sent: Wednesday, July 17, 2019 8:28 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; Bergman, Shawna <Bergman.Shawna@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>
Subject: REMINDER: MEDIA INQUIRY: OECD objection letter; DDL Thursday, 7/18 at 3 p.m.

Good morning, Lia and all,

Just a reminder that this OECD response is due tomorrow.

Thanks.

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

Follow us on Twitter: @EPAland

From: Yohannes, Lia
Sent: Tuesday, July 16, 2019 9:09 AM
To: Sullivan, Drew <sullivan.drew@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Bergman, Shawna <Bergman.Shawna@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>
Subject: RE: MEDIA INQUIRY: OECD objection letter; DDL Thursday, 7/18 at 3 p.m.

Hi Drew,

Thanks for the update. I'm drafting a response.

Lia

Liabeth Yohannes
International Branch
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U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Sullivan, Drew
Sent: Tuesday, July 16, 2019 9:00 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Bergman, Shawna <Bergman.Shawna@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>
Subject: RE: MEDIA INQUIRY: OECD objection letter; DDL Thursday, 7/18 at 3 p.m.

Hi all,

Update—the deadline for this is Thursday at 3.

Thanks.

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

Follow us on Twitter: @EPAland

From: Sullivan, Drew
Sent: Monday, July 15, 2019 11:00 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>

Cc: ORCR Press <ORCR_Press@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Bergman, Shawna <Bergman.Shawna@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>
Subject: MEDIA INQUIRY: OECD objection letter

Hi all,

We received another press inquiry on the OECD objection letter. In red below for question one, I wrote a short draft answer and attached the letter. For questions two and three, I attached the approved responses that we used for last week's Inside EPA inquiry in case this will help with answer this inquiry.

No deadline yet. See the questions below.

Drew Sullivan
Public Affairs Specialist
EPA/OLEM/ORCR
Desk Phone: 703-308-8236

Follow us on Twitter: @EPAland

From: Sauerhage, Maggie
Sent: Monday, July 15, 2019 10:10 AM
To: ORCR Press <ORCR_Press@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Sullivan, Drew <sullivan.drew@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: Inquiry on OECD objection letter

Good morning,

Inquiry below is from a writer at *EUWID Recycling & Waste Management*, an English-language sister publication to the market-leading German trade magazine *EUWID Recycling & Entsorgung*. Questions are at the bottom. Thanks!

Inquiry:
We have been covering the recent amendments to the Basel Convention that will create restrictions on the export of all but the most readily recyclable waste plastics.

Barring the intervention of an OECD member state, those changes would be incorporated in the OECD Decision on the Control of Transfrontier Movements of Wastes.

However, the OECD Secretariat has confirmed that objections have been filed and there is a copy of an objection letter (putatively from the US) being circulated. The Basel Action Network for has made a copy available on their web site. (http://wiki.ban.org/images/4/4f/US_EPA_Plastics_Objection_Letter.pdf)

1) Can you confirm that this is the letter that was sent to the Secretariat on behalf of the US government?

Yes. Please see the attached PDF.

2) The "alternative proposal" that must accompany objections is mentioned in the letter. What is the US proposing?

3) Can you say anything to the procedure going forward? Which US angeny/ies will be involved in the efforts to find a consensus? What is the time frame for the evaluation of the US's objections?

Maggie Sauerhage
Office of Public Affairs
U.S. Environmental Protection Agency
Office: (202) 564-0443
Cell: (202) 704-6352

[Internal background: Inquiry below is from a writer at *EUWID Recycling & Waste Management*, an English-language sister publication to the market-leading German trade magazine *EUWID Recycling & Entsorgung*.]

Inquiry:

We have been covering the recent amendments to the Basel Convention that will create restrictions on the export of all but the most readily recyclable waste plastics. Barring the intervention of an OECD member state, those changes would be incorporated in the OECD Decision on the Control of Transfrontier Movements of Wastes. However, the OECD Secretariat has confirmed that objections have been filed and there is a copy of an objection letter (putatively from the US) being circulated. The Basel Action Network for has made a copy available on their web site. ([HYPERLINK "http://wiki.ban.org/images/4/4f/US_EPA_Plastics_Objection_Letter.pdf"])

1) Can you confirm that this is the letter that was sent to the Secretariat on behalf of the US government?

   Response: Yes. On July 3, 2019, the U.S. EPA, on behalf of the U.S. government, sent a letter to the OECD Secretariat expressing the U.S. Government's objection to the automatic incorporation of the Basel Convention plastic scrap/waste amendments into the OECD Council Decision (*C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations*).

   A copy of the U.S. letter of objection is attached.

2) The "alternative proposal" that must accompany objections is mentioned in the letter. What is the US proposing?

   Response: The United States proposes that plastic scrap and waste sent for recycling among OECD countries continue to be controlled under the OECD Green control procedure. Specifically, the United States proposes the establishment of two new OECD Green listings for plastic scrap/waste, described as follows:

   - First, the U.S. proposes a new OECD Green listing, GH012, which would be broader and more comprehensive than the existing OECD plastic scrap/waste listing, B3010. This new OECD listing, GH012 would cover all plastic scrap/waste considered to be non-hazardous under the Basel Convention and would serve in lieu of the new Basel Convention listings, Y48 and B3011.
   - Second, the U.S. proposes a new OECD Green listing, GH014, which would cover the plastic scrap/waste included in the new Basel listing A3210. This new OECD listing, GH014, would cover all plastic scrap/waste considered to be hazardous under the Basel Convention and would replace the new Basel Convention listing A3210.
   - Finally, the U.S. proposes to retain the existing OECD Green listing for PVC scrap, GH013.

   The U.S. government believes that the OECD has an opportunity to reduce plastic pollution, including marine litter, by maintaining streamlined export and import procedures for plastic

scrap among OECD countries. The OECD is a group of 36 developed countries positioned to incentivize managing plastic scrap in jurisdictions that have strong recycling and waste management systems. Facilitating trade in plastic scrap for recycling among OECD countries helps ensure that the material is traded between countries that can recycle it in an environmentally sound manner -- reducing some sources of marine plastic litter and other environmental problems associated with the improper disposal of wastes generated from plastic recycling operations in some non-OECD importing countries.

Streamlining trade among OECD countries is especially important because of the recent decision by Parties to the Basel Convention (i.e., the 187 countries that have ratified the Basel Convention) to regulate imports and exports of plastic scrap. The U.S. government is concerned that regulating plastic scrap under the OECD agreement would make intra-OECD trade in plastic recyclables more difficult. As a result, in OECD countries, plastic recycling could decrease and landfilling of plastic scrap could increase, reducing the environmental and economic benefits that are achieved through recycling.

The US government is committed to reducing plastic pollution to protect the marine environment and believes that working through the OECD will help achieve this goal. In 2015, plastics recycling in the United States reduced over 2.32 million metric tons of CO_2 equivalent (MTCO2E) and provided approximately 4,930 jobs (when compared to landfilling). For more information see: [HYPERLINK "https://www.epa.gov/international-cooperation/protecting-marine-environment"]

3) Can you say anything to the procedure going forward? Which US angeny/ies will be involved in the efforts to find a consensus? What is the time frame for the evaluation of the US's objections?

Response: The U.S. objection suspends the automatic incorporation of the Basel plastic scrap/waste listings into the OECD Council Decision and triggers negotiations among OECD countries to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

Per the OECD Council Decision, OECD countries must reach consensus on how to address the new Basel plastic scrap/waste listings under the Council Decision one month before the Basel amendments enter into force (i.e., December 1, 2020).

The U.S. EPA is coordinating with agencies throughout the U.S. federal government in the effort to reach consensus.

Message

From: Weber, Katherine P [WeberKP@state.gov]
Sent: 1/31/2019 6:47:52 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
CC: Clark, Andrew D [ClarkAD@state.gov]; Picardi, Rick [Picardi.Rick@epa.gov]
Subject: Re: US Comments on Norway proposal on Basel website

Oh that is good! I think our emails crossed - I won't bother pushing back on the secretariat then.

From: Yohannes, Lia
Sent: Thursday, January 31, 2019 1:43 PM
To: Weber, Katherine P
Cc: Clark, Andrew D; Picardi, Rick
Subject: US Comments on Norway proposal on Basel website

My apologies for the second email, but just found that the webpage with the comments on Norway's proposal at http://www.basel.int/TheConvention/Amendments/Proposedamendments/tabid/7906/.

Good news is that our comments + other observers are posted as well. Comments submitted by the following:

- Parties: EU, Japan, Lebanon, Malaysia, Mexico, Qatar, Singapore.
- Observers: USG, ACC and World Plastics Council, BAN, European Electronics Recyclers Association, European Recycling Industries' Confederation (EuRIC), European Federation of Waste Management and Environmental Services (FEAD), Hazardous Waste Europe (HWE), and International Solid Waste Association (ISWA)

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p: +1.703.308.8413

From: Yohannes, Lia
Sent: Thursday, January 31, 2019 12:58 PM
To: 'Weber, Katherine P' <WeberKP@state.gov>
Cc: Clark, Andrew D <ClarkAD@state.gov>; Picardi, Rick <Picardi.Rick@epa.gov>
Subject: RE: U.S. Comments on Norway's proposed amendments to the Basel Convention

We agree – we would prefer that our comments are shared with Parties in advance of the COP. I would hope as Signatories the Secretariat would grant us that consideration. We could also argue that it facilitates the conversation at the COP if all views are shared in advance.

I haven't found comments on the amendments on the Basel website, but did see other relevant documents:

- The COP-14 working document on the amendments proposal (attached, UNEP/CHW.14/27)
- There was a slight correction to Norway's proposal. The first sentence in the B3010 amendment should read: "The plastic materials listed below, provided they are not to an extent which prevents the recycling ~~recovery~~ of the waste in an environmentally sound manner…." The correction is posted under 12/6/2018 at http://basel.int/TheConvention/communications/tabid/1596/default.aspx and is reflected in the attached COP-14 working document.
- Here are the comments received on the draft COP-14 marine litter decision and draft plastic waste partnership TOR http://www.basel.int/Implementation/MarinePlasticLitterandMicroplastics/FollowuptoOEWG11/tabid/7746/Default.aspx

Ex. 5 Deliberative Process (DP)

Thanks,
Lia

Liabeth Yohannes
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International Branch
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From: Weber, Katherine P <WeberKP@state.gov>
Sent: Thursday, January 31, 2019 11:37 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Cc: Clark, Andrew D <ClarkAD@state.gov>; Picardi, Rick <Picardi.Rick@epa.gov>
Subject: RE: U.S. Comments on Norway's proposed amendments to the Basel Convention

Yeah, I was going to ask him about that.

We got this same response to comments on the Rotterdam and Stockholm Conventions, and were contemplating pushing back a bit – we'll chat with Karissa about that and PIC and POPs more broadly next week. In the meantime, let me know if you have views. It might be reasonable to argue that there's nothing saying they should only share Parties' comments (in fact, the Convention mandates that the amendment proposals be communicated to observers, so it's kind of weird they would only post Parties' comments).

Thanks,
Kate

Official
UNCLASSIFIED

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, January 31, 2019 11:30 AM
To: Weber, Katherine P <WeberKP@state.gov>
Cc: Clark, Andrew D <ClarkAD@state.gov>; Picardi, Rick <Picardi.Rick@epa.gov>
Subject: FW: U.S. Comments on Norway's proposed amendments to the Basel Convention

Just want to make sure you saw this – that since we're an observer, the Secretariat will not be including our comments to the COP. I was confused b/c Jim alluded to his comments being published. I'll try to find if/where comments are posted on the Basel website.

Liabeth Yohannes
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From: Juliette Kohler <juliette.kohler@brsmeas.org>
Sent: Monday, December 24, 2018 12:31 PM
To: Weber, Katherine P <WeberKP@state.gov>; postmottak@kld.dep.no
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>; Landsidle, Jennifer R <LandsidleJR@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Larke Williams <WilliamsLS@state.gov>
Subject: RE: U.S. Comments on Norway's proposed amendments to the Basel Convention

Dear Ms Weber,
I acknowledge receipt of the comments by the United States of America on the proposals by Norway to amend Annexes II, VIII and IX of the Basel Convention. May I bring to your kind attention that the proposals were communicated to observers for information only, and that comments received from Parties will be made available to the Conference of the Parties. I thank you in advance for your understanding.
Kind regards and wishing you all the best for the holiday season,

Ms Juliette Voinov Kohler
Legal and Policy Advisor
Head of the Legal and Policy Unit

Secretariat of the Basel, Rotterdam, and Stockholm Conventions
International Environment House I
11-15 Chemin des Anémones
CH-1219 Châtelaine, Geneva, Switzerland
Telephone: +41 22 917 8219
juliette.kohler@brsmeas.org
www.brsmeas.org

From: Weber, Katherine P [mailto:WeberKP@state.gov]
Sent: Friday, December 21, 2018 11:08 PM
To: Juliette Kohler <juliette.kohler@brsmeas.org>; postmottak@kld.dep.no
Cc: Picardi, Rick <Picardi.Rick@epa.gov>; Lia Yohannes <Yohannes.Lia@epa.gov>; Landsidle, Jennifer R <LandsidleJR@state.gov>; Clark, Andrew D <ClarkAD@state.gov>
Subject: U.S. Comments on Norway's proposed amendments to the Basel Convention

Dear Ms. Kohler and Norwegian Ministry of Climate and Environment:

Thank you for circulating for comment Norway's proposal to amend Annexes II, VIII, and IX of the Basel Convention. As a signatory to the Convention, the United States has prepared the attached comments, and we request that you provide these to the Conference of the Parties at its fourteenth meeting, along with any comments from Parties.

Best regards and happy holidays,
Kate

Kate Weber, PhD
Division Chief for Chemicals, Air Quality, and Waste
Office of Environmental Quality and Transboundary Issues
U.S. Department of State
(+1) 202-647-2252

Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 5/6/2019 3:33:34 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]
CC: Langlois-Miller, Christina [Langlois-Miller.Christina@epa.gov]; Helms, Greg [Helms.Greg@epa.gov]
Subject: Basel summaries

Rick,

This has been such a crazy few days. Here are our summaries of the issues we're following. Sorry not as clean/concise as I would have liked, but things are moving so fast and there's at least 3 things going on all at the same time nearly all the time. Most of the amendments discussion is starting today, so I'll have those summaries to you tonight. It has been extremely hard to intervene in CG. I had my flag raised for at least 1.5 hrs of the 3-hr contact group and the co-chairs only called on me and other observers twice. They are moving VERY fast and jumping around the different technical issues and revising the proposals without hearing from observers. It's been nuts. There's a lot of confusion about what the different proposals mean, what the terms mean, and what the implications are and not enough time to discuss thoroughly. The whole process feels very rushed. State is meeting with Rolph Payet now to discuss procedure and allowing more participation from observers.

Lia

Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 8/14/2020 3:57:40 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]
Subject: RE: For review: web content - Basel amendments (draft)

Thanks for your review! To answer your question - I included hyperlinks so that if you click on "Basel Convention" it takes the reader to the EPA webpage that describes what the Convention is. But I see value in being more explicit too. How about I include an FQ that provides a one sentence summary (using existing text) and then directs readers to the EPA webpage on Basel?

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From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Friday, August 14, 2020 11:36 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: FW: For review: web content - Basel amendments (draft)

Lia
The new FAQ looks good to me. Go ahead and send the FAQs to Andy and Ross and say that I reviewed them and incorporated my comments.

Are these FAQs going to be at a place on the website where there's a nearby FAQ that says what the Basel Convention is? Or should you add a sentence to your answer to FAQ #1 that says, "The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is a treaty …"?

Rick

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Wednesday, August 12, 2020 5:18 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: RE: For review: web content - Basel amendments (draft)

Rick,

Here's the FQ I added on the web content per your suggestion about summarizing the amendments (see below and attached). If you're OK with the addition, I'll accept all changes on the draft and send to Andy and Ross for review. Do you want me to ask Laura to review as well?

Thanks

1. **What are the Basel plastic scrap and waste amendments?**

The Basel plastic scrap and waste amendments were adopted by Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 2019 to control exports and imports of most plastic scrap and waste. As a result of these changes, transboundary movements of most plastic scrap and waste will be

allowed only with the prior written consent of the importing country and any transit countries, a process known as prior notice and consent. The amendments take effect on January 1, 2021.

Under these new Basel amendments, plastic scrap and waste will be covered by one of three categories in the Basel Convention, corresponding to the following Basel scrap/waste listings:

- Basel listing B3011 will be added to Basel Annex IX and covers plastic scrap that is pre-sorted, clean, uncontaminated, and destined for "environmentally sound recycling". Prior notice and consent is not required for B3011 plastic scrap. Basel listing B3011 replaces the existing Basel B3010 listing for plastic scrap in Basel Annex IX.

- Basel listing A3210 will be added to Basel Annex VIII and covers plastic scrap and waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (listed in Basel Annex III). Prior notice and consent is required for Basel A3210 plastic scrap and waste.

- Basel listing Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent is required for Basel Y48 plastic scrap and waste.

For more details on the Basel listing changes, see Frequent Questions #2 and 3. You can also read the Basel plastic scrap and waste amendments.

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From: Yohannes, Lia
Sent: Tuesday, August 11, 2020 8:31 AM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: Re: For review: web content - Basel amendments (draft)

Rick,

I added a question (FQ #1) to summarize the new Basel plastic scrap and waste listings as you suggested (See attached and below). If you're OK with this text, I'll accept all changes.

Should I then send for review to Andy and Ross? Do you want Laura to do a quick review as well?

Thanks again,
Lia

Frequent question added:

1. **What are the Basel plastic scrap and waste amendments?**

The Basel plastic scrap and waste amendments were adopted by Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 2019 to control exports and imports of most plastic scrap and waste. As a result of these changes, transboundary movements of most plastic scrap and waste will be

allowed only with the prior written consent of the importing country and any transit countries, a process known as prior notice and consent. The amendments take effect on January 1, 2021.

Under these new Basel amendments, plastic scrap and waste will be covered by one of three categories in the Basel Convention, corresponding to the following Basel scrap/waste listings:

- Basel listing B3011 will be added to Basel Annex IX and covers plastic scrap that is pre-sorted, clean, uncontaminated, and destined for "environmentally sound recycling". Prior notice and consent is not required for B3011 plastic scrap. Basel listing B3011 replaces the existing Basel B3010 listing for plastic scrap in Basel Annex IX.

- Basel listing A3210 will be added to Basel Annex VIII and covers plastic scrap and waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (listed in Basel Annex III). Prior notice and consent is required for Basel A3210 plastic scrap and waste.

- Basel listing Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent is required for Basel Y48 plastic scrap and waste.

For more details on the Basel listing changes, see Frequent Questions #2 and 3. You can also read the Basel plastic scrap and waste amendments.

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From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Friday, August 7, 2020 4:51 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: FW: For review: web content - Basel amendments (draft)

Great job! I added my comments. I don't have any other questions about what you intended to say.

Should we have a question that summarizes what the new Basel plastic scrap and waste listings are? It seems as though we should. Something along the lines of:

> B3011 will be added to Basel Annex IX and covers x, y and z. Prior notice and consent is not required for B3011 plastic scrap.
> A3210 will be added to Basel Annex VIII and covers plastic scrap or waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (Basel Annex III lists the characteristics). Prior notice and consent is required for A3210.
> Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent required.
>
> For more details on the Basel listing changes see the following link _____.

It would give readers a better sense of what the Q&As are referring to.

Rick Picardi

Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962
picardi.rick@epa.gov

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, July 30, 2020 1:16 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: For review: web content - Basel amendments (draft)

Rick,

Here's a draft of the web content on the Basel plastic scrap and waste amendments. Look forward to your input.

Lia

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Basel Plastic Scrap/Waste Amendments

Adopted at the 14th Conference of the Parties
April 29 – May 10, 2019

August 7, 2019

Outline

- Objective: Provide overview of the Basel amendments on plastic scrap/waste and discuss potential impacts and next steps.
  - Background
  - Basel plastic scrap/waste amendments – what's changed?
  - Remaining ambiguities with respect to certain plastic scrap/waste
  - Potential impacts for the US
  - Next steps

Background

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

- A legally binding international treaty establishing prior informed consent for transboundary shipments of waste within its scope.
- Entered into force in 1992; 187 Parties.
- U.S. is a Signatory, but not a Party.
- The U.S. has participated as an Observer in Basel since the Convention's initiation.

BASEL CONVENTION

the world environmental agreement on wastes

Objectives:

- Control and ensure environmentally sound management of hazardous wastes subject to transboundary movement.
- Prevent or control export of hazardous wastes to countries without capacity to manage it in an environmentally sound manner.
- Strengthen capacity of countries, esp. developing countries, to soundly manage waste.

Background

- In June/August 2018, Norway proposed amendments to the Basel Convention such that all plastic waste and scrap would be subject to the Basel prior informed consent (PIC) procedure.
  - Norway's rationale: Subjecting plastic waste and scrap to the Basel PIC procedure would improve tracking, ensure sound management, and reduce marine plastic litter.
- At the Basel Open-Ended Working Group meeting in September 2018, the US, some Basel Parties and industry stakeholders expressed concerns that by significantly hindering trade in plastic scrap sent for recycling, the proposal would reduce global recycling.
- In October 2018, Norway revised their original amendment proposal such that only certain plastic waste and scrap (including plastic waste considered Basel-hazardous) would be subject to the Basel PIC procedure.

Adopted amendments on plastic waste

- On May 10, Parties adopted amendments to the Basel Convention such that certain plastic waste and scrap will be subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.
- The amendments changed the following Annexes:
  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Basel Convention requirements.
  - **Annex II** lists wastes requiring "special consideration" which are subject to Convention requirements.
    - Examples: "household waste" (or MSW) and residues from the incineration of MSW.
  - **Annex VIII** lists wastes considered hazardous and so they are subject to Convention requirements.

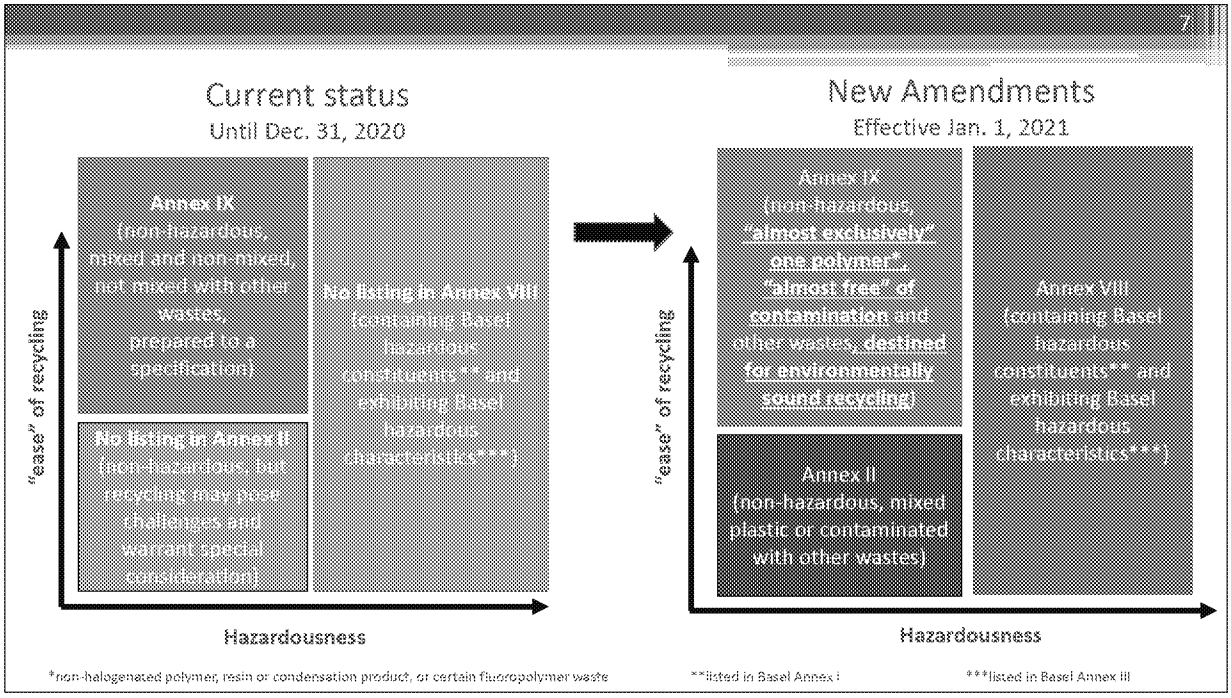
Adopted amendments on plastic scrap/waste (cont'd)

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic scrap/waste must "almost exclusively" consist of a single non-halogenated polymer or resin, be "almost free" from contamination and from other types of waste, and must be destined for environmentally sound recycling.
  - Shipments of clean, mixed plastics consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Certain unmixed fluorinated polymer scrap/wastes are also allowed based on the existing Basel entry.
  - Plastic scrap/waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

- **Annex II,** new entry Y48
  - Most mixed plastic scrap/waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic scrap/waste contaminated or mixed with other waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex VIII,** new entry A3210
  - Plastic scrap/waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Amendments enter into force on **January 1, 2021.**


Current status
Until Dec. 31, 2020
Annex IX
(non-hazardous, mixed and non-mixed, not mixed with other wastes, prepared to a specification)
No listing in Annex II
(non-hazardous, but recycling may pose challenges and warrant special consideration)
No listing in Annex VIII
(containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
New Amendments
Effective Jan. 1, 2021
Annex IX
(non-hazardous, "almost exclusively" one polymer*, "almost free" of contamination and other wastes, destined for environmentally sound recycling)
Annex II
(non-hazardous, mixed plastic or contaminated with other wastes)
Annex VIII
(containing Basel hazardous constituents** and exhibiting Basel hazardous characteristics***)
"ease" of recycling
Hazardousness
*non-halogenated polymer, resin or condensation product, or certain fluoropolymer waste
**listed in Basel Annex I
***listed in Basel Annex III

Unresolved questions

Ambiguity remains…

Annex IX

"Clean" plastic scrap/waste consisting of a single non-halogenated polymer resin or certain fluorinated polymers

Mixed PP, PE and PET allowed in certain cases

EoL products containing multiple polymers (e.g., auto parts made of PC-ABS)

Waste containing some plastic, but mostly consisting of other material (e.g., crushed scrap cars)

Some contamination (e.g., PET bottle with label, food residues)

Some mixed plastics (e.g., PET bottle with PP cap)

Annex II

Highly mixed and/or contaminated plastic scrap/waste, most halogenated polymers (e.g. PVC)

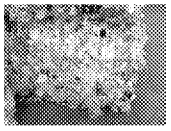
Annex VIII

Plastic scrap/waste contaminated with Basel hazardous constituents* to an extent it exhibits a Basel hazardous characteristic**

Basel PIC procedure will not apply

Will Basel PIC procedures apply?

Basel PIC procedure will apply



Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic scrap/waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Clean, mixed plastics consisting of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What will be considered environmentally sound recycling and how will "separate recycling" be defined?

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
  - Most US exports of plastic scrap are to non-OECD Basel Party countries, primarily in SE Asia.
- Anticipate significant adverse impact on US recycling programs that could benefit from the revenue generated by higher value plastic scrap exports.
- Will likely result in reduced US exports for plastic recycling and increased disposal in domestic landfills.
- May lead to increased investments in US plastic processing capacity.
- Anticipate confusion by US industry on technical issues and procedural requirements; need to develop outreach and guidance materials.
- Although the amendments do not change U.S. export and import waste requirements, we anticipate receiving import/export notifications from countries.
- The Basel amendments will be added to the waste listings under the OECD Council Decision unless an OECD member country objects.

Next steps

OECD Council Decision

- Opportunity to disagree with the Basel amendments and negotiate a different level of control under the OECD Council Decision
- Negotiations are underway to decide how intra-OECD trade in plastic scrap/waste should be addressed.

Basel Convention

- Basel Partnership on Plastic Waste, a public-private initiative to strengthen capacity of developing countries to address plastic waste
- Basel intersessional working group to improve clarity of Basel amendments and update Basel technical guidelines on the environmentally sound management of plastic waste
- Further work to identify hazardous constituents relevant for plastic waste, opportunities to comment on specific aspects of the amendments (list of cured resins and fluorinated polymer wastes)

Stakeholder outreach

- Develop guidance materials for US industry on technical issues and procedural requirements

Appendices

- Slide 13: Existing listing for plastic scrap/waste, B3010 in Basel Annex IX
- Slide 14: Plastic scrap/waste amendments to Basel Annexes II and VIII (new listings)
- Slide 15: Plastic scrap/waste amendments to Basel Annex IX (changes to existing listing)

Existing plastic waste and scrap listing, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic scrap/waste (subject to Basel PIC procedure)

Annex II plastic scrap/waste listing

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[7]

Annex II plastic scrap/waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

[4] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[5] In this respect, international and national specifications may offer a point of reference.

[6] In this respect, international and national specifications may offer a point of reference.

[7] Post-consumer wastes are excluded from this entry.

[8] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[9] In this respect, international and national specifications may offer a point of reference.

Annex VIII plastic scrap/waste listing

A3210[10]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

[10] This entry becomes effective as of 1 January 2021.

Revised Basel Annex IX plastic scrap/waste listing, B3011

Replaces existing Annex IX plastic scrap/waste listing, B3010. This material is not subject to Basel PIC procedures.

B3011[11]	Plastic waste listed below, provided it is destined for recycling[12] in an environmentally sound manner and almost free from contamination and other types of wastes (note the related entries on list A A3210 and Y48 in Annex II):[13] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) - Plastic waste almost exclusively[14] consisting of one cured resin or condensation product including the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[15] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[16] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[17]

[11] This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.

[12] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[13] In this respect, international and national specifications may offer a point of reference.

[14] In this respect, international and national specifications may offer a point of reference.

[15] Post-consumer wastes are excluded from this entry.

[16] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[17] In this respect, international and national specifications may offer a point of reference.

Message

From: Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]
Sent: 5/10/2019 5:06:24 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]
Subject: Re: Basel COP14 informal summary as of May 9 - second summary today

Thanks!

On May 9, 2019, at 6:59 PM, Picardi, Rick <Picardi.Rick@epa.gov> wrote:

> Janice
>
> Here's the latest informal summary on what is happening at the Basel COP14.
>
> Attached are what the Parties appear to be converging on in terms of the amendments on plastic waste. A smaller drafting group was created to work out specifics on the plastic waste amendment proposals. The drafting group has met to work on the amendments. Two of the attachments are outputs from a drafting group that will be discussed later (not the Japan or "Thoughts" attachments). The US shared our thoughts bilaterally since Observers are not permitted on the drafting group.
>
> Countries are still trying to finish the marine litter decision on the Partnership etc. and so it doesn't appear that countries will start the amendments discussion with the full contact group until around 9pm tonight so the discussion is expected to go very late night.

Ex. 5 Deliberative Process (DP)

> Today, the plastic waste contact group continues work on the marine litter decision, the Partnership Terms of Reference, and will focus on the plastic waste amendments tonight.
>
> Attached four documents –
>
> - Plastic waste amendment proposals under consideration
> - EU compromise proposal for Annex II
> - US thoughts/comments/considerations on the different proposals

- Japan's conceptualization of the "gray areas" of mixed plastics where Parties diverge in terms of what wastes the Convention should control.

Rick

<CG.Plastics-Amendment.docx>

<CG.Plastics-OuputDraftingGroup_9May2019_1930.docx>

<Thoughts on Amendments, 5.9.19.docx>

<CG.Plastics-JapanPresentationOnAmendments.pptx>

Basel Convention
14th Conference of the Parties

May 3-10, 2019

AAs Briefing
April 17, 2019

Objectives

- Discuss key marine litter issues under discussion at upcoming 14th Basel Convention Conference of the Parties Meeting
- Key plastics issues
  - Norway proposal to apply Basel requirements to plastic waste/scrap
  - Other proposed marine litter activities under Basel

COP-14 -- U.S. government representation

Ex. 6 Personal Privacy (PP)

Proposed amendments on plastic waste

- Norway proposal to amend Annexes II, VIII and IX such that certain plastic waste and scrap would be subject to Basel requirements.
  - **Annex IX** lists waste and materials considered non-hazardous which are not subject to Convention requirements.
  - **Annex II** covers what are called "other waste". Annex II waste falls under Convention requirements.
    - Annex II includes "household waste", i.e. MSW, and residues from the incineration of MSW
  - **Annex VIII** lists wastes considered hazardous so they fall under the Convention requirements.

Proposed amendments on plastic waste (cont'd)

Overview

- Annex IX plastic waste and scrap, revises existing B3010 entry
  - Plastic material can't be mixed with other plastics, mixed with other wastes, or contaminated to an extent that prevents environmentally sound recycling.
  - Shipments should also be prepared to a specification and suitable for immediate recycling requiring only minimal mechanical processing.
  - Retains list of 30+ polymers and resins.

Proposed amendments on plastic waste (cont'd)

Overview

- Annex II plastic waste (new entry)
  - Waste that doesn't meet the description in the Annex IX, B3010 entry.
  - Subject to prior informed consent and other Basel requirements.

- Annex VIII hazardous plastic waste (new entry)
  - Plastic waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

Proposed amendments on plastic waste (cont'd)

U.S. Concerns

- Terminology used to describe plastic material not subject to the Convention is unclear.
  - "mixed plastic material" "mixed with other wastes" "contamination" "suitable for immediate recycling" "environmentally sound recycling"
- Could limit Annex IX plastic waste and scrap to pre-sorted/processed single polymer, uncontaminated plastic material sent for only limited further processing abroad.
- Parties would use existing, non-exhaustive list of polymers and resins in B3010 entry as a comprehensive list of plastic materials not subject to the Convention.

Proposed amendments on plastic waste (cont'd)

U.S. Concerns (cont'd)

- Would effectively stop U.S. trade in plastic scrap to non-OECD countries.
- If adopted, the Basel waste listings would be added to OECD waste listings unless an OECD Member State objects.

Ex. 5 Deliberative Process (DP)

- Notices for plastic waste and scrap could overwhelm countries with limited capacity to process notices.
- Could take resources away from hazardous wastes posing greater risk.

Proposed amendments on plastic waste (cont'd)

U.S. Objectives

- Express concerns about impacts and our view that the proposal is not the most effective way to address marine litter.

- Encourage Parties to study the potential impacts of amendments on:
  - Plastic recycling and trade in plastic scrap;
  - Management of plastic waste and scrap at the national level
  - Marine plastic litter
  - Management of hazardous waste

- If Parties pursue amendment approach, encourage clarification of terms used in the proposal to distinguish between Annex II and IX plastic waste.
  - Ideally, establish a working group to define terms.

Other proposed marine litter activities

Parties will decide on other potential ways the Basel Convention can address marine plastic litter, such as:

- Establish a Basel public-private Partnership on Plastic Wastes to improve environmentally sound management (ESM) of plastic waste.
- Update existing Basel technical guidelines on ESM of plastic waste (developed in 2002).
- Identify additional information needed on generation, disposal and transboundary movement of plastic waste and scrap; impact of mismanagement on human health and the environment.
  - We suggest focusing on the relationship between transboundary movement for plastic recycling and marine plastic litter.

Other proposed marine litter activities (cont'd)

- Identify potential gaps in Annex I (list of constituents) or Annex III (hazardous characteristics) to address plastic waste under the current Annex review work.

- Encourage Parties to take action related to the design of plastic products
  - Remove/reduce use of hazardous constituents in production of plastics
  - Targets on recyclability, e.g., all plastic packaging is recyclable or reusable in a cost-effective manner by 2030
  - Measures to target and reduce the use of single-use plastic products

Outreach with countries and private sector

Ex. 5 Deliberative Process (DP)

- Targeted stakeholder outreach with ACC, ITI, and ISRI.
  - ACC, ITI, ISRI and other US industry groups will all attend the COP

Plastic waste and scrap entry, B3010 in Annex IX (existing entry)

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 8/12/2020 9:18:04 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]
Subject: RE: For review: web content - Basel amendments (draft)

Flag: Follow up

<!--[if lte mso 15 || CheckWebRef]-->

Yohannes, Lia has shared a OneDrive for Business file with you. To view it, click the link below.

OECD-Basel web content draft, 7.30.20.docx

<!--[endif]-->

Rick,

Here's the FQ I added on the web content per your suggestion about summarizing the amendments (see below and attached). If you're OK with the addition, I'll accept all changes on the draft and send to Andy and Ross for review. Do you want me to ask Laura to review as well?

Thanks

1. **What are the Basel plastic scrap and waste amendments?**

The Basel plastic scrap and waste amendments were adopted by Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 2019 to control exports and imports of most plastic scrap and waste. As a result of these changes, transboundary movements of most plastic scrap and waste will be allowed only with the prior written consent of the importing country and any transit countries, a process known as prior notice and consent. The amendments take effect on January 1, 2021.

Under these new Basel amendments, plastic scrap and waste will be covered by one of three categories in the Basel Convention, corresponding to the following Basel scrap/waste listings:

- Basel listing B3011 will be added to Basel Annex IX and covers plastic scrap that is pre-sorted, clean, uncontaminated, and destined for "environmentally sound recycling". Prior notice and consent is not required for B3011 plastic scrap. Basel listing B3011 replaces the existing Basel B3010 listing for plastic scrap in Basel Annex IX.

- Basel listing A3210 will be added to Basel Annex VIII and covers plastic scrap and waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (listed in Basel Annex III). Prior notice and consent is required for Basel A3210 plastic scrap and waste.

- Basel listing Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent is required for Basel Y48 plastic scrap and waste.

For more details on the Basel listing changes, see Frequent Questions #2 and 3. You can also read the Basel plastic scrap and waste amendments.

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Yohannes, Lia
Sent: Tuesday, August 11, 2020 8:31 AM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: Re: For review: web content - Basel amendments (draft)

Rick,

I added a question (FQ #1) to summarize the new Basel plastic scrap and waste listings as you suggested (See attached and below). If you're OK with this text, I'll accept all changes.

Should I then send for review to Andy and Ross? Do you want Laura to do a quick review as well?

Thanks again,
Lia

Frequent question added:

1. **What are the Basel plastic scrap and waste amendments?**

The Basel plastic scrap and waste amendments were adopted by Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 2019 to control exports and imports of most plastic scrap and waste. As a result of these changes, transboundary movements of most plastic scrap and waste will be allowed only with the prior written consent of the importing country and any transit countries, a process known as prior notice and consent. The amendments take effect on January 1, 2021.

Under these new Basel amendments, plastic scrap and waste will be covered by one of three categories in the Basel Convention, corresponding to the following Basel scrap/waste listings:

- Basel listing B3011 will be added to Basel Annex IX and covers plastic scrap that is pre-sorted, clean, uncontaminated, and destined for "environmentally sound recycling". Prior notice and consent is not required for B3011 plastic scrap. Basel listing B3011 replaces the existing Basel B3010 listing for plastic scrap in Basel Annex IX.

- Basel listing A3210 will be added to Basel Annex VIII and covers plastic scrap and waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (listed in Basel Annex III). Prior notice and consent is required for Basel A3210 plastic scrap and waste.

- Basel listing Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent is required for Basel Y48 plastic scrap and waste.

For more details on the Basel listing changes, see Frequent Questions #2 and 3. You can also read the Basel plastic scrap and waste amendments.

Liabeth Yohannes
International Branch

Office of Resource Conservation and Recovery
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From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Friday, August 7, 2020 4:51 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: FW: For review: web content - Basel amendments (draft)

Great job! I added my comments. I don't have any other questions about what you intended to say.

Should we have a question that summarizes what the new Basel plastic scrap and waste listings are? It seems as though we should. Something along the lines of:

> B3011 will be added to Basel Annex IX and covers x, y and z. Prior notice and consent is not required for B3011 plastic scrap.
> A3210 will be added to Basel Annex VIII and covers plastic scrap or waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (Basel Annex III lists the characteristics). Prior notice and consent is required for A3210.
> Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent required.
>
> For more details on the Basel listing changes see the following link _____.

It would give readers a better sense of what the Q&As are referring to.

Rick Picardi
Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962
picardi.rick@epa.gov

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, July 30, 2020 1:16 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: For review: web content - Basel amendments (draft)

Rick,

Here's a draft of the web content on the Basel plastic scrap and waste amendments. Look forward to your input.

Lia

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
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+1.703.308.8413

Objection to OECD Council Decision's Incorporation of Basel Plastic Scrap/Waste Amendments
Briefing Paper

Purpose:

- Provide an overview of EPA's plan and rationale for objecting to the incorporation of the recent Basel Convention plastic scrap/waste amendments to the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.
- Seek the Administrator's signature on the objection letter to the Organization for Economic Cooperation and Development (OECD) by July 1.

Background:

The Basel Convention is a legally binding treaty regulating the import and export of hazardous waste and other wastes of special concern (e.g., unsorted municipal solid waste). It was adopted in 1989 and entered into force in 1992. To date, 187 countries have ratified the Basel Convention (i.e., are Basel Parties).

At the recent Basel Conference of the Parties, Basel Parties (i.e. countries that have ratified the Convention) decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. These requirements go into effect on January 1, 2021. Because the U.S. is not a Party to the Basel Convention, the Basel Party/Non-Party prohibition means that the U.S. will not be allowed to export most plastic scrap to non-OECD Basel Parties. The U.S. currently exports large amounts of plastic scrap to non-OECD Basel countries, primarily in Southeast Asia. The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision. In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments. Under the OECD Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted.

Under the new Basel plastic scrap/waste amendments requirements, most shipments of mixed plastic scrap will be subject to the Basel PIC procedures. Plastic scrap/waste considered hazardous under Basel will also be subject to PIC procedures. To be "exempt" from Basel, shipments of plastic scrap will need to generally consist of one polymer and essentially be free of contamination and other wastes. Shipments of clean, mixed plastics containing only polyethylene terephthalate (PET), polypropylene and/or polyethylene will be exempt in certain cases.

Issue:

If the OECD adopts the Basel plastic scrap/waste amendments, most plastic scrap will be subject to PIC requirements (i.e., the OECD amber procedure), and U.S. trade in plastic scrap will become more difficult, subject to delays and increased costs. Therefore, it is important that the U.S. object to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision. We

recommend that the OECD maintain the status quo such that transboundary movements of plastic scrap among OECD member countries continue to be subject to the OECD Council Decision green control procedure (i.e., trade would be 'exempt' from PIC requirements). Facilitating trade in plastic scrap and waste among OECD countries by making plastic scrap/waste subject to the green control procedure will help ensure that the material can move freely to jurisdictions that can recycle it efficiently and in an environmentally sound manner.

Objections must be made in a letter addressed to the OECD Secretary General, the highest ranking official in the OECD Secretariat, and must be received by July 9, 2019. The letter must explain our rationale for objecting using criteria described in the OECD Council Decision and include an alternative proposal. The objection will suspend the automatic incorporation of the Basel waste listings into the OECD Council Decision and trigger negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

Our alternative proposal is to establish two OECD green listings for hazardous and non-hazardous plastic scrap/waste that would be exempt from PIC requirements. First, we propose a new OECD green listing, GH012, which will be broader and more comprehensive than the existing OECD listing to ensure that all non-hazardous plastic scrap/waste are exempt. Second, we propose a new OECD green-listing, GH014, which would exempt plastic scrap/waste that is considered hazardous under the Basel Convention (i.e., contains a hazardous constituent and exhibits a hazardous characteristic). This listing would serve in lieu of the new A3210 Basel listing for hazardous plastic scrap/waste. We also propose to retain the existing OECD green listing for PVC which is a commonly traded polymer.

OECD countries must reach consensus on how to address plastic scrap/waste under the Council Decision by December 1, 2020 (i.e., one month before the Basel amendments enter into force). If no consensus is reached, each country retains its right to control plastic scrap/waste per its domestic legislation and international law. OLEM wants to avoid this outcome because it would mean that OECD countries would apply different procedures to plastic scrap/waste, which would hamper exports for recycling and potentially reduce recycling rates.

In June, ORCR will be attending a meeting of the OECD Working Party on Resource Productivity and Waste where this issue will be briefly discussed. We plan on expressing our intent to object at that time. In preparation for the June meeting, we are holding meetings with U.S. stakeholders and conducting bilateral teleconferences with key OECD countries.

Recommendation:

OLEM is recommending that the Administrator sign the objection letter to the OECD.

Message

From: Devlin, Betsy [Devlin.Betsy@epa.gov]
Sent: 6/14/2019 12:33:08 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]
CC: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: RE: Administrator Letter to OECD on Basel Plastics Amendment

Rick

I think that we need to send them the letter for their review and comment. If in fact this is going to the Administrator, we will need OITA at the senior levels to say that we have coordinated and that they are OK with it.
Let's talk when you get in...

From: Picardi, Rick
Sent: Friday, June 14, 2019 8:27 AM
To: Devlin, Betsy <Devlin.Betsy@epa.gov>
Cc: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Re: Administrator Letter to OECD on Basel Plastics Amendment

Betsy
Lia and I met face-to-face with Walker, Joe Ferrante, an OITA branch chief , and Rick Ziegler the OITA staff lead on OECD to get them up to speed on the objection so, yes, go ahead and call Walker if you want but I'm not sure it's necessary. We have not sent them the letter. They don't know the exact status of the letter. We can let them know.
Rick

Sent from my iPhone

On Jun 14, 2019, at 8:12 AM, Devlin, Betsy <Devlin.Betsy@epa.gov> wrote:

> Ok – I told Peter I'd verify that we were working with OITA. Ex. 5 Deliberative Process (DP)
> Ex. 5 Deliberative Process (DP)
> need me to call Walker or Marianne? How do you want to proceed?
>
> Thanks.
>
> ---
>
> **From:** Wright, Peter
> **Sent:** Friday, June 14, 2019 8:07 AM
> **To:** Salyer, Kathleen <Salyer.Kathleen@epa.gov>
> **Cc:** Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>
> **Subject:** Re: Administrator Letter to OECD on Basel Plastics Amendment
>
> Kathleen
>
> Thank you for the heads up. Can I assume that this has been coordinated with OITA?
>
> We can review the letter today. The Administrator returns to DC mid-day on Tuesday of next week.

Peter

Sent from my iPad

On Jun 13, 2019, at 9:16 PM, Salyer, Kathleen <Salyer.Kathleen@epa.gov> wrote:

Dear Peter, Barry, and Steven,

As you know, at the recent Basel Conference of the Parties, Basel Parties decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. Under the Organisation for Economic and Cooperative Development (OECD) Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted. If the OECD adopts the Basel plastic scrap/waste amendments, most plastic scrap will be subject to PIC requirements and U.S. trade in plastic scrap will become more difficult, subject to delays and increased costs. ORCR is recommending that the U.S. object to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision.

Objections must be made in a letter addressed to the OECD Secretary General and be received by July 9, 2019. We are requesting your help in getting this issue in front of the Administrator and obtaining a signature by July 1st so that we can meet the July 9th deadline for objections. The week of June 24th would be ideal for a briefing with the Administrator, if one is needed.

Please let me know if you have any questions. We plan to discuss this issue during our general with you next Tuesday, but given its urgency, I wanted to alert you to it now. Looking forward to your thoughts.

<OECD Council Decision Objection 1-pager 6.12.19.docx>

<OECD Council Decision objection letter_draft_DELIBERATIVE 6.13.19_.docx>

Message

From: Yohannes, Lia [Yohannes.Lia@epa.gov]
Sent: 6/19/2019 5:05:02 PM
To: Salyer, Kathleen [Salyer.Kathleen@epa.gov]
CC: Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Coughlan, Laura [Coughlan.Laura@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; ORCR IO [ORCR_IO@epa.gov]
Subject: For review: Revised Draft OECD Objection Letter and Memo
Attachments: OECD Council Decision Objection Admin. briefing paper 6.19.19v2.docx; OECD Council Decision objection letter_draft_DELIBERATIVE 6.19.19 .docx

Dear Kathleen,

Here's the revised OECD objection letter and briefing paper. The draft incorporates Peter's written comments and the comments from Peter, Barry and Steven we received at yesterday's OLEM general. Betsy and Laura reviewed and their comments are incorporated. Rick reviewed a previous draft and his comments are reflected here too.

For reference, these are my notes on Peter, Barry and Steven's comments at the OLEM general.

Briefing paper:

- Describe how the OECD objection is consistent with the US position at G7 and G20
- Clearly lay out our rationale, including the environmental benefits
- Include background on the meetings/outreach/coordination we've done with other EPA offices (OGC, OITA), other federal agencies (State, USTR, Commerce), other countries and US stakeholders. And with the Ambassador to the OECD - ie we're reaching out to the Mission.
- State that we'll probably be the only country to object although other countries agree that plastic scrap should be green-listed under the OECD. That other countries are inclined to support making Basel hazardous plastic scrap Amber under the OECD.
- State that this is the first time a country is objecting to the automatic incorporation of a Basel waste listing.
- Explain that making all plastic scrap is our starting position, but it is likely that we won't end up there.
- More about the process – how our objection will trigger the negotiation process and it is likely that other countries will present proposals after the June meeting
- That we need to reach consensus before the April 2020 EPOC meeting

The letter

- Make a brief cover page (1-2 sentences) stating that we're objecting which the Administrator will sign. The cover page will reference the alternative proposal which will be an attachment to the cover letter.

Liabeth Yohannes
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From: Salyer, Kathleen
Sent: Wednesday, June 19, 2019 7:07 AM
To: Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Yohannes, Lia <Yohannes.Lia@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
Subject: Fwd: Revised Draft OECD Objection Letter and Memo

Peter's comments

Sent from my iPhone

Begin forwarded message:

From: "Wright, Peter" <wright.peter@epa.gov>
Date: June 18, 2019 at 7:38:11 PM EDT
To: "Salyer, Kathleen" <Salyer.Kathleen@epa.gov>
Cc: "Breen, Barry" <Breen.Barry@epa.gov>, "Cook, Steven" <cook.steven@epa.gov>, "Simon, Nigel" <Simon.Nigel@epa.gov>, "Johnson, Barnes" <Johnson.Barnes@epa.gov>, "Brooks, Becky" <Brooks.Becky@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>
Subject: Revised Draft OECD Objection Letter and Memo

Kathleen

Here are my initial thoughts on revisions to the OECD objection letter and a briefing memo for the Administrator. I am turning this around quickly so you and your folks can work on it further. I mostly moved sentences around in the letter and added the formatting concept (shorter letter with an attachment) that Barry recommended this morning. I also attempted to recast the memo into a cover memo that OLEM would send to the Administrator. This needs more work and some additional detail.

Thank you.

Peter

Peter C Wright
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202-566-9988

Objection to OECD Council Decision's Incorporation of Basel Plastic Scrap/Waste Amendments
Briefing Paper

Purpose:

- Provide an overview of EPA's plan and rationale for objecting to the incorporation of the recent Basel Convention plastic scrap/waste amendments to the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.
- Seek concurrence on an objection letter to the Organization for Economic Cooperation and Development (OECD) and alternative proposal that should be signed on or about July 1.

Recommendation:

OLEM recommends that the Administrator sign the attached objection letter to the OECD that has as an attachment the proposal discussed above for OECD Green listing for scrap plastic.

Background:

At the recent Basel Convention[1] Conference of the Parties on May 10, 2019, Basel Parties (i.e. countries that have ratified the Convention) decided to newly classify most plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. Norway originally proposed the amendments as a mechanism to reduce marine litter, but because the negotiations were very rushed with very limited technical input, many questions and concerns remain about practical implementation. Because the U.S. is not a Party to the Basel Convention, the Basel Party/Non-Party prohibition means that the U.S. will not be allowed to export most plastic scrap to non-OECD Basel Parties. These requirements go into effect on January 1, 2021. The U.S. currently exports large amounts of plastic scrap to non-OECD Basel countries, primarily in Southeast Asia.

The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision.[2] In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments.

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[1] The Basel Convention is a legally binding treaty regulating the import and export of hazardous waste and other wastes of special concern (e.g., unsorted municipal solid waste). It was adopted in 1989 and entered into force in 1992. To date, 187 countries other than the United States have ratified the Basel Convention.

[2] The OECD Council Decision is a multilateral environmental agreement controlling the export and import of hazardous waste and other wastes sent for recovery among OECD countries. Most waste listings under the OECD Council Decision are harmonized with the Basel waste listings and incorporated by reference. Wastes are subject to either Green or Amber control procedures. Wastes subject to the Green control procedure are not controlled under the OECD Council Decision, but such wastes are generally required to be recovered in an environmentally sound manner according to national laws and regulations, and they are subject to the same level of control as normal transboundary commercial shipments. Wastes subject to the Amber control procedure are subject to PIC requirements. The OECD Council Decision was originally established in 1992 and was amended in 2001.

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Under the OECD Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted. Objections to the adoption of the listings from the May 2019 Basel COP must be received by the OECD Secretariat by July 9, 2019 to be timely. The United States is a member of the OECD and plans to object. This will be the first time a country has objected to the incorporation of a Basel waste listing into the OECD Council Decision.

Under the new Basel plastic scrap/waste amendments requirements, most shipments of mixed plastic scrap will be subject to the Basel PIC procedures. Plastic scrap/waste considered hazardous under Basel will also be subject to PIC procedures. For shipments of plastic scrap (including U.S. exports) to be considered "exempt" from Basel requirements, they will need to meet a very narrow set of criteria. Exports will need to be pre-sorted and generally consist of one polymer and be free of contamination and other wastes. Shipments of clean, mixed plastics containing only polyethylene terephthalate (PET), polypropylene and/or polyethylene will also be exempt in certain cases.

Issue:

It is important that the U.S. object on a timely basis to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision and that the U.S. recommend to the OECD that plastic scrap be 'exempt' from prior informed consent (PIC) (i.e., be subject to the OECD Green Control Procedure) for trade with OECD countries for the reasons described below.

Rationale:

- The Basel plastic scrap/waste amendments were adopted to reduce the presence of plastic scrap/waste in the environment in countries that have ineffective waste management systems. By contrast, the OECD is a group of 36 developed countries that have attained high environmental standards and have the capacity to manage scrap and waste in an environmentally sound manner. Less than one percent of plastic waste generated in OECD countries is mismanaged.

- Keeping plastic scrap/waste subject to the OECD green control procedure could incentivize intra-OECD trade and redirect export flows from non-OECD countries to OECD countries that can manage the material in an environmentally sound manner. This could reduce some sources of marine plastic litter and other environmental problems associated with the improper disposal of residual wastes generated from plastic recycling operations in certain non-OECD importing countries. Since China imposed its strict import restrictions on plastic scrap, export flows have been redirected to other countries in SE Asia and other regions that may not have adequate capacity to manage it.

- The U.S. government supports efforts to reduce marine litter and believes maintaining a streamlined process for exporting plastic scrap for environmentally sound recycling in countries with strong environmental governance is consistent with those efforts. Furthermore, because the main cause of marine litter is ineffective waste management systems, especially in developing countries, the most effective way to address marine litter is to improve the capacity of those countries to manage scrap/waste in an environmentally sound manner. This position is consistent with the U.S. position at meetings of the Basel Convention, G7 and G20.

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- U.S. export options for plastic scrap will be limited to OECD countries only once the Basel plastic scrap/waste amendments enter into force because of the Basel Party/non-Party trade prohibition. The OECD Council Decision allows the U.S. to trade in Basel-controlled wastes with OECD Basel Parties.

- If the OECD adopts the Basel plastic scrap/waste amendments, U.S. trade in plastic scrap will be subject to PIC requirements (i.e., the OECD Amber control procedure), and U.S. trade in plastic scrap will become more difficult, subject to increased delays and costs. The decision could also reduce recycling rates and increase landfilling and incineration of plastic scrap in the U.S. and other OECD countries.

- Because RCRA does not provide the statutory authority to require PIC for non-hazardous waste, the U.S. will continue to not regulate exports and imports of non-hazardous plastic scrap. In such cases, OECD Council Decision mutatis mutandis procedures will apply and the responsibility to implement the notice and consent process will fall to the country that controls the waste and its importers/exporters. We will not accept or process U.S. export notices for non-hazardous plastic scrap, and will issue what's called a "neither consent nor object" decision in response to notices from other OECD countries proposing shipment of such plastic scrap to the U.S. for recycling. This administrative process is likely to cause confusion in the regulated community and require a substantial outreach and education effort.

Objection process:

Objections must be made in a letter addressed to the OECD Secretary General, the highest ranking official in the OECD Secretariat, and must be received by July 9, 2019. The letter must explain the rationale for objecting using criteria described in the OECD Council Decision and include an alternative proposal. The objection will suspend the automatic incorporation of the Basel waste listings into the OECD Council Decision and trigger negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

OECD countries must reach consensus on how to address plastic scrap/waste under the Council Decision by December 1, 2020 (i.e., one month before the Basel amendments enter into force). But because the OECD high-level policy committee (the OECD Environment Policy Committee, or EPOC) must approve of the consensus agreement before it is presented to the OECD Council, consensus needs to be reached before EPOC meets in April 2020.

If no consensus is reached, each country retains its right to control plastic scrap/waste per its domestic legislation and international law. OLEM wants to avoid this outcome because it would mean that OECD countries would apply different procedures to plastic scrap/waste, which would hamper exports for recycling and potentially reduce recycling rates.

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Recommended alternative proposal:

The objection letter must include an alternative proposal. It is recommended that the US make the alternative proposal to the OECD to establish two OECD Green listings for hazardous and non-hazardous plastic scrap/waste that would be exempt from PIC requirements. First, the U.S. should propose a new OECD Green listing, GH012, which will be broader and more comprehensive than the existing OECD listing to ensure that all non-hazardous plastic scrap/waste are exempt. Second, the U.S. should propose a new OECD Green listing, GH014, which would exempt plastic scrap/waste that is considered hazardous under the Basel Convention (i.e., contains a hazardous constituent and exhibits a hazardous characteristic). This listing would serve in lieu of the new A3210 Basel listing for hazardous plastic scrap/waste. Finally, the U.S. should propose to retain the existing OECD Green listing for PVC which is a commonly traded polymer.

Our alternative proposal is just our starting position for negotiation and it is unlikely that OECD countries will agree with our proposal to make all plastic scrap subject to the OECD Green control procedure. We anticipate that other countries will present other proposals after our objection.

Coordination with other EPA Offices, Federal Agencies, and others:

- EPA: ORCR is coordinating closely with OITA and OGC and has held meetings/calls with both offices on the issue. OGC staff and senior management approved the draft objection letter and OITA is briefing their senior management on the issue this week.

- Other Federal agencies: ORCR is also coordinating closely with the State Department, the U.S. Trade Representative, and the Department of Commerce.

- U.S. stakeholders: ORCR held a meeting with U.S. industry stakeholders on this issue on June 6, 2019. Participants included trade associations representing plastic manufacturers and U.S. recyclers and waste management companies, including American Chemistry Council (ACC), the Institute of Scrap Recycling Industries (ISRI), the Information Technology Industry Council (ITI), the U.S. Council for International Business, the Solid Waste Association of North America (SWANA), the National Waste and Recycling Association (NWRA), and Waste Management, among others. U.S. industry stakeholders are concerned about the impact of the Basel plastic scrap/waste amendments and expressed support for the U.S. objecting to the automatic incorporation of the Basel amendments into the OECD Council Decision.

- Key OECD countries: ORCR held bilateral teleconferences with Canada, the European Commission, Australia, New Zealand, and Norway. In general, countries expressed support for maintaining non-hazardous plastic scrap/waste as exempt from PIC requirements. However, most countries want to make plastic scrap/waste considered hazardous under Basel subject to the to the OECD Amber control procedure. We are concerned that this will be difficult to operationalize. Because plastics are generally not labeled with the hazardous constituents they contain, we think a generic listing for hazardous plastic scrap/waste will result in countries controlling non-hazardous plastic scrap as hazardous.

Ex. 5 Deliberative Process (DP)	Ex. 5 Deliberative Process (DP)

Therefore, we will likely be the only country to object even though

other countries agree that the OECD should not automatically incorporate the Basel plastic scrap/waste amendments.

Next steps:

This week (June 18-20), ORCR is attending a meeting of the OECD Working Party on Resource Productivity and Waste where this issue was briefly discussed. We expressed our intent to object at the meeting. The OECD will establish an expert working group to work on the issue with a goal of reaching consensus by April 2020.

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Objection to OECD Council Decision's Incorporation of Basel Plastic Scrap/Waste Amendments
Briefing Paper

Purpose:

- Provide an overview of EPA's plan and rationale for objecting to the incorporation of the recent Basel Convention plastic scrap/waste amendments to the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.
- Seek the Administrator's signature on the objection letter to the Organization for Economic Cooperation and Development (OECD) by July 1.

Background:

The Basel Convention is a legally binding treaty regulating the import and export of hazardous waste and other wastes of special concern (e.g., unsorted municipal solid waste). It was adopted in 1989 and entered into force in 1992. To date, 187 countries have ratified the Basel Convention (i.e., are Basel Parties).

At the recent Basel Conference of the Parties, Basel Parties (i.e. countries that have ratified the Convention) decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. These requirements go into effect on January 1, 2021. Because the U.S. is not a Party to the Basel Convention, the Basel Party/Non-Party prohibition means that the U.S. will not be allowed to export most plastic scrap to non-OECD Basel Parties. The U.S. currently exports large amounts of plastic scrap to non-OECD Basel countries, primarily in Southeast Asia. The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision. In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments. Under the OECD Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted.

Under the new Basel plastic scrap/waste amendments requirements, most shipments of mixed plastic scrap will be subject to the Basel PIC procedures. Plastic scrap/waste considered hazardous under Basel will also be subject to PIC procedures. To be "exempt" from Basel, shipments of plastic scrap will need to generally consist of one polymer and essentially be free of contamination and other wastes. Shipments of clean, mixed plastics containing only polyethylene terephthalate (PET), polypropylene and/or polyethylene will be exempt in certain cases.

Issue:

If the OECD adopts the Basel plastic scrap/waste amendments, most plastic scrap will be subject to PIC requirements (i.e., the OECD amber procedure), and U.S. trade in plastic scrap will become more difficult, subject to delays and increased costs. Therefore, it is important that the U.S. object to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision. We

recommend that the OECD maintain the status quo such that transboundary movements of plastic scrap among OECD member countries continue to be subject to the OECD Council Decision green control procedure (i.e., trade would be 'exempt' from PIC requirements). Facilitating trade in plastic scrap and waste among OECD countries by making plastic scrap/waste subject to the green control procedure will help ensure that the material can move freely to jurisdictions that can recycle it efficiently and in an environmentally sound manner.

Objections must be made in a letter addressed to the OECD Secretary General, the highest ranking official in the OECD Secretariat, and must be received by July 9, 2019. The letter must explain our rationale for objecting using criteria described in the OECD Council Decision and include an alternative proposal. The objection will suspend the automatic incorporation of the Basel waste listings into the OECD Council Decision and trigger negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

Our alternative proposal is to establish two OECD green listings for hazardous and non-hazardous plastic scrap/waste that would be exempt from PIC requirements. First, we propose a new OECD green listing, GH012, which will be broader and more comprehensive than the existing OECD listing to ensure that all non-hazardous plastic scrap/waste are exempt. Second, we propose a new OECD green-listing, GH014, which would exempt plastic scrap/waste that is considered hazardous under the Basel Convention (i.e., contains a hazardous constituent and exhibits a hazardous characteristic). This listing would serve in lieu of the new A3210 Basel listing for hazardous plastic scrap/waste. We also propose to retain the existing OECD green listing for PVC which is a commonly traded polymer.

OECD countries must reach consensus on how to address plastic scrap/waste under the Council Decision by December 1, 2020 (i.e., one month before the Basel amendments enter into force). If no consensus is reached, each country retains its right to control plastic scrap/waste per its domestic legislation and international law. OLEM wants to avoid this outcome because it would mean that OECD countries would apply different procedures to plastic scrap/waste, which would hamper exports for recycling and potentially reduce recycling rates.

In June, ORCR will be attending a meeting of the OECD Working Party on Resource Productivity and Waste where this issue will be briefly discussed. We plan on expressing our intent to object at that time. In preparation for the June meeting, we are holding meetings with U.S. stakeholders and conducting bilateral teleconferences with key OECD countries.

Recommendation:

OLEM is recommending that the Administrator sign the objection letter to the OECD.

Message

From: Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]
Sent: 8/7/2020 8:50:34 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: FW: For review: web content - Basel amendments (draft)

<!--[if lte mso 15 || CheckWebRef]-->

Picardi, Rick has shared a OneDrive for Business file with you. To view it, click the link below.

OECD-Basel web content draft, 7.30.20.docx

<!--[endif]-->
Great job! I added my comments. I don't have any other questions about what you intended to say.

Should we have a question that summarizes what the new Basel plastic scrap and waste listings are? It seems as though we should. Something along the lines of:

> B3011 will be added to Basel Annex IX and covers x, y and z. Prior notice and consent is not required for B3011 plastic scrap.
> A3210 will be added to Basel Annex VIII and covers plastic scrap or waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (Basel Annex III lists the characteristics). Prior notice and consent is requied for A3210.
> Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent required.
>
> For more details on the Basel listing changes see the following link _____.

It would give readers a better sense of what the Q&As are referring to.

Rick Picardi
Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962
picardi.rick@epa.gov

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, July 30, 2020 1:16 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: For review: web content - Basel amendments (draft)

Rick,

Here's a draft of the web content on the Basel plastic scrap and waste amendments. Look forward to your input.

Lia

Liabeth Yohannes

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Basel Plastic Scrap Amendments

ISRI Spotlight on Plastics & Briefing on Basel Convention
June 11, 2020

Rick Picardi
Chief, International Branch
U.S. EPA, Office of Resource
Conservation and Recovery

Background

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

- A legally binding international treaty establishing prior informed consent for transboundary shipments of waste within its scope.
- Entered into force in 1992; 187 Parties.
- U.S. is a Signatory, but not a Party.
- The U.S. has participated as an Observer in Basel since the Convention's initiation.

BASEL CONVENTION

the world environmental agreement on wastes

Objectives:

- Control and ensure environmentally sound management of primarily hazardous wastes subject to transboundary movement.
- Prevent or control export of primarily hazardous wastes to countries without capacity to manage it in an environmentally sound manner.
- Strengthen capacity of countries, esp. developing countries, to soundly manage waste.

Prior informed consent process

1. Exporter submits notice to exporting country government
2. Exporting country government forwards notice to proposed importing country government
3. Importing country government reviews notice and consents, objects or conditionally consents to export notice and informs exporting country government
4. Exporting country government informs exporter of decision
5. If consent received, exporter generally has approval to export for one year under the conditions of the consent and/or import permit

Ex. 5 Deliberative Process (DP)

- Export notice (or import notice in some cases)
- Movement document – international manifest
- Contract - between the exporter and the recycler specifying environmentally sound management
- Confirmation of receipt - the recycler must inform both the exporter and the Competent Authority of the state of export of receipt
- Confirmation of recovery - the recycler must inform both the exporter and the Competent Authority of the completion of recycling

Keep in mind, that EPA will not require the above for U.S. plastic scrap exports that are not RCRA hazardous waste

Ex. 5 Deliberative Process (DP)

- There is a standard Basel export notice form
- There is a standard Basel movement document form
- Link to obtain the forms: http://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx

Importing country considers scrap Basel-covered

- What if the importing country says the plastic scrap is a Basel-covered waste and the exporting country doesn't?
- The Basel Convention *mutatis mutandis* provision applies.
- This means that the importer (rather than the exporter) must prepare an import notice (rather than an export notice) and submit the import notice to the importing country government for consent, etc.

Basel online resources

Export and Import Control Tool – Country-level requirements, etc.:
http://www.basel.int/Implementation/Controllingtransboundarymovements/ExportandImportControlTool/tabid/4284/Default.aspx

Guide to the Control System:
http://www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201213/GuidetotheControlSystem/tabid/3193/Default.aspx

Notification and Movement documents + Instructions:
http://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx

Basel Party/non-Party prohibition

- Basel Convention has a provision that prohibits Basel Parties from exporting and importing Basel-covered waste with non-Parties
- The U.S. has not ratified the treaty, thus we are a non-Party
- As of January 1, 2021, the 187 Basel Parties would not be allowed to export and import Basel-covered plastic scrap with the US unless there is a Basel Article 11 agreement or arrangement in place. Without such an agreement, these shipments would be considered illegal traffic under the Convention.

Adopted amendments on plastic waste

- During May 2019, Parties adopted amendments to the Basel Convention making certain plastic scrap and waste subject to Basel prior informed consent (PIC) requirements as of January 1, 2021.
- The amendments changed the following Basel Convention Annexes:
  - **Annex VIII** lists wastes considered hazardous so they fall under the Convention requirements
  - **Annex II** covers wastes requiring "special consideration". Annex II waste is subject to Convention requirements.
    - Annex II wastes include "household waste" (or MSW) and residues from the incineration of MSW.
  - **Annex IX** lists waste and scrap considered non-hazardous which are not subject to Convention requirements.

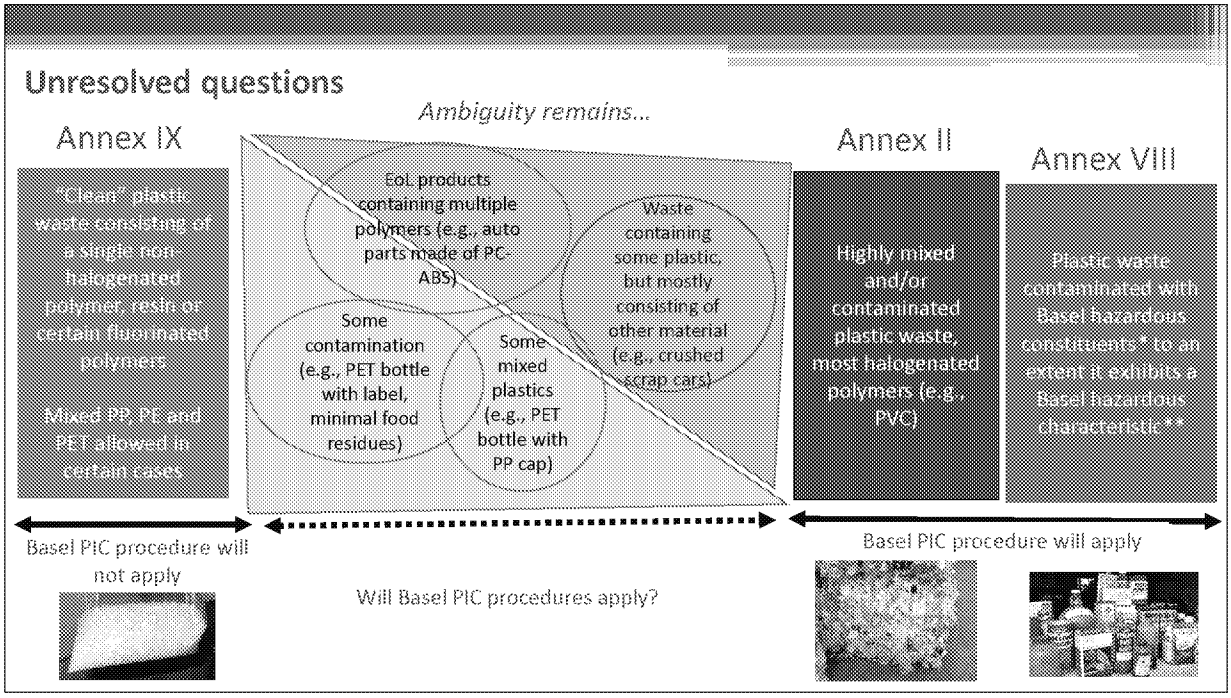
Adopted amendments on plastic waste (cont'd)

- **Annex II,** new entry Y48
  - Most mixed plastic waste, with the exception of mixtures consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET).
  - Plastic scrap or waste mixed with other scrap or waste.
  - Subject to prior informed consent and other Basel requirements.

- **Annex VIII,** new entry A3210
  - Plastic waste containing or contaminated with hazardous constituents in Basel Annex I to an extent that they exhibit a hazardous characteristic in Basel Annex III.
  - Subject to prior informed consent and other Basel requirements.

- **Annex IX,** revisions to existing listing (B3010) designated as B3011
  - Plastic waste must "almost exclusively" consist of a single non-halogenated polymer or resin.
  - Certain unmixed fluorinated polymer wastes are also allowed based on the existing Basel entry.
  - Plastic waste must be "almost free" from contamination and from other types of waste and be destined for environmentally sound recycling.
  - Mixtures of plastic wastes consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) are allowed if destined for "separate recycling" of each material.
  - Plastic waste must be sent for "recycling/reclamation of organic substances" (Basel code, R3).

Amendments enter into force on **January 1, 2021.**


Unresolved questions
Ambiguity remains…
Annex IX
"Clean" plastic waste consisting of a single non-halogenated polymer, resin or certain fluorinated polymers
Mixed PP, PE and PET allowed in certain cases
EoL products containing multiple polymers (e.g., auto parts made of PC-ABS)
Waste containing some plastic, but mostly consisting of other material (e.g., crushed scrap cars)
Some contamination (e.g., PET bottle with label, minimal food residues)
Some mixed plastics (e.g., PET bottle with PP cap)
Annex II
Highly mixed and/or contaminated plastic waste, most halogenated polymers (e.g. PVC)
Annex VIII
Plastic waste contaminated with Basel hazardous constituents* to an extent it exhibits a Basel hazardous characteristic**
Basel PIC procedure will not apply
Will Basel PIC procedures apply?
Basel PIC procedure will apply

Key terms and questions

Key terms

- To be "exempt" from Basel requirements, plastic waste must be "**almost exclusively**" of one non-halogenated polymer or resin, be "**almost free**" from contamination and from other types of waste, and be destined for **environmentally sound recycling**.
- Mixtures of PE, PP, and PET are allowed if destined for "**separate recycling**" of each material.

Key terms and questions

Key technical questions include:

- What level of contamination or mixing will be considered acceptable?
  - How will "almost exclusively" and "almost free" be defined – by weight or volume, etc.?
- To what extent is some mixing of polymers or resins allowed?
  - Will all end-of-life (EoL) products consisting of different polymers be controlled?
  - Will EoL products containing some plastic, but consisting predominantly of non-plastic material be controlled?
- What is considered environmentally sound recycling and how will "separate recycling" be defined?

- The Basel working group revising the plastic waste environmentally sound management (ESM) technical guidelines is expected to define terms.

Potential impacts for the U.S.

- Would effectively stop U.S. trade in plastic scrap to Basel Parties with rare exceptions.
  - Most US exports of plastic scrap are to Basel Party countries, primarily in Southeast Asia.
- Anticipate confusion by U.S. exporters and importers on technical issues and procedural requirements; need to develop outreach materials.
- Anticipate varied implementation by Basel Parties.
- Although the Basel amendments do not change U.S. export and import waste requirements, we anticipate receiving export notifications from countries.

Appendices

- Slide 16: Existing listing for plastic waste and scrap, B3010 in Basel Annex IX
- Slide 17: Plastic waste and scrap amendments to Basel Annexes II and VIII (new listings)
- Slide 18: Plastic waste and scrap amendments to Basel Annex IX (changes to existing listing – B3010 dropped and replaced by B3011)

Existing plastic waste and scrap entry, B3010 in Annex IX

Effective until Dec. 31, 2020

B3 WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

B3010	Solid plastic waste: The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification: • Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following[23] - ethylene - styrene - polypropylene - polyethylene terephthalate - acrylonitrile - butadiene - polyacetals - polyamides - polybutylene terephthalate - polycarbonates - polyethers - polyphenylene sulphides - acrylic polymers - alkanes C10-C13 (plasticiser) - polyurethane (not containing CFCs) - polysiloxanes - polymethyl methacrylate - polyvinyl alcohol - polyvinyl butyral - polyvinyl acetate

[23] It is understood that such scraps are completely polymerized.

B3010	• Cured waste resins or condensation products including the following: - urea formaldehyde resins - phenol formaldehyde resins - melamine formaldehyde resins - epoxy resins - alkyd resins - polyamides • The following fluorinated polymer wastes[24] - perfluoroethylene/propylene (FEP) - perfluoro alkoxyl alkane - tetrafluoroethylene/per fluoro vinyl ether (PFA) - tetrafluoroethylene/per fluoro methylvinyl ether (MFA) - polyvinylfluoride (PVF) - polyvinylidenefluoride (PVDF)

[24] Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

New Basel Annex II and VIII plastic waste (subject to Basel PIC procedure)

Annex II plastic waste

Y 48[12]	Plastic wastes, including mixtures of such wastes, with the exception of the following: • Plastic waste which is hazardous waste pursuant to paragraph 1 (a) of Article 1[1] • Plastic waste listed below, provided it is destined for recycling[2] in an environmentally sound manner and almost free from contamination and other types of wastes.[3] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) o Polyethers - Plastic waste almost exclusively[4] consisting of one cured resin or condensation product including but not limited to the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[5] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[2] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[7]

Annex II plastic waste (footnotes)

[1] This entry becomes effective as of 1 January 2021.

[2] Parties can impose stricter requirements in relation to this entry.

[3] Note the related entry on list A A3210 in Annex VIII.

[4] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[5] In this respect, international and national specifications may offer a point of reference.

[6] In this respect, international and national specifications may offer a point of reference.

[7] Post-consumer wastes are excluded from this entry.

[8] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) with prior sorting, and if needed, temporary storage limited to one instance provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

[9] In this respect, international and national specifications may offer a point of reference.

Annex VIII plastic waste

A3210[13]	Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry on list B B3011)

[13] This entry becomes effective as of 1 January 2021.

B3011[11]	Plastic waste listed below, provided it is destined for recycling[12] in an environmentally sound manner and almost free from contamination and other types of wastes (note the related entries on list A A3210 and Y48 in Annex II):[13] - Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers: o Polyethylene (PE) o Polypropylene (PP) o Polystyrene (PS) o Acrylonitrile butadiene styrene (ABS) o Polyethylene terephthalate (PET) o Polycarbonates (PC) - Plastic waste almost exclusively[14] consisting of one cured resin or condensation product including the following: o Urea formaldehyde resins o Phenol formaldehyde resins o Melamine formaldehyde resins o Epoxy resins o Alkyd resins - Plastic waste almost exclusively consisting of one of the following fluorinated polymer wastes:[15] o Perfluoroethylene/propylene (FEP) o Perfluoro alkoxyl alkane o Tetrafluoroethylene/per fluoro vinyl ether (PFA) o Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) o Polyvinylfluoride (PVF) o Polyvinylidenefluoride (PVDF) - Mixtures of plastic wastes, consisting of polyethylene (PE), polypropylene (PP) or polyethylene terephthalate (PET), provided they are destined for separate recycling[16] of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.[17]

Revised Basel Annex IX plastic waste listing, B3011

Replaces existing Annex IX plastic waste listing, B3010. These wastes are not subject to Basel PIC procedures.

[11] This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.

[12] Recycling/reclamation of organic substances which are not used as solvents (R3 in Annex IV B) or if needed, temporary storage limited to one operation provided that it is followed by operation R3, and evidenced by contractual or relevant official documentation.

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[17] In this respect, international and national specifications may offer a point of reference.

Message

From: Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]
Sent: 10/8/2019 12:43:50 PM
To: Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Coughlan, Laura [Coughlan.Laura@epa.gov]; Kreisler, Eva [Kreisler.Eva@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Vance, Ronald [Vance.Ronald@epa.gov]; Bridge, Jarrod [bridge.jarrod@epa.gov]; Bray, Brandon [Bray.Brandon@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Ferrante, Joe [Ferrante.Joe@epa.gov]; Ziegler, Rick [Ziegler.Rick@epa.gov]; Krejcik, Krystal [krejcik.krystal@epa.gov]
Subject: FW: FYI/inside EPA

Inside EPA did an article on the OECD plastic scrap negotiations and the Basel plastic scrap amendments.

From: Prins, Christopher <Prins.Christopher@epa.gov>
Sent: Tuesday, October 08, 2019 7:50 AM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: FYI/inside EPA

October 08, 2019

Bottom of Form

EPA Stalls In Initial Push To Curb Impact Of Global Plastic Waste Limits

October 07, 2019

The United States in recent low-level talks within the Organization for Economic Cooperation and Development (OECD) stalled in its attempt to gain support for a proposal that would effectively block limits that the group of the world's wealthiest countries is considering on trade in plastic recyclables, says a source familiar with the talks.

At the same time, during the talks, the U.S. government backed off to a degree from trying to expand existing free trade in plastic recyclables to also include plastics containing hazardous substances, the source says.

The U.S. government is following through on EPA Administrator Andrew Wheeler's objection filed in July to the OECD, seeking to prevent it from adopting recently approved amendments to the Basel Convention limiting trade in plastic waste into the OECD's current waste policies. The OECD represents the world's 36 wealthiest countries.

The U.S. objection "suspends" the OECD from automatically adopting the Basel plastic waste listings into its Council Decision -- which is a multilateral agreement governing the import and export of hazardous and other wastes shipped for recovery, according to EPA.

The United States is one of a few developed countries that is not a party to the Basel Convention, a global body governing the waste trade, and therefore could not block the Basel Convention parties from adopting the measure.

The Basel Convention measure, proposed by Norway and adopted by 187 countries in May, aims to restrict shipments of plastic recyclables from richer countries to third-world countries, prompted by concerns over plastic pollution in the oceans, an industry source says. The measure would now subject mixtures of plastics -- those made from more than one polymer -- to "Prior Informed Consent"

procedures and other restrictions, according to an environmental group's legal analysis of the U.S. proposal. The Basel measure takes effect in January 2021.

The U.S. objection to OECD adopting the Basel measure triggered negotiations among OECD members, which began at a task team-level meeting held Sept. 19-20 in Paris, to decide how international trade on plastic waste should be addressed under the OECD's Council Decision.

The United States has put forth an alternative proposal that would effectively maintain the status quo of free trade among OECD countries in plastic waste recycling and expand that trade to include plastics containing hazardous substances.

If the OECD adopts the Basel amendments, the U.S. government could be shut out of exporting plastics to any Basel country unless it sets up separate agreements with those countries, one industry source has said.

During the September meeting, the source familiar with the talks says that while other OECD countries did not ask the United States to withdraw its objection, the U.S. proposal to allow trade of mixed plastics, in addition to single polymer plastics, to continue to be traded freely among OECD countries was not embraced. The other countries "insisted on the impossibility to accept the U.S. alternative as proposed," the source says in a written response, while noting that environmentalists did ask the U.S. government to withdraw its objection.

While representatives from the other OECD countries appear to be looking to reach a consensus decision, this source says, they acknowledged at the meeting that they are bound by the Basel amendment and therefore need to stick "as close[ly] as possible to the text" of that amendment.

'Formally Withdraw'

The United States in its proposal also sought to broaden existing allowances on free trade among OECD members, pushing to allow free trade in any plastic waste even if it contains hazardous substances -- something currently limited under the OECD. "They basically wanted to green list all plastic waste, including those that are *currently* considered hazardous," the source familiar with the talks says, referring to the OECD's green control procedure. That procedure applies to wastes posing a low risk to human health and the environment and therefore does not subject them to any other controls than those typically applied in commercial transactions, according to OECD's website.

But, this source says, the United States during the meeting partially backed off on its hazardous substance suggestion, agreeing to "formally withdraw" that aspect of its proposal. However, it only conceded to the pullback provided that the term "hazardous" as it relates to plastics is redefined, the source says, noting such a move would contradict Basel measures and eliminate the OECD decision as a valid agreement under Basel.

An EPA spokesperson responding to written questions on the talks deflected answering whether the U.S. government had backed off on its position on hazardous plastic waste, saying that the United States is advocating for "safe and environmentally sound transboundary movements of hazardous waste for recovery within the OECD."

The spokesperson generally characterizes the September meeting as “productive” in that parties exchanged views on a possible alternative approach to adopting the Basel plastic waste amendments.

The spokesperson says the United States “is concerned that regulating plastic scrap under the OECD agreement would make intra-OECD trade in plastic recyclables more difficult and could undermine the market for plastic recyclables.” The spokesperson points to plastic scrap as one of the most important internationally-traded scrap commodities, noting that the United States in 2018 traded almost 610,000 metric tons of plastic scrap with OECD countries that was valued at over $315 million.

“Introducing new barriers to responsible trade in recyclable plastics could decrease their value, resulting in fewer incentives to recycle and more OECD-generated plastic waste disposed of in landfills, incinerators, or used for fuel,” the spokesperson says.

Wheeler in his July letter argued that maintaining free trade in plastic waste in the OECD would be consistent with efforts to reduce marine plastic litter. He noted that OECD members “have attained high environmental standards and have the capacity to manage waste in an environmentally sound manner."

A decision on how international trade on plastic waste should be addressed under the OECD is crucial for domestic recyclers as the United States and other exporters have seen a squeeze on their exports after China last year restricted imports of scrap, including plastics, under its “National Sword” initiative, and other importing countries followed suit.

Limited Recycling

A second source familiar with the meeting says in a written response that the U.S. proposal “was vital” to allowing time for all the OECD members to examine the impact of the new plastic waste listings on their waste management and infrastructure. This source cites expected disruptions in processing plastic recyclables if the Basel amendment is adopted.
“Given the current very low recycling rates for plastics and the need to ‘increase recycling of plastics across the board[,]’ bringing in notifications for getting recyclables into recycling facilities would seem counterproductive -- time delays -- cost increases, etc.,” the source says.

An OECD analysis created before the United States filed its objection indicates both plusses and minuses with the adoption of the Basel amendment, saying that more stringent controls could improve the controls on plastic waste shipments within the OECD and lower risks that such waste will find its way into the environment. “However, it could also undermine economically efficient and environmentally sound recovery of waste within the OECD area by rendering more difficult intra-OECD/Adherent shipments of plastic waste destined for recycling operations, as it would subject them to new notification procedures."

Environmentalists are taking issue with the United States’ proposal.

Once again the U.S. is the outlier of the global community working against a clean planet and a responsible circular economy,” says a source with the environmental group the Basel Action Network.

The environmental group Center for International Environmental Law (CIEL) has written a legal analysis that examines the various impacts of the OECD either adopting the Basel amendments, adopting the U.S. alternative proposal, or failing to come to a consensus.

CIEL says the best avenue would be for the U.S. government to withdraw its objection, with the Basel amendments being adopted, thereby minimizing disturbances to OECD waste trade.

If the U.S. approach is adopted, that would nonetheless present a snag for OECD members that are also party to the Basel Convention, according to CIEL. These parties would effectively be adopting a measure less environmentally sound than the Basel amendment, and therefore be violating their international obligations under Basel, it says. This would prevent “the use of OECD streamlined and simplified procedures by OECD member parties to the Basel Convention."

And if no consensus is reached, trade in plastic recyclables would only be permitted between the Basel countries and the United States in plastic recyclables that are non-hazardous, nearly free from contamination and are single polymers, CIEL says.

The OECD analysis notes too that no consensus would create “the risk that different countries will apply different procedures to the same waste."
According to OECD documents, the task team working to reach a consensus is under a tentative deadline of completing its work by the first quarter of 2020, while the deadline for reaching consensus within the OECD is Dec. 1, 2020. -- *Suzanne Yohannan* (syohannan@iwpnews.com)

Message

From: Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]
Sent: 8/14/2020 4:02:30 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: RE: For review: web content - Basel amendments (draft)

I like the idea of including an FQ that provides a one sentence summary (using existing text) and then directs readers to the EPA webpage on Basel.
Thanks

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Friday, August 14, 2020 11:58 AM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: RE: For review: web content - Basel amendments (draft)

Thanks for your review! To answer your question - I included hyperlinks so that if you click on "Basel Convention" it takes the reader to the EPA webpage that describes what the Convention is. But I see value in being more explicit too. How about I include an FQ that provides a one sentence summary (using existing text) and then directs readers to the EPA webpage on Basel?

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Friday, August 14, 2020 11:36 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: FW: For review: web content - Basel amendments (draft)

Lia
The new FAQ looks good to me. Go ahead and send the FAQs to Andy and Ross and say that I reviewed them and incorporated my comments.

Are these FAQs going to be at a place on the website where there's a nearby FAQ that says what the Basel Convention is? Or should you add a sentence to your answer to FAQ #1 that says, "The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is a treaty ..."?

Rick

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Wednesday, August 12, 2020 5:18 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: RE: For review: web content - Basel amendments (draft)

Rick,

Here's the FQ I added on the web content per your suggestion about summarizing the amendments (see below and attached). If you're OK with the addition, I'll accept all changes on the draft and send to Andy and Ross for review. Do you want me to ask Laura to review as well?

Thanks

1. **What are the Basel plastic scrap and waste amendments?**

The Basel plastic scrap and waste amendments were adopted by Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 2019 to control exports and imports of most plastic scrap and waste. As a result of these changes, transboundary movements of most plastic scrap and waste will be allowed only with the prior written consent of the importing country and any transit countries, a process known as prior notice and consent. The amendments take effect on January 1, 2021.

Under these new Basel amendments, plastic scrap and waste will be covered by one of three categories in the Basel Convention, corresponding to the following Basel scrap/waste listings:

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- Basel listing Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent is required for Basel Y48 plastic scrap and waste.

For more details on the Basel listing changes, see Frequent Questions #2 and 3. You can also read the Basel plastic scrap and waste amendments.

Liabeth Yohannes
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From: Yohannes, Lia
Sent: Tuesday, August 11, 2020 8:31 AM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: Re: For review: web content - Basel amendments (draft)

Rick,

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From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Friday, August 7, 2020 4:51 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: FW: For review: web content - Basel amendments (draft)

Great job! I added my comments. I don't have any other questions about what you intended to say.

Should we have a question that summarizes what the new Basel plastic scrap and waste listings are? It seems as though we should. Something along the lines of:

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For more details on the Basel listing changes see the following link _____.

It would give readers a better sense of what the Q&As are referring to.

Rick Picardi
Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962
picardi.rick@epa.gov

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, July 30, 2020 1:16 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: For review: web content - Basel amendments (draft)

Rick,

Here's a draft of the web content on the Basel plastic scrap and waste amendments. Look forward to your input.

Lia

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

Message

From: Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]
Sent: 8/14/2020 3:36:24 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: FW: For review: web content - Basel amendments (draft)

<!--[if lte mso 15 || CheckWebRef]-->

Picardi, Rick has shared a OneDrive for Business file with you. To view it, click the link below.

OECD-Basel web content draft, 7.30.20.docx

<!--[endif]-->

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Should we have a question that summarizes what the new Basel plastic scrap and waste listings are? It seems as though we should. Something along the lines of:

> B3011 will be added to Basel Annex IX and covers x, y and z. Prior notice and consent is not required for B3011 plastic scrap.
> A3210 will be added to Basel Annex VIII and covers plastic scrap or waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (Basel Annex III lists the characteristics). Prior notice and consent is required for A3210.
> Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent required.
>
> For more details on the Basel listing changes see the following link _____.

It would give readers a better sense of what the Q&As are referring to.

Rick Picardi
Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962
picardi.rick@epa.gov

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, July 30, 2020 1:16 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: For review: web content - Basel amendments (draft)

Rick,

Here's a draft of the web content on the Basel plastic scrap and waste amendments. Look forward to your input.

Lia

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

Objection to OECD Council Decision's Incorporation of Basel Plastic Scrap/Waste Amendments
Briefing Paper

Purpose:

- Provide an overview of EPA's plan and rationale for objecting to the incorporation of the recent Basel Convention plastic scrap/waste amendments to the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.
- Seek the Administrator's signature on the objection letter to the Organization for Economic Cooperation and Development (OECD) by July 1.

Background:

The Basel Convention is a legally binding treaty regulating the import and export of hazardous waste and other wastes of special concern (e.g., unsorted municipal solid waste). It was adopted in 1989 and entered into force in 1992. To date, 187 countries have ratified the Basel Convention (i.e., are Basel Parties).

At the recent Basel Conference of the Parties, Basel Parties (i.e. countries that have ratified the Convention) decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. These requirements go into effect on January 1, 2021. Because the U.S. is not a Party to the Basel Convention, the Basel Party/Non-Party prohibition means that the U.S. will not be allowed to export most plastic scrap to non-OECD Basel Parties. The U.S. currently exports large amounts of plastic scrap to non-OECD Basel countries, primarily in Southeast Asia. The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision. In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments. Under the OECD Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted.

Under the new Basel plastic scrap/waste amendments requirements, most shipments of mixed plastic scrap will be subject to the Basel PIC procedures. Plastic scrap/waste considered hazardous under Basel will also be subject to PIC procedures. To be "exempt" from Basel, shipments of plastic scrap will need to generally consist of one polymer and essentially be free of contamination and other wastes. Shipments of clean, mixed plastics containing only polyethylene terephthalate (PET), polypropylene and/or polyethylene will be exempt in certain cases.

Issue:

If the OECD adopts the Basel plastic scrap/waste amendments, most plastic scrap will be subject to PIC requirements (i.e., the OECD amber procedure), and U.S. trade in plastic scrap will become more difficult, subject to delays and increased costs. Therefore, it is important that the U.S. object to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision. We

recommend that the OECD maintain the status quo such that transboundary movements of plastic scrap among OECD member countries continue to be subject to the OECD Council Decision green control procedure (i.e., trade would be 'exempt' from PIC requirements). Facilitating trade in plastic scrap and waste among OECD countries by making plastic scrap/waste subject to the green control procedure will help ensure that the material can move freely to jurisdictions that can recycle it efficiently and in an environmentally sound manner.

Objections must be made in a letter addressed to the OECD Secretary General, the highest ranking official in the OECD Secretariat, and must be received by July 9, 2019. The letter must explain our rationale for objecting using criteria described in the OECD Council Decision and include an alternative proposal. The objection will suspend the automatic incorporation of the Basel waste listings into the OECD Council Decision and trigger negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

Our alternative proposal is to establish two OECD green listings for hazardous and non-hazardous plastic scrap/waste that would be exempt from PIC requirements. First, we propose a new OECD green listing, GH012, which will be broader and more comprehensive than the existing OECD listing to ensure that all non-hazardous plastic scrap/waste are exempt. Second, we propose a new OECD green-listing, GH014, which would exempt plastic scrap/waste that is considered hazardous under the Basel Convention (i.e., contains a hazardous constituent and exhibits a hazardous characteristic). This listing would serve in lieu of the new A3210 Basel listing for hazardous plastic scrap/waste. We also propose to retain the existing OECD green listing for PVC which is a commonly traded polymer.

OECD countries must reach consensus on how to address plastic scrap/waste under the Council Decision by December 1, 2020 (i.e., one month before the Basel amendments enter into force). If no consensus is reached, each country retains its right to control plastic scrap/waste per its domestic legislation and international law. OLEM wants to avoid this outcome because it would mean that OECD countries would apply different procedures to plastic scrap/waste, which would hamper exports for recycling and potentially reduce recycling rates.

In June, ORCR will be attending a meeting of the OECD Working Party on Resource Productivity and Waste where this issue will be briefly discussed. We plan on expressing our intent to object at that time. In preparation for the June meeting, we are holding meetings with U.S. stakeholders and conducting bilateral teleconferences with key OECD countries.

Recommendation:

OLEM is recommending that the Administrator sign the objection letter to the OECD.

Objection to OECD Council Decision's Incorporation of Basel Plastic Scrap/Waste Amendments
Briefing Paper

Purpose:

- Provide an overview of EPA's plan and rationale for objecting to the incorporation of the recent Basel Convention plastic scrap/waste amendments to the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.
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Background:

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At the recent Basel Conference of the Parties, Basel Parties (i.e. countries that have ratified the Convention) decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. These requirements go into effect on January 1, 2021. Because the U.S. is not a Party to the Basel Convention, the Basel Party/Non-Party prohibition means that the U.S. will not be allowed to export most plastic scrap to non-OECD Basel Parties. The U.S. currently exports large amounts of plastic scrap to non-OECD Basel countries, primarily in Southeast Asia. The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision. In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments. Under the OECD Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted.

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recommend that the OECD maintain the status quo such that transboundary movements of plastic scrap among OECD member countries continue to be subject to the OECD Council Decision green control procedure (i.e., trade would be 'exempt' from PIC requirements). Facilitating trade in plastic scrap and waste among OECD countries by making plastic scrap/waste subject to the green control procedure will help ensure that the material can move freely to jurisdictions that can recycle it efficiently and in an environmentally sound manner.

Objections must be made in a letter addressed to the OECD Secretary General, the highest ranking official in the OECD Secretariat, and must be received by July 9, 2019. The letter must explain our rationale for objecting using criteria described in the OECD Council Decision and include an alternative proposal. The objection will suspend the automatic incorporation of the Basel waste listings into the OECD Council Decision and trigger negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

Our alternative proposal is to establish two OECD green listings for hazardous and non-hazardous plastic scrap/waste that would be exempt from PIC requirements. First, we propose a new OECD green listing, GH012, which will be broader and more comprehensive than the existing OECD listing to ensure that all non-hazardous plastic scrap/waste are exempt. Second, we propose a new OECD green-listing, GH014, which would exempt plastic scrap/waste that is considered hazardous under the Basel Convention (i.e., contains a hazardous constituent and exhibits a hazardous characteristic). This listing would serve in lieu of the new A3210 Basel listing for hazardous plastic scrap/waste. We also propose to retain the existing OECD green listing for PVC which is a commonly traded polymer.

OECD countries must reach consensus on how to address plastic scrap/waste under the Council Decision by December 1, 2020 (i.e., one month before the Basel amendments enter into force). If no consensus is reached, each country retains its right to control plastic scrap/waste per its domestic legislation and international law. OLEM wants to avoid this outcome because it would mean that OECD countries would apply different procedures to plastic scrap/waste, which would hamper exports for recycling and potentially reduce recycling rates.

In June, ORCR will be attending a meeting of the OECD Working Party on Resource Productivity and Waste where this issue will be briefly discussed. We plan on expressing our intent to object at that time. In preparation for the June meeting, we are holding meetings with U.S. stakeholders and conducting bilateral teleconferences with key OECD countries.

Recommendation:

OLEM is recommending that the Administrator sign the objection letter to the OECD.

Message

From: Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]
Sent: 6/14/2019 1:36:53 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: FW: Administrator Letter to OECD on Basel Plastics Amendment
Attachments: OECD Council Decision Objection 1-pager 6.12.19.docx; ATT00001.htm; OECD Council Decision objection letter_draft_DELIBERATIVE 6.13.19_.docx; ATT00002.htm

I'll call you

From: Salyer, Kathleen
Sent: Thursday, June 13, 2019 9:16 PM
To: Wright, Peter <wright.peter@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Picardi, Rick <Picardi.Rick@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>
Subject: Administrator Letter to OECD on Basel Plastics Amendment

Dear Peter, Barry, and Steven,

As you know, at the recent Basel Conference of the Parties, Basel Parties decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. Under the Organisation for Economic and Cooperative Development (OECD) Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted. If the OECD adopts the Basel plastic scrap/waste amendments, most plastic scrap will be subject to PIC requirements and U.S. trade in plastic scrap will become more difficult, subject to delays and increased costs. ORCR is recommending that the U.S. object to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision.

Objections must be made in a letter addressed to the OECD Secretary General and be received by July 9, 2019. We are requesting your help in getting this issue in front of the Administrator and obtaining a signature by July 1st so that we can meet the July 9th deadline for objections. The week of June 24th would be ideal for a briefing with the Administrator, if one is needed.

Please let me know if you have any questions. We plan to discuss this issue during our general with you next Tuesday, but given its urgency, I wanted to alert you to it now. Looking forward to your thoughts.

Objection to OECD Council Decision's Incorporation of Basel Plastic Scrap/Waste Amendments
Briefing Paper

Purpose:

- Provide an overview of EPA's plan and rationale for objecting to the incorporation of the recent Basel Convention plastic scrap/waste amendments to the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.
- Seek the Administrator's signature on the objection letter to the Organization for Economic Cooperation and Development (OECD) by July 1.

Background:

The Basel Convention is a legally binding treaty regulating the import and export of hazardous waste and other wastes of special concern (e.g., unsorted municipal solid waste). It was adopted in 1989 and entered into force in 1992. To date, 187 countries have ratified the Basel Convention (i.e., are Basel Parties).

At the recent Basel Conference of the Parties, Basel Parties (i.e. countries that have ratified the Convention) decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. These requirements go into effect on January 1, 2021. Because the U.S. is not a Party to the Basel Convention, the Basel Party/Non-Party prohibition means that the U.S. will not be allowed to export most plastic scrap to non-OECD Basel Parties. The U.S. currently exports large amounts of plastic scrap to non-OECD Basel countries, primarily in Southeast Asia. The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision. In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments. Under the OECD Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted.

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Issue:

If the OECD adopts the Basel plastic scrap/waste amendments, most plastic scrap will be subject to PIC requirements (i.e., the OECD amber procedure), and U.S. trade in plastic scrap will become more difficult, subject to delays and increased costs. Therefore, it is important that the U.S. object to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision. We

recommend that the OECD maintain the status quo such that transboundary movements of plastic scrap among OECD member countries continue to be subject to the OECD Council Decision green control procedure (i.e., trade would be 'exempt' from PIC requirements). Facilitating trade in plastic scrap and waste among OECD countries by making plastic scrap/waste subject to the green control procedure will help ensure that the material can move freely to jurisdictions that can recycle it efficiently and in an environmentally sound manner.

Objections must be made in a letter addressed to the OECD Secretary General, the highest ranking official in the OECD Secretariat, and must be received by July 9, 2019. The letter must explain our rationale for objecting using criteria described in the OECD Council Decision and include an alternative proposal. The objection will suspend the automatic incorporation of the Basel waste listings into the OECD Council Decision and trigger negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

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OECD countries must reach consensus on how to address plastic scrap/waste under the Council Decision by December 1, 2020 (i.e., one month before the Basel amendments enter into force). If no consensus is reached, each country retains its right to control plastic scrap/waste per its domestic legislation and international law. OLEM wants to avoid this outcome because it would mean that OECD countries would apply different procedures to plastic scrap/waste, which would hamper exports for recycling and potentially reduce recycling rates.

In June, ORCR will be attending a meeting of the OECD Working Party on Resource Productivity and Waste where this issue will be briefly discussed. We plan on expressing our intent to object at that time. In preparation for the June meeting, we are holding meetings with U.S. stakeholders and conducting bilateral teleconferences with key OECD countries.

Recommendation:

OLEM is recommending that the Administrator sign the objection letter to the OECD.

Appointment

From: Adina Renee Adler [aadler@isri.org]
Sent: 4/11/2019 5:28:51 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]

Subject: Accepted: Basel proposed amendments on plastic waste
Location: Call-in info in invite

Start: 4/15/2019 5:00:00 PM
End: 4/15/2019 6:00:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Adina Renee Adler [aadler@isri.org]
Sent: 4/11/2019 6:38:35 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]

Subject: Accepted: Basel proposed amendments on plastic waste (updated day/time)
Location: Call-in info in invite

Start: 4/17/2019 1:30:00 PM
End: 4/17/2019 2:30:00 PM
Show Time As: Busy

Recurrence: (none)

Appointment

From: Ex. 6 Personal Privacy (PP) pecd.org]
Sent: 4/16/2020 2:27:47 PM
To:

Ex. 6 Personal Privacy (PP)

Subject: 3rd Meeting of the Task Team on the Basel Convention (Virtual Meeting via Zoom)
Attachments: For remote participants- How to participate in an OECD Zoom remote conference_EN.pdf; How do I show a PowerPoint presentation during a Zoom meeting.pdf; Canceled: 3rd Meeting of the Task Team on the Basel Convention (Virtual Meeting via Zoom)
Location: https://meetoecd1.zoom.us/j/614869757?pwd=UmgyU092NVRoSjFTS1RvUktBSldSdz09

Start: 4/23/2020 11:00:00 AM
End: 4/23/2020 2:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Dear Participants,

We are pleased to invite you to the Zoom meeting scheduled below:

Topic: 3rd Meeting of the Task Team on the Basel Convention (Amendments to Council Decision on TMW)

Time: Apr 23, 2020 13.00 – 16.00 PM (Paris Time)
Apr 24, 2020 13.00 – 16.00 PM (Paris Time)

The line will be open at 12:15 PM (Paris Time) to allow you to make tests.

Please use the following link to join both meetings: Ex. 6 Personal Privacy (PP) (It is recommended to use Google Chrome for best performance.)

Virtual lobby: Please note that there will be a short time after you connect to the Zoom Meeting. Indeed, you will need to wait in a **'virtual lobby'** before we can connect you due to Zoom's new enhanced security features. During this short time, you will be able to rename yourself **(First Name /Last Name / Rep. Country or Organisation name).**
For participants who would like to **join the meeting by phone**, please send us your phone number prior to the meeting and we will rename you.

Tests Call-information: You can make call tests in advance via the following link: https://zoom.us/test
See hereinafter Remote Conferencing Best practices for participants including detailed instructions on
'how to connect to Zoom' & **How to show a presentation during a Zoom meeting'**:

Please note that the **Draft Agenda** of the 3rd Meeting of the Task Team on the Basel Convention will be share shortly.
Do not hesitate to contact me Ex. 6 Personal Privacy (PP) should you need further information.

Best regards,
The Secretariat

****

To join the meetings:

Join Zoom With a **Computer** (Zoom Client)
Or with Chrome Ex. 6 Personal Privacy (PP)

Join Zoom with a **tablet** or **smartphone** (download Zoom app IOS or Android - Wifi and 3G/4G)

Ex. 6 Personal Privacy (PP)

Join by **phone**

Ex. 6 Personal Privacy (PP)

Join by SIP

Ex. 6 Personal Privacy (PP)

Examples :

With a Cisco system from US East: Ex. 6 Personal Privacy (PP) with a Polycom system from US East : Ex. 6 Personal Privacy (PP) You can also call the IP address and enter the code once connected.

Some useful information:

- A headset with microphone is recommended or an audio system with echo canceler
- A wired internet connection is recommended
- Please mute your microphone throughout the meeting, except when you wish to take the floor and speak

Personal Data protection

The OECD processes personal data in accordance with its Personal Data Protection Rules :
https://www.oecd.org/general/data-protection.htm

Appointment

To:

Ex. 6 Personal Privacy (PP)

CC:

Subject: Canceled: 3rd Meeting of the Task Team on the Basel Convention (Virtual Meeting via Zoom)
Attachments: For remote participants- How to participate in an OECD Zoom remote conference_EN.pdf; How do I show a PowerPoint presentation during a Zoom meeting.pdf

Start: 4/24/2020 11:00:00 AM
End: 4/24/2020 2:00:00 PM
Show Time As: Free

Importance: High

Recurrence: (none)

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Message

From: Adina Renee Adler [aadler@isri.org]
Sent: 9/24/2020 1:24:41 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: RE: EPA webinar - changing the date

No problem. We already sent a notification, but we can also send an update (no one registers so early anyway! ☺)

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, September 24, 2020 9:22 AM
To: Adina Renee Adler <aadler@isri.org>
Subject: EPA webinar - changing the date

HI Adina,

Just talked to Rick and we're going to try and move the webinar to a different week to avoid the conflict with ARW. Sorry about that. Would you mind holding back on letting your members know about the webinar?

Will update you asap. Apologies for the confusion.

Lia

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Adina Renee Adler <aadler@isri.org>
Sent: Wednesday, September 23, 2020 5:27 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: RE: Basel webinar

Since that is America Recycles Week (and, I just learned, WPRPW is taking place the 17th-19th???), I probably won't be able to attend. But we are working on a practical how-to guide for our members, so I will have my intern attend on my behalf.

Nevertheless, I am sending it to our members now!

Adina

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Wednesday, September 23, 2020 5:19 PM
To: Adina Renee Adler <aadler@isri.org>
Subject: RE: Basel webinar

Hi Adina,

Glad you asked. We're hosting a webinar on the Basel and OECD changes for the regulated community on November 16th. We recently set up the registration for it. See link below. Would you mind spreading the word among your members? Let me know if you have any questions.

https://us-epa-new-intrnl-reqs-for-exports-plastics-nov-20.eventbrite.com

Best,
Lia

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: Adina Renee Adler <aadler@isri.org>
Sent: Wednesday, September 23, 2020 5:15 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Basel webinar

Lia,
My memory is fuzzy – I recall that EPA was organizing a public webinar on the new Basel plastics amendments. Has that already taken place?

Thanks,
Adina

Message

From: Adina Renee Adler [aadler@isri.org]
Sent: 9/23/2020 9:27:25 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: RE: Basel webinar

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Lia

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From: Adina Renee Adler <aadler@isri.org>
Sent: Wednesday, September 23, 2020 5:15 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Basel webinar

Lia,
My memory is fuzzy – I recall that EPA was organizing a public webinar on the new Basel plastics amendments. Has that already taken place?

Thanks,
Adina

Message

From: Adina Renee Adler [aadler@isri.org]
Sent: 9/23/2020 9:15:24 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: Basel webinar

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Adina

Message

From: West, Jay [Jay_West@americanchemistry.com]
Sent: 8/29/2019 4:12:32 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: RE: You mentioned a meeting

I'm traveling today, so I'll look at uour suggested times for next week and send a confirmation.

-------- Original Message --------
From: "Yohannes, Lia" <Yohannes.Lia@epa.gov>
Date: Thu, August 29, 2019 9:30 AM -0400
To: "West, Jay" <Jay_West@americanchemistry.com>
Subject: RE: You mentioned a meeting

Tomorrow is tough. Would this afternoon work? Otherwise Tuesday 1-3pm or Wednesday 10a-12pm generally look good. Thanks!

Liabeth Yohannes
International Branch
Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: West, Jay <Jay_West@americanchemistry.com>
Sent: Thursday, August 29, 2019 9:25 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: RE: You mentioned a meeting

Thanks you, Lia. Are you available tomorrow for a quick check in on how BIAC is coming together for the OECD meeting?

-------- Original Message --------
From: "Yohannes, Lia" <Yohannes.Lia@epa.gov>
Date: Thu, August 29, 2019 8:08 AM -0400
To: "West, Jay" <Jay_West@americanchemistry.com>
Subject: RE: You mentioned a meeting

Hi Jay,

Yes. It's for the intersessional working group that will work to update the technical guidelines on ESM of plastic waste. The same group will work on improving clarity of terms in the plastic scrap/waste amendments. See pg. 13 of the attached.

Hope you all can participate.

Lia

Liabeth Yohannes
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U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

From: West, Jay <Jay_West@americanchemistry.com>
Sent: Wednesday, August 28, 2019 3:50 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: You mentioned a meeting

Hi Lia,

I think I heard you mentioned a meeting for which registration as an observer closes at the end of this month. I did a quick look at the Basel website, and I don't see anything. Can you please clarify for me?

Jay West | **American Chemistry Council**
Senior Director, Chemical Products and Technology
Jay_West@americanchemistry.com
700 Second Street NE | Washington, DC 20002
O: 202-249-6407 | F: 202-330-5546
www.americanchemistry.com

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Message

From: Adina Renee Adler [aadler@isri.org]
Sent: 8/29/2019 1:36:18 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: Re: Basel intersessional working group on ESM of plastic scrap, etc. - deadline 8/31

Yep - I'm aware and the Secretariat has acknowledged my request to join.

Sorry I couldn't join the call, but I had Joe all prepped up...hope he was a help.

Adina

On Aug 29, 2019, at 8:10 AM, Yohannes, Lia <Yohannes.Lia@epa.gov> wrote:

> Hi Adina,
>
> I just wanted to make sure you are aware of the intersessional working group that will work to update the technical guidelines on ESM of plastic waste. The same group will work on improving clarity of terms in the plastic scrap/waste amendments. See pg. 13 of the attached. I mentioned it on yesterday's call and it occurred to me that maybe not everyone is aware. Last date to notify Secretariat of interest is 8/31.
>
> Hope all's well at the conference!
>
> Lia
>
> Liabeth Yohannes
> International Branch
> Office of Resource Conservation and Recovery
> U.S. EPA Office of Land and Emergency Management
> Yohannes.lia@epa.gov
> +1.703.308.8413
>
> <BC COP-14 - Follow-up letter.pdf>

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Sent: 9/24/2020 8:22:32 PM
To: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: RE: EPA webinar - updated date to 11/23

Great – thanks! I'll get the word out.

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, September 24, 2020 4:22 PM
To: Adina Renee Adler <aadler@isri.org>
Subject: RE: EPA webinar - updated date to 11/23

Hi Adina,

We changed the webinar date to November 23rd (same time, 2-3:30pm). The same registration link below still applies. I'll be contacting the handful of folks that registered for the previous date. Thanks again for flagging the scheduling conflict.

https://us-epa-new-intrnl-reqs-for-exports-plastics-nov-20.eventbrite.com

Best
Lia

Liabeth Yohannes
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From: Adina Renee Adler <aadler@isri.org>
Sent: Thursday, September 24, 2020 9:25 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: RE: EPA webinar - changing the date

No problem. We already sent a notification, but we can also send an update (no one registers so early anyway! ☺)

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, September 24, 2020 9:22 AM
To: Adina Renee Adler <aadler@isri.org>
Subject: EPA webinar - changing the date

HI Adina,

Just talked to Rick and we're going to try and move the webinar to a different week to avoid the conflict with ARW. Sorry about that. Would you mind holding back on letting your members know about the webinar?

Will update you asap. Apologies for the confusion.

Lia

Liabeth Yohannes

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Since that is America Recycles Week (and, I just learned, WPRPW is taking place the 17th-19th???), I probably won't be able to attend. But we are working on a practical how-to guide for our members, so I will have my intern attend on my behalf.

Nevertheless, I am sending it to our members now!

Adina

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Wednesday, September 23, 2020 5:19 PM
To: Adina Renee Adler <aadler@isri.org>
Subject: RE: Basel webinar

Hi Adina,

Glad you asked. We're hosting a webinar on the Basel and OECD changes for the regulated community on November 16th. We recently set up the registration for it. See link below. Would you mind spreading the word among your members? Let me know if you have any questions.

https://us-epa-new-intrnl-reqs-for-exports-plastics-nov-20.eventbrite.com

Best,
Lia

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Subject: Basel webinar

Lia,
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Thanks,
Adina

Message

From: Picardi, Rick [Picardi.Rick@epa.gov]
Sent: 6/14/2019 1:57:05 PM
To: Smith, Walker [Smith.Walker@epa.gov]; Bailey, Marianne [Bailey.Marianne@epa.gov]
CC: Ferrante, Joe [Ferrante.Joe@epa.gov]; Ziegler, Rick [Ziegler.Rick@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Radtke, Meghan [Radtke.Meghan@epa.gov]; Colon, Lilybeth [Colon.Lilybeth@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Cochran, Kimberly [cochran.kimberly@epa.gov]
Subject: Support of OECD Council Decision objection
Attachments: OECD Council Decision objection letter_draft_DELIBERATIVE 6.13.19_.docx; OECD Council Decision Objection 1-pager 6.12.19.docx

Hi Walker and Marianne

In follow-up to our meeting last week, I've attached the letter we are using to object to the automatic incorporation of the new Basel plastic scrap/waste listings into the OECD Council Decision on transboundary movements of recoverables. I've also attached a 1-pager providing background on our OECD Council Decision objection.

I wanted to let you know that OLEM might be able to raise the OECD Council Decision objection with the Administrator next week. Timing is very tight so we are doing are best to keep the objection letter moving.

Would you please bring Chad up-to-speed so that he understands what we are doing and convey to him the importance of our objecting? Our objection not only provides environmental benefits by reducing plastic exports to developing countries but protects hundreds of millions of dollars worth of US plastic scrap trade.

Please let me or Lia Yohannes (703-308-8413) know if you have any questions.

Thanks
Rick Picardi
Chief, International Branch
Material Recovery and Waste Management Division
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
+1 703-308-8879
picardi.rick@epa.gov

Objection to OECD Council Decision's Incorporation of Basel Plastic Scrap/Waste Amendments
Briefing Paper

Purpose:

- Provide an overview of EPA's plan and rationale for objecting to the incorporation of the recent Basel Convention plastic scrap/waste amendments to the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.
- Seek the Administrator's signature on the objection letter to the Organization for Economic Cooperation and Development (OECD) by July 1.

Background:

The Basel Convention is a legally binding treaty regulating the import and export of hazardous waste and other wastes of special concern (e.g., unsorted municipal solid waste). It was adopted in 1989 and entered into force in 1992. To date, 187 countries have ratified the Basel Convention (i.e., are Basel Parties).

At the recent Basel Conference of the Parties, Basel Parties (i.e. countries that have ratified the Convention) decided to newly classify a large portion of plastic scrap as subject to the Basel Convention prior informed consent (PIC) requirements. These requirements go into effect on January 1, 2021. Because the U.S. is not a Party to the Basel Convention, the Basel Party/Non-Party prohibition means that the U.S. will not be allowed to export most plastic scrap to non-OECD Basel Parties. The U.S. currently exports large amounts of plastic scrap to non-OECD Basel countries, primarily in Southeast Asia. The U.S. will be able to continue to trade in plastic scrap with OECD countries for recycling/recovery under the OECD Council Decision. In 2018, the U.S. traded nearly 610,000 metric tons of plastic scrap with OECD countries valued at more than $315 million. This represents more than 40% of U.S. trade in plastic scrap. However, such trade may become subject to burdensome administrative requirements if OECD countries decide to adopt the Basel plastic scrap/waste amendments. Under the OECD Council Decision, Basel waste listings are automatically incorporated into the OECD Council Decision unless an OECD member country objects within 60 days after new Basel waste listings are adopted.

Under the new Basel plastic scrap/waste amendments requirements, most shipments of mixed plastic scrap will be subject to the Basel PIC procedures. Plastic scrap/waste considered hazardous under Basel will also be subject to PIC procedures. To be "exempt" from Basel, shipments of plastic scrap will need to generally consist of one polymer and essentially be free of contamination and other wastes. Shipments of clean, mixed plastics containing only polyethylene terephthalate (PET), polypropylene and/or polyethylene will be exempt in certain cases.

Issue:

If the OECD adopts the Basel plastic scrap/waste amendments, most plastic scrap will be subject to PIC requirements (i.e., the OECD amber procedure), and U.S. trade in plastic scrap will become more difficult, subject to delays and increased costs. Therefore, it is important that the U.S. object to the automatic incorporation of the Basel plastic scrap/waste listings under the OECD Council Decision. We

recommend that the OECD maintain the status quo such that transboundary movements of plastic scrap among OECD member countries continue to be subject to the OECD Council Decision green control procedure (i.e., trade would be 'exempt' from PIC requirements). Facilitating trade in plastic scrap and waste among OECD countries by making plastic scrap/waste subject to the green control procedure will help ensure that the material can move freely to jurisdictions that can recycle it efficiently and in an environmentally sound manner.

Objections must be made in a letter addressed to the OECD Secretary General, the highest ranking official in the OECD Secretariat, and must be received by July 9, 2019. The letter must explain our rationale for objecting using criteria described in the OECD Council Decision and include an alternative proposal. The objection will suspend the automatic incorporation of the Basel waste listings into the OECD Council Decision and trigger negotiations to decide how transboundary movements of plastic scrap/waste should be addressed under the OECD Council Decision.

Our alternative proposal is to establish two OECD green listings for hazardous and non-hazardous plastic scrap/waste that would be exempt from PIC requirements. First, we propose a new OECD green listing, GH012, which will be broader and more comprehensive than the existing OECD listing to ensure that all non-hazardous plastic scrap/waste are exempt. Second, we propose a new OECD green-listing, GH014, which would exempt plastic scrap/waste that is considered hazardous under the Basel Convention (i.e., contains a hazardous constituent and exhibits a hazardous characteristic). This listing would serve in lieu of the new A3210 Basel listing for hazardous plastic scrap/waste. We also propose to retain the existing OECD green listing for PVC which is a commonly traded polymer.

OECD countries must reach consensus on how to address plastic scrap/waste under the Council Decision by December 1, 2020 (i.e., one month before the Basel amendments enter into force). If no consensus is reached, each country retains its right to control plastic scrap/waste per its domestic legislation and international law. OLEM wants to avoid this outcome because it would mean that OECD countries would apply different procedures to plastic scrap/waste, which would hamper exports for recycling and potentially reduce recycling rates.

In June, ORCR will be attending a meeting of the OECD Working Party on Resource Productivity and Waste where this issue will be briefly discussed. We plan on expressing our intent to object at that time. In preparation for the June meeting, we are holding meetings with U.S. stakeholders and conducting bilateral teleconferences with key OECD countries.

Recommendation:

OLEM is recommending that the Administrator sign the objection letter to the OECD.

Message

From: Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]
Sent: 9/24/2020 1:22:02 PM
To: Adina Renee Adler [aadler@isri.org]
Subject: EPA webinar - changing the date

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Lia

Liabeth Yohannes
International Branch
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U.S. EPA Office of Land and Emergency Management
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+1.703.308.8413

From: Adina Renee Adler <aadler@isri.org>
Sent: Wednesday, September 23, 2020 5:27 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: RE: Basel webinar

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Best,
Lia

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Sent: 9/23/2020 9:41:04 PM
To: Adina Renee Adler [aadler@isri.org]
Subject: RE: Basel webinar

Thanks for letting me know. I actually hadn't noticed the conflict with America Recycles – sorry for that oversight. Hopefully that doesn't affect attendance too much. The webinar will be recorded and we plan on posting it on our website.

Liabeth Yohannes
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Sent: 8/11/2020 12:30:41 PM
To: Picardi, Rick [Picardi.Rick@epa.gov]
BCC: Yohannes, Lia [Yohannes.Lia@epa.gov]
Subject: Re: For review: web content - Basel amendments (draft)

<!--[if lte mso 15 || CheckWebRef]-->

Yohannes, Lia has shared a OneDrive for Business file with you. To view it, click the link below.

OECD-Basel web content draft, 7.30.20.docx

<!--[endif]-->

Rick,

I added a question (FQ #1) to summarize the new Basel plastic scrap and waste listings as you suggested (See attached and below). If you're OK with this text, I'll accept all changes.

Should I then send for review to Andy and Ross? Do you want Laura to do a quick review as well?

Thanks again,
Lia

Frequent question added:

1. **What are the Basel plastic scrap and waste amendments?**

The Basel plastic scrap and waste amendments were adopted by Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 2019 to control exports and imports of most plastic scrap and waste. As a result of these changes, transboundary movements of most plastic scrap and waste will be allowed only with the prior written consent of the importing country and any transit countries, a process known as prior notice and consent. The amendments take effect on January 1, 2021.

Under these new Basel amendments, plastic scrap and waste will be covered by one of three categories in the Basel Convention, corresponding to the following Basel scrap/waste listings:

- Basel listing B3011 will be added to Basel Annex IX and covers plastic scrap that is pre-sorted, clean, uncontaminated, and destined for "environmentally sound recycling". Prior notice and consent is not required for B3011 plastic scrap. Basel listing B3011 replaces the existing Basel B3010 listing for plastic scrap in Basel Annex IX.

- Basel listing A3210 will be added to Basel Annex VIII and covers plastic scrap and waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (listed in Basel Annex III). Prior notice and consent is required for Basel A3210 plastic scrap and waste.

- Basel listing Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent is required for Basel Y48 plastic scrap and waste.

For more details on the Basel listing changes, see Frequent Questions #2 and 3. You can also read the Basel plastic scrap and waste amendments.

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+1.703.308.8413

From: Picardi, Rick <Picardi.Rick@epa.gov>
Sent: Friday, August 7, 2020 4:51 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: FW: For review: web content - Basel amendments (draft)

Great job! I added my comments. I don't have any other questions about what you intended to say.

Should we have a question that summarizes what the new Basel plastic scrap and waste listings are? It seems as though we should. Something along the lines of:

> B3011 will be added to Basel Annex IX and covers x, y and z. Prior notice and consent is not required for B3011 plastic scrap.
> A3210 will be added to Basel Annex VIII and covers plastic scrap or waste that contains a hazardous constituent (listed in Basel Annex I) and exhibits a hazardous characteristic (Basel Annex III lists the characteristics). Prior notice and consent is requied for A3210.
> Y48 will be added to Basel Annex II and covers the non-hazardous plastic scrap or waste not covered by B3011. Prior notice and consent required.
>
> For more details on the Basel listing changes see the following link _____.

It would give readers a better sense of what the Q&As are referring to.

Rick Picardi
Chief, International Branch
Office of Resource Conservation and Recovery
US EPA Office of Land and Emergency Management
work mobile: 1-703-341-9962
picardi.rick@epa.gov

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, July 30, 2020 1:16 PM
To: Picardi, Rick <Picardi.Rick@epa.gov>
Subject: For review: web content - Basel amendments (draft)

Rick,

Here's a draft of the web content on the Basel plastic scrap and waste amendments. Look forward to your input.

Lia

Liabeth Yohannes
International Branch

Office of Resource Conservation and Recovery
U.S. EPA Office of Land and Emergency Management
Yohannes.lia@epa.gov
+1.703.308.8413

Message

From: Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]
Sent: 8/29/2019 1:30:15 PM
To: West, Jay [Jay_West@americanchemistry.com]
Subject: RE: You mentioned a meeting

Tomorrow is tough. Would this afternoon work? Otherwise Tuesday 1-3pm or Wednesday 10a-12pm generally look good. Thanks!

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From: West, Jay <Jay_West@americanchemistry.com>
Sent: Thursday, August 29, 2019 9:25 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: RE: You mentioned a meeting

Thanks you, Lia. Are you available tomorrow for a quick check in on how BIAC is coming together for the OECD meeting?

-------- Original Message --------
From: "Yohannes, Lia" <Yohannes.Lia@epa.gov>
Date: Thu, August 29, 2019 8:08 AM -0400
To: "West, Jay" <Jay_West@americanchemistry.com>
Subject: RE: You mentioned a meeting

Hi Jay,

Yes. It's for the intersessional working group that will work to update the technical guidelines on ESM of plastic waste. The same group will work on improving clarity of terms in the plastic scrap/waste amendments. See pg. 13 of the attached.

Hope you all can participate.

Lia

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From: West, Jay <Jay_West@americanchemistry.com>
Sent: Wednesday, August 28, 2019 3:50 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: You mentioned a meeting

Hi Lia,

I think I heard you mentioned a meeting for which registration as an observer closes at the end of this month. I did a quick look at the Basel website, and I don't see anything. Can you please clarify for me?

Jay West | **American Chemistry Council**
Senior Director, Chemical Products and Technology
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Message

From: Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]
Sent: 8/29/2019 12:10:47 PM
To: Adina Renee Adler [aadler@isri.org]
Subject: Basel intersessional working group on ESM of plastic scrap, etc. - deadline 8/31
Attachments: BC COP-14 - Follow-up letter.pdf

Hi Adina,

I just wanted to make sure you are aware of the intersessional working group that will work to update the technical guidelines on ESM of plastic waste. The same group will work on improving clarity of terms in the plastic scrap/waste amendments. See pg. 13 of the attached. I mentioned it on yesterday's call and it occurred to me that maybe not everyone is aware. Last date to notify Secretariat of interest is 8/31.

Hope all's well at the conference!

Lia

Liabeth Yohannes
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Message

From: Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]
Sent: 8/29/2019 12:08:35 PM
To: West, Jay [Jay_West@americanchemistry.com]
Subject: RE: You mentioned a meeting
Attachments: BC COP-14 - Follow-up letter.pdf

Hi Jay,

Yes. It's for the intersessional working group that will work to update the technical guidelines on ESM of plastic waste. The same group will work on improving clarity of terms in the plastic scrap/waste amendments. See pg. 13 of the attached.

Hope you all can participate.

Lia

Liabeth Yohannes
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+1.703.308.8413

From: West, Jay <Jay_West@americanchemistry.com>
Sent: Wednesday, August 28, 2019 3:50 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: You mentioned a meeting

Hi Lia,

I think I heard you mentioned a meeting for which registration as an observer closes at the end of this month. I did a quick look at the Basel website, and I don't see anything. Can you please clarify for me?

***Jay West* | American Chemistry Council**
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Message

From: Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]
Sent: 9/24/2020 8:21:53 PM
To: Adina Renee Adler [aadler@isri.org]
Subject: RE: EPA webinar - updated date to 11/23

Hi Adina,

We changed the webinar date to November 23rd (same time, 2-3:30pm). The same registration link below still applies. I'll be contacting the handful of folks that registered for the previous date. Thanks again for flagging the scheduling conflict.

https://us-epa-new-intrnl-reqs-for-exports-plastics-nov-20.eventbrite.com

Best
Lia

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From: Adina Renee Adler <aadler@isri.org>
Sent: Thursday, September 24, 2020 9:25 AM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: RE: EPA webinar - changing the date

No problem. We already sent a notification, but we can also send an update (no one registers so early anyway! ☺)

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Thursday, September 24, 2020 9:22 AM
To: Adina Renee Adler <aadler@isri.org>
Subject: EPA webinar - changing the date

HI Adina,

Just talked to Rick and we're going to try and move the webinar to a different week to avoid the conflict with ARW. Sorry about that. Would you mind holding back on letting your members know about the webinar?

Will update you asap. Apologies for the confusion.

Lia

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From: Adina Renee Adler <aadler@isri.org>
Sent: Wednesday, September 23, 2020 5:27 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: RE: Basel webinar

Since that is America Recycles Week (and, I just learned, WPRPW is taking place the 17th-19th???), I probably won't be able to attend. But we are working on a practical how-to guide for our members, so I will have my intern attend on my behalf.

Nevertheless, I am sending it to our members now!

Adina

From: Yohannes, Lia <Yohannes.Lia@epa.gov>
Sent: Wednesday, September 23, 2020 5:19 PM
To: Adina Renee Adler <aadler@isri.org>
Subject: RE: Basel webinar

Hi Adina,

Glad you asked. We're hosting a webinar on the Basel and OECD changes for the regulated community on November 16th. We recently set up the registration for it. See link below. Would you mind spreading the word among your members? Let me know if you have any questions.

https://us-epa-new-intrnl-reqs-for-exports-plastics-nov-20.eventbrite.com

Best,
Lia

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From: Adina Renee Adler <aadler@isri.org>
Sent: Wednesday, September 23, 2020 5:15 PM
To: Yohannes, Lia <Yohannes.Lia@epa.gov>
Subject: Basel webinar

Lia,
My memory is fuzzy -- I recall that EPA was organizing a public webinar on the new Basel plastics amendments. Has that already taken place?

Thanks,
Adina