

The New Plastic Waste Amendments:

A Compliance Report Card

Basel ENFORCE-6 Meeting
April 11-13, 2022





Review of Plastic Waste Amendments

**Annex VIII, A3020 / Annex IX, B3011
Annex II, Y48**

Entry into Force: January 2021

The New Listings of Plastic Waste

→ Annex VIII, A3020 – Any plastic waste with Annex I Constituents, Exhibiting Annex III Characteristics are **Hazardous Wastes**.

→ Annex IX, B3011 are **non-Hazardous Wastes** as long as they are going to R3 ESM destinations only and are

- Single unmixed polymers, cured resins or condensation products (except PET, PE, PP mix)
- "almost free from contamination"
- Not Halogenated Polymers (e.g. PVC, except a list of fluorinated polymers)

→ Annex II, Y48 are all other plastic wastes other than the two categories above and are "**wastes for special consideration**"

Effect of Plastic Waste Amendments

The Control is normally via “Prior Informed Consent” (PIC).

- Requires Notification by Exporting State and Consent of Importing State prior to export
- Assurance of Environmentally Sound Management
- Failure equates to illegal traffic/criminal act

But in two key instances a ban is in effect rather than PIC:

- Exports by the 27 EU countries to non-OECD are banned.
(EU bans exports of Annex II wastes to non-OECD)
- Imports from US (a non-Party) banned by Basel Parties except Canada. (Party to non-Party ban)

What is meant by Contaminated?

- Amendments use the terms “almost free from contamination and other types of wastes.”
- This is very strong legal language – signifying “de minimus”
- Countries are left on their own to interpret this on a national basis.

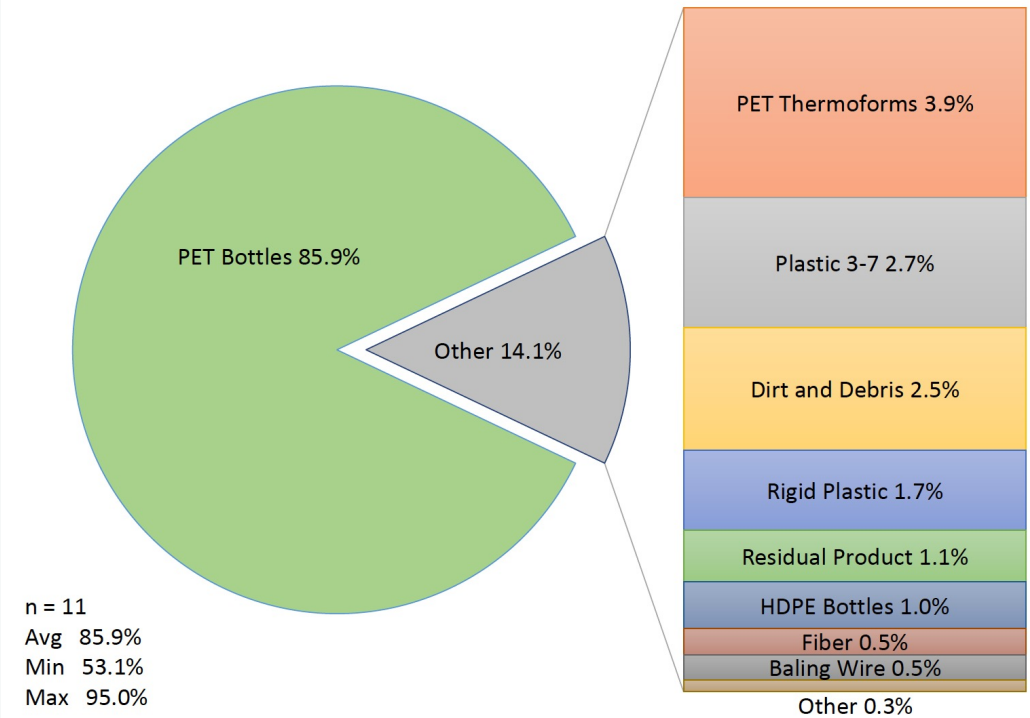
Contamination Levels Allowed / to Date

Country	Allowable Contamination Level
Brunei	0%
China	0%
European Union	2%
Hong Kong	.5%
Indonesia	2%
Malaysia	0% (non-plastics), 5% (other plastics)
Turkey	1%
Vietnam	1% (non-plastics), 10% (other plastics)

Reality Check #1



PET Bale Composition (% by weight)





Reality Check #2

Conventional and Biodegradable Plastics in Agriculture

E.2.2.2 Barriers to Recycling

The main barriers to recycling agri-plastics in the EU are:

- **High processing costs primarily due to high contamination rates.** For example, stakeholders suggest that even with the best practices applied, a contamination rate of 30% to 40% for mulch films is to be expected.



Reality Check #3

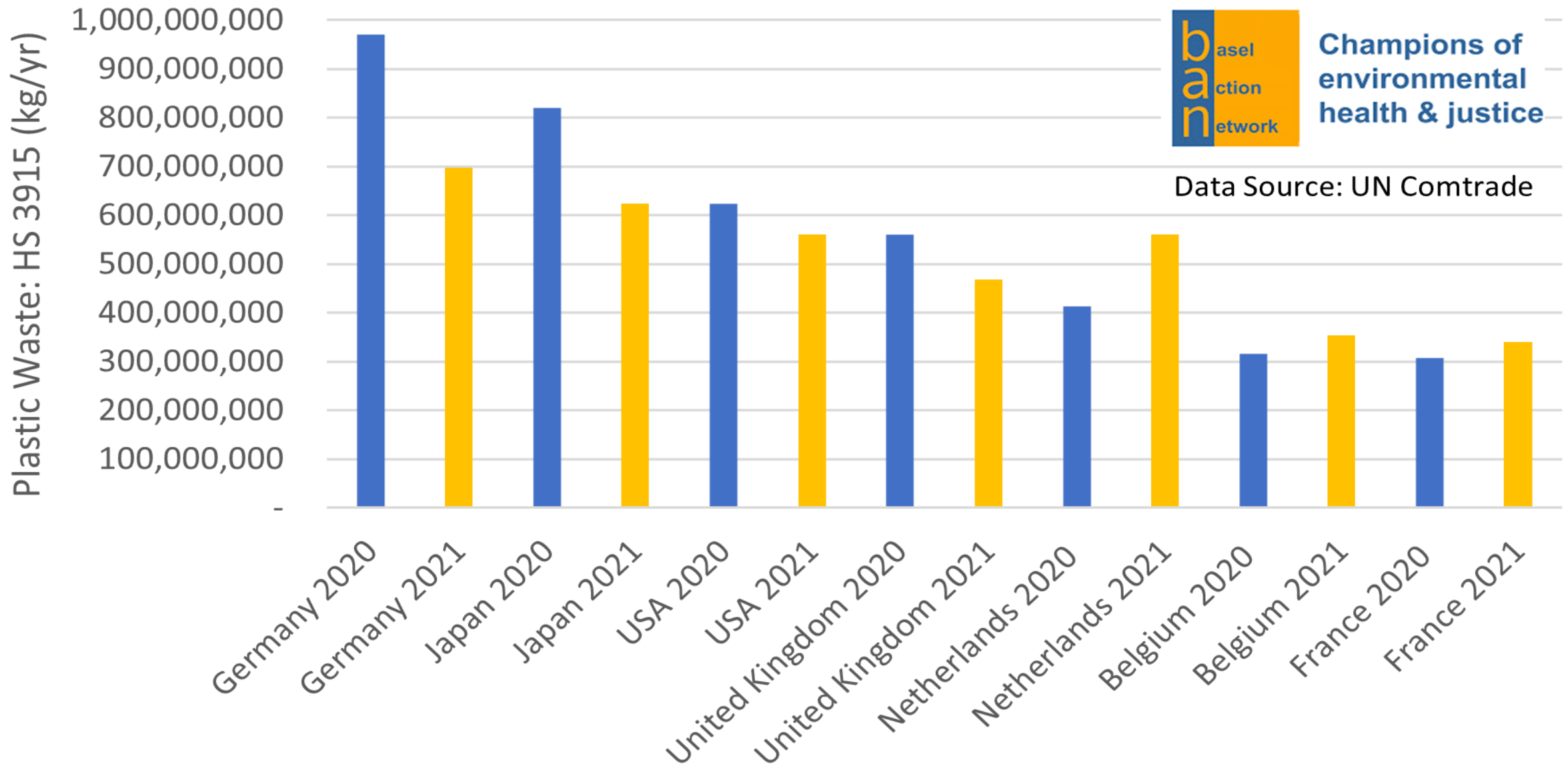
**E-Waste / WEEE Plastic
Recyclers are not separating**

Examining the Data 2020 v. 2021

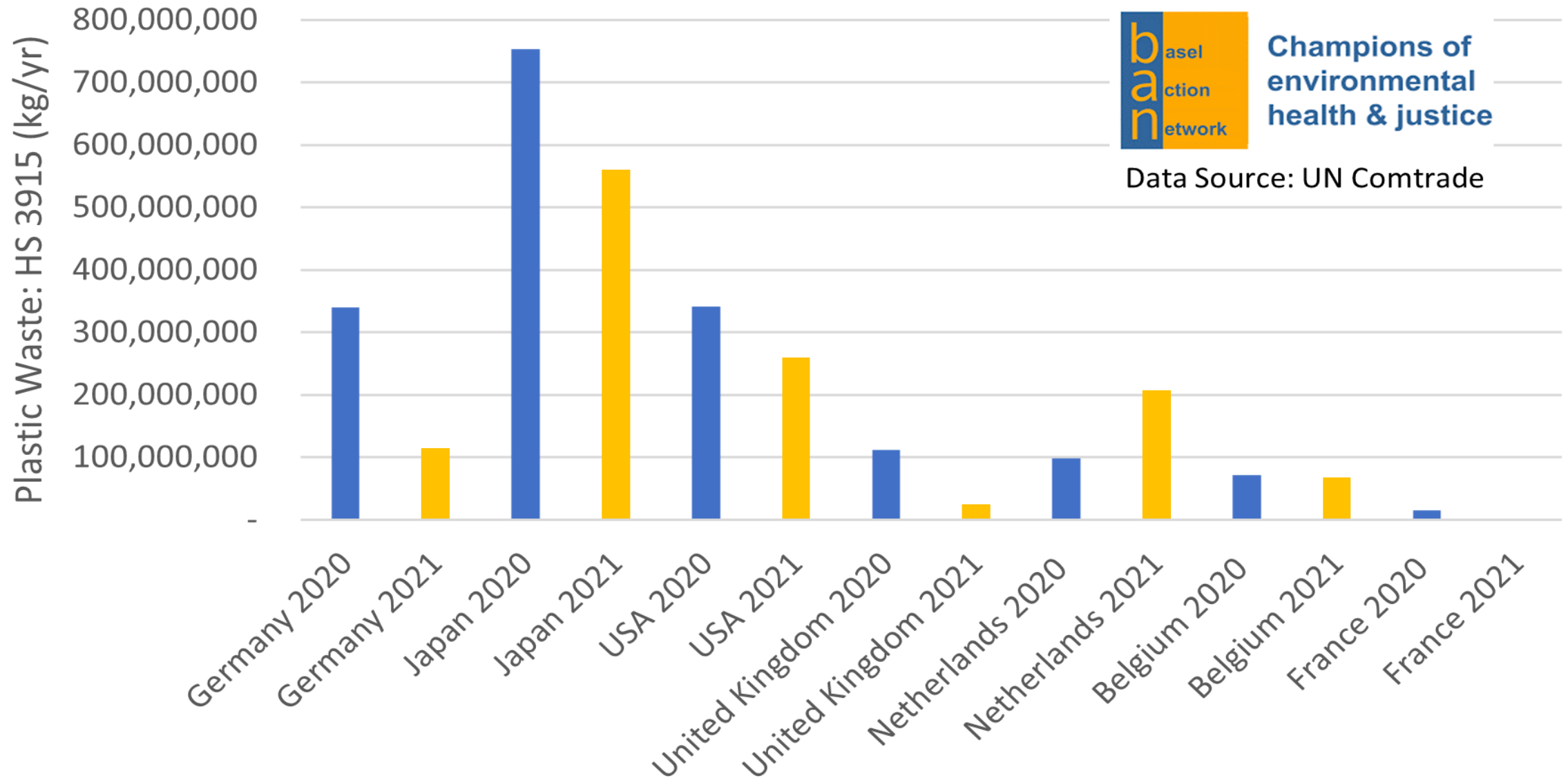
In the face of a market
overwhelmingly
Consisting of Y48

- I. Global Overview
- II. United States
- III. European Union / UK
- IV. Japan – Ignoring their
landmark stance
- V. Canada and Australia

Top Countries: 2020-2021 Total Plastic Waste Exports



Top Countries: 2020-2021 Non-OECD Plastic Waste Exports





The Plastic Waste Amendments: Examples of Implementation Concerns

Trade from the United States



Basel non-Parties



187 Basel Country Members (Parties). Just 8 UN countries are not Parties: East Timor, Fiji, Haiti, San Marino, Solomon Islands, South Sudan, and the USA.

The US Exports / Legality of Trade in Annex II Plastics

To	Yes / No	Note
Special Art. 11 Agreement	Yes	Canada Only
Other Basel Non-Parties (7 countries)	Yes	But...only to East Timor, Haiti, San Marino, South Sudan, Solomon Islands, Fiji.
Basel Parties not in OECD (153)	No!	Party to non-Party ban!
OECD except Canada (34)	No (except for Canada)	US challenged OECD's automatic adoption of Basel amendments -- no agreement > default Basel.

US Exports of Annex II Plastic Wastes

Illegal to Import

- Mexico
- China (including HK)
- Malaysia
- Indonesia
- India
- Vietnam
- Turkey
- Bangladesh
- Thailand
- Pakistan
- Philippines
- South Korea
- EU
- Japan
- Australia
-**173 other countries!**

Legal to Import

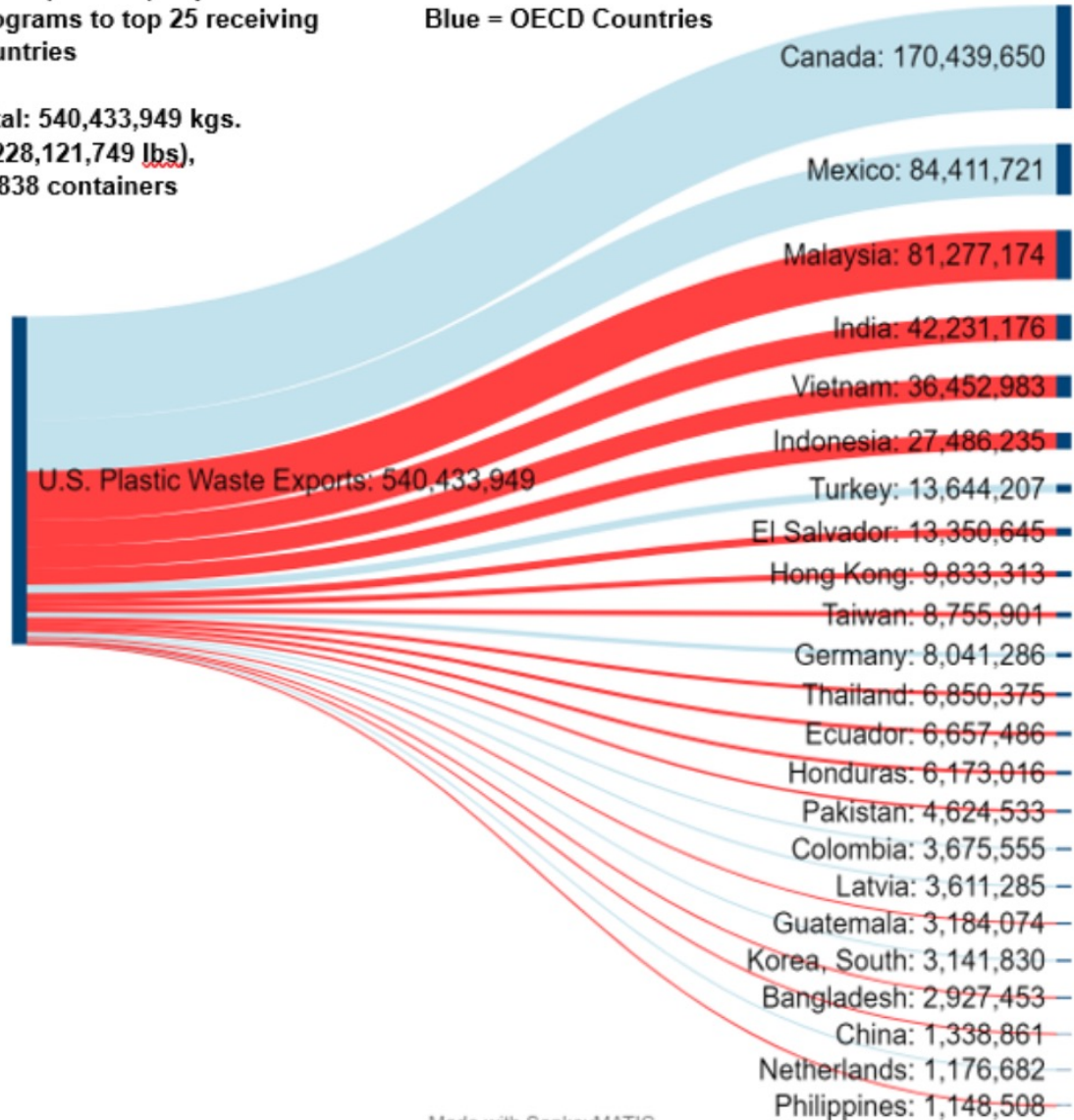
- Canada
- Solomons
- South Sudan
- San Marino
- Fiji
- Haiti
- Grenada
- East Timor

2021 Plastic Waste Exports from the US

2021 Full Year: U.S. Plastic Waste (HS3915) Exports in kilograms to top 25 receiving countries

Total: 540,433,949 kgs.
(1,228,121,749 lbs),
50,838 containers

Red = non-OECD Countries
Blue = OECD Countries



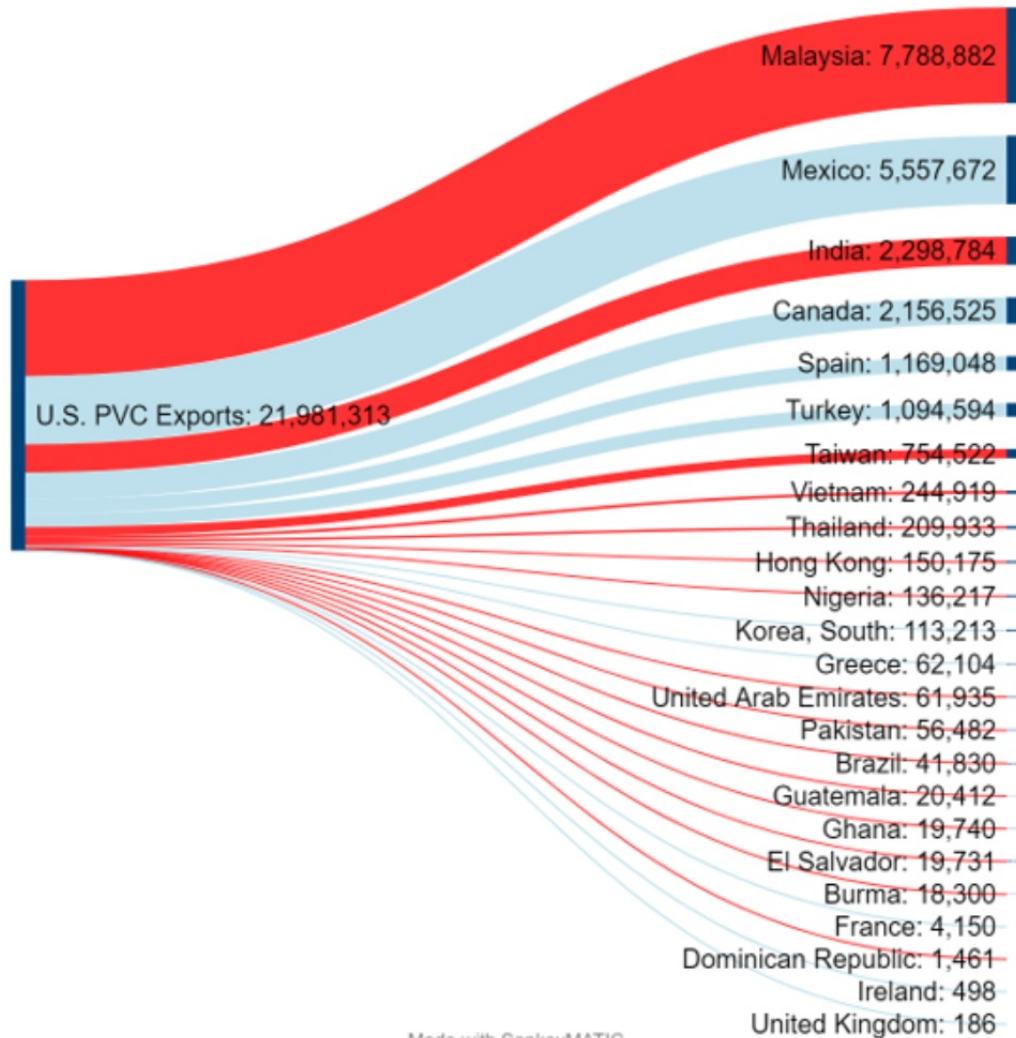
Made with SankeyMATIC

The 369,994,299 kgs, (not exported to Canada) are likely to be **ILLEGAL exports**. *That is unless you believe these shipments are unmixed polymers (with one mixture exception) are uncontaminated, not PVC nor exported for incineration.*

2021 PVC Waste Exports from the US

2021 Full Year: U.S. PVC Scrap
Exports in Kilograms
Total: 21,981,313 kilograms
(48,460,499 lbs),
2,067 containers

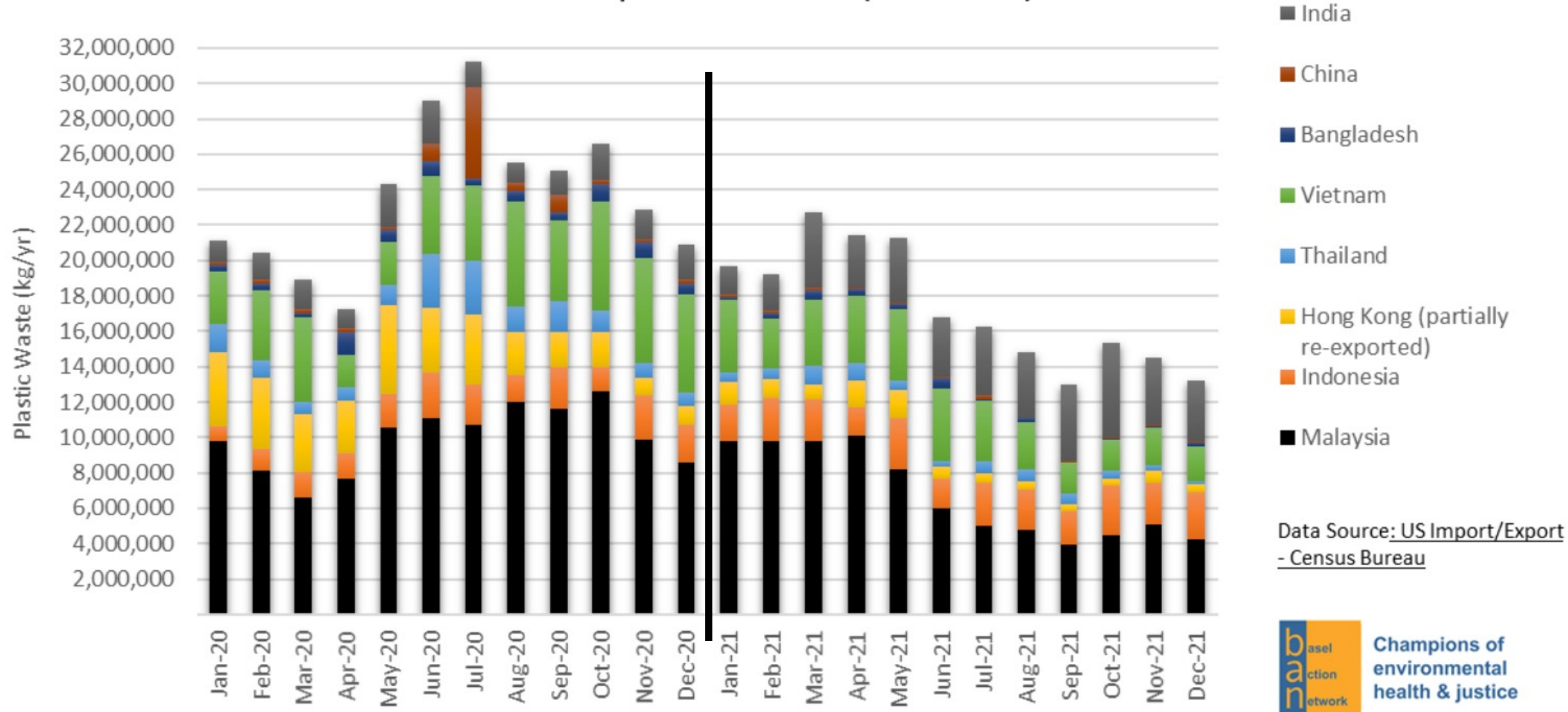
Red = non-OECD Countries
Blue = OECD Countries



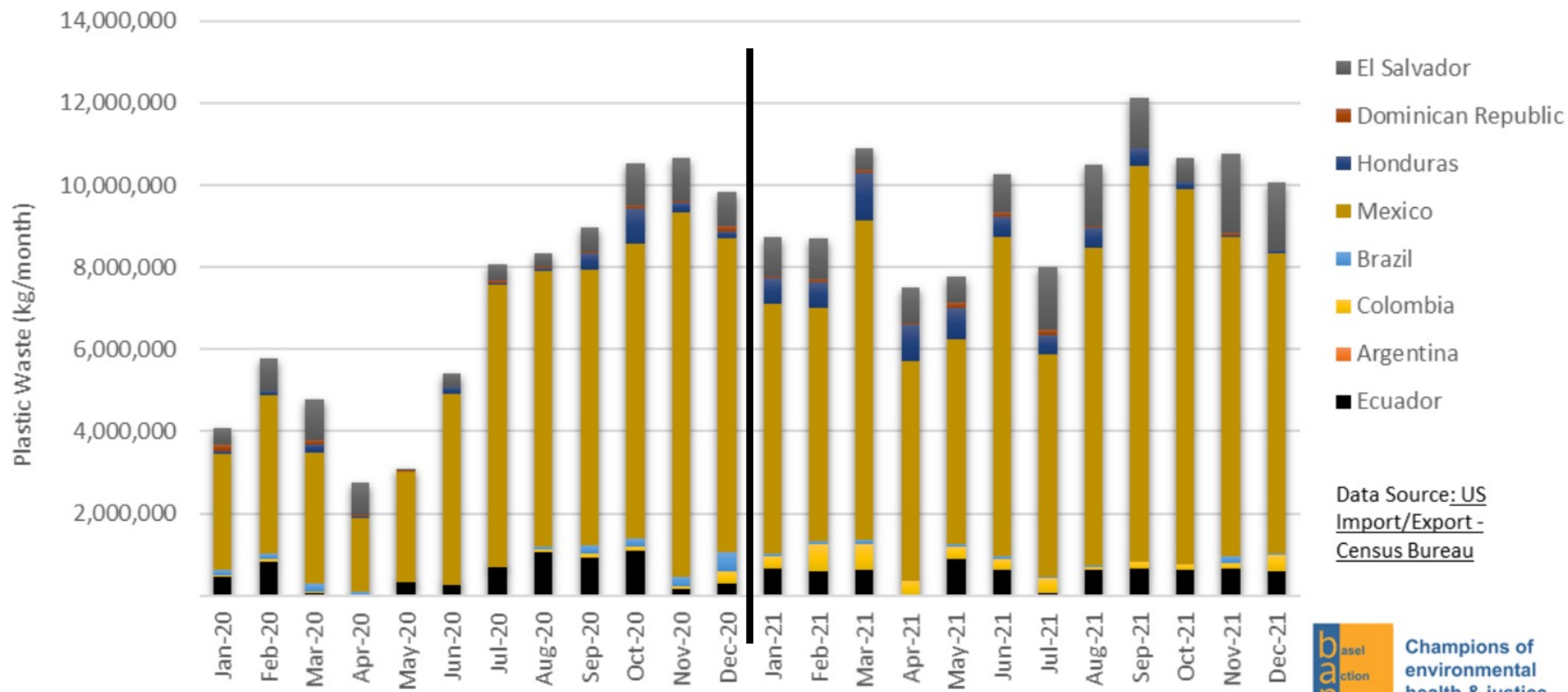
Made with SankeyMATIC

And we know that at least
19,824,788 kgs, exported
in 2021 **WAS ILLEGAL**, *as
it was PVC wastes.*

U.S. Plastic Waste Exports to Asia (HS 3915)

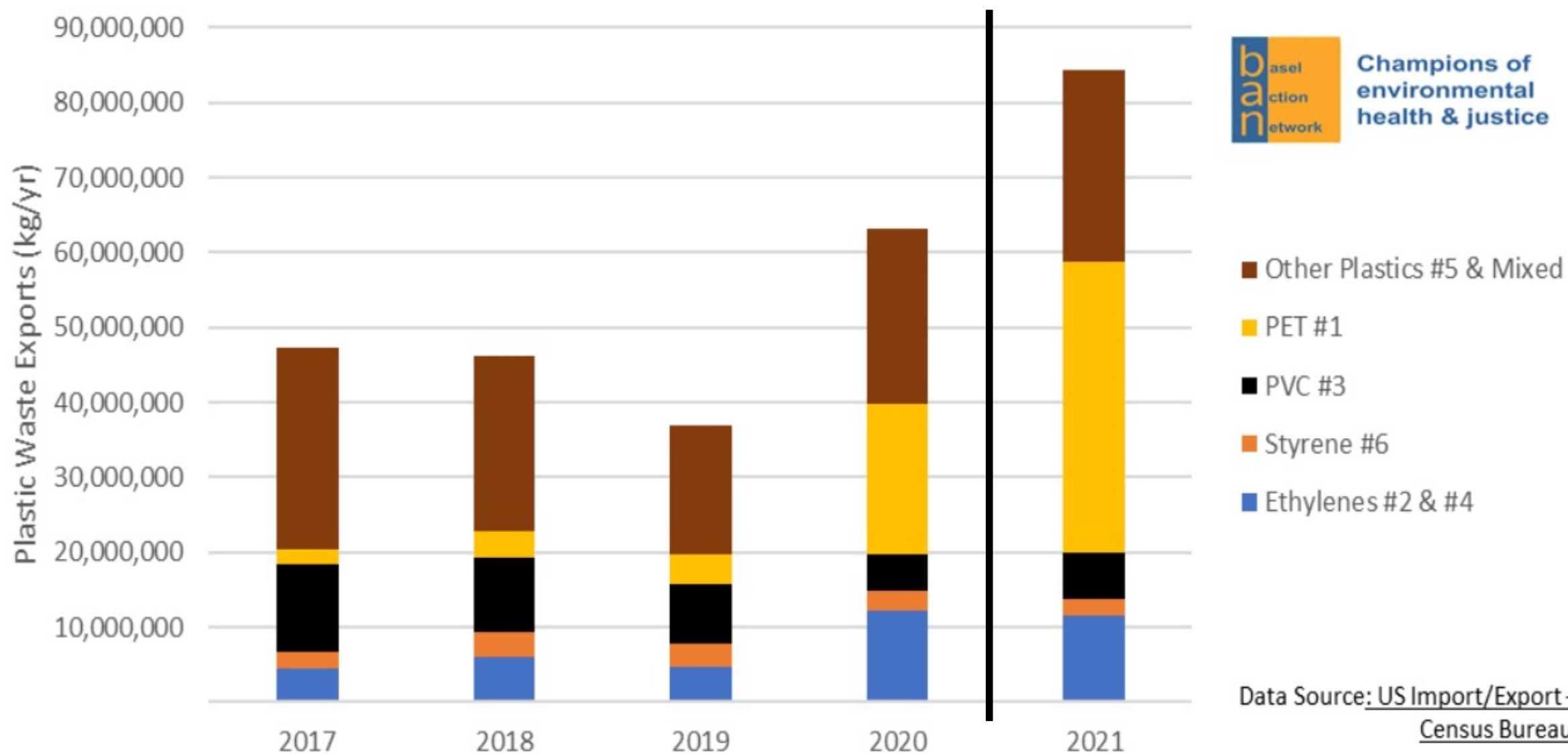


U.S. Plastic Waste Exports to Latin America (HS 3915)

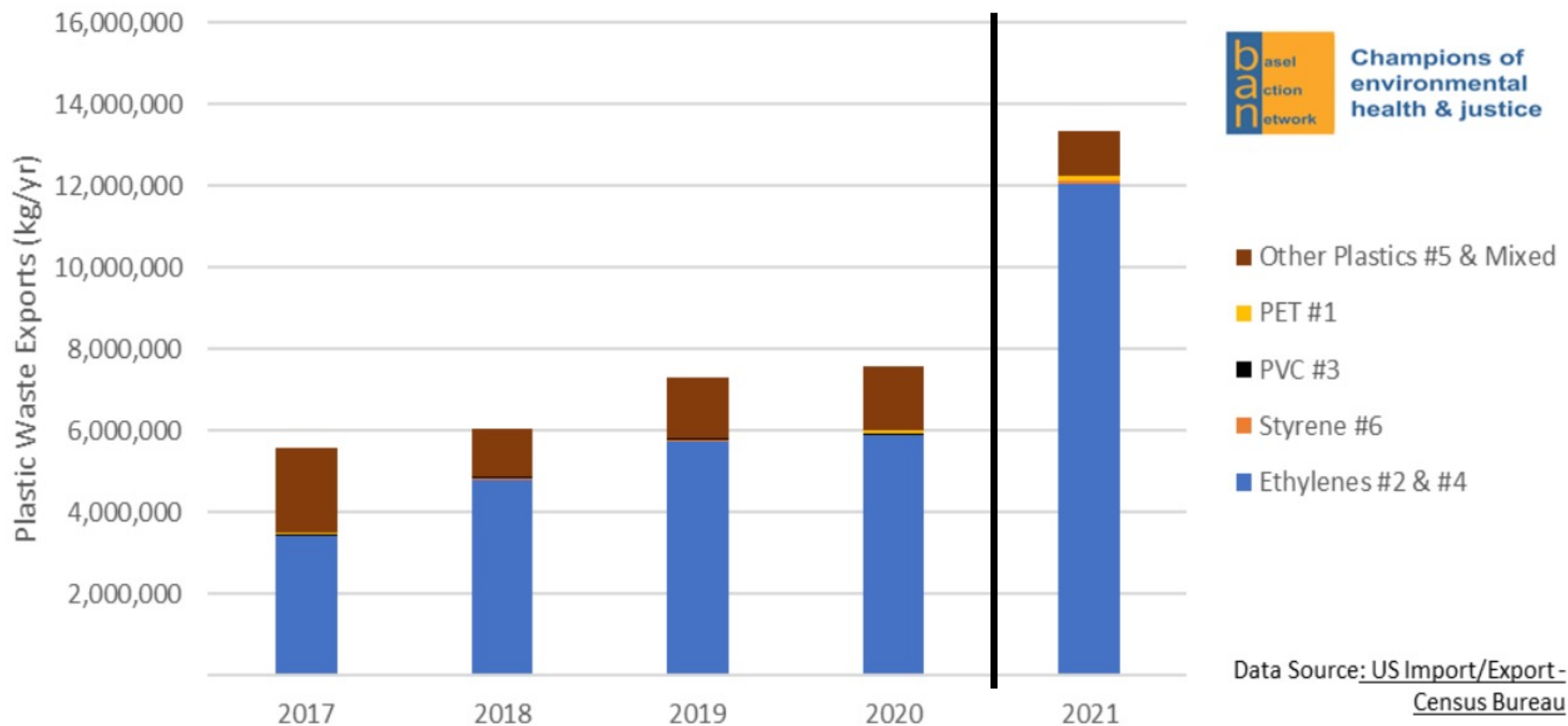


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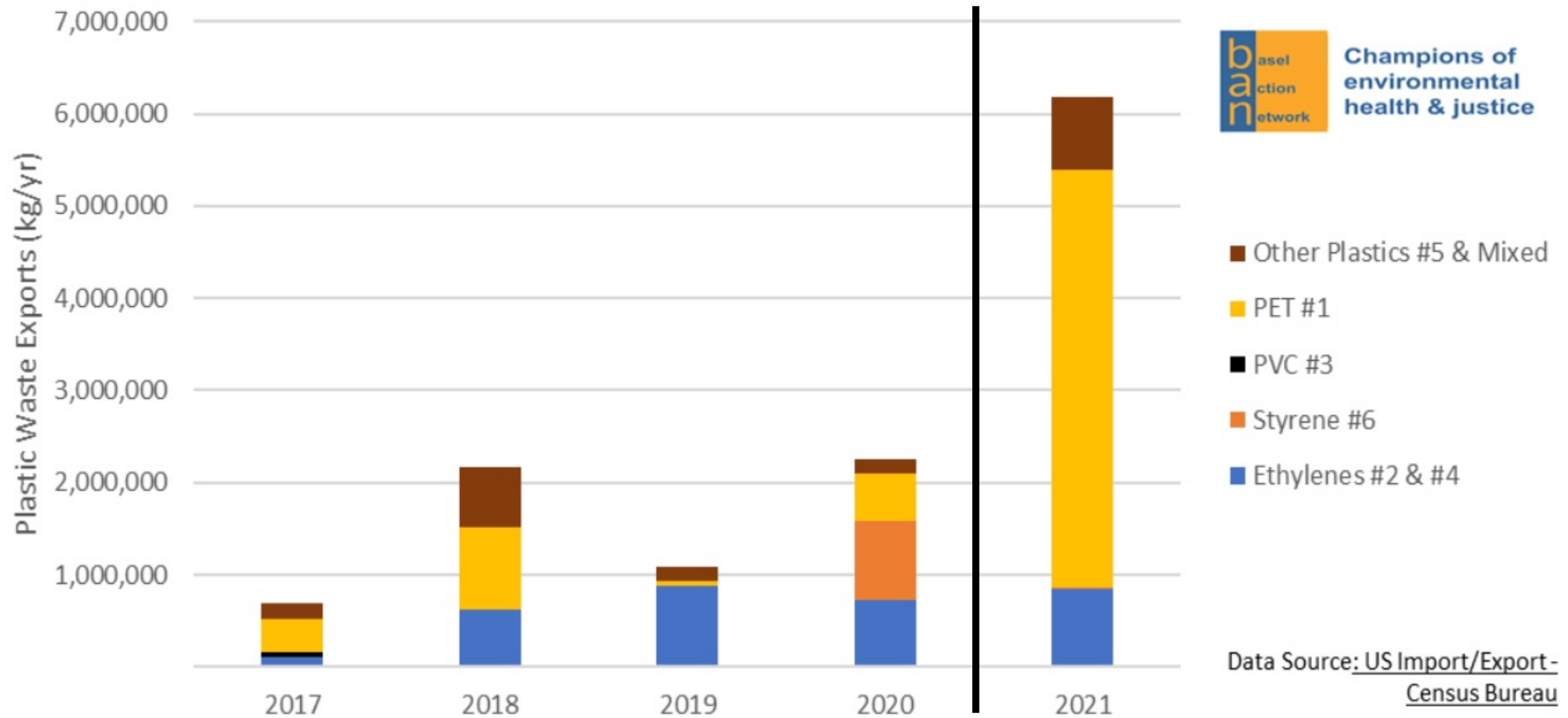
2017-2021 US Plastic Waste Exports to Mexico (HS 3915)



2017-2021 US Plastic Waste Exports to El Salvador (HS 3915)



2017-2021 US Plastic Waste Exports to Honduras (HS 3915)



Summary of Plastic Waste Trade from the US in the year 2021

- Overall US exports in plastic waste have decreased by 11% (2020 - 2021)
- But, waste still flows to Basel Parties (369,994 metric tonnes not counting Canada) despite Party to non-Party Ban!
- US Exports to Canada increased from 164 million kg/yr (2020) to 170 (2021).
- Apart from increases to India and Indonesia, we are generally seeing decreases to Asia, yet increased exports to Latin America.



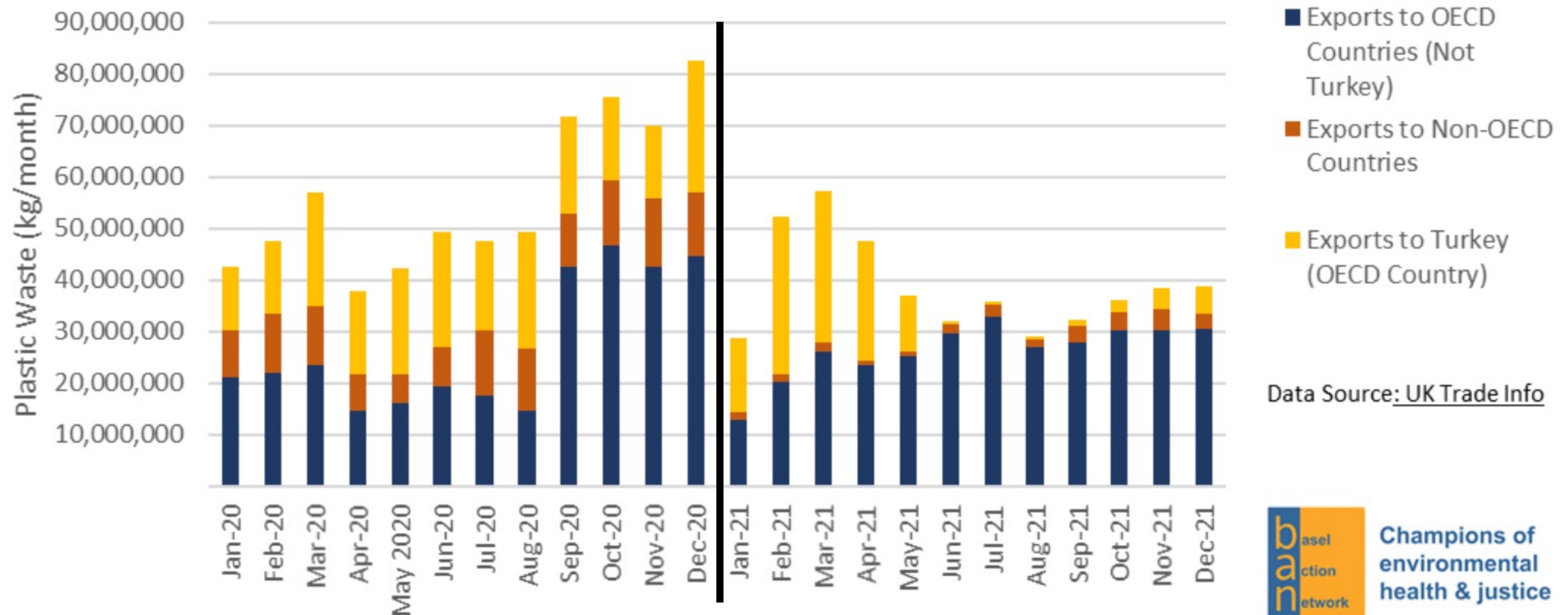
The Plastic Waste Amendments: Examples of Implementation Concerns

Trade from the UK and EU

UK Plastic Waste in Turkey



2020-21 U.K. Plastic Waste Exports (HS 3915)



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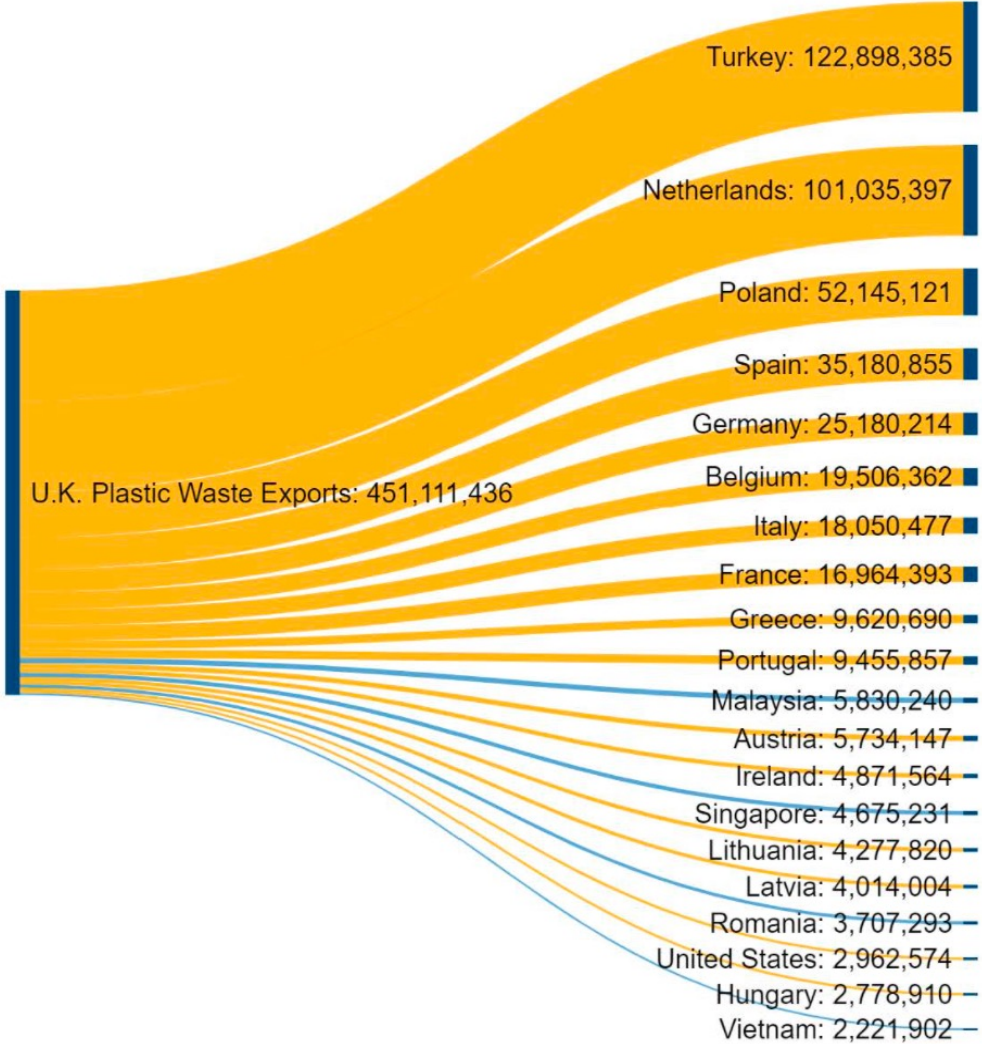


2021 Full Year: United Kingdom Plastic Waste
Exports in Kilograms (HS 3915)

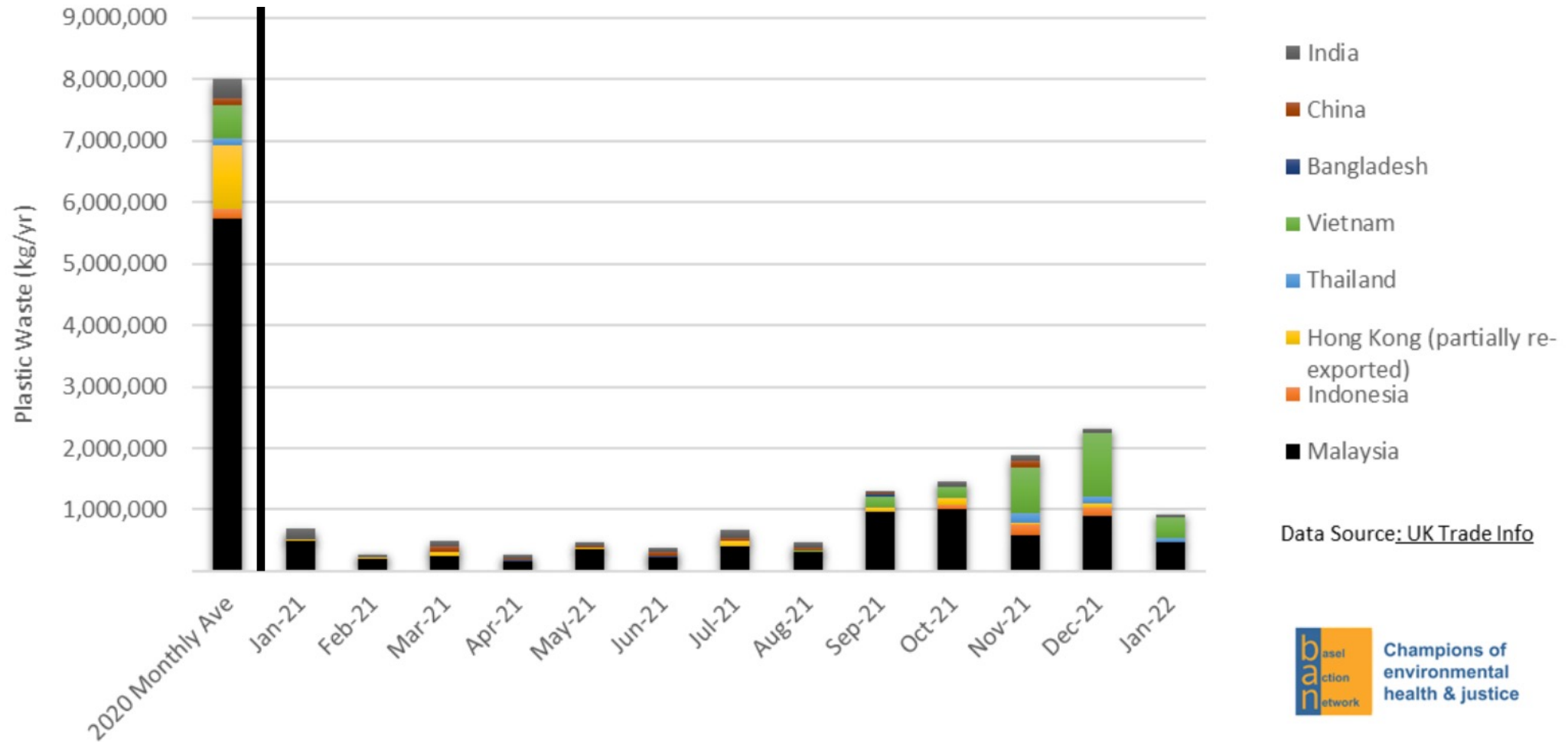
Total: 465,458,941 kilograms (1,026,161,311 lbs),
43,771 containers

Chart shows top 20 countries the U.K. is
exporting plastic waste to

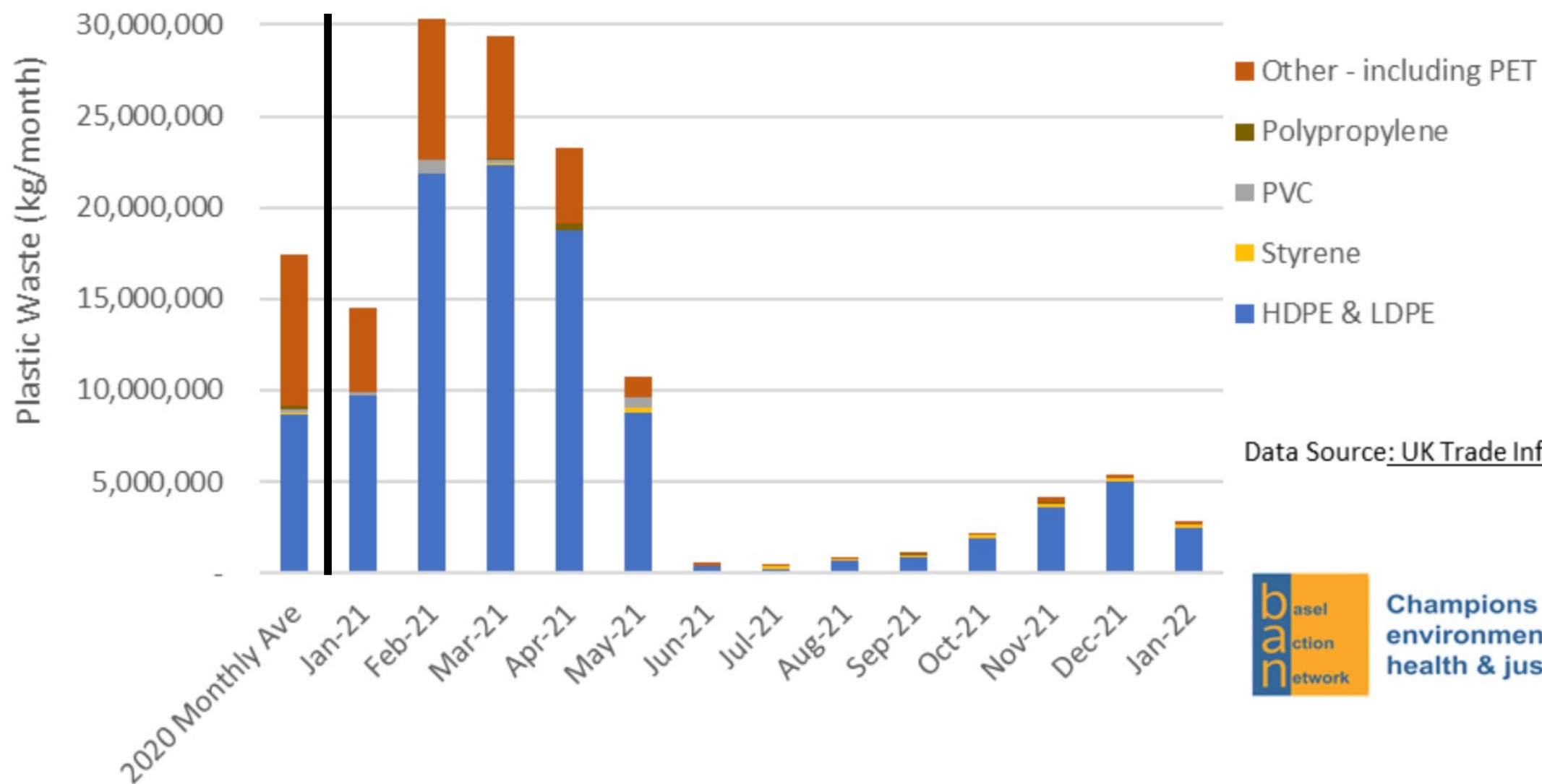
Gold=OECD Country
Blue=Non OECD Country



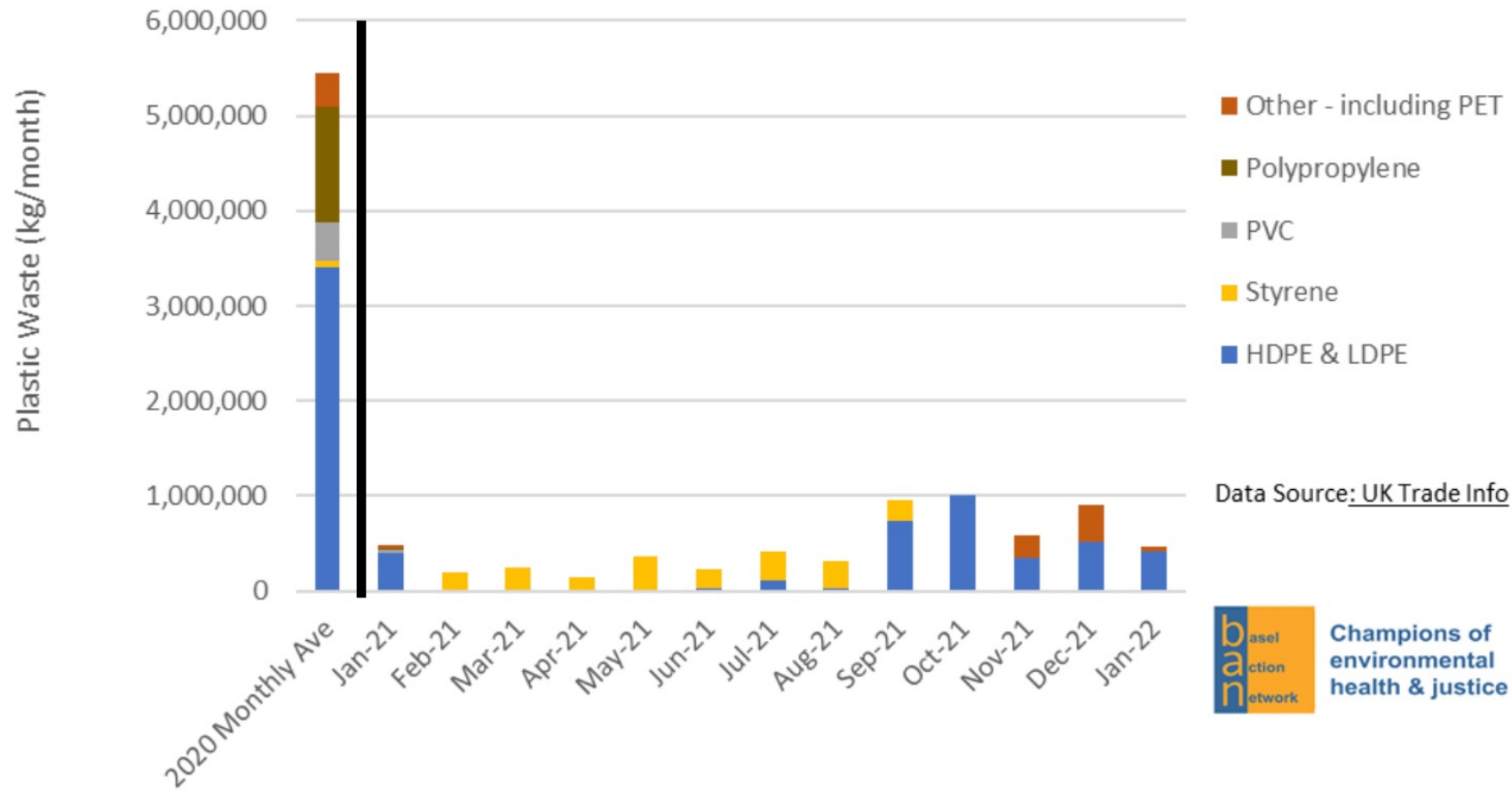
U.K. Plastic Waste Exports to Asia (HS 3915)



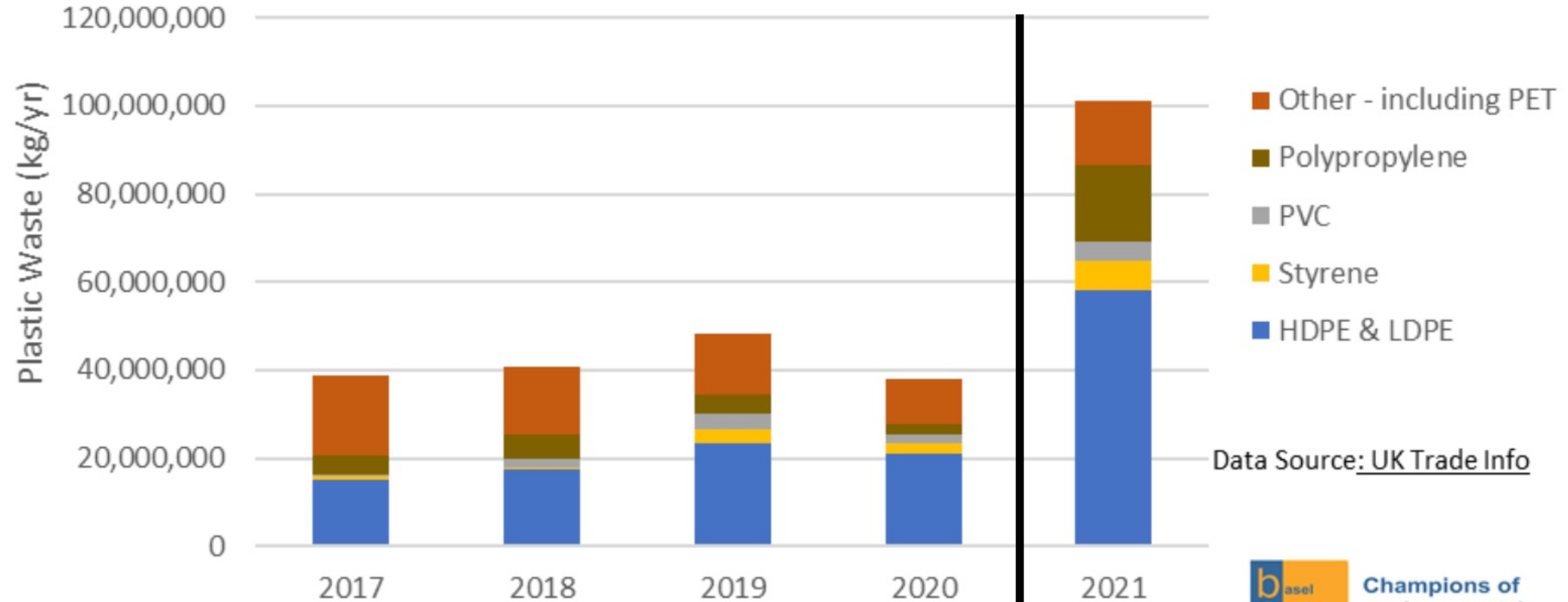
2020-21 U.K. Plastic Waste Exports to Turkey (HS 3915) OECD Country



2020-21 U.K. Plastic Waste Exports to Malaysia (HS 3915)

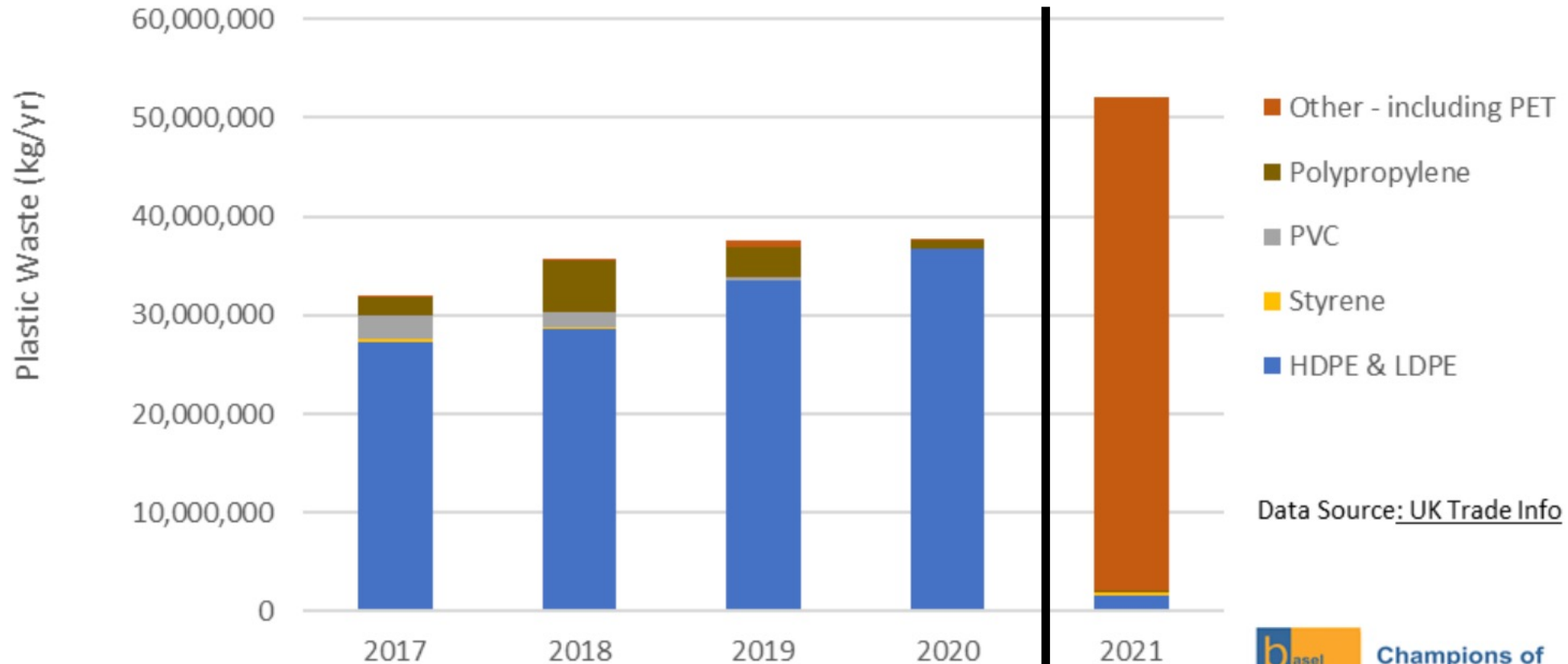


2017-21 U.K. Plastic Waste Exports to Netherlands (HS 3915)



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2017-21 U.K. Plastic Waste Exports to Poland (HS 3915) - OECD Country



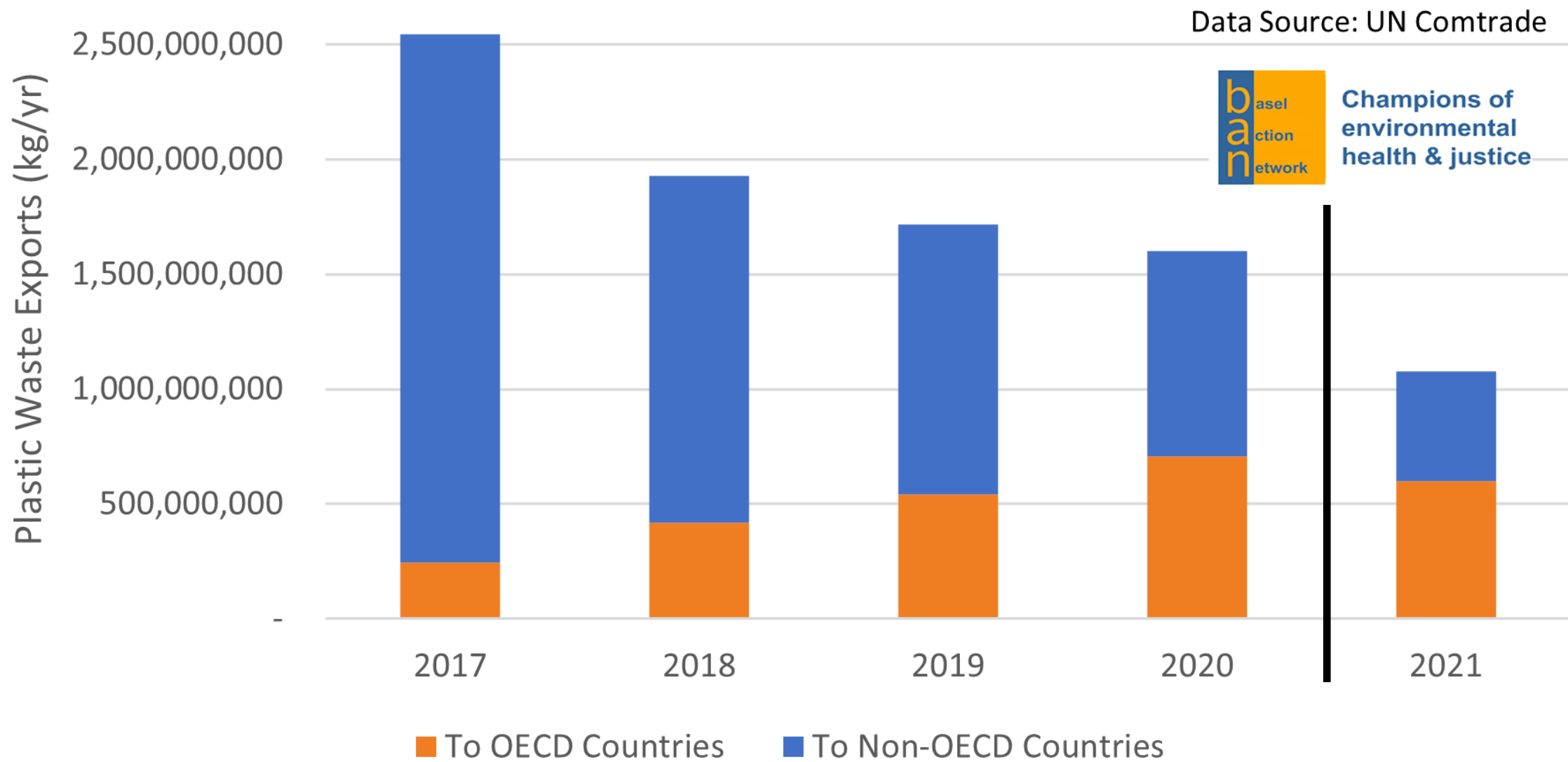
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Summary of Plastic Waste Trade from the UK in the year 2021

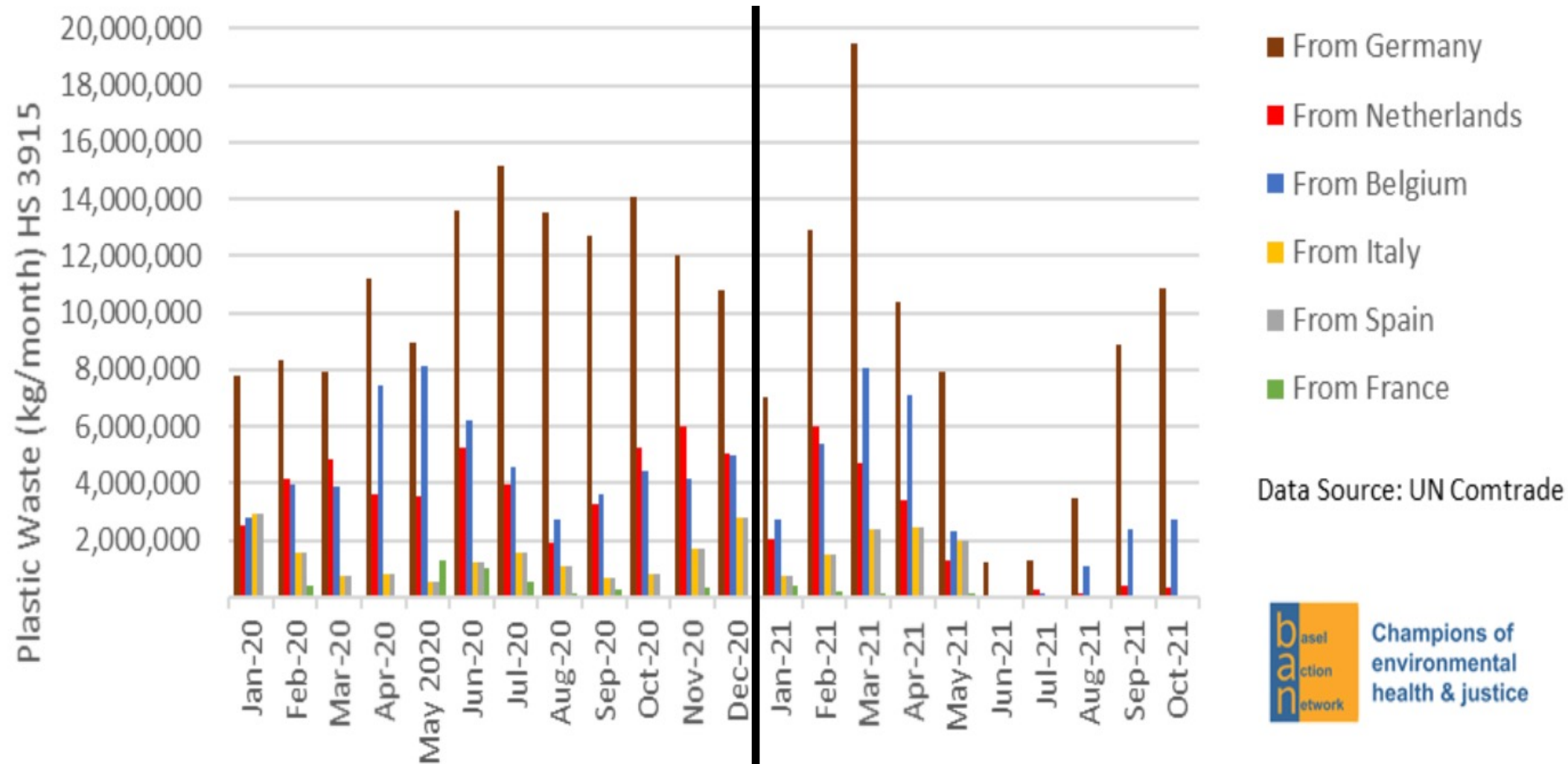
- Overall U.K. exports decreased from 537 million kg (2020) to 467 in (2021).
- Exports to Turkey decreased from 210 million kg (2020) to 123 (2021). But now starting to rise.
- Exports to Malaysia dramatically decreased from to 66 million kg (2020) to 5.83 in (2021). But now rising.
- Exports to Poland have increased to 53 million kg/yr (2021) from 38 million kg/yr (2020).
- Poland appears to be a UK alternative to Turkey
- Exports to NL increased dramatically -- 101 million kg/yr (2021) from 38 million kg/yr (2020).
- It appears Netherlands is now the trans-shipment country for UK plastic waste to Asia!



2017-2021 EU Plastic Waste Exports (HS3915)

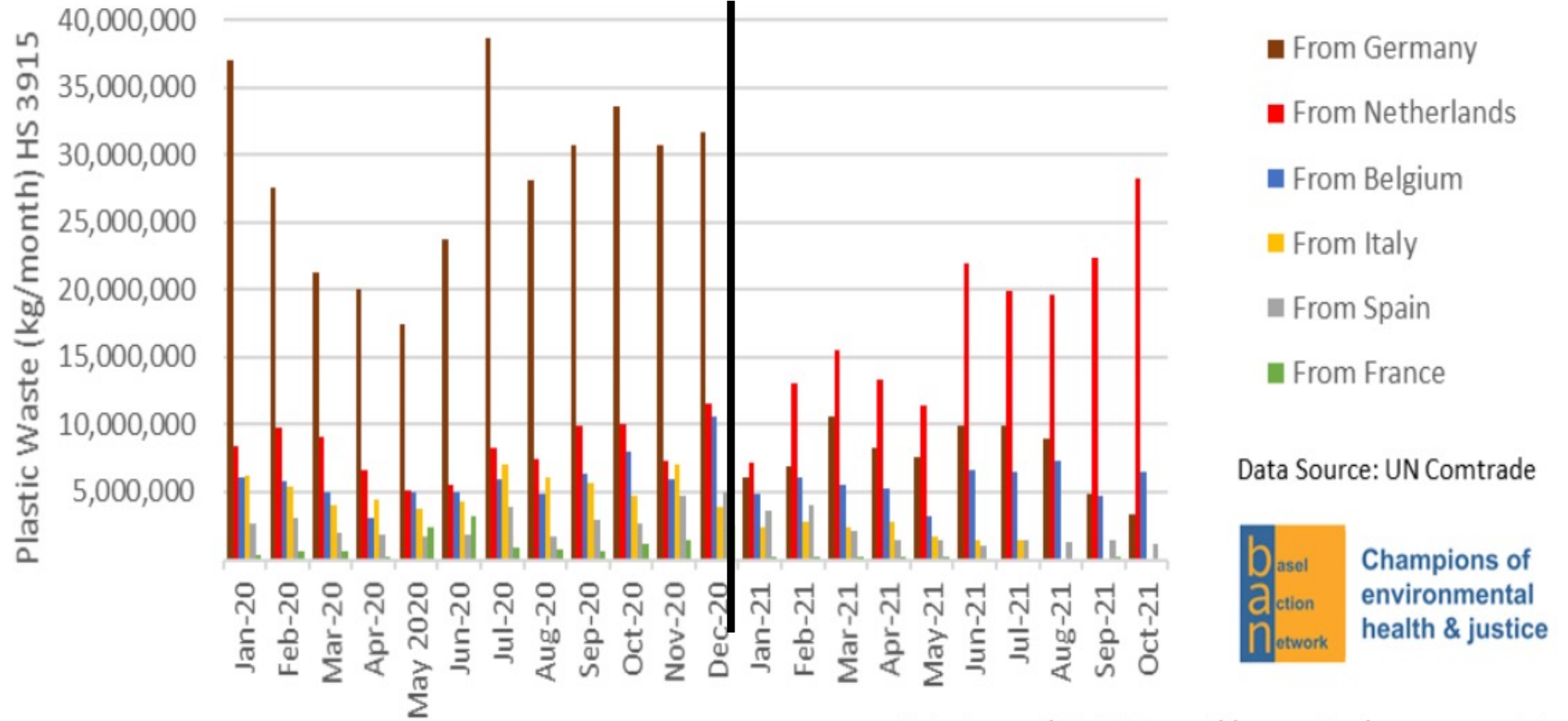


2020-21 E.U. Plastic Waste Exports to Turkey



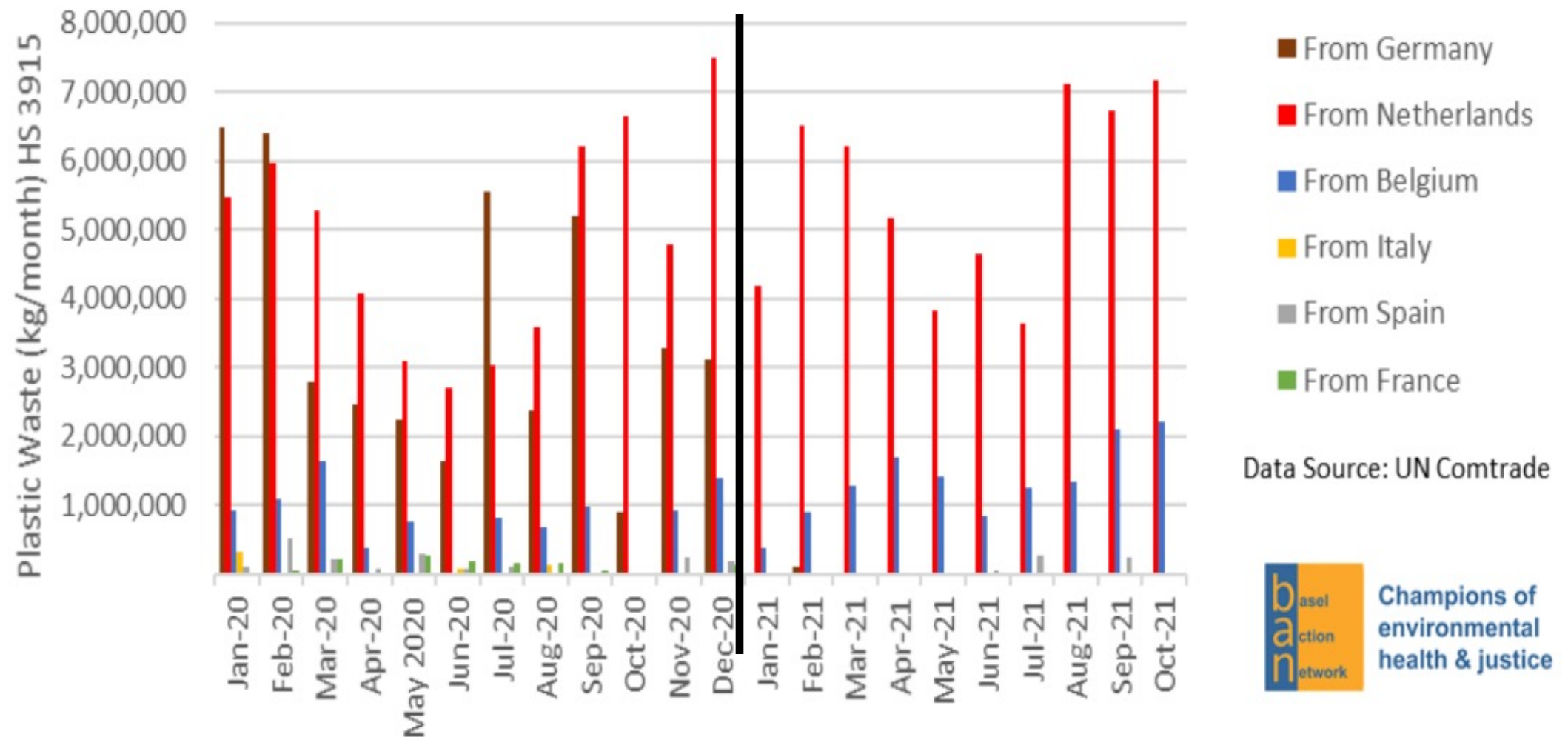
Note: Incomplete 2021 monthly reporting by some countries

2020-21 E.U. Plastic Waste Exports to Non-OECD Countries



Note: Incomplete 2021 monthly reporting by some countries

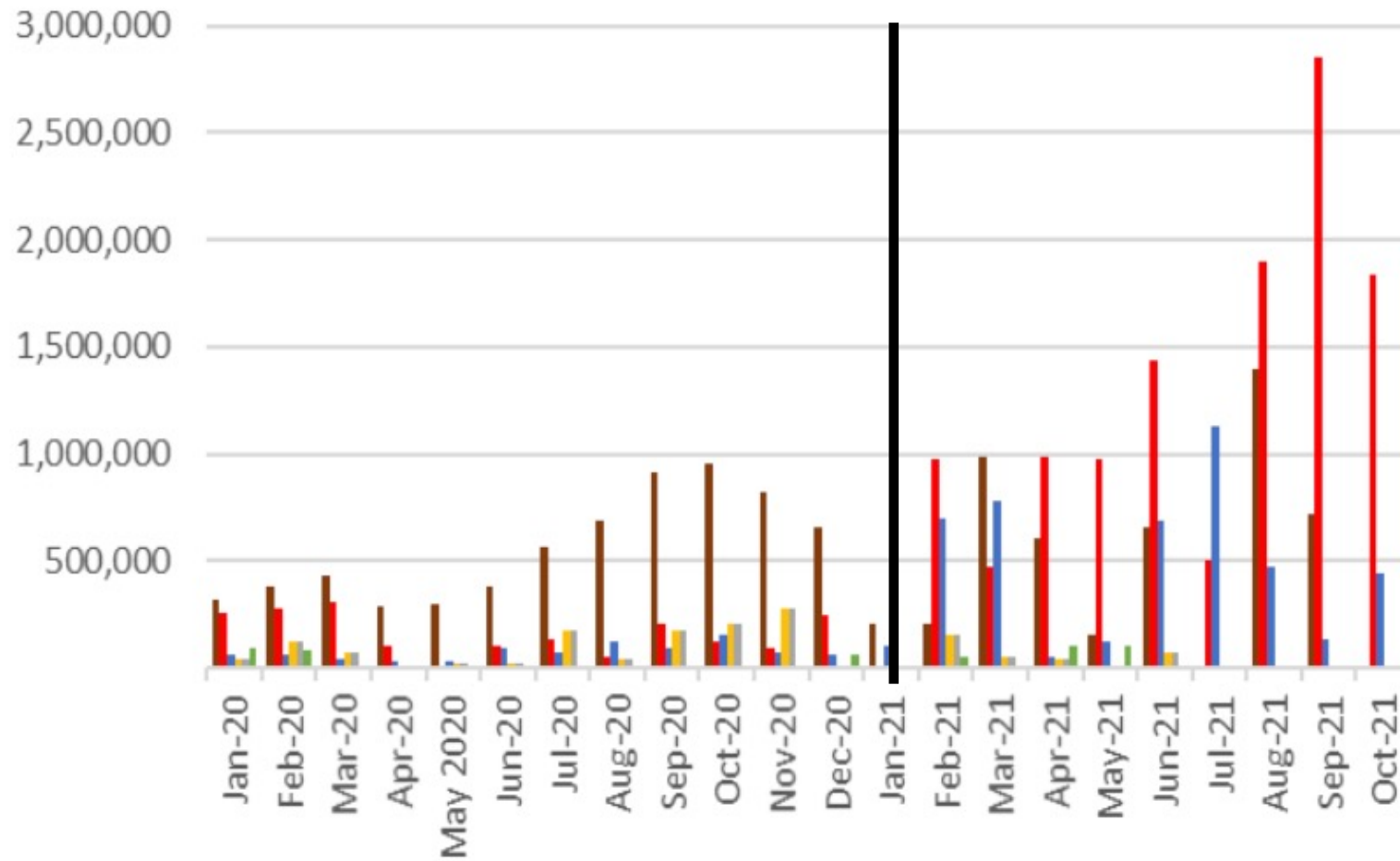
2020-21 E.U. Plastic Waste Exports to Indonesia



Note: Incomplete 2021 monthly reporting by some countries

2020-21 E.U. Plastic Waste Exports to India

Plastic Waste (kg/month) HS 3915



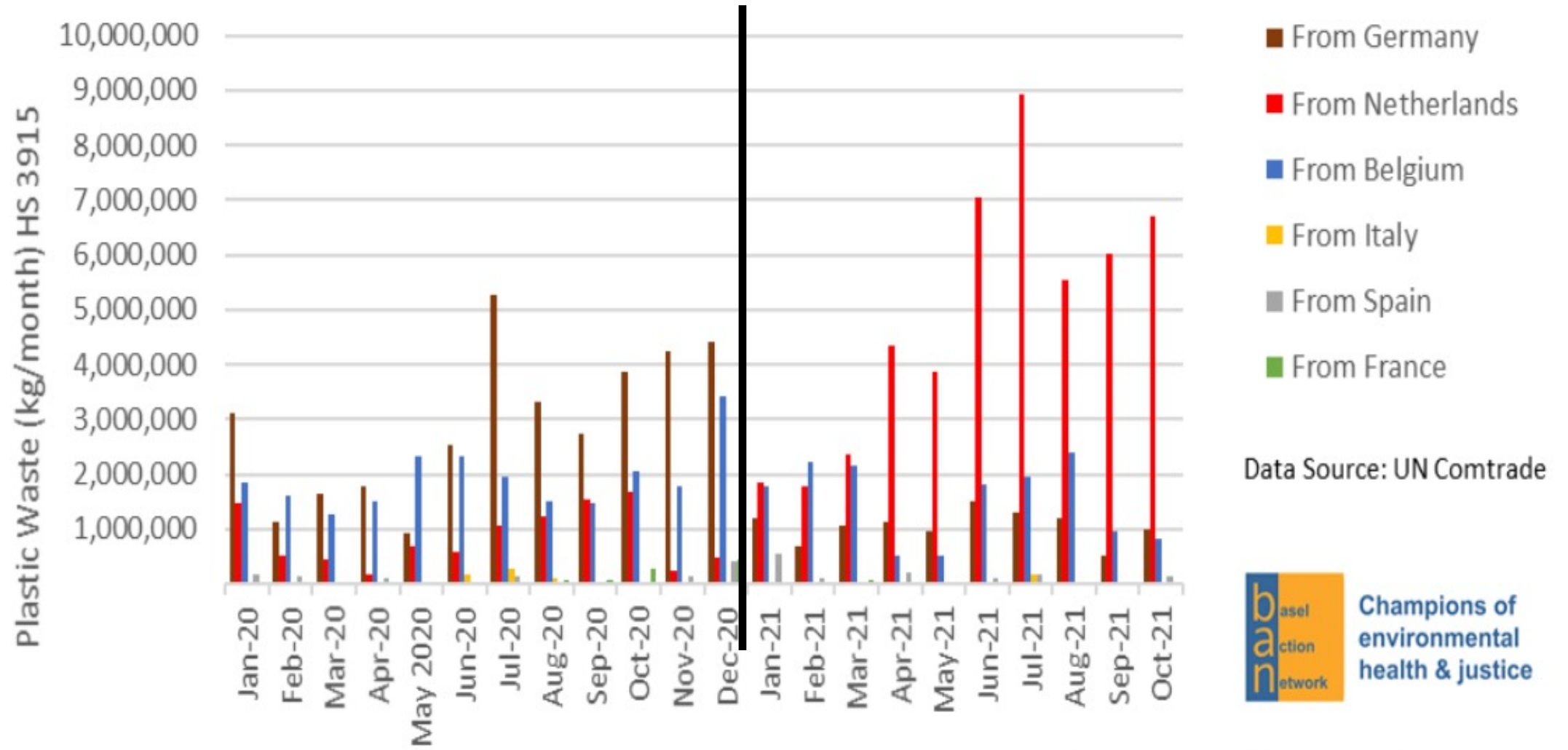
- From Germany
- From Netherlands
- From Belgium
- From Italy
- From Spain
- From France

Data Source: UN Comtrade



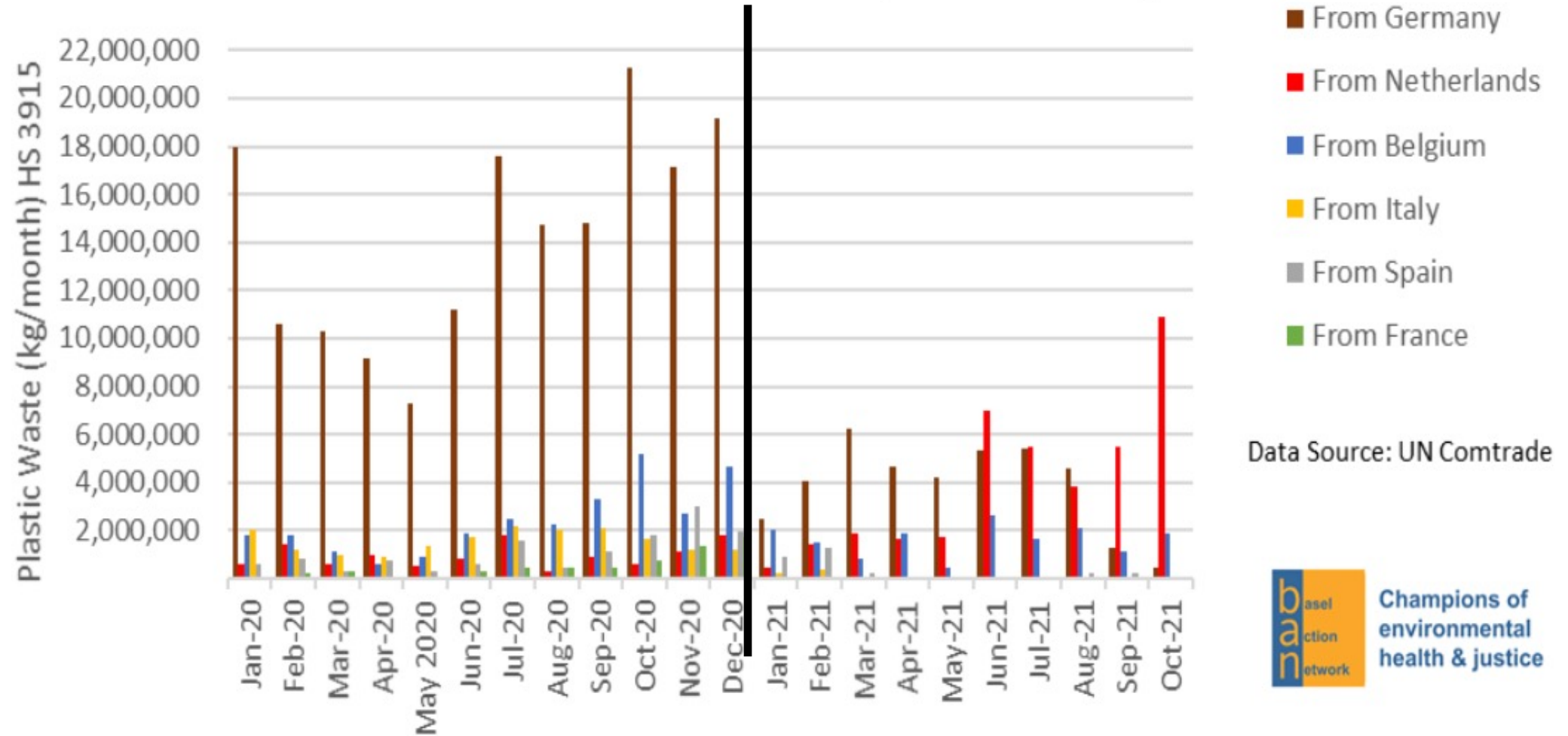
Note: Incomplete 2021 monthly reporting by some countries

2020-21 E.U. Plastic Waste Exports to Vietnam



Note: Incomplete 2021 monthly reporting by some countries

2020-21 E.U. Plastic Waste Exports to Malaysia



Note: Incomplete 2021 monthly reporting by some countries

Summary of Plastic Waste Trade from the EU in the year 2021

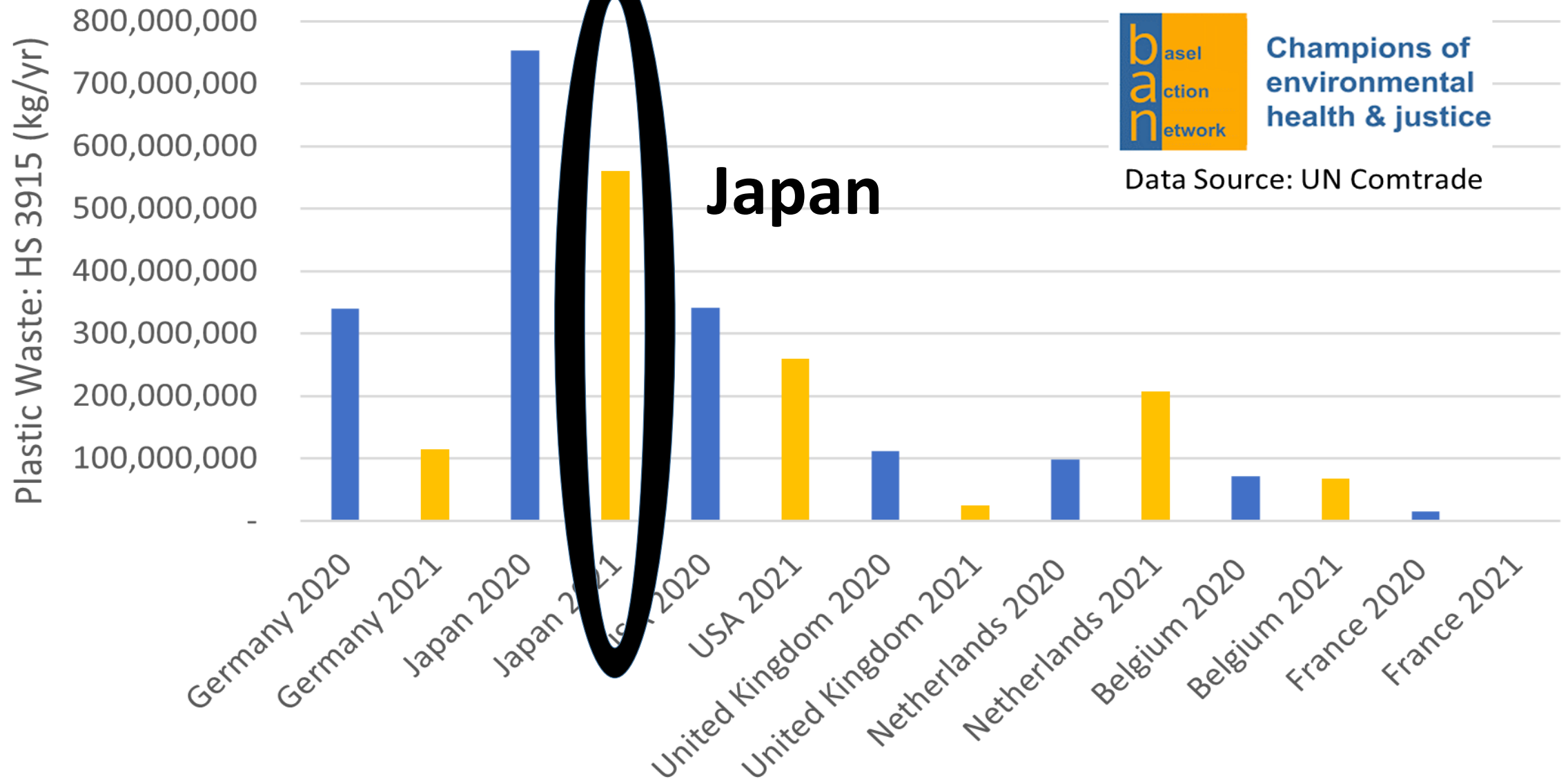
- Exports to non-OECD declined after Plastic Amendment entered into force but has been steadily increasing recently.
- Increase to Turkey from 4.5 million kg/month in June 2021 to 27.9 in October 2021. Primarily German Exports as Turkey's BAN was relaxed.
- Netherlands dramatically increased plastic waste exports to Asian non-OECD in 2021, from an average of 8.3 million kg/month in 2020 to 18.2 in August 2021!
- High levels of Dutch exports to: Malaysia (10.9 million kg/month), Indonesia (7.12 million kg/month) and to Vietnam (6.7 million kg/month) in October 2021.



The Plastic Waste Amendments: Examples of Implementation Concerns

Trade from Japan

Top Countries: 2020-2021 Non-OECD Plastic Waste Exports

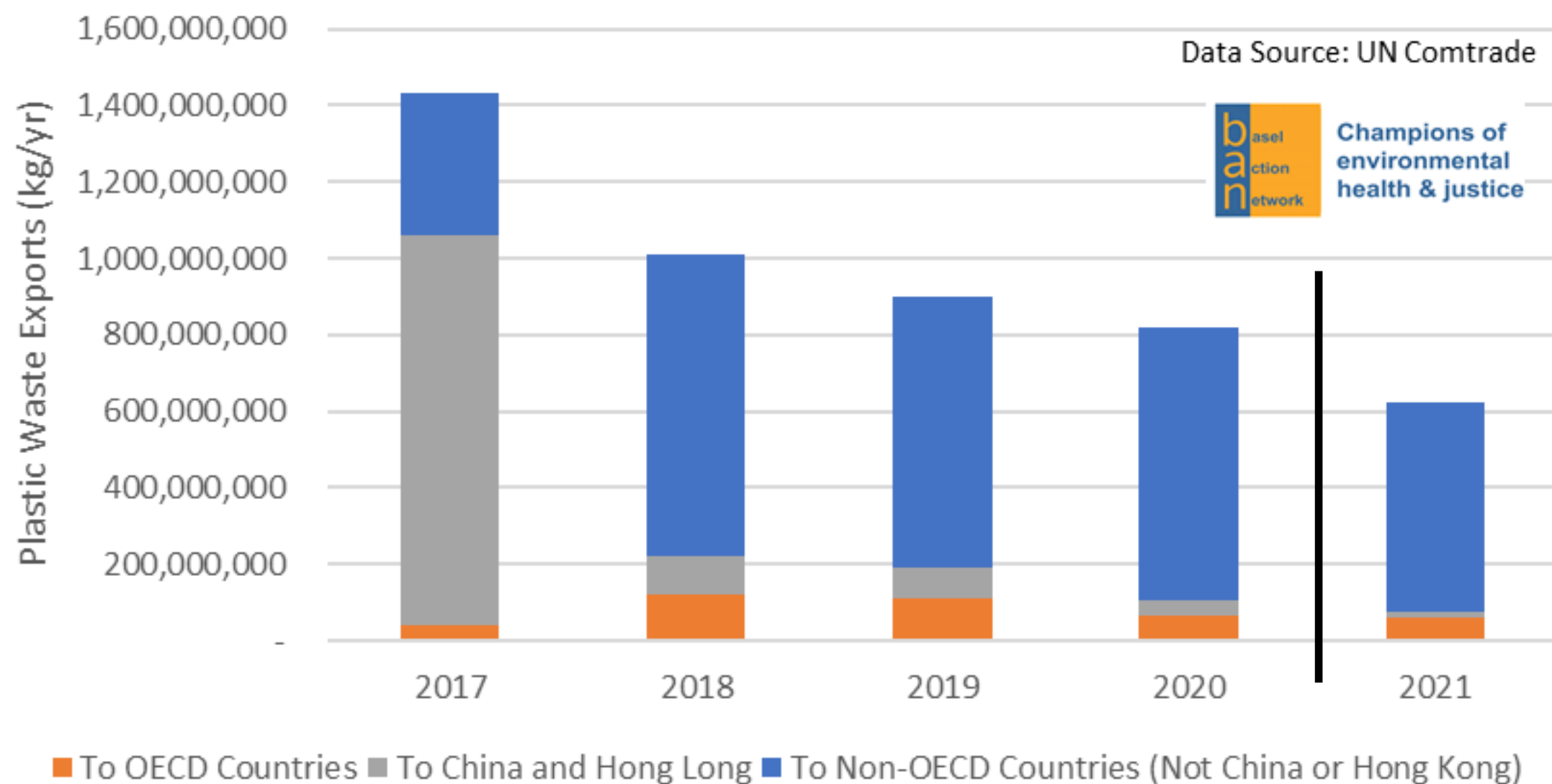


2017-2021 Japan Plastic Waste Exports (HS3915)

Data Source: UN Comtrade



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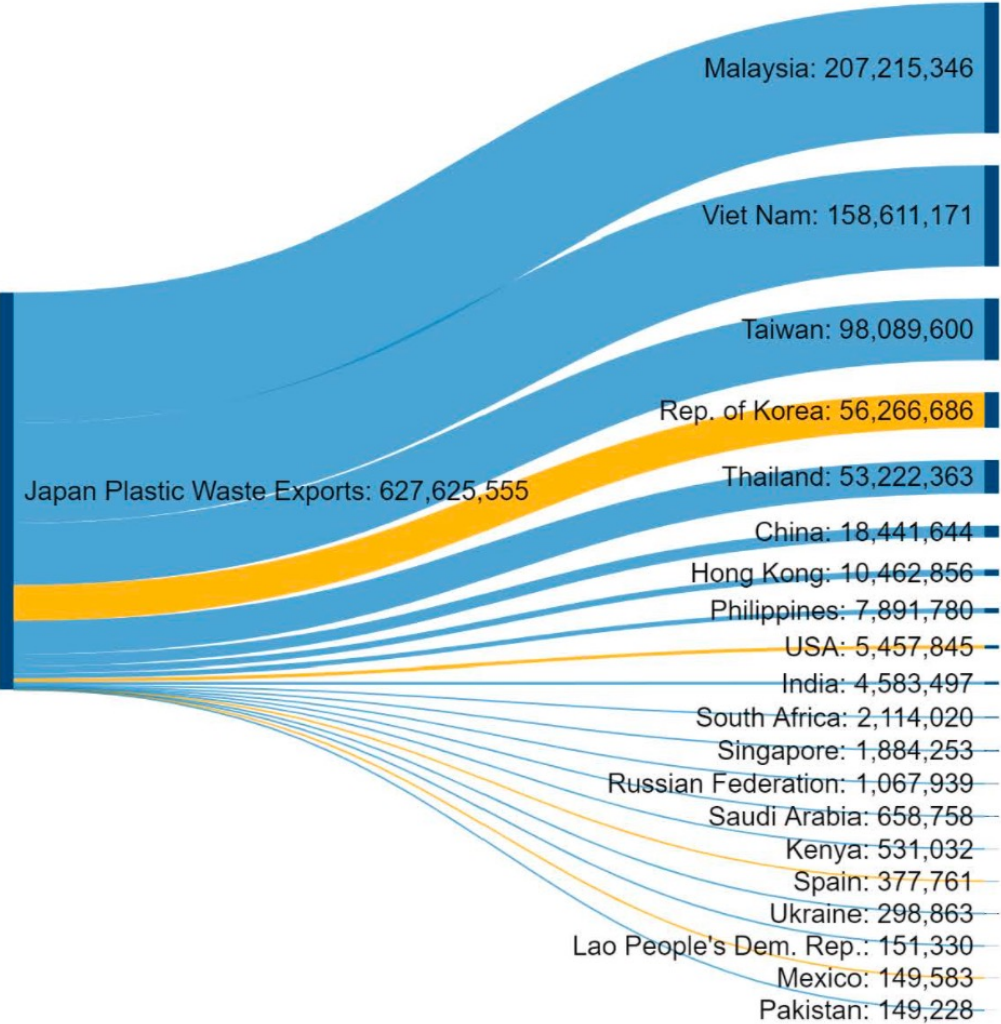


2021 Full Year: Japan Plastic Waste
Exports in Kilograms (HS 3915)

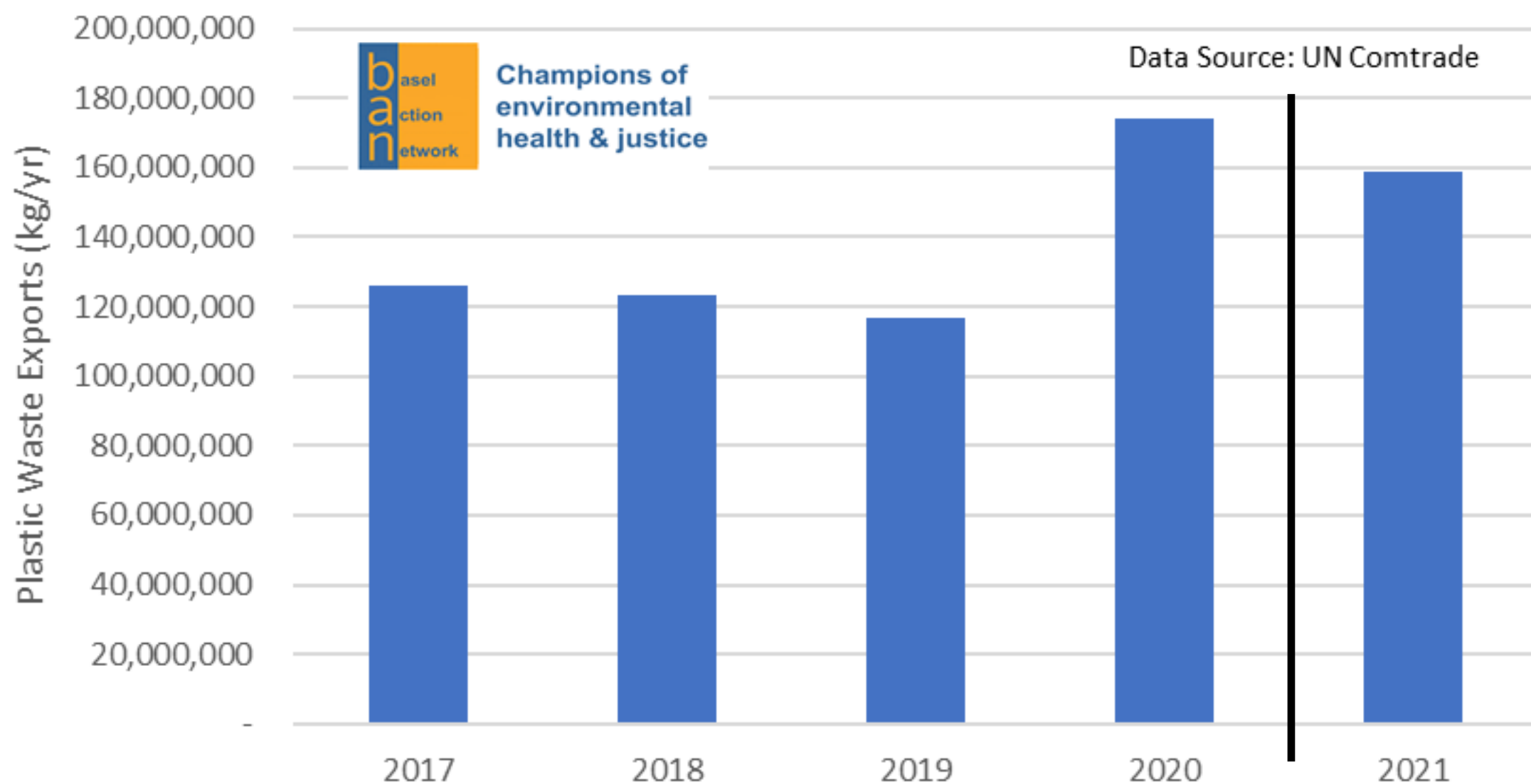
Total: 623,200,342 kilograms
(1,373,921,572 lbs), 58,605 containers

Chart shows top 20 countries Japan is
exporting plastic waste to

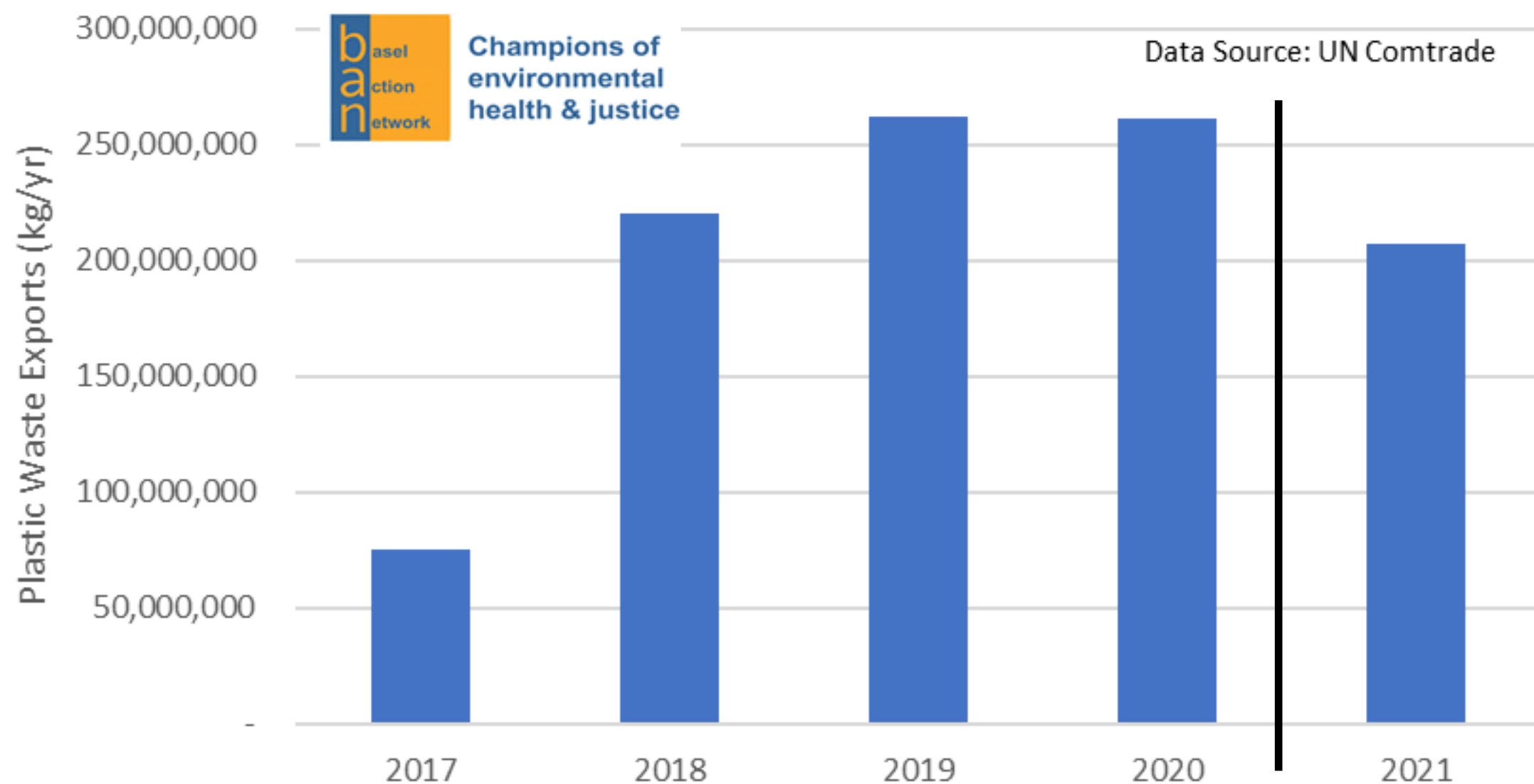
Gold=OECD Country
Blue=Non OECD Country



2017-2021 Japan Plastic Waste Exports to Vietnam



2017-2021 Japan Plastic Waste Exports to Malaysia



Summary of Plastic Waste Trade from Japan in the year 2021

- Overall exports have reduced, not by so much....and...
- Japan continues to lead the world in exports of plastic waste to non-OECD countries. They are world champion plastic waste dumper.
- The leading countries they export to are Malaysia, Vietnam and Taiwan



The Plastic Waste Amendments: Examples of Implementation Concerns

Hidden Plastic Waste Flows from Australia and Canada

A photograph showing a man standing in the middle of a massive landfill. The ground is covered in a thick layer of brown, shredded organic material, likely paper or food waste, which is heavily contaminated with small pieces of colorful plastic waste (blue, yellow, red, green). In the background, there are large mounds of similar waste and some buildings under a cloudy sky. A small puddle of water is visible near the man's feet, reflecting the sky. The overall scene depicts a large-scale waste management or disposal site.

**Plastic Waste Exported to Southeast Asia from
Canada as 25% of “Paper Scrap”**

When the story of plastic waste contaminating the Indonesian food chain made front page of the New York Times, Indonesia, Malaysia and the Philippines started rejecting Australian waste shipments.

The New York Times

*To Make This Tofu, Start
by Burning Toxic Plastic*



Indonesia sends rubbish back to Australia and says it's too contaminated to recycle

Indonesian officials say containers of paper contaminated by electronic waste, used cans and plastic bottles



Malaysia sends our rubbish back

Malaysia will “immediately” ship back to Australia two containers of maggot-infested waste.



Manila objects to waste dumping

The Philippines has accused Australia of using it as a “dumping ground”.

The Australian government reacted and was applauded for announcing a waste export ban and pumping billions into domestic recycling

Joint media release: World-first ban on waste plastic exports

1 July 2021

The Hon Sussan Ley MP, Minister for the Environment

The Hon Trevor Evans MP, Assistant Minister for Waste Reduction and Environmental Management



Australian Government

The Hon Sussan Ley MP
Minister for the Environment



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Joint Media Release: \$1 billion waste and recycling plan to transform waste industry

6 July 2020

But it turned out the plan was to export “refuse derived fuel” (RDF) instead

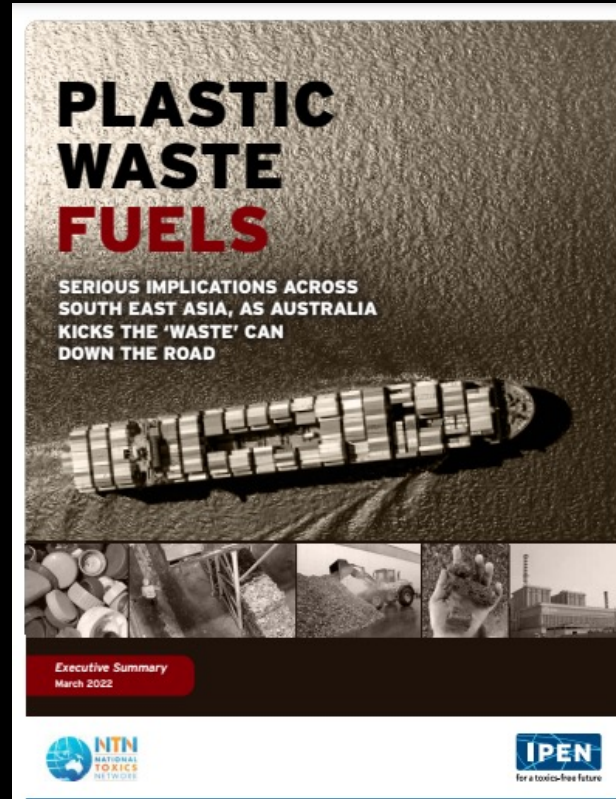
- RDF and Process Engineered Fuel (PEF) are shredded plastics, paper, timber etc. compressed for burning in cement kilns and incinerators.

Australia is allowing these to be exported from as ‘product’ (i.e. fuel) and not waste, in this way they avoid the Basel Convention

- Australia produces more than 250,000 tonnes of RDF annually.



- Refuse Derived Fuels should be classified as Y48 “waste shipments” not products.
- They should be assigned an HS code so there is trade transparency.
- RDF must eventually be prohibited as an environmentally unsound practice with toxic emissions and high carbon footprint.



Further
information:
www.ipen.org



Summary of Plastic Waste Trade from Canada and Australia in the year 2021

- Both Australia and Canada have actually increased their exports of plastic waste.
- Increases are to Asia.
- Both are involved in hidden plastic waste export streams.
- Recent Radio Canada and CBC reporting reveals exports of as much as 25% plastic waste mixed into bales of paper waste reported.
- Australia has unilaterally declared that RDF is a non-waste and is now exporting high amounts of this to Asia with more to come!
- These types of hidden plastic streams – RDF and plastic in paper should be considered Y48 plastic waste subject to Basel control.

We Encourage the Following Actions:

1. All OECD Countries must strictly enforce against uncontrolled exports of Y48.
2. All countries should establish low Contamination Levels (e.g. .5%)
3. All countries must strictly enforce against illegal party to non-Party trade with the US.
4. Countries should enforce against Hidden Plastic Trade (e.g. plastics in RDF, plastics in paper, polyester in textile waste, plastics in electronic waste, auto fluff etc. These are Y48 at least!

Thank You!



www.ban.org



Contact!



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