IPEN and BAN Key Issues Briefing Paper / OEWG11

Norwegian Proposal to Add Solid Plastic Waste to Annex II

- **The following factors have helped create a global plastic waste crisis:**
    - low cost of oil;
    - Fast growing plastic production;
    - increasing use of single-use plastics;
    - plastic waste contains harmful additives and is not just simple resins, making plastics recycling dangerous, difficult and only marginally profitable;
    - the recent refusal by China to import any more plastic scrap; and
    - the increasing levels of plastic waste ending up in our terrestrial and ocean environments.

- **A major part of this plastics crisis can be solved by the Basel Convention. Let us harness the Convention we have now. Basel's role as the world's only waste treaty is critical.**

- **The first step is to provide a global framework for developing countries to protect themselves against unwanted trade by providing transparency and also providing the ability to say "no" to the dangerous and unwanted trade in plastic waste.**

- **This can be done without even debating whether plastics are hazardous or not, by deleting the plastic waste entry in Annex IX, and by placing Plastic Scrap in Annex II (wastes for special consideration). In this way we can apply the prior informed consent rule to plastic waste trade.**

- **This is what the Norwegian proposal aims to do. Please strongly support the Norwegian proposal**

Transboundary Movement of Electronic Waste Technical Guideline

- **Unfortunately the Guideline contains a very dangerous exception or loophole found in Paragraph 31(b) that allows traders to claim that e-waste is repairable and therefore not a waste.**

- **This "Repairables Loophole" is unacceptable for developing countries and runs counter to EU law, former PACE and MPPI guidelines and Bamako decisions.**

- **The rule must be: Only if electronic equipment is tested and demonstrated to be fully functional can it be considered a non-waste. At a national level make sure your law incorporates this rule.**

- **Parties are urged to avoid using, endorsing or further legitimizing this Guidance Document unless and until the "Repairables Loophole" is removed.**

Nano Materials

- **Support the conclusions of Secretariat document BRSOEWG-11/INF/24, in particular;**

    - Support adding the issue of classification of nano waste under the Basel Convention to the mandate of the the Expert Working Group for the Revision of the Annexes;
    - Support further work by all Parties and IGOs to develop baseline information on Waste Containing Nanomaterials (WCNM);
    - Support the development of guidance for the ESM of Waste Containing Nanomaterials;
    - Support activities by the secretariat, all parties and IGOs aimed at raising awareness and promoting information exchange, at the national and international levels, about issues related to WCNM and their management.

Major Points on Technical Guidelines on POPs

- **Support more stringent levels for POPs waste (Low POPs Content Levels – LPCL)** for certain chemicals. Limits should be based on environment and health criteria rather than on economic feasibility, which only protects developed countries industries rather than human health and the environment as mandated by the text of the Convention.

    - **PCDD/Fs** – replace 15 ppb by **1 ppb and include dioxin-like PCBs in it (which are currently not covered)**
    - **PBDEs and HBCD:** Support/prevent deletion of **lower limit values**
        - PBDEs: support 50 ppm over 1000 ppm option
        - HBCD: Support 100 ppm over 1000 ppm option
    - **SCCPs** – Refuse very weak limit of 10,000 ppm proposed by EU, prefer **100 ppm**

Rationale:

Article 6 of the Stockholm Convention calls for setting Low POP Content Levels (LPCL) to identify which of the waste are not to be considered POPs waste, and can thus be exported (in particular to developing countries). Current limit values (LPCLs) in the guidelines, in particular dioxins (PCDD/Fs), dioxin-like polychlorinated biphenyls (DL PCBs), polybrominated diphenyl ethers (PBDEs), hexabromocyclododecane (HBCD) as well as proposed short-chained chlorinated paraffins (SCCPs) are no based on Environment and Health criteria, as mandated by the Convention, and are thus too weak. Those weak limits also create loopholes in the Basel Guidelines allowing toxic e-waste exports.

- **Introduce additional limit of 0.05 ppb for PCDD/Fs and DL PCBs for the disposal of waste on the land surface without pre-treatment;**

Several studies have shown that even waste above ~ 0.02 / 0.05 ppb can contaminate soil if used on surface without any treatment. IPEN suggests inserting a new paragraph under General Technical Guidelines on POPs Waste, section G) 3 to that effect.

- **Keep Destruction Efficiency (DE) as major criterion for selection of Environmentally sound management (ESM) methods to destroy POPs in wastes**

    - Delete R4 operation and k) Thermal and metallurgical production of metals from the list of accepted ESM (POPs destruction efficiency was not demonstrated for this technology)

Rationale:

Current Technical Guidelines promote "ESM" destruction technologies for POPs waste which are widely known to be a very significant source of POPs (including dioxins). Thermal and metallurgical production of metals is in fact listed in Annex C of the Stockholm Convention among major sources of unintentionally produced POPs and should thus not be listed as ESM. Similarly, operation R4 Recycling/reclamation of metal compounds should also be deleted from the General Technical Guidelines on POPs waste.

Attempts to change the evaluation criteria for the selections of ESM technologies for the destruction or irreversible transformation of POPs waste suggest not using destruction efficiency (DE) criteria (defined in the General Technical Guidelines as a balance between the total input and output of POPs of the technology). The proposal suggests using only information about levels in emissions. It is necessary to defend current use of DE as the major criterion for assessing ESM for the treatment of POPs wastes. It would be a total failure if Technical Guidelines did not evaluate technologies according their ability to effectively destroy POPs!