



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.

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.