
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AJR 4
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Urgency:
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Hearing Date: 6/14/2021
Fiscal: No

SUBJECT: Basel Convention: ratification

DIGEST: Urges the United States' ratification of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) at the earliest opportunity and requests that the Biden Administration accomplish the ratification as a matter of urgency.

ANALYSIS:

Existing law:

- 1) Under the Integrated Waste Management Act of 1989 (IWMA), establishes a state recycling goal of 75% of solid waste generated to be diverted from landfill disposal through source reduction, recycling, and composting by 2020. Requires each state agency and each large state facility to divert at least 50% of all solid waste through source reduction, recycling, and composting activities. (Public Resource Code § 41780.01, 42921, 42924.5)

This resolution:

- 1) Acknowledges that the United States is one of the few countries that has failed to ratify the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, which protects developing countries from the dumping of wastes from rich industrialized countries.
- 2) Emphasizes the importance of doing so now that China banned the import of plastic waste and the Basel Convention was amended to include mixed and contaminated plastic waste.
- 3) States that California, which leads the nation in exports of plastic wastes to developing countries, does not wish to be a part of the problem and must avoid being complicit in trafficking of plastic waste.

- 4) Asserts that California and the United States should prevent the use of single-use plastics and better recycle their own plastic waste and create sustainable industries and jobs.
- 5) Resolves that the State Assembly and Senate supports the goals of the Basel Convention and is in favor of the United States' ratification of the Basel Convention as a matter of urgency.

Background

- 1) *The Basel Convention.* The Basel Convention is an international treaty, opened for signature in 1989, which limits the international transfer of hazardous waste in response to the discovery that toxic wastes were being exported to less developed countries. For the 188 parties of the Convention (to which the United States and Haiti are the sole absentees), there are obligations to, among other specifications, prohibit both the import and export of hazardous waste without prior informed consent, to reduce and appropriately dispose domestic hazardous waste, to consider and appropriately enforce non-compliant hazardous waste trafficking as illegal, and to make other efforts to ensure waste is disposed only in environmentally sound ways.

In May of 2019, it was amended to include most plastic scrap (i.e., recycled plastic) destined for recycling or disposal beginning January 1, 2021. The specific types of plastic material covered by the amendment are: plastic scrap and waste that is contaminated (e.g., with food residue or other non-hazardous waste); plastic scrap and waste mixed with other types of scrap and waste; and, plastic scrap and waste containing halogenated polymers; mixed plastic scrap and waste, with the exception of shipments consisting of polyethylene (PE), polypropylene (PP), and polyethylene terephthalate (PET) that meet specified criteria. Generally, plastic scrap that is “almost exclusively” limited to one polymer or resin type, as specified, are not subject to the Basel Convention.

Although the United States signed the treaty in 1989, the necessary legislative actions needed to ratify the Convention were never taken.

- 2) *California's Waste Problem.* For three decades, the Department of Resources Recycling and Recovery (CalRecycle) has been tasked with reducing disposal of municipal solid waste and promoting recycling in California through IWMA. Under IWMA, the state established a statewide 75% source reduction, recycling, and composting goal by 2020 and over the years the Legislature has enacted various laws relating to increasing the amount of waste that is diverted

from landfills. According to the latest *State of Disposal and Recycling* report for 2019 published by CalRecycle, of the 77.5 million tons of waste produced in California, almost half was sent to landfill, meaning that California did not meet its 2020 goal. Approximately 37% was recycled or diverted, down from a peak of 50% in 2014 as recycling markets have been diminished. Despite that, seaborne exports of recyclable materials were still the largest destination for statewide recycling. Currently, recycling infrastructure for plastics is severely lacking in California and in the United States in general. The only types of plastic that are consistently recycled are beverage containers and other PET and HDPE bottles and jugs.

- 3) *Recycling Market Challenges*. One major driver of recycling efforts is the broader market for recyclable materials. In order for material to be recycled and not end up in a landfill, either domestically or abroad, or in the environment, the cost of processing and using the recycled material must be less than that of virgin material. Prices for materials can fluctuate wildly over both the short term and the long term, leading to instability in recycling markets.

Historically the US, including California, has exported most of its recycling. The Basel Convention Amendment follows several years of increasing efforts to manage the flood of plastic waste exported from countries like the United States. China, a Basel Convention member and historically the largest importer of recycled plastic, enacted Operation Green Fence in 2013, under which it increased inspections of imported bales of recyclables and returned bales that did not meet specified requirements at the exporters' expense. In 2017, China established Operation National Sword, which included additional inspections of imported recycled materials and a filing with the World Trade Organization (WTO) indicating its intent to ban the import of 24 types of scrap, including mixed paper and paperboard, PET, PE, polyvinyl chloride (PVC), and polystyrene (PS) beginning January 1, 2018. In November 2017, China announced that imports of recycled materials that are not banned would be required to include no more than 0.5% contamination. In January 2019, China announced that it would be expanding its ban even further – to encompass 32 types of scraps for recycling and reuse, including post-consumer plastics such as shampoo and soda bottles.

Following China's actions, other Southeast Asian countries have enacted policies limiting or banning the importation of recycled materials, primarily plastic and mixed paper. Last year, Malaysia and Vietnam implemented import restrictions. Last year, India also announced that it would ban scrap plastic imports. Thailand has announced a ban that will go into effect this year. These

policies create serious challenges for recyclers. Recycling requires markets for recycled materials to create new products and close the loop.

- 4) *The Impacts of Exporting Plastic Waste*. The Center for International Environmental Law published several reports on the negative impacts of plastics on the environment, climate, and human health. While there are impacts throughout the lifecycle of plastics, the end-of-life impacts of disposal disproportionately affect the countries where a large fraction of the world's plastic waste is exported, primarily in Asia. Waste management techniques, including incineration, co-incineration, gasification, and pyrolysis result in the release of toxic metals and compounds into the air, water, and soil and exposure to these chemicals in nearby communities. Incineration is also more common in less developed countries, which leads to greater emissions of greenhouse gases and toxic fumes. Plastics that aren't burned or recycled get broken down over time into fragments and microplastics, which end up in the environment and in the food chain when they are ingested by fish and animals. Other chemical additives can leach out as well, which may be harmful to humans and other organisms.

A significant fraction of plastic waste ends up in the environment, primarily in the ocean. Plastics are estimated to comprise 60-80% of all marine debris and 90% of all floating debris. According to the California Coastal Commission, the primary source of marine debris is urban runoff (i.e., litter). By 2050, by weight there will be more plastic than fish in the ocean if we keep producing (and failing to properly manage) plastics at predicted rates, according to *The New Plastics Economy: Rethinking the Future of Plastics*, a January 2016 report by the World Economic Forum.

Comments

- 1) *Purpose of Resolution*. According to the author, "Right now, floating in the Pacific Ocean is a patch of plastic trash twice the size of the state of Texas. The effects of that plastic patch negatively impact ocean life and island and mainland communities from Japan, to the Philippines, to Australia, to Peru, to the United States—no one is spared. That's the chilling reality of the state of plastics management on our planet. Ratifying the Basel Agreement will show the United States takes responsibility for our role in this crisis and that we are willing to work toward solutions."

Related/Prior Legislation

SR 47 (Wieckowski, 2019) states how California's efforts to achieve solid waste reduction goals may be advanced by the United States ratifying the Basel Convention, and resolves that the State Senate urge the United States Congress to take the needed actions to ratify the Convention. SR 47 was adopted by the Senate and enrolled July 8, 2019 with the Secretary of Senate.

SOURCE: Author

SUPPORT:

350 Bay Area Action
350 Silicon Valley
7th Generation Advisors
Active San Gabriel Valley
Alliance of Mission-based Recyclers
American Chemistry Council
Ban Sup (single Use Plastic)
Beyond Plastics
Breast Cancer Prevention Partners
California Product Stewardship Council
Californians Against Waste
Calpirg
Calpirg, California Public Interest Research Group
Center for Biological Diversity
Center for Oceanic Awareness, Research, & Education
Chicago Recycling Coalition
City of Sunnyvale
Clean Water Action
Colorado Medical Waste, INC.
Container Recycling Institute
Contra Costa County
Detroitters Working for Environmental Justice
Ecology Center, Berkeley
Elders Climate Action, Norcal and Social Chapters
Environment California
Environmental Working Group
Full Circle Environmental
Heal the Bay
Los Angeles County Solid Waste Management Committee/integrated Waste Management Task Force
Marin Sanitary Service
Merced County Regional Waste Authority
Merced County Regional Waste Management Authority

Ming's Resource East Bay Corp
Monterey Bay Aquarium Foundation
National Stewardship Action Council
Natracare
Nature Conservancy; the
Northern California Recycling Association
Plastic Oceans International
Plastic Pollution Coalition
Prezero Us, INC.
Resource Recovery Coalition of California
Rethinkwaste
Santa Barbara Standing Rock Coalition
Save Our Shores
Save the Albatross Coalition
Sea Hugger
Southwest Detroit Environmental Vision
Stopwaste
Surfrider Foundation
The 5 Gyres Institute
The Center for Oceanic Awareness, Research, and Education
The Last Plastic Straw
The Nature Conservancy
Tomra Systems Asa
Tri-ced Community Recycling
Upcyclers Network
Upstream
Wishtoyo Chumash Foundation
Zanker Recycling
Zero Waste Capital District
Zero Waste Sonoma
Zero Waste Strategies LLC
Zero Waste USA

OPPOSITION:

None received

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