

Congress of the United States
Washington, DC 20515

May 20, 2019

The President
The White House
Washington, DC 20500

Dear Mr. President:

We write to encourage you and the Administration to elevate the priority of tackling plastic pollution in international forums and show America's leadership in responding to this global crisis. We were encouraged to see that 187 countries recently signed an international agreement to restrict global plastic waste trade. That action, to add plastic to the United Nations-supported Basel Convention, did not include the United States, who is not a party to that treaty. This has created a public perception that the U.S. is not willing to participate in reducing plastic pollution around the world.

The Basel Convention is a multilateral international agreement governing all transboundary movements of hazardous waste for recovery or disposal. The U.S. signed the Basel Convention in 1990 and the U.S. Senate gave its advice and consent to ratification in 1992, but a lack of implementing legislation has held up the U.S. from participating.

Although the U.S. is not a member of the treaty, the U.S. is a member of the Organization for Economic Cooperation and Development (OECD), that governs a smaller subset of transboundary movements of hazardous waste sent for recovery between OECD Member countries. This agreement qualifies as a multilateral agreement under the Basel Convention and is considered to provide a level of environmentally sound management equivalent to that of the Basel Convention requirements.¹

The recent agreement means that contaminated and most mixes of plastic waste will require prior consent from receiving countries before they are traded, with some exceptions. This will apply to the U.S. when it tries to trade plastic with virtually any country in the world, since only one other country is not a party to the Basel Convention.

Currently, the U.S. counts plastic waste that is shipped overseas as "recycled," but we know this to be far from the truth. Since China stopped accepting waste products for recycling in 2017, several countries in Asia have become a destination for these items. Unfortunately, most of these countries lack safe and secure recycling facilities to handle imported waste from the U.S. and other countries. As a result, the plastic waste either piles up, or worse yet, is burned in open pits or ends up finding its way into waterways and the ocean. Approximately twenty countries account for 83 percent of the mismanaged plastic waste available to enter the Ocean,

¹ <https://www.epa.gov/hwgenerators/frequent-questions-international-agreements-transboundary-shipments-waste#basel>

with a majority of them in Southeast Asia. Plastic waste exports from the U.S. contributed to the Ocean plastic pollution from many of these countries.

According to U.S. Census Bureau data, in the first few months of 2019, the U.S. has already exported over 100 million kilograms of plastic waste to countries that have high percentages of waste mismanagement, such as India, Indonesia, and Malaysia. The U.S. has been sending scrap recycling materials to Asia for several decades, but the unacceptable environmental and social impacts of this practice have become clear. The ability to properly handle these materials is overwhelming and the impact is past a crisis tipping point.

Municipalities in the U.S. have limited budgets, labor and resources to pay recyclers to collect, sort and clean waste materials. Due to declining commodity value of all waste materials (cardboard, paper, aluminum, plastic and glass), many recycling operations are being curtailed or stopped entirely. As a result, materials are accumulating at facilities across the U.S. Instead of generating revenue on the sale of scrap commodity sales to overseas markets, municipalities are having to spend money on getting rid of these resources.

It is inefficient and wasteful for American communities to sort waste materials that they expect to be recycled, only to find that they pile up at domestic facilities with no recovery plan in sight. Even worse, Americans are now paying recycling fees to collect and ship these waste streams overseas, only to find them polluting the environment by entering waterways or piling up on land.

Recycling markets now are very unstable. Other countries and locations are increasingly reluctant to take the amount of waste that the United States and other developed countries produce each year. As a result, many countries are working now to address this issue and we believe the United States needs to be a leader in these discussions.

We believe the U.S can show global leadership on plastic pollution by engaging in international discussions and implementing domestic policies that will effectively minimize our plastic waste at home. Please ensure that your Administration works actively and constructively to address issues from the recent Basel Convention agreement and identifies new policy solutions for the responsible minimization and recycling of plastic waste and other streams of U.S. scrap material.

Respectfully,



Tom Udall
United States Senate



Alan Lowenthal
Member of Congress

cc: The Honorable Michael Pompeo
cc: The Honorable Andrew Wheeler