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Transmission by email: nathalie.perron@canada.ca

Dear Nathalie Perron:

Re: Norway Proposal to Amend Three Annexes under the Basel Convention – input to Canada’s position for next meeting of the Conference of the Parties

The undersigned non-governmental organizations thank you for the opportunity to provide additional input to the proposal made by Norway dated October 26, 2018 in which it recommends to amend three annexes of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Convention).

We are pleased that Canada is seeking stakeholder input to Norway’s proposal to amend annexes under the Convention aimed to place a primary focus on plastics. This comes at a critical moment in time as the global community initiates steps to address the growing threats from plastic pollution to the environment and health. Canada’s leadership in the work to develop the Ocean Plastics Charter, initiated at the G-7 Summit held in Quebec in June, was a critical and laudable step forward.

The proposal, will seek to amend three annexes under the Convention:

- 1) Further clarifies the criteria for when solid plastic waste in entry B3010 of annex IX does not trigger the prior informed procedure, and
- 2) Establishes a new category Y48 to be included in Annex II. This will trigger the prior informed consent procedure for that category, according to the Convention Article 1, paragraph 2 and Article 6, paragraph 1. Norway proposes that the scope of this category is negatively defined to cover solid plastic waste not covered by B3010 in Annex IX.
- 3) Establishes a new entry AXXXX in Annex VIII for plastic wastes containing or contaminated with Annex I constituents to an extent that they exhibit an Annex III characteristic.

According to the Norway proposal:

The proposed amendments aim to clarify the distinction between hazardous plastic waste already covered by the [prior informed consent] PIC procedure, problematic streams of plastic waste that should be made subject to the prior informed procedure (Annex II-waste), and uncontaminated, pre-sorted plastic materials for recycling, prepared to a specification and suitable for immediate recycling. The latter group are less likely to pose environmental risks as a result of transboundary movements and therefore may continue to proceed without applying the convention prior informed consent procedures.

The proposal promotes the trade for recovery of uncontaminated and sorted plastic waste streams and incentives the environmentally sound management of plastic wastes limiting the plastic waste that ends up in the marine environment.

UNEP Position on the Norway Proposal

The Proposal from Norway is gaining support from countries and intergovernmental organizations. For example, in September 2018, at the Open-Ended Working Group of the Basel Convention 21 countries supported the proposal as a significant move forward to reduce plastic pollution.

According to UNEP, “By explicitly including plastic waste in the scope of the Basel Convention, these waste streams can be controlled, and mismanagement of plastic waste avoided”¹ UNEDP also notes that the Norwegian proposal provides clarity on the regulation of plastic wastes that helps to avoid shipping of plastic waste as “green” waste.

We urge the government to support the Norway proposal to amend 3 annexes of the Convention.

The Norway proposal complements and advances the global efforts to address plastics pollution set out in the Ocean Plastics Charter led by Canada and puts in place key provisions in the Convention that strengthens prior informed consent procedures for movement of hazardous materials including plastics and seeks to improve the capture and recycling of uncontaminated materials, particularly plastics.

¹ <https://resource-recycling.com/resourcerecycling/wp-content/uploads/2018/06/UNEP-CHW-COMM-Legal-CLI-Annexes-20180608.English.pdf>

Advancing Canada's Strategy on Zero Plastic Waste

The timing of Norway's proposal complements Canada's Strategy on Zero Plastic Waste, announced by the Canadian Council of Ministers of the Environment (CCME), which seeks to keep all plastics in a circular economy system and out of the environment. The Strategy is consistent with commitments and objectives presented in the Ocean Plastics Charter, which was launched by Canada as part of its 2018 G7 presidency, under the theme of ocean health and marine litter.

The vision of the Strategy is to keep all plastics in the economy and out of the environment using a circular economy approach. While waste management programs are established in Canada, more than 89% of plastics are still landfilled and incinerated. To improve the situation, the Strategy recognizes the need for an integrated system that consists of three areas of activity: prevention, collection and clean-up, and value recovery. The system will be supported by enabling activities, including awareness-raising, and education, research and innovations, regulations and market-based instruments. The design of plastic products must become one of the priority actions that will contribute to the overall goal of 100% reusable and recyclable plastic products. Canada also plans to reduce the amount of e-waste plastic exported to other countries with the aim to recycle more domestically.

At the multi-stakeholder workshop organized in Ottawa by Environment and Climate Change Canada and Health Canada on Wednesday November 28, 2018, participating NGO groups raised concerns over recycling of plastic contaminated with toxic chemicals (as additives) into new products, which undermines recycling and the circular economy. Examples were presented by the NGOs of products created using materials from recycling of plastics containing toxics contain the same toxic additives as the original plastic products. In its response to the NGO concerns, the ECCC noted that the design of safe plastic, free from toxic chemicals will be part of the actions aimed at in the implementation of the Strategy on Zero Plastic Waste. Design of plastic products that could be recycled putting a specific ban on the mixing of different types of plastics – is one of the approaches that ECCC is considering. It was noted by some meeting participants that in many cases there is no need for single-use plastic products; therefore it would be better to phase out the use of these products instead of trying to recycle them.

NGOs further highlighted concerns over the impact of plastic-to-fuel technologies on climate change, as well as the increase in toxic emissions and toxic ash as a result of energy recovery from waste to energy technology. ECCC recognized the problem by saying that the country is not willing to increase the number of waste-to-energy facilities so far and that toxic ash and other residues are well regulated. Nevertheless, the possible options regarding energy recovery – incineration technology will be closely scrutinized as some provinces including Ontario permit the use of alternative fuels relying on materials destined for final disposal.

Norway proposed amendments – global commitment and improvement to the scope of Basel Convention

While Canada has made strides to elevate the challenges with global plastic pollution through its Ocean Plastic Charter, the amendments proposed by Norway further elevates the necessity for global actions. If supported, the Parties to the Convention will be given necessary tools and obligations that trigger change in the production, use and ultimately management of plastic products after their use. If adopted the amendments to the three Annexes will elevate certainty that recycling for sorted and uncontaminated

materials destined for recycling is achieved while creating obligations for prior informed consent for hazardous plastic materials through PIC procedures.

Canada will benefit from these amendments as it aims to promote a zero plastic waste strategy. The global triggers established under the Convention will support necessary infrastructure and regulatory changes required for establishing appropriate waste management frameworks with its provincial-territorial counterparts that seeks the same objective to reduce plastic pollution and achieve 100% recycling of plastics. The proposal could also seek to make important changes at the federal level by strengthening the permitting and tracking to validate movement of plastic materials outside Canada. In addition, the proposal will help Canada to implement its plans to increase the amount of recycling products domestically. Canada's experience in plastic waste recycling, including its technological capacity will make it the world leader for a safe recycling approach. As more plastic will be recycled domestically, Canada will further facilitate technological transfer to developing countries to avoid environment and health exposure from artisanal dirty recycling faced by these countries.

We urge Canada to advance its work on plastic pollution by supporting Norway's proposal. We look forward to additional opportunities to provide input to Canada's position on this matter.

Please do not hesitate to contact us should you have questions.

Yours truly,

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