

## PLASTICS AT THE BRS COP

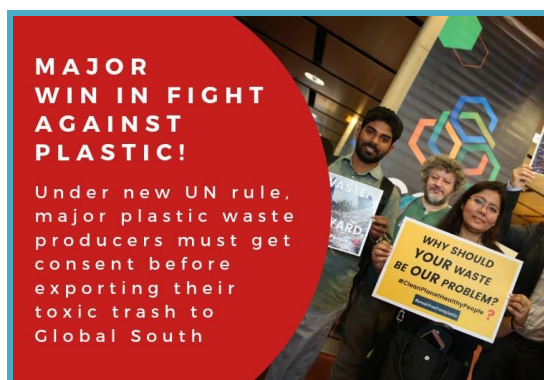
Many countries are taking steps to mitigate plastic pollution, recognizing it as a serious and rapidly growing issue of concern worldwide that needs an urgent global response. The Basel and Stockholm Conventions have a direct impact on the plastic waste trade, on standards for the management of plastic waste, and on the toxic exposure inherent in the plastic pollution crisis for large and microscopic plastics on the land and in the marine environment. The UN Environment Assembly (UNEA) had invited the Basel Convention “to increase their action to prevent and reduce marine litter and microplastics and their harmful effects,” and the Basel, Rotterdam, and Stockholm Convention (BRS) Secretariat has participated in and presented at UNEA’s Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics. In 2018, Norway proposed amendments to the Basel Convention annexes to bring the global trade in dirty, hard-to-recycle, or unrecyclable plastics under the scope of the Convention.

Several members and partners of the [#breakfreefromplastic](#) movement issued [positions](#), [statements](#), and [letters of support](#) for the proposed changes and attended the concurrent meetings of the Conferences of the Parties to the BRS Conventions (BRS COP). The BFFP member and partner engagement at these meetings is in concert with the ongoing work to support development of [an international legally binding agreement on plastics and plastic pollution](#) to address the entire life cycle of plastics, including: binding global reduction targets; caps on production and consumption of plastics; and requirements for loss prevention, collection, and recycling of all plastics.

Past and Current Issues of [Progress on Plastics](#)

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## 29 APR - 10 MAY: CONVENTIONS TAKE MAJOR STEPS

In addition to our detailed updates below from the BRS COP, you can find press coverage of the significant decisions here: [The Guardian](#), [National Geographic](#), and [The Hindu Times](#) (via AFP wire).

The joint press release of the *Progress on Plastics* partners can be [found here](#).

*Basel Convention Restricts Waste Exports, Allows for More Ambitious Action on Toxic Chemicals in Plastic Waste*

187 countries took a major step forward in curbing the plastic waste crisis by adding plastic to the Basel Convention, a treaty that controls the movement of hazardous waste from one country to another. The

## Progress on Plastics Update

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amendments, originally proposed by Norway, require exporters to obtain the consent of receiving countries before shipping most contaminated, mixed, or unrecyclable plastic waste. This provides an important tool for countries in the Global South to protect themselves from plastic waste dumping.

The decision reflects a growing recognition around the world of the [toxic impacts](#) of plastic and the plastic [waste trade](#). The majority of countries expressed their support for the proposal and over one million people globally signed two public petitions from [Avaaz](#) and [SumOfUs](#).

Yet leading up to the amendments' adoption, such a positive outcome looked anything but certain. Within the contact group negotiations, a handful of parties tried to stymie effective action on plastic waste by using delaying tactics and opposing the listing dirty plastics as wastes that require special consideration.



*Delegates celebrate amendment adoption.*

Among the vocal outliers opposing action were the United States, the largest exporter of plastic waste in the world; the American Chemistry Council, a prominent petrochemical industry lobbying group; and the Institute of Scrap Recycling Industries, a

business association largely comprised of waste brokers.

Because the US is not a party to the Convention, the amendments adopted act as an export ban on unsorted, unclean, or contaminated plastic waste for the US towards developing countries who are parties to the Convention and not part of the OECD or other similar agreements. The amendment will have a similar effect for the EU, a party to the Convention, whose own internal legislation bans such exports of waste.

Countries also preempted a major loophole that would have allowed the continued unregulated export of non-functioning electronic waste under the guise of "repair." The African region, India, and other countries, supported by civil society, raised a red flag about the inclusion of a loophole that would have allowed countries to send equipment for repair without the prior informed consent procedure. The guidelines were ready for adoption with support from powerful members, but countries chose instead to [continue negotiating the guidelines at the next COP](#).

Countries also left the door open for [Low POPs Content Levels](#) (LPCLs), which define the value at which waste is considered hazardous waste. Under this designation, the waste must be disposed of in a way that destroys or irreversibly transforms its POPs content, and cannot be recycled. LPCLs are key: For some chemicals, they are the only thing subject to a global mechanism that can prevent the international trade of waste contaminated by POPs from wealthy countries to developing countries, as well as toxic recycling.

Following last week's decision, a Basel Convention Small Intersessional Working Group (SIWG) will continue to meet regularly and discuss possible updates to the technical guidelines on POPs in waste. This technical expert group is now tasked with establishing lower LCPLs, in particular for BBDEs and SCCPs. Unfortunately, there remains division between countries who want overly high levels and those who advocate for low levels for these chemicals. The discussions allow for countries to move in the right direction, to concentration limits that are genuinely protective of human health and the environment. These recommended levels should be discussed within two years at the Basel Convention COP15 in 2021.

These definitions and guidelines have major implications for the regulation of plastic waste exports under the Basel Convention, as they define waste that can or cannot be exported to other countries. As the technical guidelines are discussed and updated, many countries also have the opportunity and the political will to introduce national bans or limitations, furthering protecting their populations from toxic imports. Indeed, recent decisions made by the EU will allow toxic flame retardants, including DecaBDE, to be recycled into new plastic products, [endangering human health and the environment](#). DecaBDE was listed under the Stockholm Convention in 2017 without an exemption for recycling, so the levels the EU has adopted will [in practice](#) mean they are not following their obligations under the Convention.

### *Partnership on Plastic Wastes*

Proposed by Norway, this voluntary, multi-stakeholder initiative focuses on reducing the contribution of plastic waste to environmental pollution, while avoiding duplication of work by other bodies such as the Global Partnership on Marine Litter (GPML), the UNEA's Ad-Hoc Open-Ended Expert Group on Marine Litter and Microplastics, and the Basel Convention Partnership on Household Waste. Parties and observers reluctant to commit to binding measures to tackle plastic pollution argued that the Partnership should be the sole vehicle for action. However, binding restrictions on global plastic trade were approved separately (see above), and the Partnership proposes to coordinate their efforts with the UNEA process exploring global governance options to tackle plastic pollution and the work of the Ad-Hoc Open-Ended Expert Group.

Observers warned that the Partnership should focus on reducing plastics to tackle plastic pollution effectively, refrain from promoting false solutions such as incineration and plastics-to-fuel that pollute the environment and contribute to climate change, and also allow fair access to grassroots community actors on the frontlines of the plastic pollution problem.



*[#breakfreefromplastic](#) supports Norway amendment | [IISD/ENB](#)*

*Decision on Further Actions to Address Plastic Waste under the Basel Convention*

In addition to officially adopting the Partnership, countries also committed to other work on plastic waste under the Basel Convention. The decision includes language on prevention and reduction, gives the framework for the Partnership on plastic wastes, recalls the UNEA-4 ministerial declaration and UNEA resolutions related to plastics, and importantly, mandates the revision of the technical guidelines for the identification and environmentally sound management of plastic waste and for their disposal.

In addition, the decision encourages parties to the Convention and others, particularly in the private sector, to take action to reduce the use of toxic chemicals in every stage of the plastic lifecycle.



*More plants, less plastic.*

The decision also aims to increase public awareness and information exchange by inviting "behavioural change by *all* stakeholders towards its prevention, minimization, collection and recycling." Initially, the language focused solely on consumers' behavior change, and while there was not enough support to specifically call out the private sector's

responsibility in changing behavior, countries widened their focus beyond consumers alone in the final decision.

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*Stockholm Convention Bans PFOA*

The Stockholm Convention passed a global ban of PFOA, a suspected carcinogen and endocrine disruptor that has contaminated drinking water in many parts of the world. However, countries weakened the PFOA ban by bringing in a number of exemptions. Some of these exemptions were not recommended after undergoing a thorough scientific review, while others did not undergo scientific review at all as they were proposed at the COP instead of during the review process. One such exemption was an exemption for PFOA in electrical wires and plastic accessories for interior car parts. Shockingly, even industry groups did not support some of the exemptions included in the global ban, as there are widely available alternatives to these chemicals.

The Stockholm Convention also lists brominated POPs HBCD and PBDE for global elimination: Evidence shows that these highly toxic chemicals are entering into the plastic recycling stream, moving from products with limited human exposure into products that vulnerable populations are regularly exposed to — including food packaging and [children's toys](#).

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*Rotterdam Convention Adds Compliance*

On May 8, the Rotterdam Convention took a vote to add a compliance mechanism in its Annex, the first vote ever taken under the Convention. Though rare (this was the first vote in the history of the Convention),



the vote was not unexpected, as the compliance mechanism had been negotiated for nearly fifteen years without consensus. The Parties decided that fifteen years of negotiation was enough to satisfy the criterion for voting, being that "all efforts to reach a consensus have been exhausted." 126 Parties voted, of which 120 "yes" and a mere 6 "no."



*Delegates vote. [IISD/ENB](#) | [Kiara Worth](#)*

### *NGOs Face Threats to Participation*

During the meeting of the plastic contact group under the Basel Convention, a delegate falsely accused NGOs of targeting her, after information already in the public domain was communicated to the media. While the Secretariat found no breach of guidelines, one NGO's effective participation in the plastics contact group was suspended for 24 hours while the Secretariat investigated the issue. At the same time, countries agreed to exclude NGO observers from meetings of the budget contact group. NGOs have not only deep connections to the communities impacted by the measures passed under the chemicals and waste Conventions but also bring technical knowledge and solutions, so civil society must continue to defend our critical role in this space.

## PLASTICS & THE CONVENTIONS

### *Basel and Stockholm Have Important Implications for Plastics, Gaps Remain*

#### *Basel*

At its core, the Basel Convention aims to reduce the international trade and export of hazardous waste, specifically from developed to developing countries. Much of the waste currently moving between countries is comprised of different types of plastics, and developed countries often rely on waste trade and export to manage waste, in particular through recycling. Thus, adjustments to the Convention will have significant impacts on what countries are allowed to do with plastic once it becomes waste, potentially having upstream impacts

on how plastic is produced, used, and discarded.

Norway's amendments to the Basel Convention annex proposed in the lead-up to the COP were designed to clean up the international trade in plastic waste. This would have implications not only for reducing the leakage of plastics into the marine environment but also for local communities affected by plastic waste dumping by exporters, usually in the Global North. The amendments crucially recognized that most dirty or mixed plastic

wastes "require special consideration," bringing them under the mandate of the Convention. In practice, the key amendment requires exporters to obtain prior informed consent from importing countries for such waste, where trade was previously unregulated. In addition, it restricts the destiny of plastics traded globally just to recycling, rather than incineration, plastics-to-fuel, and similar technologies that carry a significant environmental and climate impact.

Meanwhile, some categories of plastic wastes will continue to be traded without regulation, including near-clean shipments of single types of non-halogenated plastic polymers, mixed shipments of PE, PP, and PET, fluorinated polymers, and cured plastic resins.

China made an unexpected, trailblazing proposal for the global trade in all plastic wastes to be regulated under the Convention as "wastes requiring special consideration," with the exception of clean flakes of single types of non-halogenated plastics ready for reuse as secondary raw materials. While several (mainly Global North) parties were clearly not ready for China's level of ambition, the proposal made an important contribution by highlighting that even the recycling of cleaner streams of plastics can bring environmental pollution and requires transparency and regulation.

### *Stockholm*

Many chemicals listed in the Stockholm Convention are toxic chemical additives to plastics (including flame retardants and plastic softeners). The Stockholm Convention regulates persistent organic pollutants (POPs) — some of which can be

found in plastic and which present deeper concerns if recycled, dumped, or incinerated. POPs are chemicals of global concern because they are toxic to humans and animals, long-lasting in the environment, and prone to accumulate in the food chain and in people. Under the Stockholm Convention, parties have taken major steps toward preventing the recycling and dumping of POPs, some of the world's worst chemicals.

### *Gaps*

Analyses prepared by and for the Secretariat of the UN Environment Assembly [outlined the clear gaps](#) still present in the international management of marine plastic litter:

- No coordination mechanism exists solely dedicated to the prevention of plastic pollution or marine litter;
- There are major geographic gaps in existing mechanisms, especially on the high seas;
- No conventions or partnerships focus on managing plastic pollution prevention upstream - i.e., from extraction of materials, through to production (additives, toxicity, design, and use) and final disposal;
- No global binding restrictions currently exist for reducing plastic production or pollution from plastic wastes;
- No global standards exist for adopting or assessing national efforts;
- No global industrial standards exist for protecting the quality of plastics or the environment during production and use;
- There is little recognition of the [risks to human health](#) and the application of the precautionary principle and of freedom of information in this regard.

*FACING FACTS:*  
**RECYCLING: TOXICS IN, TOXICS OUT**

**What is recycling?** Recycling is likely what you think it is: the process of converting waste into new materials or things. Implied in that definition is that a product will be somehow ‘melted down’ and its base materials will be remolded or reshaped into another product. So what does that mean if the original material itself was toxic?



*All plastic contains toxic additives.*

Persistent Organic Pollutants (POPs) in plastics, like flame retardant DecaBDE, are listed to the Stockholm Convention. Endocrine Disrupting Chemicals (EDCs) like bisphenols and phthalates have no global regulation mechanism. A great many more additives are present in plastic, but not revealed by manufacturers, so we have no idea what their effects are.



EDCs disrupt your body's normal hormonal processes and can lead to reproductive problems, early puberty, neurobehavioral disorders, and even cancers. POPs accumulate in the body tissues of wildlife and people, causing disease and disability in humans and disrupting sensitive ecosystems in the environment.

*Toxics persist in the recycling process.*

When toxic POPs, EDCs, and chemicals of concern like dioxin are in the original plastic products, they also persist through the recycling process — including into children's toys and food packaging.



*Toxics are accumulating at alarming rates.*

Plastics are released into the marine environment from dumping, consumer markets that do not match local waste management systems, and production spillage. As these complicated plastics accumulate and contaminate our marine and food systems, so do POPs, EDCs, related chemicals, and additives like BPA and phthalates.



*Toxics from waste end up in food.*

POPs recycling is occurring on a large scale through the redistribution of dioxin-saturated fly ash for use in consumer products — including as a food additive and fertilizer in the food chain.



**How are the additives toxic?** Toxic chemicals in products threaten the aims of a circular economy, as those same chemicals can get recycled into products over and over again. Therefore, we must design toxics out of our products and recognize that not all products can be recycled.

## SIDE EVENTS AT BRS COP

### *Controlling Plastic Waste*

On May 6, the governments of Norway and Japan, in partnership with GRID-Arendal, hosted a side event on how new international regulations can increase accountability for plastic recycling. Speakers from governments (Norway, Japan, China, Malaysia, and the EU enforcement authority) and NGOs (Ecology Center (US), BaliFokus/Nexus3 (Indonesia), and CIEL) highlighted that mixed and contaminated plastic waste often ends up in facilities with poor environmental and health controls or, worse, illegally dumped. The influx of mixed and contaminated plastic waste — particularly into countries in Southeast Asia after China's ban on plastic waste imports — have deep costs to communities who face health and environmental impacts, as well as to governments who have to develop and enforce new policies on plastic waste imports and dumping.

“In 2018, Indonesia's plastic waste imports increased 150% compared to 2015 levels, but only 30-40% of it is managed or recycled,” said Yuyun Ismawati of BaliFokus/Nexus3.



*Yuyun Ismawati, BaliFokus*

“Only 9% of plastic gets recycled, 12% is incinerated, and the rest ends up in the environment, where it continues to concentrate other toxic chemicals from the environment as it breaks down. When these microplastics re-enter the food chain, that means people are being exposed again to all of the toxic chemicals included in plastic. Here, we’re focusing on waste as part of the Basel Convention, but if we really want to devise a clear solution to the plastic crisis, we must focus on the entire lifecycle,” said David Azoulay of CIEL.

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### *Civil Society Demands: Time to Break Free!*

On May 4, civil society groups and members of the [#breakfreefromplastic](#) movement held an action prior to the initial discussions of the Norwegian Amendment. The action highlighted the human and environmental impact of the plastic waste trade and engaged delegates, urging them to support the Norwegian Amendment.

Dozens of NGO observers participated, handing out leaflets and engaging delegates on the topic as they entered the convention space, while holding placards with images from plastic-waste-receiving countries.

Mageswari Sangaralingam, speaking for Friends of the Earth Malaysia at the action, said: “While the Malaysian government has already issued restrictions on plastic waste imports, the pollution, disease, and



economic burden of cleaning up will remain in our communities for decades. The rich countries cannot continue polluting Asia. They have to manage their own waste at home.”



*It's time to [#breakfreefromplastic](#).*

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### *Turn Back the Plastic Tide*

At this May 6 side event, members of the [#breakfreefromplastic](#) movement, including GAIA, BAN, Ecoton (Indonesia), FOE Malaysia, and EIA explained how the proposed amendments to the Basel Convention annexes could help remedy the global plastic waste trade crisis and discussed the toxic [impacts of the global plastic waste trade](#) through powerful first-hand testimony, as well as [photographic](#) and [video](#) evidence.

The presentations were met by strong support, including from party delegates from Peru, an observer from a UK local government authority, India, and more. Recyclers also shared their perspectives, including Martin Bourque of the Ecology Center and Ross Bartley of the Bureau of International Recycling. They confirmed that while recycling has a role to play, there

is no way to recycle our way out of the plastics crisis, and reduction and redesign are crucial.

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### *Plastic & Circular Economy: Community Solutions*

On May 1, the Global Environmental Facility hosted a side event on community solutions to address plastic and the circular economy. The event highlighted how some traditional and indigenous solutions were forgotten in the process of turning everything into plastic and that they needed to be revived. Hon. Romauld Ferreira, Minister of the Environment and Housing of Bahamas, used the example of bags made of palm leaves to illustrate this process. Gillian Guthrie, Jamaica's Senior Director for Environment Growth and Job Creation, added that there is a need for a legal and educational answer to the problem, as Jamaica faced some difficulties putting into force its ban on single-use plastic, as a shift in habits was necessary. Speakers discussed the power that importing countries have at their disposal to oppose and reverse wave of plastic.

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### *Plastics and Toxic Additives, and the Circular Economy*

In this side event hosted by the Stockholm Convention Regional Center in Spain, speakers from CIEL, ECHA, SI Group, and Indonesia's Ministry of Environment and Forestry discussed the toxic impacts of plastic and how the addition of toxic chemicals impacts the circular economy. Rémi Lefèvre of ECHA revealed that there are 418 substances identified as plastic

additives in the EU. David Azoulay of CIEL highlighted [the health impacts throughout the life cycle of plastic](#), not just in the use or waste phase, as well as key steps to take under the Basel and Stockholm Conventions to deal with the plastic waste crisis. In particular, these included supporting Norway's proposal to include

plastic waste under Annex II of the Convention and more stringent low POPs content to avoid toxic recycling. Looking beyond, Azoulay said that we could take even more meaningful action by developing a global instrument to address plastic pollution under UNEA.

## WHAT DOES PLASTIC POLLUTION LOOK LIKE?

## BFFP Members Reveal the Many Facets of Plastic Pollution

During the plenary sessions of the COP, the BRS Secretariat displayed images of plastic pollution from around the world. BFFP members came together in the weeks before this meeting to share images from their local spaces. 70 images from 11 countries on 4 continents were submitted and shown to BRS COP delegates in the last two weeks. Check out the sample of that impressive photo array. Recognize any of your favorite brands?



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# Progress on Plastics Update

## Issue 11: BRS COPs 2019

### Partners in Progress on Plastics Update



**#break  
free  
from  
plastic**

**#breakfreefromplastic** is a global movement envisioning a future free from plastic pollution. Since its launch in September 2016, over 2,000 organisations from across the world have joined the movement to demand massive reductions in single-use plastics and to push for lasting solutions to the plastic pollution crisis. Sign up at [www.breakfreefromplastic.org](http://www.breakfreefromplastic.org).

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