

## U.S. GOVERNMENT, PLASTICS INDUSTRIES COORDINATING TO REPEAL POLICIES, FLOOD PLASTIC WASTE INTO EAST AFRICA

**IN BRIEF:** Investigative reports from the [New York Times](#) and [Unearthed](#) have revealed extensive and ongoing coordination between Trump Administration officials and the chemical and plastics industries to limit the scope of national and international policies to curb plastic pollution. **The undue influence of these industries on international trade and regulatory affairs severely endangers public and environmental health.**

The investigations reveal:

- Close and coordinated action by American Chemistry Council and US negotiators to block a landmark decision to require additional protections from international plastics trade under the Basel Convention;
- Ongoing efforts by industry and the US government to derail implementation of the Basel Plastic Amendments through the OECD;
- The plastics and chemical industries seeking to exploit the upcoming US-Kenya Free Trade Agreement by requiring Kenya to roll back its existing ambitious restrictions on single-use plastics and to stop the country from adopting additional protections on an array of plastic and chemical hazards.

**This pattern is already concerning** - and it could extend far beyond Kenya. The chemical and plastics industries are leveraging prior close relationships with particular US officials in order to loosen democratically-adopted environmental restrictions in other countries through trade negotiations. Those same US officials and industry representatives are actively coordinating on strategies to undermine and counter efforts by non-profit organizations operating in good faith to protect public safety. The documents indicate intentions to use this relationship with Kenya as a model for other countries in the East Africa Community, raising concerns for the entire region.

**The matter warrants further review.** During a hearing of the Appropriations Subcommittee on State, Foreign Operations, and Related Programs in July, a representative from the US State Department assured Senators that he was “not aware” of any effort by the United States to block consensus on regulations or bans of single-use plastics. Given these communications between the plastics industry and Administration representatives, **it is worth further exploring exactly what actions the US has taken in its trade negotiations with East African nations and its participation in international policy discussions to address plastic pollution.**

### BASEL CONVENTION

Adopted in 1987, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes establishes the global framework to control the international movement of hazardous wastes. It was adopted in an effort to prevent developed countries in the Global North from exporting and dumping dangerous hazardous waste materials into developing countries in the Global South. With 187 parties, the Basel Convention is among the most

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universally ratified of all environmental treaties. While the US has signed the Convention, the country is among the very few nations that have yet to fully ratify it.

In 2019, parties to the Basel Convention changed the status of plastic waste under the Convention, reflecting the emerging understanding of its harms to the environment and health. Effective in 2021, except for clean pre-sorted single-polymer shipments, parties will now be required to obtain "prior informed consent" from the destination country for shipments of plastic waste, largely destined for recycling.

As the US is not a party to the Basel Convention, the country does not have full participation in decision making. Yet **the US was one of the few countries that argued against the change regarding prior informed consent for plastics - and even objected to the change being implemented under the Organisation for Economic Cooperation and Development (OECD) Control System for Waste Recovery.** The OECD would normally automatically incorporate any amendments also made to the Basel Convention.

The US objection to the automatic incorporation of the Basel Convention changes into the OECD presents significant challenges for the waste trade between OECD member countries. A [legal analysis](#) by CIEL and our partners suggest that a withdrawal of the US objection no later than December 1st, 2020 is the best way to minimize disturbances to the current intra-OECD waste trade for recovery operations.

### INFLUENCE OF THE PLASTICS INDUSTRY ON THE POLICY PROCESS

The plastics industry globally needs the gates of global trade in mixed waste to remain open in order for their product to remain viable, considering the justifiable public backlash against visible plastic pollution. Given a 2015 study which revealed that only 9% of plastics have ever been recycled worldwide, the industry is hard-pressed to perpetuate the myth that recycling is the main solution to single-use plastics, rather than reduced production of plastics and the adoption of systemic reuse and refill.

The most recent solution touted by the industry is that of "**chemical recycling**," a catch-all term that **usually refers to unproven technologies** to turn plastic waste into fuel or energy, but that can also include techniques to turn post-consumer polymers back into their basic building blocks to use as feedstocks again. Documents recently uncovered by the *Unearthed* and *New York Times* investigations reveal that the industry has explicitly acknowledged to US policy and trade representatives that the assumptions underlying chemical recycling can only work if mixed and often multi-layer plastic waste continues to be traded unrestricted across national borders. **The industry does not publicly acknowledge the truly tenuous technology of chemical recycling**, or the many millions of tons of plastic produced every year that would still not be

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recycled. The money currently being invested by the plastics industry and others into recycling pales in comparison to the billions of dollars being invested in new plastic production.

**The plastics industry has disproportionate access to US representatives and policymakers**, compared to community groups and many non-profit organizations, resulting in **outsized influence**. A significant source of this access appears to be the “revolving door” of staff moving between the US government and the plastics industry. Indeed, some of the primary actors communicating closely with US representatives on their approach to global policy spent years themselves working in the very offices they are now lobbying for their industry clients.

This system is problematic and often results in preferential policy outcomes for the plastics industry. Steps should be taken to both limit the ability of former government staff to go on to work in government affairs for private industry, and to ensure that non-profit and community representatives have at least equal access to the same policy offices and decision makers.

### **A TROUBLING DISREGARD**

Repeatedly throughout the communications uncovered by the recent investigations, representatives of the plastics industry and US policy and trade officials appear to discuss how to undermine and counter the strategy of non-profit organizations to change and uphold the law. These non-profit, non-governmental organizations exist solely to protect the public good. Yet US government representatives, many of whom are career civil servants working across multiple administrations, appear to be moving in concert with the industry’s tactics and wishes - and actively undermining the efforts of NGOs - rather than working alongside those organizations to protect and prioritize the public interest.

Globally, thousands of organizations are working to stop plastic pollution at its source: how it’s made and used. The Break Free From Plastic movement has more than 2,000 members worldwide, 100 of them based in the US, themselves with constituencies many millions strong. The United States government should join leading governments around the world to be aligned with calls for an end to single-use plastics and for serious limits on plastic production. The use and production of plastics are simply not worth the climate and health trade offs.

### **MORE RESOURCES**

- [Progress on Plastics](#) newsletter on global policy (2017 - present)
- [Circular Claims Fall Flat: Comprehensive U.S. Survey of Plastics Recyclability](#) (2020)
- [Plastic & Climate: The Hidden Costs of a Plastic Planet](#) (2019)
- [Plastic & Health: The Hidden Costs of a Plastic Planet](#) (2019)
- [Plastic Atlas](#) (2019)