

RESOLUTION NO. 143 21

**A RESOLUTION URGING THE COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO ENSURE THAT DESTINATIONS TO WHICH THE COUNTY OF HAWAI'I TRANSPORTS ITS RECYCLABLE WASTE FOR OUT-OF-STATE PROCESSING ABIDE BY THE ENVIRONMENTAL STANDARDS OUTLINED BY THE BASEL CONVENTION.**

**WHEREAS**, in 2019, the State of Hawai'i exported 5,250 tons of plastic, 4,250 tons of aluminum, and 16,050 tons of glass and bi-metal for recycling; and

**WHEREAS**, Hawai'i collection companies export the State's recyclable waste to various locations around the world based on factors such as transport costs, pre-existing contracts, and prevailing prices; and

**WHEREAS**, in countries where much of the exported recyclable waste from Hawai'i is sent, end-of-life processing is often conducted through procedures that harm human and environmental health; and

**WHEREAS**, to help protect human and environmental health against adverse impacts from the management of hazardous and other wastes, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, commonly referred to as the Basel Convention, was adopted as a multilateral agreement through the United Nations Environmental Program in 1989 and came into force in 1992; and

**WHEREAS**, the Basel Convention, of which the United States of America is a signatory, has been described as the most comprehensive global environmental agreement on hazardous wastes, with 179 parties and 53 signatories worldwide; and

**WHEREAS**, effective January 1, 2021, the Basel Convention was amended to require trade controls for all mixed plastic waste not destined for environmentally-sound recycling; and

**WHEREAS**, on April 20, 2021, the Hawai'i State legislature adopted House Concurrent Resolution 27, SD1, urging the State Department of Health – Environmental Management Division to ensure that destinations to which the State's recyclable waste is transported for out-of-state processing abide by the environmental standards as outlined by the Basel Convention ("Exhibit A") while simultaneously urging the counties to ensure the same; and

**WHEREAS**, the County of Hawai'i Department of Environmental Management oversees waste disposal and recycling for the County; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I** that the County Department of Environmental Management is urged to ensure that destinations to which the County transports its recyclable waste for out-of-state processing abide by the environmental standards outlined by the Basel Convention.

**BE IT FURTHER RESOLVED** that the County Department of Environmental Management work in coordination with the State Department of Health – Environmental Management Division to share best practices and approaches, and avoid overlapping or contrary initiatives while ensuring these environmental standards are met within its jurisdictions levels.

**BE IT FINALLY RESOLVED** that the County Clerk shall transmit a copy of this resolution to the Honorable Mitchell D. Roth, Mayor; Lee E. Lord, Managing Director; and Ramzi I. Mansour, Director of the Department of Environmental Management.

Dated at Hilo, Hawai'i, this 7th day of July, 2021.

INTRODUCED BY:

  
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 COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL  
 County of Hawai'i  
 Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on July 7, 2021.

ATTEST:

  
 COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG			X	
DAVID	X			
INABA	X			
KĀNEALI'I-KLEINFELDER	X			
KIERKIEWICZ	X			
KIMBALL	X			
LEE LOY			X	
RICHARDS	X			
VILLEGAS	X			
	7	0	2	0

Reference: G-282/RAWEEMC-11  
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# EXHIBIT A

## Plastic Waste Amendments to the Basel Convention

on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

### 1. What are the plastic waste amendments to the Basel Convention?

The amendments refer to changes to the scope of the plastic wastes covered by the Basel Convention, as decided in May 2019 that will have a significant impact on the rules governing the movement of plastic waste across international boundaries. The changes to the Basel Convention were adopted by its governing body, the Conference of the Parties (COP) in its [decision BC-14/12](#). Through three amendments to the annexes to the Convention, this decision specifies the new categories of plastic waste that will be subject to the Convention's:

- control procedure for transboundary movements ([Prior informed Consent \(PIC\) procedure](#)) and the conditions under which this procedure applies or not;
- [provisions pertaining to waste minimization](#);
- [provisions pertaining to the environmentally sound management of wastes](#).

The amendments as such do not imply a ban on the import, transit or export of plastic waste but rather a clarification of when and how the Convention applies to such waste.

Through [decision BC-14/12](#), the COP approved the following changes to three annexes to the Convention:

- Annex II (waste that requires special consideration: subject to the PIC procedure): addition of new entry Y48 covering all plastic waste, including mixtures of plastic waste, except for the plastic waste covered by entries A3210 (in Annex VIII) and B3011 (in Annex IX);
- Annex VIII (waste presumed to be hazardous: subject to the PIC procedure): addition of new entry A3210 covering hazardous plastic waste;
- Annex IX (waste presumed to not be hazardous: not subject to the PIC procedure): addition of new entry B3011, replacing current entry B3010 after a specific date, covering plastic waste consisting exclusively of one non-halogenated polymer or resin, selected fluorinated polymers or mixtures of polyethylene, polypropylene and/or polyethylene terephthalate, provided the waste is destined

for recycling in an environmentally sound manner and almost free from contamination and other types of wastes.

For the entire text of the new entries, see [decision BC-14/12](#).

### 2. When do the new entries become effective?

The new entries will be effective as of [1 January 2021](#).

### 3. Which plastic wastes are currently subject to control under the Basel Convention, i.e. before the entries become effective?

Prior to 1 January 2021, plastic waste falls under the scope of the Basel Convention provided they are classified as either:

- "Hazardous wastes", namely (a) wastes that belong to any category contained in Annex I (e.g. plastic wastes containing lead or halogenated organic compounds), unless they do not possess any of the characteristics (e.g. ecotoxic) contained in Annex III; and (b) wastes that are not covered under (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit; or
- "Other wastes", which include wastes collected from households or residues arising from the incineration of household wastes.

### 4. Which plastic wastes will be subject to the PIC procedure once the new entries become effective?

As of 1 January 2021, the new plastic waste entries clarify the scope of control under the Basel Convention for other types of plastic waste and mixtures of plastic waste and the specific conditions under which plastic waste is subject to the PIC procedure.

All plastic waste and mixtures of plastic wastes with the exception of waste covered by entry B3011 (see below) will be subject to the PIC procedure. This includes:

- Plastic waste classified as hazardous waste: new entry A3210 reads “Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entries Y48 in Annex II and on list B B3011).”. Examples of hazardous constituents that may be found in plastic waste due to their use as additives in various applications are lead compounds (used as heat or light stabilisers) and organohalogen compounds (e.g. halogenated organic compounds used as flame retardants);
- Plastic waste requiring special consideration: new entry Y48 covers plastic waste, including mixtures of such wastes except for those falling under entries A3210 or B3011. An example of a plastic waste covered by Y48 is waste polyvinyl chloride.

## 5. Which plastic wastes will not be subject to the PIC procedure once the entries become effective?

As specified in entry B3011, the following plastic waste will not be subject to the PIC procedure, provided it is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes:

- Plastic waste almost exclusively consisting of one non-halogenated polymer. Such polymers include commonly used ones like polyethylene, polypropylene and polyethylene terephthalate (PET).
- Plastic waste almost exclusively consisting of one cured resin or condensation product. Such resins include urea formaldehyde resins and epoxy resins.
- Plastic waste almost exclusively consisting of one of the following fluorinated polymers:
  - Perfluoroethylene/propylene (FEP)
  - Perfluoroalkoxy alkanes:
  - Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
  - Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)
  - Polyvinylfluoride (PVF)
  - Polyvinylidene fluoride (PVDF)

The following mixtures of plastic waste will also not be subject to the PIC procedure:

- Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.

## 6. What is meant by “environmentally sound recycling”?

Footnotes to entries B3011 and Y48 clarify that in the case of recycling of plastic waste almost exclusively consisting of one non-halogenated, one cured resin or the fluorinated polymers covered by entry B3011, recycling refers to recycling/reclamation of organic substances that are not used as solvents (operation R3 in Annex IV, section B, to the Basel Convention) or if needed, temporary storage limited to one instance, provided that it is followed by recycling and evidenced by contractual or relevant official documentation. In the case of mixtures of plastic waste covered by entry B3011, sorting is to be undertaken prior to recycling.

The [technical guidelines on the identification and environmentally sound management of plastic wastes and for their disposal](#) provide guidance on what is considered as environmentally sound recycling of plastic waste. A version of the guidelines that was adopted by the Conference of the Parties in 2002 is currently being revised by a working group under the Basel Convention to facilitate implementation of the amendments on plastic waste. Further information on the

guidelines and its revision can be found [here](#).

## 7. Will the new entries bind all Parties to the Basel Convention?

The amendments and their new entries will bind all Parties except those that declare they are unable to accept them by notifying the Depository in writing by 24 March 2020 (i.e. within six months from 24 September 2019, the date on which the adoption of the amendments were [communicated to Parties by the Depository](#)). See also the [status of ratifications](#) for more details.

## 8. What measures should Parties take once the entries become effective?

It will be up to each Party to take the necessary measures to transpose the new entries into national law, as needed and depending on its legal system. Such measures should be taken in a timely manner to ensure that, on 1 January 2021, each Party is in a position to implement the provisions of the Basel Convention with respect to the plastic wastes listed in entries A3210 and Y48. This includes applying the Prior Informed Consent procedure in case of a transboundary movement of such wastes, but also applying the Convention’s provisions with respect to minimizing waste generation and ensuring their environmentally sound management.

To assist Parties with these new undertakings, the Conference of the Parties has decided on a range of additional steps to ensure that, once the entries become effective, the world is ready to overcome the plastic waste challenge.

To start with, the **Plastic Waste Partnership** was established to provide a global platform to bring together countries from all over the world, working hand in hand with stakeholders from civil society and the business community to promote the environmentally sound management of plastic waste and prevent and minimize its generation. For more information on the partnership, please see [here](#). Additional guidance on how to ensure, more generally, the environmentally sound management of waste as well as waste prevention and minimization is available in the [ESM toolkit](#).

Equally important is the launch of additional technical and legal work:

- on how to develop an inventory of plastic wastes;
- on the updating of the [technical guidelines on the identification and environmentally sound management of plastic wastes and for their disposal](#)
- to consider whether [any additional constituents or characteristics in relation to plastic waste should be added to Annexes I or III](#), respectively, to the Convention.

## 9. How can the Stockholm Convention support these efforts?

The Stockholm Convention prohibits or restricts the production and use of some of the most hazardous chemicals known as [persistent organic pollutants \(POPs\)](#) and requires the environmentally sound management of waste consisting of or containing POPs. Some of these chemicals, e.g. polybrominated diphenyl ethers, have been added to plastics to confer specific properties such as flame retardancy. The sound management of plastic waste containing POPs is important to reduce potential human and environmental exposure to these chemicals which occur for example from uncontrolled burning of plastic waste and leaching from microplastics into the marine environment. By preventing the use of POPs in plastic and the recycling of POPs, the Stockholm Convention facilitates the environmentally sound management of plastic waste. This provides opportunities to address the problem at different stages of the life cycle.



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