DATE: January 27, 2021  
TO: Waste Management Authority Board  
FROM: Jeff Becerra, Communications Manager  
SUBJECT: Support for Assembly Joint Resolution No. 4

SUMMARY
Staff is requesting that the Board adopt a ‘support’ position for Assembly Joint Resolution No. 4, introduced by Assemblymember Cristina Garcia, and intended to reduce international plastic waste pollution stemming from products consumed in California then shipped overseas for processing.

DISCUSSION
Assembly Joint Resolution No. 4 would urge the Biden Administration to ratify the Basel Convention resolution on the Control of the Transboundary Movements of Hazardous Wastes and their Disposal (1989), designed to protect developing countries from the export and dumping of wastes from industrialized countries. In 2019, the Convention was amended to include mixed and contaminated plastic waste shipments within its control procedure to address the problem of plastic waste collected for recycling in industrialized nations and sent to highly polluting recycling operations in developing countries.

Resolutions typically move through the Legislature quicker than legislation, which is why this item is coming to the Board before our usual March timeframe for endorsing a legislative slate. Encouraging federal action on Basel Convention ratification is one of the recommendations coming from the California Commission on Recycling Markets and Curbside Recycling, and is consistent with StopWaste’s recently adopted Aims on Equity and building an economy focused on Regeneration.

RECOMMENDATION
That the Waste Management Authority Board adopt a ‘support’ position for Assembly Joint Resolution No. 4 that would urge the Biden Administration to ratify the Basel Convention resolution.

Attachment: Assembly Joint Resolution No. 4
Assembly Joint Resolution No. 4

Introduced by Assembly Member Cristina Garcia
(Coauthors: Assembly Members Bennett, Friedman, Lorena Gonzalez, Holden, Quirk, and Luz Rivas)
(Coauthors: Senators Allen, Eggman, Stern, Wieckowski, and Wiener)

January 12, 2021

Assembly Joint Resolution No. 4—Relative to the Basel Convention.

LEGISLATIVE COUNSEL’S DIGEST

AJR 4, as introduced, Cristina Garcia. Basel Convention: ratification. This measure would declare California to be in favor of the United States’ ratification of the Basel Convention at the earliest opportunity and would request the Biden Administration to accomplish this ratification as a matter of urgency.

Fiscal committee: no.

WHEREAS, The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989) was signed but never ratified by the United States; and

WHEREAS, The United States is now one of only a few countries, including South Sudan, Haiti, San Marino, Grenada, East Timor, Fiji, and the Solomon Islands, that have failed to ratify this vital multinational environmental agreement to protect developing countries from the scourge of export and dumping of wastes from rich industrialized countries; and

WHEREAS, Since China banned the import of plastic waste, much of the plastic waste collected for recycling in the United
States is sent to mismanaged, highly polluting recycling operations in south and southeast Asia, where it is often dumped and burned rather than recycled safely; and
WHEREAS, The Basel Convention has recently sought to address this problem and has become a vital instrument in the war against global plastic waste pollution when, in May 2019, it was amended to include mixed and contaminated plastic waste shipments within its control procedure; and
WHEREAS, The plastic waste amendments require that, as of January 1, 2021, plastic waste exports will require the notification and consent of receiving countries before export. The United States, not being a Basel Party, will not be able to legally export wastes that are illegal for the importing country to receive, leading to illegal traffic, seizures, lawsuits, and waste repatriation events; and
WHEREAS, California now leads the nation in exports of plastic wastes to developing countries, including mixed wastes of 7,782 metric tons per month in 2020 out of 29,029 metric tons nationally (27 percent), and does not wish to be embroiled in illegal trafficking of wastes, violations of international law, and unsustainable waste trade with its global neighbors; and
WHEREAS, California, as the largest exporter of plastic waste in the nation to countries with poor waste management and with its 75-percent statutory recycling goal, is driving exports without proof that plastic is being properly recycled; and
WHEREAS, California must avoid becoming complicit with or engaged in illegal trafficking in plastic waste, should prevent the use of single-use plastics that create hard-to-recycle plastic waste, and should develop infrastructure to better recycle plastic products and create new sustainable industries and jobs; and
WHEREAS, Rich countries like the United States, rather than dumping their waste problems on countries least able to deal with those waste problems, should prevent the use of single-use plastics that create difficult-to-recycle and difficult-to-collect plastic waste and better recycle their own durable plastic products, and thereby create new sustainable industries and jobs; now, therefore, be it
Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature supports the goals of the Basel Convention and the May 2019 Amendment to include plastic
as a hazardous material for purposes of the convention; and be it further
Resolved, That the Legislature declares California to be in favor of the United States’ ratification of the Basel Convention at the earliest opportunity and requests the Biden Administration to accomplish this ratification as a matter of urgency; and be it further
Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President of the United States, the Congress of the United States, and the Secretary of State of the United States.