

November 20, 2019

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Ross:

The Environmental Technologies Trade Advisory Committee (ETTAC) is a Federally-established committee whose purpose is to advise on the policies and procedures of the U.S. government that affect environmental technology, goods and services exports. In this capacity, we especially appreciate the opportunity to provide comments on plastics.

We are writing to follow-up on our September 2019 letter regarding the Administration's position objecting to the Organization for Economic Cooperation & Development's (OECD) automatic adoption of the new restrictions on trade in end-of-life plastics. In that letter, we pledged to provide specific recommendations to support the U.S. negotiators at the OECD.

In general, we are concerned about the rapid pursuit of solutions to address excesses of plastics pollution without proper study, evaluation, consultation and due diligence. It is a core value of the OECD to be objective and to develop analyses and recommendations that are evidence-based and independent. The accelerated timeline given to the Working Party on Resource Productivity & Waste (WPRPW) "Task Team" to find a consensus on adopting the Basel Convention plastics amendments works against this research-based approach. We encourage the Administration to put pressure on the OECD Secretariat and member countries to prioritize this as the Task Team's work continues.

Regarding the specific provisions under consideration, some of the recommendations outlined below are related to amendments to the Appendices of the Council Decision C(2001)107/Final, as amended, which will heretofore be referred to as the "Council Decision."

1. *We support the new Basel Convention A3210 listing on hazardous plastics being adopted into Appendix 4 (amber list) of the Council Decision – but with revisions.*

We support the consensus that end-of-life plastics that contain hazardous constituents to an extent that they exhibit hazardous characteristics (*i.e.*, Basel Convention Annexes I and III and OECD Council Decision Appendices 1 and 2) can be subject to the controls of the OECD Council Decision. However, the Basel Convention A3210 listing adopted at the COP-14 is not clear, and we recommend that it be enhanced so that the final entry adopted into the OECD Council Decision is specific in its scope in order to prevent governments from using self-serving and varied interpretations to restrict trade. This can include references to scientific evidence and methodologies for measuring the "exhibition" of hazardous characteristics.

2. *We support all other types, grades, mixtures and forms of end-of-life plastics remaining in Appendix 3 (green list) of the Council Decision.*

We emphasized in our previous letter the importance of trade in these valuable, recyclable commodities as inputs to manufacturers throughout the world that create jobs and generate economic opportunities. It is imperative that the Administration continues to emphasize these opportunities. For example, a study commissioned by the Institute of Scrap Recycling Industries (ISRI) concludes plastics recycling in the United States supports nearly 30,000 jobs and contributes more than \$6 billion to the U.S. economy. Furthermore, in 2018, the United States imported and exported into global manufacturing supply chains more than \$691 million worth of end-of-life plastics.

The trans-boundary movement of these important manufacturing inputs is vital to stimulating global innovation in recycling and manufacturing. Like all commodities, recyclable materials move through markets according to supply and demand. The perception of some at the OECD is that countries export end-of-life plastics because they lack recycling capacity. That may be true in the non-OECD, developing world, but U.S. recyclers are not exporting because we lack capacity at home – they are exporting to fulfill customer orders abroad, including by those that are implementing new production in places that lack sufficient feedstock. It is our belief that restricting trade is contrary to the European Circular Economy directly and precisely for the adverse impact it would have on recycling and manufacturing.

3. Polyvinyl chloride (PVC) should be listed in Appendix 3 (green list) of the Council Decision.

We understand concerns have been raised about polyvinyl chloride (PVC). This material is approved and used in the United States and other countries around the world for the safe transport of drinking water and wastewater. There are a number of forms of PVC that are recyclable and returned into commerce. We recommend the United States continue to push back on unsubstantiated arguments for the inclusion of PVC in Appendix 4 (amber list) of the Council Decision to allow for their continued recyclability wherever the technology may exist.

4. Initiate research and convene forums that promote best practices and responsible recycling in countries that lack sufficient capacity.

We wish to reiterate the suggestion made in our previous letter regarding the opportunity for the OECD to undertake initiatives that promote best practices and cooperation with countries that lack sufficient waste management infrastructure to address the cause of improperly disposed plastics. There is a wide range of existing programs and efforts worldwide that promote effective waste management, and the OECD has the convening power to amplify these initiatives through its programming and connections to thought leadership around the world. The members of this ETTAC are available to provide technical expertise at these forums.

We thank you for the Administration's support in the free and fair trade of recyclable plastics and the efforts undertaken on our behalf at the OECD.

Sincerely,



William Decker
ETTAC Chair

Cc: Ambassador Robert Lighthizer
Administrator Andrew Wheeler
Secretary Michael Pompeo