



Assembly Bill 881: Recycling Export Reform

IN BRIEF

Assembly Bill 881 would close the loophole in California law that enables exported mixed plastic waste to be deemed recycled even when it is landfilled, burned, dumped, or otherwise improperly managed.

BACKGROUND

California has established a policy goal to divert 75% of the state's generated solid waste through source reduction, recycling, and composting by 2020 (AB 341 Chesbro). Local jurisdictions who are tasked with planning and meeting diversion mandates then contract with solid waste service providers and material recovery facilities (MRFs) who collect, sort, and bale material to sell to end-use buyers and achieve specified disposal and diversion rates.

The United States has traditionally been a major exporter of plastic scrap, with approximately half of our plastic waste exported to China and Hong Kong until 2017. In 2018, China implemented the National Sword policy to severely restrict the level of contamination accepted, which drastically reduced the amount of foreign waste imported.

Since then, other countries have begun implementing additional policies to reduce the import of plastic waste. Most recently, new restrictions on plastic scrap trade went into effect on January 1st 2021 for the 187 parties who have ratified the Basel Convention. Under the Basel Convention, plastic scrap and waste exports are only allowed with prior written consent from the importing country. Certain specified plastic that is more readily recyclable can be traded under the Basel Convention without prior written consent, but must meet strict criteria, including a low contamination rate and requirement to be recycled in an environmentally sound manner.¹ Under the Trump administration, the United States did not ratify the Basel Convention.

Still, California continues to be a top plastic waste exporter in the country, based on US Census export data. When worthless mixed plastic waste is exported, CalRecycle and local jurisdictions do not count the material as being "disposed," in effect assuming it is all recycled regardless of its actual fate.

PROBLEM

When Californians sort their waste for disposal, recycling, and compost, they assume that what is sorted for recycling will be properly recycled into new goods. Californians also assume that the disposal and recycling data presented by CalRecycle and their local jurisdictions reflect what is actually recycled. However, this is not the case.

Increasingly, evidence shows US plastic is being exported to countries where the material ends up inadequately disposed of, through incineration and dumping. Malaysia has been found to mismanage 55% of its own plastic waste, while Indonesia improperly managed 81% and Vietnam improperly managed 86% of their plastic waste.²

As plastic is mismanaged, it further pollutes the environment and health of people nearby. Fumes from incineration can cause respiratory problems, while dumping or open landfilling can lead to pollution in both marine and land based habitats. As plastic then breaks down into microplastics, they concentrate toxic chemicals and contaminate food and drinking water sources. Exposure to these plastics and associated toxins has been linked to cancers, birth defects, impaired immunity, endocrine disruption and other serious health problems³.

Additionally, the fact that both truly recyclable and worthless mixed plastics continue to be shipped overseas lets manufacturers off the hook from using sustainable packaging and building robust recycling markets.

SOLUTION

AB 881 would reclassify the export of mixed plastic waste as disposal, while allowing truly recyclable plastic to continue to be counted towards our recycling goals.

To be counted as diversion through recycling, rather than disposal, AB 881 would require the export to:

- 1) Be a readily recyclable plastic type or mixture. The Basel Convention identifies polyethylene (PE), polypropylene (PP) and polyethylene terephthalate (PET) as allowable exports without stricter regulation due to their easy recyclability, provided they are destined for separate recycling of each material. AB 881 would allow these exports to be counted as diversion through recycling.

² <https://jambeck.engr.uga.edu/landplasticinput>

³ <https://www.ciel.org/wp-content/uploads/2019/02/Plastic-and-Health-The-Hidden-Costs-of-a-Plastic-Planet-February-2019.pdf>

¹ <http://www.basel.int/Implementation/Plasticwaste/Overview/tabid/8347/Default.aspx>

- 2) Not be prohibited by an applicable law in the country of destination. Basel Convention signatory countries may establish their own accepted level of contamination, and require prior agreements for the import of plastic scrap. AB 881 would ensure that only exports in accordance with the country of destination's laws could be deemed recycled.

SUPPORT

Californians Against Waste (Sponsor)

FOR MORE INFORMATION

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