



To: WTO/TBT National Notification and Enquiry Center of the People's Republic of China
Tel.: +86 10/84603889 /84603950
Fax: +86 10 84603811
E-mail: tbt@aqsiq.gov.cn

and

the Ministry of the Environmental Protection of the People's Republic of China

Notification: G/TBT/N/CHN/1211

Title: Catalogue of Solid Wastes Forbidden to import into China by the End of 2017 (4 classes, 24 kinds) (2 page(s), in Chinese))

POC: David Biderman, Executive Director and CEO
Solid Waste Association of North America (SWANA)
Tel: +1.240.494.2254
E-mail: dbiderman@swana.org

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Statement of the Solid Waste Association of North America

The Solid Waste Association of North America (SWANA) appreciates the opportunity to submit these comments in response to the Ministry of Environmental Protection (MEP) of the People's Republic of China's July 18, 2017 Notification to the World Trade Organization (WTO) concerning the import of solid waste (Notification). The Notification advised the WTO of MEP's intent to update its Catalogue of Solid Wastes Forbidden to Import into China by the end of 2017, with an apparent implementation date of September 1, 2017. The Notification was followed by a July 27, 2017 "Notice of the General Office of the State Council on Issuance of Reform and Implementation Plan to Enhance Solid Waste Import Management System by Prohibiting the Entry of Foreign Waste" (Guo Ban Fa (2017) No. 70), which provided additional information and insight concerning the Chinese government's intentions, objectives and strategies concerning this important topic.

Background on SWANA

SWANA is the largest waste association in the world, with more than 9,000 members in the United States, Canada, and in the Caribbean. SWANA is organized geographically, with 45 chapters across those



areas, and by subject matter expertise, through its seven Technical Divisions. SWANA has a diverse membership that includes municipal and private sector solid waste professionals and recycling managers, from coast-to-coast throughout North America, and is therefore uniquely qualified to discuss the impact of the Notification on municipal recycling programs and the local governments and companies that collect and process the millions of tons of recyclables generated through such programs.

SWANA's core purpose, as expressed in its 2015 Strategic Plan, is "[t]o advance the responsible management of solid waste as a resource." One of SWANA's largest technical divisions is its Sustainable Materials Management unit, with nearly 1,000 members. In addition, SWANA's commitment to resource management is reflected in its recent launch, along with the California Resource Recovery Association (CRRRA), of a new Zero Waste certification course,¹ the first Zero Waste course for municipal solid waste managers.

Municipal Solid Waste Recycling in the United States

Because the United States is a prolific generator of solid waste and recyclables, any unilateral measure by one country that limits the movement of such materials across international borders can have a significant impact.² When that country is China, the largest importer of recyclables in the world,³ that impact will likely be magnified.

The U.S. Environmental Protection Agency's annual Advancing Sustainable Materials Management report (EPA SMM Report) is widely considered the most authoritative analysis of solid waste and recycling in the United States. Because compiling a wide variety of data from 50 states is a complicated and time-consuming undertaking, the most recent EPA SMM Report, issued in December 2016, provides data for 2014.⁴ According to this Report, more than 66 million tons of material were recovered from solid waste for recycling in the United States in 2014. EPA SMM Report at 2. More than 44 million of those tons consisted of paper and paperboard, and approximately 65 percent of the total paper and paperboard generated in the United States, measured by weight, is recycled. Id. at 5. According to the Institute for Scrap Recycling Industries, Inc. (ISRI), the U.S. recycling industry employs more than 134,000 people and recovers approximately 130 million metric tons of material (which includes both scrap and solid waste) annually. The U.S. Census Bureau's and U.S. International Trade Commission's 2016 data reveals that China imported approximately 13 million tons of paper and 776,000 tons of plastic from the United States, with a combined value of nearly \$2.3 billion.⁵ China imports a variety of paper categories, including cardboard, newspaper, curbside mixed paper, and other commercial and industrial paper products. China imports this valuable material as feedstock for its paper mills, which are particularly dependent on high quality paper from the United States.

¹ <https://swana.org/Training/CourseCatalog/PlanningManagement/ZeroWastePrinciplesandPractices.aspx>

² As noted above, SWANA also represents members that operate in Canada. However, because SWANA was not able to obtain Canadian-specific data concerning the export of Canadian paper and plastic to China, these comments focus primarily on impacts in the United States.

³ China's War of Foreign Garbage, Bloomberg (July 20, 2017) <https://www.bloomberg.com/view/articles/2017-07-20/china-s-war-on-foreign-garbage>

⁴ https://www.epa.gov/sites/production/files/2016-11/documents/2014_smm_tablesfigures_508.pdf

⁵ U.S. Census Bureau, <https://usatrade.census.gov/> China also likely receives paper and plastic originating in Canada. Feeding the Dragon: Canadian Exporters and a Booming China, Statistics Canada, No. 37 11-621-M <http://www.statcan.gc.ca/pub/11-621-m/11-621-m2006037-eng.htm>

Potential Impact on Municipal Solid Waste Recycling of China's Action

More than ten thousand municipal recycling programs serve communities in the United States and Canada. According to EPA, 9,800 curbside recycling collection programs existed in the United States as of 2011, and this number has likely increased over the past few years.⁶ Additionally, curbside programs are supplemented by hundreds of drop-off programs in which consumers deposit recyclables at local recycling centers for consolidation. Unlike countries in Europe and elsewhere, the United States has a decentralized system for managing waste and recyclables, with most regulatory authority delegated to states and local government.⁷ States “play the lead role in implementing non-hazardous waste programs” under the Resource Conservation and Recovery Act (RCRA),⁸ while local governments manage the day-to-day collection of waste and recyclables. Thus, for example, there is no “national” waste diversion or recycling goal in the United States; instead, they are generally established at the state and/or local level, and hundreds of them currently exist in cities and counties throughout the country. Similarly, Canada does not have a national recycling goal, and “responsibility for managing non-hazardous solid waste and reducing the amount of waste sent for disposal is shared among provincial, territorial, and municipal governments.”⁹

It is simply not possible to modify quickly or halt the thousands of recycling programs in the United States that will be impacted by the Notification. Successful recycling programs require consistency in service, and once started, should not be “turned off.” New York City’s experience proves this point: in 2003, the glass and plastics portion of its municipal recycling program was discontinued as part of city-wide budget cuts, and the diversion rate plunged from 20 to 11 percent.¹⁰ Although those portions of its recycling program were restored a few years later, the diversion rate has still not recovered to the level achieved prior to 2003.¹¹

Local recycling programs, whether at curbside or via a drop-off center, and whether dual stream or single stream, are a core part of solid waste systems developed over the past three decades, and are embedded in the fabric of thousands of communities throughout the United States. Recycling programs throughout North America have suffered from China’s Operation Green Fence in 2013 and from its recent National Sword initiative.¹² SWANA is concerned that many recycling programs in the United States and Canada would be unable to recover from China’s proposed ban on importing recyclables and the disruption it would cause by closing a significant outlet for paper and plastics.

It is not feasible to expect new domestic recycling facilities to be permitted, constructed and start operations in the United States or Canada, or for existing facilities to be significantly expanded, in the

⁶ Municipal Solid Waste Generation, Recycling, and Disposal in the United States: Facts and Figures for 2011, U.S. EPA at 8 https://archive.epa.gov/epawaste/nonhaz/municipal/web/pdf/mswcharacterization_508_053113_fs.pdf

⁷ <https://waste-management-world.com/a/states-lead-the-way-pioneering-recycling-efforts-in-the-us> (Jan 2006).

⁸ <https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview> (accessed August 29, 2017).

⁹ Solid Waste Disposal and Diversion, Environmental and Climate Change Canada (2016)

<https://www.ec.gc.ca/indicateurs-indicators/default.asp?lang=en&n=D2EA2E21-1>

¹⁰ The diversion rate is a common gauge of recycling progress, and measures the percentage of the total waste stream that is processed for recycling.

¹¹ Assessing Progress on the City’s Solid Waste Management Plan, New York City Independent Budget Office (August 2017) at 4. <http://www.ibo.nyc.ny.us/iboreports/ten-years-after-assessing-progress-on-the-citys-solid-waste-management-plan-2017.pdf>

¹² <https://resource-recycling.com/plastics/2017/05/24/national-sword-upending-exports/> (May 24, 2017)

few months before the Notification takes effect. If implementation of the Notification blocks the export of recyclables to China, much of these materials, including waste paper, plastic, and other useful resources, will likely be disposed in landfills and waste-to-energy facilities in North America, and indeed, around the globe. This will greatly diminish public confidence, participation and support of local recycling programs and undermine successful environmental programs in the United States, Canada, and throughout the world. In addition, it could:

1. overwhelm local disposal capacity at landfills in certain locations;
2. use up limited landfill capacity; and
3. result in increased greenhouse gas (GHG) emissions, adversely affecting state and local GHG reduction goals.

Questions re Scope, Clarity and Timing of China's Action

SWANA incorporates by reference the concerns identified by ISRI in its August 18, 2017 filing and the concerns raised by Waste Management (WM) in its August 30, 2017 filing concerning the scope of the import ban. In addition, SWANA joins ISRI and WM in respectfully requesting that the Government of China consider a longer transition period to allow customers and suppliers to adapt to a policy that will have a substantial negative impact on North American recycling programs. For example, a clearly defined five year phase out of material subject to the Notification would allow sufficient time for the global marketplace to adjust to China's policy.

SWANA's Offer of Assistance to China

SWANA and its members support the Chinese government's effort to restrict illegal commerce conducted by unlicensed brokers, traders, and others, who combine municipal solid waste with paper and/or plastic destined for China. SWANA and its members also support efforts to eliminate dumping of waste materials in China, including when such disposal is a byproduct of the improper mixing of waste and recyclables. Finally, SWANA supports efforts to close dumpsites around the world, and participates in the International Solid Waste Association's "Close the Dumpsites" campaign. SWANA would welcome the opportunity to meet with the Chinese government or its counterparts in China to discuss collaborative efforts that would help achieve those objectives.

SWANA appreciates the opportunity to comment on the Notification and welcomes the opportunity to provide additional information, technical assistance, and support to address the concerns raised by the Notification and our comments.

Sincerely,



David Biderman
Executive Director & CEO