

August 29, 2017 DRAFT

**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@aqsq.gov.cn](mailto:tbt@aqsq.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](mailto:dbiderman@swana.org)

#### **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 chapters in 45 U.S. states/territories and Canadian provinces, and by area of expertise, through its seven Technical Divisions. SWANA has a diverse membership that includes both municipal solid waste professionals and private sector 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 run them 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 950 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,<sup>1</sup> 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.<sup>2</sup> When that country is China, the largest importer of recyclables in the world,<sup>3</sup> that impact will likely be magnified.

The U.S. Environmental Protection Agency's annual Advancing Sustainable Materials Management (EPA SMM Report) report is widely considered the most authoritative analysis of 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, covers 2014.<sup>4</sup> According to this Report, more than 66 million tons of solid waste generated in the United States in 2014 was recycled. 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 (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 million tons of plastic from the United States, with a combined value of nearly \$2.3 billion.<sup>5</sup> 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.

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

There are more than ten thousand municipal recycling programs in the United States and Canada. According to EPA, there were 9,800 curbside collection programs in the United States as of 2011, and this number has likely increased over the past few years.<sup>6</sup> In addition, there are hundreds of drop-off programs in which consumers drop off recyclables at a local recycling center 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.<sup>7</sup> States "play the lead role in implementing non-hazardous waste programs" under the Resource Conservation and

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

<sup>2</sup> 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 on impacts in the United States.

<sup>3</sup> <https://www.bloomberg.com/view/articles/2017-07-20/china-s-war-on-foreign-garbage>

<sup>4</sup> [https://www.epa.gov/sites/production/files/2016-11/documents/2014\\_smm\\_tablesfigures\\_508.pdf](https://www.epa.gov/sites/production/files/2016-11/documents/2014_smm_tablesfigures_508.pdf) (accessed August 29, 2017).

<sup>5</sup> Citation pending from ISRI. China also likely receives paper and plastic originating in Canada.

<sup>6</sup> [https://archive.epa.gov/epawaste/nonhaz/municipal/web/pdf/mswcharacterization\\_fnl\\_060713\\_2\\_rpt.pdf](https://archive.epa.gov/epawaste/nonhaz/municipal/web/pdf/mswcharacterization_fnl_060713_2_rpt.pdf) (accessed August 29, 2017).

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

Recovery Act (RCRA),<sup>8</sup> 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, but instead, hundreds, if not thousands of them in cities and counties throughout the country. Similarly, Canada does not have a national recycling goal and does not regulate the management of waste and recyclables on the federal level, and recycling takes place through a variety of curbside collection programs and drop-off centers.

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. 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.<sup>9</sup>

Local recycling, whether at curbside or via a drop-off center, and whether dual stream or single stream, are a core part of solid waste programs developed over the past three decades, and are embedded in the fabric of thousands of communities in 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.<sup>10</sup> 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 that would be caused by the elimination of 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 in the few months before the Notification takes effect. As a result, if recyclables currently exported to China are blocked by implementation of the Notification, much of these materials, which include waste paper, plastic, and other useful materials, will likely be deposited in landfills and waste-to-energy facilities in North America. This will greatly diminish public confidence, participation and support of local recycling programs and undermine successful environmental programs 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

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

<sup>9</sup> 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>

<sup>10</sup> <https://resource-recycling.com/plastics/2017/05/24/national-sword-upending-exports/> (May 24, 2017)

have a substantial 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. 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