

US EPA ARCHIVE DOCUMENT

Chapter V: Basel Convention

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was negotiated under the United Nations Environment Program (UNEP) beginning in 1988. After the twentieth country ratified the Basel Convention on February 5, 1992, the Convention became effective for those twenty countries on May 5, 1992. The Convention's main goal is to protect human health and the environment from hazards posed by transboundary movements of hazardous waste. The negotiators of the Convention wanted to promote environmentally sound management of exported and imported waste, especially in developing countries.

A. CONVENTION REQUIREMENTS

In addition to its main objectives, the Basel Convention also seeks a reduction in waste generation, a reduction in transboundary waste movements, and a standard set of controls for waste movements that do occur. These controls are similar to EPA's regulatory controls for imports and exports of hazardous waste.

The Convention requires that the exporting country notify the receiving country and any transit countries of the proposed shipment. The waste shipment may occur only after the transit and receiving countries have given consent for the shipment. The Convention requires that a tracking document, or movement document, accompany the waste shipment from its point of origin until its ultimate disposal. In addition, shipments of waste must be packaged, labeled, and transported in accordance with international rules. In the event that an accident occurs during shipment of the waste, Basel requires that the responsible parties inform the potentially affected countries of the accident. Finally, parties to the Convention must submit an annual report to the Basel Secretariat summarizing the amounts and types of hazardous waste exported and the destination and disposal methods.

B. BASEL RESTRICTIONS

The Basel Convention contains two major restrictions on waste movements. The first restriction requires that exports of waste occur only under the following circumstances:

- If the exporting country does not have sufficient disposal capacity
- If the exporting country does not have disposal sites that can dispose of the waste in an environmentally sound manner
- If the wastes are required as a raw material for recycling or recovery industries in the importing country.

Basel also prohibits movement of waste between parties to the convention and non-parties, except when these movements occur under an equivalent bilateral or multilateral agreement. The bilateral or multilateral agreements must provide an equally sound management structure for transboundary movements of waste.

C. IMPLICATIONS FOR U.S. IMPORTERS & EXPORTERS

To date, the United States has signed the Basel Convention, but has yet to ratify the Convention. In order for the United States to become a Basel party, it must ratify the Convention and have sufficient authority to implement Basel's terms. For this reason, the United States can not participate in waste transfers with Basel Parties without a separate and equivalent bilateral or multilateral agreement.

As discussed earlier in this document, the United States has entered into several bilateral agreements and one multilateral agreement. The United States currently maintains a multilateral agreement with the members of the OECD governing transboundary movements of waste for recovery purposes. In addition, the United States has established two bilateral agreements, with Canada and Mexico, for importing and exporting hazardous waste. Finally, Costa Rica and Malaysia have entered into separate agreements with the United States. Under these two agreements, the United States may receive waste from Costa Rica and Malaysia but may not export waste to these countries.

D. CHAPTER V: LIST OF REFERENCES

Reference	Topic	Description
4/13/2000 Cotsworth to Citizen FB 14434	Basel general	EPA must receive consent of government of importing country before export of hazardous waste can occur; since U.S. is not currently a party to Basel Convention, there must be a bilateral agreement between U.S. and importing country that is consistent with requirement of Convention; U.S. has agreements with OECD and Mexico governing recycling and with Canada for both recycling and disposal; EPA has strong enforcement program in area of hazardous waste exports
2/2000 Monthly Report Question	Basel and United States	Discusses that U.S. is effected by Basel Convention, but not a member; U.S. should be aware of Basel, because they may be unable to import or export a waste if it is identified as hazardous under Basel but not under RCRA, unless bilateral or multilateral agreement exists
8/19/1999 Cotsworth to McDermott FB 14362	Basel legislation	EPA supports legislation that will enable the United States to become a party to the Basel Convention; EPA believes that as long as waste imported into the United States is managed according to U.S. standards (HWID and subsequent standards), it will be environmentally protective
6/17/1996 Gourley to Feldman FB 14035	Basel and United States	Parties to the Basel convention cannot trade in hazardous wastes with non-parties in the absence of a bilateral agreement; Singapore is a Basel party while the U.S. is not, nor do these countries have an import/export agreement; EPA regulations do not prohibit imports of hazardous waste; imported waste is regulated in the same manner as hazardous waste generated in the U.S.
2/15/1996 Bussard to Andrews FB 14034	Basel and bilateral agreements	EPA does not have the authority to object to imports of nonhazardous waste; in order for Basel parties to export covered waste to non-Basel parties, the two parties must have a bilateral agreement in place; list of countries that are parties to Basel as of January 10, 1996
12/23/1994 Bussard to Deelo FB 13723	Basel general	Nickel matte being reclaimed in China may be solid waste if it will be used in manner constituting disposal; Basel Convention party may not import Basel-covered waste from non-parties
11/14/1991 Bussard to Spitz FB 11654	Basel and medical waste	No federal regulations prohibiting importation of medical waste; enactment of legislation implementing the Basel Convention could change status of imported medical waste
2/16/1990 Lowrance to Sutherland FB 11493	Basel and exports of municipal solid waste	EPA has no authority to control export of municipal solid waste; export of hazardous waste is regulated; new requirements for municipal solid waste exports predicted as result of Basel Convention and pending legislation (SEE ALSO: 61 FR 16290; 4/12/96 and 57 FR 20602; 5/13/92)

