

## **Operation Can Opener**

### **By Basel Action Network**

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#### **1. How does BAN gather information about the potentially illegal shipments?**

Operation Can Opener 2025 is a refinement of BAN's earlier [campaigns](#) involving [Malaysia, Indonesia, and India](#) in 2021, and other Southeast Asian countries, including [Thailand](#), in 2022.

The method, then and now, relies upon commercial, subscription-based trade data of exports from the United States (US) and Canada, which can reveal shipments of materials from North America. The data is constantly updated and it is sometimes possible to “see” shipments of individual shipments still on their way from US ports to other global ports.

If we have concerns about the exports, we can often alert the authorities in destination countries before arrival and in time for them to open the suspect containers and find out whether they actually contain contraband waste.

Unfortunately, detailed and timely data from countries other than the US and Canada are not commercially available, and our modus operandi in such cases is limited. We urge shipping lines and governments that have access to such data to use it to likewise alert authorities. However, as the US and Canada are both notorious for being perpetrators of waste dumping, this effort is, hence, worthy.

#### **2. What action can be taken by the destination countries?**

In the parlance of shipping, intermodal containers are informally referred to as “cans”. The only way to find out whether the suspect containers actually contain contraband waste is to open these “cans”.

Government action - responding to BAN's alerts and searching the containers upon arrival - can prove decisive as to whether BAN's intelligence is sound, and whether enforcement and prosecution should take place under the Basel Convention.

BAN urges recipient countries to not only open the "cans" and look at the door end, but to also search entire containers, as often traders intentionally hide the contraband at the far end. If found to contain illegal wastes, the governments must seize the containers, arrange for their return to countries of origin in accordance with Articles 8 and 9 of the Basel Convention, and take criminal legal action against those parties involved in the waste trafficking.

### **3. What types of plastic waste exports are controlled by the Basel Convention?**

The Basel Convention lists plastic wastes in three Annexes. Annex VIII is for hazardous waste and receives the full control procedures of the Basel Convention including some prohibitions or the prior-informed-consent (PIC) procedure. Annex IX is for non-hazardous waste and will not require Basel controls, while Annex II is for wastes for "special consideration" and in the Convention is defined as "other waste." It requires the PIC procedure.

The new listings under the [Plastic Waste Amendments](#) can be summarized as follows:

- **Annex VIII, A3210 – hazardous plastic waste.** This could include plastics with hazardous additives.
- **Annex IX, B3011 – non-hazardous plastic waste.** These are generally defined as being single polymer plastics destined for mechanical recycling and not for incineration or waste to energy operations. One mixture of plastic wastes (PP, PE, and PET) is also allowed to be considered as non-hazardous. Halogenated plastics like PVC are generally not to be listed as non-hazardous.
- **Annex II, Y48 – plastic waste for special consideration.** These are generally defined as being anything other than the wastes mentioned above. They are likely to be mixed loads of mixed polymers or single polymer wastes containing significant (e.g. 3% or greater, depending on national rules) levels of contamination or material not expected to be recycled.

### **4. What types of e-waste is controlled by the Basel Convention?**

The Basel Convention has been [amended](#) recently to massively expand the types of e-waste to be controlled under the Basel Convention. The amendments came into effect

1 January 2025.

Currently the Basel Convention lists plastic wastes in two Annexes. Annex VIII is for hazardous waste and receives the full control procedures of the Basel Convention including some prohibitions or the PIC procedure. Annex II is for wastes for “special consideration”, defined in the Convention as “other waste”, and requires the PIC procedure.

- **Annex VIII, A1181 - hazardous e-wastes.** These are generally electronic equipment, components or residues derived from electronic equipment that contain hazardous substances listed in Annex I of the Convention unless they do not exhibit a hazardous characteristic listed on Annex III. These include anything with a circuit board, a hazardous battery, cathode ray tube, mercury containing backlights, or other parts.
- **Annex II, Y49 -- wastes requiring special consideration.** These are all of the electronic equipment, components, and residues from electronic equipment that are not considered A1181, with the exception of anything already listed on Annex IX or Annex II.

## **5. Why are exports of Basel controlled wastes illegal when imported by Basel Parties from the United States?**

Currently Operation Can Opener focuses on the two most illegally trade wastes – plastic waste and e-waste. As noted above, any Annex II or Annex VIII waste is controlled by the Basel Convention. Yet the United States is one of the few countries of the world that is not a Party to the Convention.

The Basel Convention’s Article 4 paragraph 5 explicitly prohibits any trade between Parties and non-Parties of the Convention unless there is a special agreement created in accordance with Article 11 between the Party/ies and the non-Party. The US has not entered into any agreement with non-OECD countries to export waste to them. Thus, all Basel-controlled wastes are illegal for non-OECD Basel Parties to import from the United States even when they may be perfectly legal under US law to export them.

## **6. What are some common examples of plastic wastes that are illegal to import from the US?**

All plastic waste coming from the United States should be considered Y48 and thus illegal, unless it will be recycled in full (not for waste-to-energy or incinerated) in an environmentally sound facility, and falls into the narrow categories of:

- an uncontaminated, unmixed waste stream of a single non-halogenated polymer (listed as B3011); or
- a mixture of PP, PE, and PET that is free from contamination and for which all three fractions will be recycled separately (listed as B3011).

Common Y48 streams include:

- **Plastic Wastes from Municipalities:** Most post-consumer waste cannot be easily separated and cleaned of contamination to the degree that meets the standard of B3011. Thus, it is Y48 – a Basel controlled waste which cannot be imported from the United States.
- **E-waste plastics:** Electronic waste recyclers have to deal with about 10 different polymers and very few have the capacity to separate those polymers. They usually bale the housings of computers, monitors, and printers and ship them mixed. Alternatively, they have mixed shredded plastics from shredders. As they are mixed polymers they are Y48 – a Basel controlled waste which cannot be imported from the United States.
- **Agricultural plastic waste:** Almost all agricultural plastic comes out of the fields and greenhouses heavily contaminated with agricultural chemicals or soil, and thus is not pure enough to meet the standard of B3011 even if it can be collected as a single polymer type.
- **Polyvinyl Chloride:** A clear indicator of Y48 shipments are those that contain polyvinyl chloride (PVC), which has a designated HS Code 39153 and is clearly a halogenated polymer which is considered as Y48.

## **7. What are some common examples of e-wastes which are illegal to import from the US?**

Virtually all electronic waste is illegal to import from the United States into a Basel Party. This includes:

- batteries containing lead, cadmium and mercury
- lithium-ion batteries
- solar panels
- any battery-operated device
- servers, computers, monitors, printers, mobile phones, tablets
- auto batteries

- electronic car parts
- electronic toys and games
- electronic musical instruments
- stereo and other music playing equipment

## **8. What if the containers do not contain illegal wastes?**

BAN has no jurisdiction to inspect containers and depends on cooperative partner countries to make the final determination of whether the containers we indicate are of high risk are indeed contraband waste. Feedback from governments improves our ability to assist them in detecting contraband waste shipments.

In 2022, there was an instance when the Malaysian government diligently reacted to BAN's alert and inspected several containers. They reported that they [were satisfied](#) that the plastic waste was homogenous single polymer polyethylene waste and was not significantly contaminated. Hence, the shipment was released as it should be.

The only way to know for sure is to open the containers. What BAN can provide however is the ability for governments to conduct intelligence-led enforcement operations that have significantly higher levels of assurance of finding non-compliance. Such enforcement is vital to make any international treaty meaningful. We are doing our part to stem the tide of toxic and problematic wastes. We stand ready to receive all feedback to continuously improve our work.

In 2024, based on BAN's [alerts](#), the Malaysian government [seized 106 containers](#) in June from the US containing contraband e-waste, with the total in subsequent months coming up to [329 containers](#) seized as of March 2025.

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