

Example of Warning Letters Sent

Dear Basel Competent Authority/Focal Point for India:

-- Please acknowledge receipt of this letter—

Following up on our earlier letters to you of April 26, and May 10, the Basel Action Network and Toxics Link writes to UPDATE again you on more impending likely illegal shipments of plastic waste currently on their way from the US to India.

We hope you had time to act on the earlier notice and now we are alerting you to more similar shipments. As noted in the table below, the containers indicated below will arrive in India on the indicated vessels, to the indicated ports on the indicated dates. We hope that these shipments will be met by somebody from the Environment Ministry and Customs Agency to ensure they are examined to see if they are legal shipments. We have also attached more detailed information in a excel file to this letter.

Container Numbers	Vessel	Port of Discharge	ETA
MRKU3259724	X-PRESS HOGLY	Kolkata	5/21/22
MSKU1831684	X-PRESS HOGLY	Kolkata Calcutta Terminal	5/21/22
UACU5241456	CMA CGM BUTTERFLY	NHAVA SHEVA	5/22/22
HLBU1647892	APL CALIFORNIA	MUNDRA	5/23/22
HAMU1302355, TCNU3261554	APL CALIFORNIA	MUNDRA	5/23/22
UACU5362490, FANU1467260, UACU6003241	APL CALIFORNIA	MUNDRA	5/23/22
FANU1001899, UACU5094720	APL CALIFORNIA	MUNDRA	5/23/22
BEAU4175344, TEMU6790464	APL CALIFORNIA	MUNDRA	5/23/22
FANU1621061, FANU1449116	APL CALIFORNIA	MUNDRA	5/23/22
TEMU8125170	APL CALIFORNIA	MUNDRA	5/23/22
HLBU1489689	APL CALIFORNIA	MUNDRA	5/23/22
FANU1855774, HLBU2383114, UACU5178800, CAAU5577397	APL CALIFORNIA	MUNDRA	5/23/22
CAAU5566290	CMA CGM BUTTERFLY	MUNDRA	5/24/22
UACU5507124	CMA CGM BUTTERFLY	MUNDRA	5/24/22

GESU6809846, TCLU1527571, CMAU8765747, TGHU6791122	CMA CGM BUTTERFLY	MUNDRA	5/24/22
CMAU5630476, APHU7209555, CMAU6514296, APHU6333258, TCNU1221280	CMA CGM BUTTERFLY	MUNDRA	5/24/22
BMOU6436884	CMA CGM BUTTERFLY	MUNDRA	5/24/22
CMAU9221706, CMAU4186618	CMA CGM BUTTERFLY	MUNDRA	5/24/22
CMAU7170446, APHU7235826	CMA CGM BUTTERFLY	MUNDRA	5/24/22
FSCU7197647	CMA CGM BUTTERFLY	MUNDRA	5/24/22
CMAU5035642	CMA CGM BUTTERFLY	MUNDRA	5/24/22
APHU6298711	CMA CGM BUTTERFLY	MUNDRA	5/24/22
CMAU7464902, CMAU5760037	CMA CGM TANCREDI	VUNG TAU	5/25/22
BEAU4586659	CMA CGM BUTTERFLY	MUNDRA	5/25/22
TXGU6769032	CMA CGM BUTTERFLY	MUNDRA	5/25/22
TGHU9725232	CMA CGM TANCREDI	VUNG TAU	5/25/22
MRSU6228268, MVIU0017966	MAERSK GENOA	MUNDRA	5/30/22
FANU1162384, CAIU4977597, BEAU5002493	LONG BEACH EXPRESS	MUNDRA	5/30/22
TCNU3628070	LONG BEACH EXPRESS	MUNDRA	5/30/22
CAIU9628622, GESU6173585	EXPRESS ROME	MUNDRA	5/31/22
UETU5813812, HLBU1475448, NIDU5214140	EXPRESS ROME	MUNDRA	5/31/22
HLBU3292298	EXPRESS ROME	MUNDRA	5/31/22
UACU8330808, HLBU1475197, FANU1720629, TGBU6118146	EXPRESS ROME	MUNDRA	5/31/22
SEGU6360702	EXPRESS ROME	MUNDRA	5/31/22
TCKU6284625, SEKU5587194, SEGU4897890	EXPRESS ROME	MUNDRA	5/31/22

CMAU7609919, TGHU6347437, APHU6340576, TCLU8632012, SEKU6233338, PCIU8597253, CMAU4624144	EXPRESS ROME	MUNDRA	5/31/22
TCNU4315402	EXPRESS ROME	MUNDRA	5/31/22
TCLU8242930	EXPRESS ROME	MUNDRA	5/31/22
HAMU1299781	EXPRESS ROME	MUNDRA	5/31/22
FANU1720110, GESU5517808	EXPRESS ROME	MUNDRA	5/31/22
CMAU8841831	EXPRESS ROME	MUNDRA	5/31/22
TCNU9718484, GESU5870435, TCLU1689551	EXPRESS ROME	MUNDRA	5/31/22
TCNU7485418, TCNU1648890, CMAU6809110, ECMU9945793	EXPRESS ROME	MUNDRA	5/31/22
TCLU1499973	EXPRESS ROME	MUNDRA	5/31/22
ECMU9592422, APHU7224992, APZU4511311	EXPRESS ROME	MUNDRA	5/31/22
TCNU7595246	SOL PROGRESS	KOLKATA	6/4/22
MRSU3259650	MAERSK GUATEMALA	MUNDRA	6/6/22
DFSU6952007	NAVIOS CONSTELLATION	MUNDRA	6/7/22
SEGU6353940	NAVIOS CONSTELLATION	MUNDRA	6/7/22
MRKU3156536, MRSU6259593	MAERSK GIBALTAR	MUNDRA	6/13/22
MRKU5383760, MRSU6187467, MSKU9640637, PONU7445420	MAERSK GIBALTAR	MUNDRA	6/13/22
CAAU5397733, MRKU4099301, MRSU3005888	MAERSK GIBALTAR	MUNDRA	6/13/22
MRSU6003214, TCKU6980794	MAERSK GIBALTAR	MUNDRA	6/13/22
MRSU3069481, MRSU5600180, MSKU1079303, MSKU1642401, MSKU8543463, TCKU7048476	MAERSK GIBALTAR	MUNDRA	6/13/22
HLBU2075739	YANTIAN EXPRESS	MUNDRA	6/17/22

FFAU1754878	YANTIAN EXPRESS	MUNDRA	6/17/22
BMOU6986730, CMAU7505180	RDO FORTUNE	MUNDRA	6/20/22
BEAU4167729	XIN PU DONG	MUNDRA	7/6/22

As you may be well aware, as the US is a non-Party, exports of Basel controlled wastes from the US can only be allowed into India if they are not a Basel Controlled waste under Annex VIII or Annex II of the Basel Convention.

The new Plastic Waste amendments adopted at COP14 in [Decision 14/12](#) categorize plastic waste into three categories. First, there are the plastic wastes deemed to be non-hazardous (B3011, Annex IX) and thus outside of the control of the Convention. Second, there are the plastic wastes deemed to be hazardous (A3210, Annex VIII) (e.g. brominated flame retardant plastic) and finally and most importantly there are the new plastic wastes for special consideration (Y48 of Annex II).

We are sending you this alert as we believe there is a high probability that the wastes indicated in these inbound shipments are examples of Y48 wastes and thus contraband due to them failing to:

- a) meet the contamination levels stipulated by India following the Basel Amendments, (as required to avoid Y48 designation), or
- b) be unmixed and sorted single polymer shipments (with the sole exception of being a mixture of PE, PET and PP polymers), (as required to avoid Y48 designation), or
- c) be free from being a halogenated polymer such as PVC, (required to avoid Y48 designation), or
- d) be destined to an environmentally sound facility (required of all shipments of waste), or
- e) be managed under the Convention's Annex IV R3 designation (required to avoid Y48 designation), or
- f) contain what they are purported to contain as listed in the Bill of Lading (as required of all shipments).

These shipments require your effort to make the final determination as to whether the shipments are Y48 (illegal to import from the US) or B3011 (legal to import from the US). To do this the containers will have to be opened at the port for inspection. As you are no doubt aware, the determination of the above cannot be made by visual inspection alone.

- First, the inspector will need to read the bill of lading and determine whether the shipment indeed contains what it says it contains.
- Second, it is important to photograph the examination for future reference.
- Third, one will need to determine if the plastic wastes are mixed or are all in fact one polymer, or if mixed are only a mix of PP, PE and PET.
- Fourth, one will need to determine the levels of contamination in the shipment and whether these levels meet the criteria for contamination imposed by the policies and rules of India.

- Fifth, one will need to determine whether the shipments contain halogenated polymers. This can be done by using an XRF gun if your department has one. If not, examine the bill of lading and see if it mentions PVC or not.
- Sixth, one will need to examine the whole container and not just the bales near the door. Very commonly, contraband is packed in the closed side of the containers while containers at the door are clean and sorted.
- Finally, one might also need to determine if the destination will recycle all of the material and will do so in a permitted, environmentally sound facility.

It is very important that the new Basel Plastic Waste Amendments function as intended by the Parties to the Basel Convention. We thank you for your careful attention to this matter of vital importance to ensure that they do function and that the environment of India and the world is thus better protected.

Thank you for your kind attention. We would appreciate a short note from you as to your findings regarding these shipments. If you find that these shipments are in fact illegal in any respect, we stand ready to assist you in having the containers repatriated to the United States. Please contact us should you have any questions. We will be reporting on the fate of these shipments at the upcoming 15th Conference of the Parties to the Basel Convention in Geneva in June. We thank you for your cooperation and consideration of this alert.

Sincerely yours,

Satish Sinha, Toxics Link
Jim Puckett, Basel Action Network