



turn back the toxic tide

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October 21, 2024

OPEN LETTER

Ms. Mirela Kumbaro Fuxhi
Minister
Ministry of Tourism and Environment
Republic of Albania
mirela.kumbaro@turizmi.gov.al

Ms. Elvana Ramaj
Basel Convention Competent Authority and Basel Convention Focal Point
Acting Director of Circular Economy
Directorate for Circular Economy
Ministry of Tourism and Environment
Republic of Albania
elvana.ramaj@turizmi.gov.al

Re: Testing of Hazardous Waste Scheduled to Return to Durres, Albania on October 27th

Dear Ms. Kumbaro and Ms. Ramaj,

As I wrote in my September 18, 2024 letter, I am the Executive Director of Basel Action Network, a global NGO that supports the implementation of the Basel Convention, the UN treaty governing the transboundary movement of hazardous waste. In my last letter, I provided information on the return of the 102 containers of suspected hazardous waste that left Durres in July and proposed a straightforward testing protocol of the suspected waste on its return.

I write to update you that all 102 containers of suspected hazardous waste are scheduled to return to Durres on October 27th, 2024, aboard the Turkish flagged container ship BURAK BAYRAKTAR. Please see attached for details on the container numbers and scheduled arrival date. I also write to strongly reiterate my earlier request that Albania promptly and transparently test the contents of the containers to conclusively determine their contents. BAN is prepared to be in Durres on the 27th and 28th, and respectfully request your permission to join your team to collect a sample to send to an independent laboratory.

As I noted earlier, we are concerned that failing to implement a well-executed plan for receiving and sampling the suspected waste will lead to conspiracy theories, a lack of transparency, and We believe that the best course of action for the government of Albania and Albania's citizens is to have the containers publicly opened and split sampled. With this

letter we ask your permission to attend the sampling and to retrieve a split sample for independent analysis. We believe such an exercise in transparency would shine a positive light on the government for wishing to protect citizens and environment from potential pollution at home and abroad. It would also likely protect the government from any potential accusations of fraud or a lack of transparency. Such an open public event would also position Albania as a positive example of effective Basel Convention implementation. We look forward to hearing from you regarding our offer.

Background

Below, I will briefly reiterate the facts of this matter. In early July of this year, 102 containers loaded with tonnes of material left the Albanian port of Durres, bound for Thailand, with the majority of the transit aboard two Maersk ships.

Soon thereafter, BAN was informed by a confidential whistleblower that the containers contained hazardous electric arc furnace (EAF) dust and BAN was provided photographs that showed the loading at Durres of the very containers confirmed to be onboard the ships. BAN further corroborated the whistleblower's information by reviewing the bills of lading, which stated that the material is "fine particulate, zinc concentrate". EAF dust is often sold as zinc concentrate and is one of few waste streams that is a "fine particulate", as it is derived from dust blown into bag houses of steel mills to collect what otherwise would be released as harmful air pollution. BAN now has a 95% confidence level that the containers contain EAF dust or a residue of partially processed EAF dust. EAF dust is a well-known hazardous waste that can contain high levels of toxic metals such as lead and dangerous organic compounds such as PAHs and dioxins/furans.

As you know, Albania is a Party to the Basel Convention, which regulates any transboundary shipments of hazardous waste between countries. If the containers contain hazardous materials, then they could not have been shipped to another country without the written consent of the exporting country Albania, the transit countries of Italy, Malta, Morocco, South Africa, and Singapore, and the importing country of Thailand. No consent was given by any of these countries and therefore if the containers are shown to contain hazardous waste, then the shipments were "illegal traffic" under Article 9 of the Basel Convention. Illegal traffic is a criminal violation. Further, if the containers contain hazardous waste in particulate form, this raises serious questions as to why they were allowed to be exposed to wind and rain at the port, given the risks of serious environmental and human health impacts.

Following BAN's warnings, Singapore and Thailand refused the completion of the shipments and both Maersk and MSC joined in the effort to have the containers returned. The 102 containers have taken a circuitous route back to Durres aboard multiple ships but are now sailing from Turkey towards Durres.

Proposed Protocol for Testing of the Waste: Proper Techniques and Transparent

We propose a straightforward plan for testing the containers that will minimize controversy or claims of bad faith. We recommend that the sampling commence promptly after the containers arrive on Sunday, October 27th. It is recommended that the government follow the steps outlined below.

1. Set a time/date for the sampling and publicize the event in advance so that the press, NGOs, international observers, government officials, and any other interested parties can attend. BAN proposes the morning of Monday, October 28th.
2. Upon arrival make sure all containers are accounted for and that the container seals have not been broken. Set them in one area of the port.
3. At the sampling event, allow observers a clear view of three containers that have not yet had their seals broken. Three containers allow for a more representative sampling of the shipment.
4. When the seals are broken and the doors of three containers opened, a sample should be visibly gathered by a trained specialist from each of the three containers and placed into one clean glass container. The three samples should be mixed thoroughly with a clean glass rod.
5. Next, the samples should be split evenly into three parts with one mixed sample going to the Albanian Ministry of Environment and Tourism, another to a pre-decided independent third party located in another country, and one to BAN.
6. The government should then send their sample to a lab of their choice, the independent third party should send their sample to a lab of their choice, and BAN will send to a lab of its choice.
7. The results of each shall be made public on the letterhead of the labs involved.
8. If any of the three samples show that the materials within the containers are hazardous, then from that point on they must be managed as hazardous waste.
9. If safe legitimate recycling that properly manages the residues cannot be found, then they should be deposited in an engineered landfill designed for hazardous waste.
10. The materials should first be properly placed into leak-proof containment designed for hazardous waste shipment before proceeding to recycling operations or landfill.

We strongly believe that any testing that deviates significantly from the general plan above risks undermining public confidence in the results. We recognize that the steps above may appear burdensome but believe they will potentially avoid extensive controversy. By following the protocol above, the government can turn this situation into a success story on proper testing of suspected hazardous waste and the subsequent proper disposal if confirmed to be hazardous.

As we noted earlier, we recommend that the Republic of Albania ask the EU anti-fraud office -- OLAF to assume the independent third-party role with custody over the split sample. If OLAF cannot perform that role, BAN can recommend respected and neutral UN consultants or NGOs outside of the country that can assume the role of managing the independent split-sample analysis.

In closing, I wish to emphasize that BAN is a friend of Albania in this case, wishing only for a safe, transparent and successful resolution to the situation which can arrive at the truth of any remaining mystery, including the contents of the containers. Please reach out to me directly to confirm receipt and to discuss BAN's arrival in Durrës or Tirana for the obtaining of a split sample of the contents of the containers.

Sincerely,

A handwritten signature in blue ink, appearing to read "James P. ...", with a long horizontal stroke extending to the right.

Jim Puckett
Executive Director
Basel Action Network
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cc:

Luigi Garruto
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Various Media Companies

Attached: List of Container numbers returning.

Cargo

Bills of Lading:	MEDUYB036844	MEDUYB036851	MEDUYB037081	MEDUYB036828	MEDUYB036836
Containers	GLDU2240613	TTNU1213740	SEGU2777771	TCLU2975734	MEDU6037524
	MSMU1334267	CAIU3267965	TEMU1724752	DFSU2909804	MSDU2593815
	FCIU4505829	CAIU6156841	TCLU3110740	FCIU2950907	MSNU3180966
	GESU1434829	HPCU2538011	MEDU6981920	CRXU3222340	TRHU2817391
	HPCU2528950	HPCU2541761	MSMU1918698	MEDU2957870	TRLU9100013
	MSDU1344443	MSMU1021529	MSNU3164564	MSDU2122728	TTNU1206400
	MSDU1633894	MSMU2055565	MSMU3513451	MSMU1569390	CAAU2119600
	MSDU2239993	MSNU1395440	MEDU6718596	TEMU2062270	FCIU3493507
	MSMU1467444	TCLU2070880	TGCU0146397	IRNU2024514	FCIU6275880
	TCKU2198447	TRHU1554264	SEGU3665924	FCIU6444980	GLDU2960193
	CAXU6306368	GESU2346240	CXDU1856712	GESU3666675	MEDU3578593
	FCIU3389658	HPCU2292817	CAIU6718065	FCIU6433498	MSNU2269909
	FSCU7784011	MSDU2347405	MSMU1593530	MEDU1962700	GLDU9452240
	MSDU1748635	MSDU1474616	TCKU1490639	TGHU1577777	TGBU2703728
	GLDU5203906	TCKU1822116	GLDU5309800	MEDU5814403	TTNU2198803
	MSMU1412483	MSMU1658142	TCLU7634427	MEDU3834503	MEDU5488288
	HPCU2364162	TEMU1733712	MSMU1819801	MEDU2604023	MEDU6514421
	MEDU2151837	MEDU6505749	MSMU2254166	TGBU2666434	MSDU1635238
	GLDU5205489	TRLU8949475	MSNU3189177	MSCU3490588	DFSU2773240
	MEDU6775003	MSMU1591326	XINU1157459	MEDU6073964	MEDU3635517
MEDU6450420			MSNU3312276		

Schedule

Date	Location	Description	Empty/Laden/Vessel/Voyage	Equipment handling facility name
27/10/2024	Durres, AL	Estimated Time of Arrival	BURAK BAYRAKTAR AW442R	Terminali I Konteniereve Durres
24/10/2024	Tekirdag (Asyaport), TR	Full Intended Transshipment	BURAK BAYRAKTAR XA442A	Asyaport
15/10/2024	Tekirdag (Asyaport), TR	Full Transshipment Discharged	MSC DANIT IS440R	Asyaport